

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**     *Beth Mohr, Chair*     *Leonard Waites, Vice Chair*  
*Susanne Brown*     *Eric H. Cruz*     *Joanne Fine*  
*Carlotta Garcia*     *Dr. Lisa M. Orick-Martinez*     *Rev. Dr. David Z. Ring III*  
Edward Harness, Executive Director

**POLICE OVERSIGHT BOARD AGENDA**

**Tuesday, May 17, 2016 – 5:00 PM**  
**Vincent E. Griego Chambers**

- I. Welcome and call to order.**
- II. Pledge of Allegiance – Dr. Carlotta Garcia**
- III. Approval of the Agenda**
- IV. Introduction The Honorable Judge Lorenzo Garcia**
- V. Public Comments**
- VI. Review and Approval of Minutes**
- VII. Consent Agenda Cases:**
  - i. Administratively Closed Cases**

086-15	102-15	109-15	167-15	211-15
220-15	244-15	246-15	249-15	252-15
008-16	015-16	016-16	019-16	020-16
022-16	023-16	024-16	026-16	033-16
035-16	038-16	050-16	063-16	064-16
069-16	070-16	071-16		
  - ii. Cases more than 120 Days**

219-14	231-14	064-15	078-15	103-15
107-15	108-15	111-15	132-15	147-15
155-15	163-15	168-15	171-15	172-15
174-15	180-15	182-15	189-15	197-15
209-15	215-15	236-15		
  - iii. Cases less than 120 Days**

217-14	069-15	193-15	195-15	198-15
204-15	206-15	214-15	216-15	217-14
227-15	228-15	230-15	235-15	237-15
238-15	239-15	240-15	242-15	243-15
255-15	003-16	004-16	009-16	014-16
047-16				
- VIII. Case to be heard by the POB: 013-16**
- IX. Reports from Sub-Committees**
  - a. Outreach Sub-committee – Leonard Waites**
    - i. NACOLE**
  - b. Policy and Procedure Review Sub-Committee – Susanne Brown**



**which the CPOA is or may become a participant- Board Attorney Mark Baker.**

**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).**

**XII. Other Business**

**XIII. Adjournment- *Next Regularly scheduled POB meeting will be on June 9, 2016 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



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #217-14**

Dear Ms

Our office received the complaint you filed on December 3, 2014 against Officer E. of the Albuquerque Police Department (APD) regarding an incident that occurred on November 29, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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

On November 29, 2014 at about 11:48 AM at a shopping center located at 3701 Ellison Road NW, Ms. [redacted] had her car repossessed by a local repossession company. Ms. [redacted] did not know immediately that her car was being repossessed but was alerted by a passerby that a man had slashed the tires on her car. Ms. [redacted] confronted the man who was sitting in a black SUV in the parking lot. The man told Ms. [redacted] that her car was being repossessed, and he briefly showed her a piece of paper that she was unable to read. Ms. [redacted] got in her car and tried to back away but the man pulled the SUV behind her blocking her in. Ms. [redacted], seeing that the man whom she spoke with was carrying a gun, called the police and reported the man for vandalizing her car. Ms. [redacted] was involved in a verbal exchange after that with the man in the SUV and another man who arrived in a tow truck to tow her car away.

APD Officer E. was first to arrive on scene and spoke with Ms. [redacted]. Ms. [redacted] complained that Officer E. was rude and sarcastic. Ms. [redacted] alleged that Officer E. acted as if what was occurring was her fault. Ms. [redacted] said that Officer E. made it clear to her that the police do not handle repossessions, but he was quick to side with the repo men. Officer E. allegedly took her car key away from her, and went and talked to the repo men. Ms. [redacted] alleged that Officer E. never showed her any paperwork that the men had to repossess her car, but from the scene, she did call the title loan company. She was told that the car was up for repossession but that the Title Company did not know who the men were who were repossessing her car. Ms. [redacted] complained that Officer E. gave the men her key to her car and allowed the men to take her car without showing her any paperwork that the men had in their possession even though the paperwork was shown to Officer E. Ms. [redacted] believed that Officer E. assisted with the repossession even though she was told that the police cannot assist with repos.

**I. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER E.'S CONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Citizen Police Complaint, the Computer Assisted Dispatch (CAD) Report, interviews with the Complainant, and Officer E.. The CPOA Investigator also reviewed Officer E.'s lapel video recordings of his contact with Ms. [redacted].

A) The CPOA reviewed Standard Operating Procedure Order 1-04-1 (F) regarding Officer E.'s conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the Department.*

Ms. [redacted] complained that Officer E. was rude and sarcastic. Ms. [redacted] said that Officer E. asked her if she owed money on her car and questions like that. Ms. [redacted] said that Officer E. made her feel like she was the one that caused the problem and that Officer E. acted like he did not believe that the car belonged to Ms. [redacted]. Ms. [redacted] said that Officer E. asked her for her insurance and then he turned around and told another officer that Ms. [redacted] probably didn't have insurance anyway. Ms. [redacted] said that when Officer E. asked her if she owed money on her car, she told him that she did not. She then told him that she owned the car but she had taken a title loan out on the car which she owed money on. Ms. [redacted] alleged that Officer E. told her, "Just answer yes or no. It's not a hard question." She said, "He was just being rude. He had an attitude." Ms. [redacted] said that Officer E. made her sit on the ground. Ms. [redacted] said that she asked Officer E. if she could see the repo paperwork. Officer E. basically told her that they, the police, saw it and that there was nothing that he needed to show her.

Ms. [redacted] and Officer E. were interviewed by the CPOA Investigator. The CPOA Investigator also obtained and reviewed all of Officer E.'s lapel video recordings made during the encounter. Officer E. recorded all of his contact with Ms. [redacted] and the CPOA Investigator reviewed those lapel videos.

The video evidence showed that Ms. \_\_\_\_\_ never asked Officer E. if she could see the repo paperwork. The lapel video also showed that because of the private property accident that had occurred, the female officer who assisted Officer E. at the scene asked Ms. \_\_\_\_\_ if she had insurance on her car to which Ms. \_\_\_\_\_ responded that she did. Officer E. did not turn to the other officer and say, "She probably doesn't have insurance anyway" as Ms. \_\_\_\_\_ alleged. The video showed that Officer E. turned toward his fellow officer and said that he was going to go to his car and check on the registration to see if the registration showed whether or not Ms. \_\_\_\_\_ had insurance. The lapel video showed that the registration showed no proof of insurance so Ms. \_\_\_\_\_ was asked for her insurance paperwork. It was at that time, the video showed that Ms. \_\_\_\_\_ sat on the ground on her own volition so she could look for her proof of insurance. Officer E. did not make Ms. \_\_\_\_\_ sit on the ground as Ms. \_\_\_\_\_ alleged. Officer E. stood by quietly while Ms. \_\_\_\_\_ went through the contents of her purse and wallet to find her proof of insurance which was expired. There was only one point in the video where the interaction between Ms. \_\_\_\_\_ and Officer E. became slightly challenging and that was when Officer E. told Ms. \_\_\_\_\_ to step out of her car and remove all of her person belongings.

In the recorded lapel video contact, Officer E. approached Ms. \_\_\_\_\_ again who was seated in her car. He said, "Okay. So we talked to \_\_\_\_\_ (Title Company Person) and you are 574 days late. So you can go ahead and take any property that you would like out of the vehicle and exit the vehicle." Ms. \_\_\_\_\_ said, "Okay, I have a lot of stuff in here. Someone's actually on their way down." Officer E. said, "Okay, go ahead and take everything out and start setting it on the ground." Ms. \_\_\_\_\_ said, "Okay." Ms. \_\_\_\_\_ asked, "Are one of you guys going to stay here with me...?" Officer E. interrupted her and told her again, "You're gonna start taking everything out. That's what we're gonna do. We're gonna have you start taking everything out of the vehicle." In response, obviously frustrated, Ms. \_\_\_\_\_ said, "I'm not trying to argue with you, I'm just asking because they are scaring me." Officer E. didn't respond. The female officer immediately came back over and told Ms. \_\_\_\_\_ that she had made contact with \_\_\_\_\_ and Ms. \_\_\_\_\_ said, "Okay, that's fine" and Ms. \_\_\_\_\_ got out of her car. Officer E. said, "Great. Thank you ma'am." Even though that interaction was somewhat confrontational, Officer E.'s actions did not rise to the level of a violation of Standard Operating Procedure.

Other than that, Officer E. asked legitimate questions of Ms. \_\_\_\_\_ in trying to understand if the vehicle was actually up for repossession. Officer E. was not rude. Officer E. never told Ms. \_\_\_\_\_ that she no longer owned the vehicle. Officer E. did not tell Ms. \_\_\_\_\_ at any time that the police normally do not assist with repossessions. Ms. \_\_\_\_\_ alleged that Officer E. told her to answer his question about owing money on the car by saying, "Just answer yes or no. It's not a hard question." The lapel video showed that was not what Officer E. said. At the beginning of the incident Officer E. asked Ms. \_\_\_\_\_, "Okay so are you current on your payments?" Ms. \_\_\_\_\_ told Officer E. that the car was paid for. She then told Officer E. that she got a title loan on the car a long time ago. Officer E. asked, "So are the payments current on this car?" Ms. \_\_\_\_\_ responded, "Well, for the repo? Or you mean like just like paying for it?" Officer E. said, "Yeah, I'm not trying to make a trick question out of it. Is this car subject to repossession? Are the payments current? Or are you behind?" Ms. \_\_\_\_\_ responded, "I don't know." Officer E. then said politely, "Okay, so let me go look at the paperwork and see what's going on okay? Can I have the keys to the car please?" Ms. \_\_\_\_\_

gave the keys to Officer E. He removed the car key and handed the rest of the keys back to Ms. [REDACTED]. The video evidence showed that many of Ms. [REDACTED]'s allegations were not true, but there was one contentious point in the contact that did occur.

The CPOA finds this allegation of Officer E.'s conduct to be **EXONERATED**, as the investigation determined by a preponderance of the evidence that the alleged conduct did occur but did not violate any APD policies, procedures, or training.

B) The CPOA reviewed Standard Operating Procedure Order 3-14-2 regarding Officer E.'s conduct, which states:

*It is the policy of the Albuquerque Police Department to respond to calls involving civil disputes primarily for the purpose of restoring order. DISPUTES INVOLVING LIENS: The officer should not attempt to take personal property away from one party and give it to another if there is a dispute of ownership of the property involved.*

Ms. [REDACTED] complained that Officer E. gave the repo men her key to her car and allowed the men to take her car without showing her any paperwork that the men had in their possession. Even though the paperwork was shown to Officer E., he chose not to show the paperwork to Ms. [REDACTED]. Ms. [REDACTED] believed that Officer E. assisted with the repossession even though she was told that the police cannot assist with repos. Ms. [REDACTED] said that she asked Officer E. if she could see the repo paperwork. Officer E. basically told her that they, the police, saw it and that there was nothing that he needed to show her. Ms. [REDACTED] said that in the beginning Officer E. told her that the police were just there to stand by but in the end, he took the side of the repo guys and Officer E. actually took her car key and turned it over to the repo men. Ms. [REDACTED] said that Officer E.'s actions showed that he assisted in the repo.

The CPOA Investigator reviewed the Computer Assisted Dispatch (CAD) report and interviewed Officer E. and Ms. [REDACTED]. The CPOA Investigator also reviewed Officer E.'s lapel videos of the contact. The CAD report showed that officers were dispatched to a call involving a suspicious person who had vandalized a car. The comments in the CAD showed that the man was armed and had said that he was there to repo Ms. [REDACTED]'s car. The video showed that when Officer E. arrived on scene, Ms. [REDACTED] was seated in her car and her car had been backed into the repo man's vehicle. The repo man had already disabled Ms. [REDACTED]'s car by letting the air out of one of the tires. The repo man then blocked in Ms. [REDACTED]'s vehicle, preventing it from leaving, effectively seizing Ms. [REDACTED]'s vehicle at that time. The repo man had already seized Ms. [REDACTED]'s car prior to the arrival of the police.

Officer E. indicated that it appeared from the damage to the repo man's car that Ms. [REDACTED] may have intentionally backed into the repo man's car. Ms. [REDACTED] was seated in her vehicle and she indicated to Officer E. that she was scared. Officer E. said that he feared that Ms. [REDACTED] may panic and try to flee or worse, intentionally damage the repo man's car further while he attempted to investigate the matter further. Officer E. asked for the key out of articulable safety concerns for everyone and not because he wanted to assist the repo men by giving the key to them. In fact, the repo men didn't get to take the car or the key for that matter until Officer E.'s investigation showed that the repossession of Ms. [REDACTED]'s vehicle was legitimate and proper. The lapel videos showed that Officer E. and another officer did

stand by with Ms. ensuring her safety, while her vehicle was lawfully repossessed. While Ms. felt that Officer E. assisted in the repossession of the vehicle, her car had already been seized by the repo men before the arrival of the police. Officer E. had a legitimate concern that caused him to ask for Ms. 's car key. Giving the key to the repo men after finding out that they were lawfully repossessing the car was not assisting the repo men with the repossession. Furthermore, after Ms. verified with the Title Loan Company and the scene and the police also verified that there was valid repossession order for the car, the ownership of the property was no longer in dispute.

The CPOA finds this allegation of Officer E.'s conduct to be **EXONERATED**, as the investigation determined by a preponderance of the evidence that the alleged conduct did occur but did not violate any APD policies, procedures, or training.

Your complaint and these findings are made part of Officer E.'s Internal Affairs records.

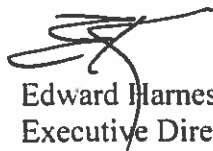
**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque'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/iro/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

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*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #219-14**

Dear Mr.

The complaint you filed against Officer V. of the Albuquerque Police Department (APD) was received by our office on December 8, 2014, for an incident that occurred on October 24, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

PO Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

Because officers are compelled to cooperate in the investigation, the Albuquerque Police Officers' Association's (APOA) Contract with the City of Albuquerque mandates that officers' statements not be made public. Below is a summary of the complaint, the CPOA's investigation and findings.

### **I. THE COMPLAINT**

Mr.            wrote that on October 24, 2015 at about 11:07 pm, he and a friend were outside a bar located at 406 Central Avenue. A female bartender came outside and started yelling at Mr.            , apparently angry that Mr.            , did not leave her a tip. Mr.            ignored the woman. The woman then called Mr.            and name and the woman kned Mr.            in the testicles. The woman then ran back inside the bar. Mr.            contacted Officer V. who was standing in the area talking to some other police officers. Mr.            told Officer V. that he wanted to press charges on the woman who had battered Mr.            . Officer V. had Mr.            and a friend whom Mr.            was with, wait by Officer V.'s police car for approximately ten minutes. Officer V. then spoke with Mr.            and then the woman who had battered Mr.            . Mr.            saw Officer V. speaking with the woman and it appeared to Mr.            , that the officer was more socializing with the woman rather than conducting an interview. Officer V.

returned and spoke to Mr. Officer V. allegedly approached Mr. in a joking manner and told Mr. , that he would do a report on the incident but that Mr. should not go back to the bar for two weeks. Mr. complained that over the course of the next three weeks, he tried contacting Officer V. five times. Mr. , was finally able to pick up Officer V.'s report on the incident on November 14, 2014. Mr. alleged that the report contained a lot of discrepancies that he wanted corrected. For example, the date of occurrence was incorrect. Repeated attempts by Mr. to contact Officer V. went unanswered until December 2, 2014. On that date, Officer V. contacted Mr. King. Officer V. refused to change the police report.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, interviews with the Complainant and Officer V. The CPOA Investigator also reviewed the police report, and lapel video evidence logs from the APD Evidence Division.

- A) The CPOA reviewed Standard Operating Procedure Order 1-04-1 (F) regarding Officer V.'s conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the Department.*

Mr. stated that after he was battered by the bar employee, he contacted Officer V. to report the battery and to file charges. Mr. complained that when Officer V. spoke to the bar employee who had battered Mr. , that Officer V. acted in a friendly manner towards the waitress and the officer appeared more to be socializing rather than interviewing the suspect. Mr. also complained that Officer V. approached him after interviewing the bar employee and in a joking manner told Mr. not to go back to the bar for two weeks.

Officer lapel videos in cases such as these are retained for 120 days and then deleted. The original investigator assigned to the complaint investigation requested a copy of the lapel video based on the information contained in Officer V.'s police report on the incident. The video that was recorded and turned over by the APD Evidence Division was the wrong lapel video recording because Officer V. listed the incorrect date and time of the incident in his police report. The complaint was later assigned to another CPOA Investigator. By the time the mistake was realized, the 120 day time frame had expired and all video of the incident had been deleted. There was a record that Officer V. did record the interaction as required but the video was deleted 120 days after the incident. There was no lapel video of Officer V.'s interactions with Mr. and the waitress at the bar. Mr. 's witness changed his phone number while the complaint was being investigated and the witness did not respond to a request for an interview. Because of that, there is no independent evidence or witnesses available for review.

The CPOA finds this allegation of Officer V.'s conduct to be **Not-Sustained**, which means that the CPOA was unable to determine by a preponderance of the evidence that the alleged misconduct did occur.

B) The CPOA reviewed Standard Operating Procedure Order 2-24-3 F (2) and (5) regarding Officer V.'s conduct, which states:

*Steps to be followed in conducting preliminary investigations:*

- 2. Locate, identify, and interview witnesses, victims, and suspect (s).*
- 5. Report the incident fully and accurately*

Mr. , said that Officer V. did not interview his friend who witnessed the battery. Officer V. admitted that he did not interview the friend. While the police report apparently reflected what was told to Officer V. by the waitress and by Mr. the date and time of the incident were listed wrong by Officer V. The incident occurred on October 24, 2014 at about 11:00 PM. Officer V. wrote in his report that the incident occurred on October 25, 2014 at 12:30 in the afternoon. That inaccuracy led the eventual deletion of the lapel video when it could have been preserved early on.

The CPOA finds this allegation of Officer V's conduct to be **SUSTAINED**, which means that a preponderance of the evidence showed that the alleged misconduct did occur.

C) The CPOA reviewed Standard Operating Procedure Order 1-05-8 regarding Officer V.'s conduct, which states:

*All initial reports must be submitted at or before the end of shift...*

Mr. expressed his frustration in obtaining the police report that Officer V. said that he was going to file. Mr. had to call another APD officer and Mr. had to make several phone calls over several days to various supervisors in order for Mr. to obtain the report. Mr. was unable to obtain the report until November 13, 2014, which was about 20 days after the incident had occurred. Officer V. admitted that he did not turn in the report at the end of his shift as is required.

The CPOA finds this allegation of Officer V.'s conduct to be **SUSTAINED**, which means that a preponderance of the evidence showed that the alleged misconduct did occur.

Your complaint and these findings are made part of Officer V.'s Internal Affairs records.

**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque'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/iro/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

APD  
Albuquerque

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #231-14**

Dear Mr.

Our office received the complaint you filed on December 29, 2014 against Officer H. and Sergeant M. of the Albuquerque Police Department (APD) regarding an incident that occurred on the same date. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

www.cabq.gov

### I. THE COMPLAINT

Mr. [redacted] wrote in his complaint that APD Officer H. wrote out a false complaint against him and that Officer H. refused to speak to Mr. [redacted] about the complaint. Mr. [redacted] wrote that Officer H.'s supervisor, Sergeant M. told Mr. [redacted] to stop calling Officer H. and to get a lawyer. Mr. [redacted] wrote that a man named [redacted] was the one who started everything and that Mr. [redacted] owes Mr. [redacted] money. Mr. [redacted] wrote that the criminal case against Mr. [redacted] was dismissed because Mr. [redacted] was not competent to stand trial. Mr. [redacted] wrote that he wanted Mr. [redacted], charged with filing a false police report. During his interview with the CPOA Investigator, Mr. [redacted] alleged that Sergeant M.'s response to him was inappropriate and rude.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Citizen Police Complaint, the original police report and criminal complaint filed by Officer H., interviews with the Complainant, Officer H., and Sergeant M. The CPOA Investigator also reviewed a police officer's lapel video recording of a phone conversation between Mr. [REDACTED] and Officer H. that occurred the same day that Mr. [REDACTED] filed the Citizen Police Complaint.

A) The CPOA reviewed Standard Operating Procedure Order 2-24-3 (F) regarding Officer H.'s conduct, which states:

*Steps to be followed in conducting preliminary investigations:*

- 1. Observe all conditions, events, and remarks*
- 2. Locate, identify, and interview witnesses, victims, and suspect (s).*
- 3. Protect the crime scene and the evidence.*
- 4. Effect the arrest of the suspect.*
- 5. Report the incident fully and accurately*

Mr. [REDACTED] wrote in his complaint that APD Officer H. wrote out a false complaint against him and that Officer H. refused to speak to Mr. [REDACTED] about the complaint. Mr. [REDACTED] alleged in his interview with the CPOA Investigator that Officer H. also failed to conduct a properly preliminary investigation into the matter because Mr. [REDACTED] was never contacted by Officer H. before Officer H. filed criminal charges against Mr. [REDACTED].

The CPOA Investigator reviewed the police report and the criminal complaint filed in this case. The Investigator interviewed Officer H.. The Investigator also reviewed a recorded telephone conversation between Mr. [REDACTED] and Officer H. that occurred on December 29, 2014.

The police report indicated that Officer H. met with Mr. [REDACTED] on October 7, 2013. Mr. [REDACTED] has a company that manages properties. Two years prior to the meeting between Mr. [REDACTED] and Officer H., Mr. [REDACTED]'s company had to evict Mr. [REDACTED] from one of their rental homes. Mr. [REDACTED] allegedly had let the property fall into neglect and he was served with an eviction notice. Mr. [REDACTED] alleged that once Mr. [REDACTED] was served with the notice, he caused about \$5000.00 in damage to the rental home. Mr. [REDACTED] had allegedly urinated and defecated all over the residence. Sheriff's deputies had to forcefully remove Mr. [REDACTED] from the home. Mr. [REDACTED] reported that he had been to Court twice in the last couple of years over the damage to the residence. Mr. [REDACTED] does not feel that he was responsible for the damages and Mr. [REDACTED] also wants his damage deposit back. Mr. [REDACTED] told Officer H. that over the last two years, Mr. [REDACTED] had become more aggressive.

Mr. [redacted] reported that Mr. [redacted] had threatened Mr. [redacted] and Mr. [redacted] staff and because of that Mr. [redacted] had to install a security system in the office that will not allow anyone in unless they are buzzed in. Mr. [redacted] told Officer H. that Mr. [redacted] had been told to stay off their property, yet Mr. [redacted] would show up on their property at random times. Mr. [redacted] also told Officer H. that [redacted] calls Mr. [redacted] and threatens Mr. [redacted] over the phone. Most recently, according to the report, Mr. [redacted] was showing up at the places that Mr. [redacted] was at and Mr. [redacted] seemed to know Mr. [redacted]'s schedule.

Officer H. said that he viewed the video surveillance footage that Mr. [redacted] had recorded. That video footage showed Mr. [redacted] waiting in the parking lot of Mr. [redacted]'s business and it also showed Mr. [redacted] inside Mr. [redacted]'s business after Mr. [redacted] had been told not to be on the property.

Officer H. attempted to contact Mr. [redacted] by phone on the same date that Mr. [redacted] reported the incident to him. The phone number that Officer H. had to reach Mr. [redacted] called was provided to Officer H. by Mr. [redacted]. Because the phone call was made approximately a year and a half ago, Officer H. could not remember if he left a message or not. Officer H.'s report and criminal complaint was reviewed by a supervisor on the date that the incident was reported and it was subsequently filed. There was probable cause to charge Mr. [redacted] and have him summonsed into court rather than to have Mr. [redacted] arrested. Officer H.'s report accurately reflected what he had been told by Mr. [redacted].

In the recorded telephone conversation of December 29, 2014, Mr. [redacted] acknowledged that he and Officer H. had spoken about the criminal complaint on at least one other occasion.

There was no "false complaint" filed. Officer H. never refused to speak with Mr. [redacted] about his criminal complaint and it can be proven that Officer H. did so on at least two occasions.

Officer H. conducted a proper preliminary investigation into the matter and based on the evidence that Officer H. observed and confirmed, Officer H. had probable cause to charge Mr. [redacted].

The CPOA finds Officer M.'s the allegation made by Mr. [redacted] about Officer H.'s conduct to be **UNFOUNDED**, as the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SERGEANT M.'S CONDUCT**

A) The CPOA reviewed Standard Operating Procedure Order 1-04-1 (F) regarding Sergeant M.'s conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the Department.*

Mr. alleged that on December 28, 2014 he spoke with Sergeant M. over the telephone. Mr. alleged that Sergeant M. told Mr. to stop calling and to get a lawyer. Mr. alleged that Sergeant M.'s response to him was rude and inappropriate. The phone call between Mr. and Sergeant M. was not recorded.

Sergeant M. said Mr. had been calling Officer H. almost daily and he started calling Officer H. through APD dispatch. Sergeant M. was aware that Officer H. had already spoken with Mr. about his concerns. On the day that Mr. called for Sergeant M., Sergeant M. received two or three urgent messages through APD dispatch that Mr. wanted to speak with her immediately. Sergeant M. called Mr. from the field so the call was not recorded. Sergeant M. said that Mr. was irate when she spoke with Mr. Mr. wanted Sergeant M. to explain the criminal complaint to him. Sergeant M. said that she told Mr. that Officer H. had already explained the complaint to him and that she couldn't explain it any better than what Officer H. did. Sergeant M. said that she told Mr. that apparently they (APD) were not doing a very good job of answering Mr.'s questions so maybe he should go to an attorney and have an attorney explain the criminal complaint to him. Sergeant M. said that she did tell Mr. not to call Officer H. anymore because Mr. was leaving messages every single day as well as calling dispatch to have Officer H. call Mr. Sergeant M. said that both she and Officer H. had tried to resolve the situation with Mr. and they could not resolve it. Sergeant M. said that she told Mr. to stop calling and to go to an attorney for further assistance and legal advice. In the recorded phone call from December 29, 2014 between Officer H. and Mr. Mr. asked Officer H. why Sergeant M. told him to get a lawyer. Officer H. explained that Sergeant M. told Mr. that so he could get some advice on all the legal options that would be available to him.

Mr. alleged that Sergeant M. was rude to him and that her response in telling him to get an attorney was "inappropriate." The response as explained by the officers was not inappropriate because it was apparent that Mr. could not understand the criminal complaint even though it had been explained to him. The conversation was not recorded. Mr. Spivak alleged that Sergeant M. was rude. Sergeant M. denied the allegation.

The CPOA finds this allegation of Sergeant M.'s conduct to be **NOT SUSTAINED**, as the investigation was unable to determine, by a preponderance of the evidence whether the alleged misconduct occurred.

Your complaint and these findings are made part of Officer H.'s and Sergeant M.'s Internal Affairs records.



**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque'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/iro/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



his investigation, reviewed the surveillance video and then asked Ms. to step out to his car to fill out some papers.

While walking out to the car, Officer A. allegedly told Ms. that he could see how something like that could happen to her because she was an attractive woman. While at the car, Ms. was trying to cover her cleavage with her hand because she was wearing a low cut dress but Officer A. allegedly told her that she didn't have to do that and he didn't mind that her cleavage was showing. Ms. then went to her car to get a cigarette and when she returned to the patrol car, Officer A. allegedly made more inappropriate comments such as that he wished she was his girlfriend, and that if she was he wouldn't know what to do with someone like her. Officer A. allegedly asked Ms. what she wore in the summer and she told him that she usually wears shorts and tank tops. Officer A. allegedly said that he could bet that what she wore in the summer was "next to nothing" compared to the dress she was wearing that day. When Ms. finished filling out her statement, Officer A. allegedly asked Ms. repeatedly to pull down her top a little more so he could see her breasts. She refused. At that time, Officer A. allegedly told Ms. that the next time he saw her he would call her "Sexy". Officer A. told Ms. that he would try to identify the offender and follow up on the case. Afterwards, Ms. went to her car and broke down crying. Ms. called the officer's Sergeant and complained to him about Officer A.'s alleged behavior. The Sergeant said he would speak with Officer A. and review Officer A.'s lapel video. The Sergeant reviewed Officer A.'s lapel video but the lapel video was not complete and the camera battery had died before Officer A. and Ms. left the store. Officer A. also denied to the Sergeant that he said anything that was inappropriate to Ms. Ms. was advised of that by the officer's Sergeant when he called her back to tell her about what he had learned. The Sergeant told Ms. that she could file a complaint with Internal Affairs, which is what she did.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Report in the case, The Computer Assisted Dispatch (CADS) Report, a review of Officer A.'s partial lapel camera recording, and a review of Officer A.'s Data Terminal Messages during the call. The CPOA Investigator also interviewed Ms. Officer A., and an Asset Protection person with Sam's Club.

A) The CPOA reviewed Standard Operating Procedure 1-04-1 (F) regarding Officer A.'s conduct, which states:

***Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.***

Ms. complained that Officer A. told her that he could see how something like that could happen to her because she was an attractive woman. While at the police car, Ms.

tried to cover her cleavage with her hand because her dress was low cut. Officer A. allegedly told Ms. that she didn't have to do that and he didn't mind that her cleavage was showing. Ms. then went to her car to get a cigarette and when she returned to the patrol car, Officer A. allegedly made more inappropriate comments such as that he wished she was his girlfriend, and that if she was he wouldn't know what to do with someone like her. Officer A. allegedly asked Ms. what she wore in the summer and she told him that she usually wears shorts and tank tops. Officer A. allegedly said that he could bet that what she wore in the summer was "next to nothing" compared to the dress she was wearing that day. When Ms. finished filling out her statement, Officer A. allegedly asked Ms. repeatedly to pull down her top a little more so he could see her breasts. She refused. At that time, Officer A. allegedly told Ms. that the next time he saw her, he would call her "Sexy". Ms. went to her car and broke down crying. Ms. later told the CPOA Investigator that she felt more victimized by Officer A. than the man who had sexually harassed her and taken pictures up her skirt.

Officer A. did record a portion of his encounter with Ms. . About 11 minutes and 15 seconds of the contact was recorded before Officer A.'s camera battery died. The Computer Assisted Dispatch (CADS) report for the call showed that Officer A. was on scene for 54 minutes. 43 minutes of the contact was not recorded. Furthermore, almost all of the alleged bad behavior occurred when the camera was off. Officer A. knew his camera was off at that time as he was given a series of warning tones that his battery was dying. Even though a majority of the contact was not captured on video, the part that was showed that Officer A. was flirtatious and that he made inappropriate comments to Ms. , who was reporting that she just had her privacy violated. In particular, at 2:07 into the contact, Ms. volunteered that she is a mother of five children. She told Officer A. the children's ages and Officer A. said, "You have a 17 year old? You? Wow! What's your, where's your fountain of youth? Where did you find it?" Ms. went on to say, "I know I'm dressed kind of sexy or whatever, but that doesn't give him the right." Officer A. said, "There's a lot of perverts around." Ms. told Officer A. that she was raped and molested as a child so she knew about that. When an associate of the store called for a manager to come to the office at 5:51 in the video, the associate said over her radio, "We have that young lady with the police officer at the office door." Officer A. said to Ms. , "You see? A young lady, there you go." The rest of the video showed Officer A. conducting his preliminary investigation in the office, not in the company of Ms. .

The evidence in this case showed that Ms. had been followed around the store while she shopped by the man who touched her inappropriately and allegedly took pictures up her skirt. Ms. was traumatized by the actions of the alleged offender and the situation at hand was not one that was appropriate for the flirtatious behavior exhibited by Officer A. that was captured on video.

Sam's Club did not have any video available of the parking lot or where Officer A.'s police car was parked because shortly after the incident occurred, the store changed out their surveillance system and all of the old video was destroyed. An asset protection person told the CPOA Investigator that none of the store's cameras record audio anyway.

There is no way to prove or disprove the allegation that Ms. [REDACTED] made about what occurred in the parking lot between her and Officer A. However, the portion of the contact that was recorded proves that Officer A. violated policy.

The CPOA finds Officer A.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means that the investigation determined, by a preponderance of the evidence that the alleged misconduct did occur.

B) The CPOA reviewed Standard Operating Procedure 1-39-2 (B) regarding Officer A.'s conduct, which states:

*All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service...Personnel will activate the recorder prior to arriving at the call or prior to citizen contact...and will record the entirety of the citizen contact.*

APD officers are required to ensure that their equipment is functioning properly and that they are prepared to handle the daily duties of their shift. Part of that is making sure that their camera batteries are charged and that they will last for the duration of their shift. Policy requires that the batteries be charged during the shift so that the camera can be utilized throughout the entire shift. The investigation showed that Officer A. didn't know if his camera battery was properly charged but he was aware that during the call that his camera battery was dying. In fact, the camera will give out and did give out a series of audible beeps that alerted the officer that the camera battery was dying. Officer A. heard the beeps and was aware that the camera was dying. It was after the camera died that the alleged bad behavior occurred.

The CPOA finds Officer A.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means that the investigation determined, by a preponderance of the evidence that the alleged misconduct did occur.

Your complaint and these findings are made part of Officer A.'s Internal Affairs records.

**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
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*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #069-15**

Dear Mr.

Our office received the complaint you filed on May 15, 2015 against Officers of the Albuquerque Police Department (APD), regarding several incidents that occurred on March 18, 2015, March 20, 2015 an unspecified date in March or April of 2015, and April 27, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on May 20, 2015. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

New Mexico 87103

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.

www.cabq.gov

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. [redacted] has called police numerous times for issues concerning his ex-girlfriend, Ms. [redacted], and the children they have together. On March 18, 2015, Ms. [redacted] called police because of a verbal argument and Mr. [redacted]'s failure to leave the house. Mr. [redacted] did not mention to officers at that time that Ms. [redacted] scratched him. Mr. [redacted] called police on March 20, 2015 when he called for rescue services for Ms. [redacted]. Officers responded to that incident. Mr. [redacted] also discussed a welfare check that occurred, he believed on April 12, 2015, but the information he provided made that date questionable.

Research showed there were numerous welfare checks by Mr. . Mr. also discussed when officers came to his home on April 27, 2015; he was not present, but his mother was.

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) reports, the citizen interview, Officer C's interview, Officer S' interview, Sergeant S' interview and the lapel videos from Officer C, Officer S, and Sergeant S.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER C'S CONDUCT**

A) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Officer C's conduct, which states:

*Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Mr. complained that Officer C rudely interrupted his conversation with Officer S so that Mr. did not get to tell his full story. Mr. claimed Officer C then asked in a "cocky" manner what occurred. Mr. said Officer C had a smirk on his face and laughed at him. Mr. felt ignored and mistreated because all the officers interrupted him when he tried to speak. Officer C used a "smart aleck" tone when Officer C told him he could leave. On a subsequent date, Officer C went to his parents' house and spoke to his mother. Officer C refused to tell his mother why he was there and Officer C would not discuss the situation with him over the phone. Mr. did not understand why Officer C did not discuss the situation with him or his mother. He received a summons in the mail after that. Mr. also complained Officer C did not call him back on the status of a welfare check.

The lapel video showed Ms. told Officer C that Mr. came into her house uninvited. Ms. said her children did not want to be with Mr. and the thought of going with Mr. upset the children. The lapel video showed Officer C spoke to Officer S, but he did not rudely interrupt. Officer C received a brief synopsis from Officer S, but asked Mr. to give his side of the story. The lapel video showed instead of Mr. taking the opportunity to explain his side to Officer C, Mr. was more concerned with what Officer S just told Officer C. The lapel video showed when Officer C did not give details about what Officer S said, Mr. immediately became angry and demanded a supervisor. Officer C did not prevent Mr. from explaining things further. In between Mr. 's rants, Mr. mentioned some details about the situation. Mr. admitted Ms. did not want him there and that the children did not want to go with him. The video showed Mr. 's agitated state prevented officers from getting information from Mr. in a comprehensible manner. The lapel video showed Officer C treated Mr. respectfully. The issue about the welfare check could not conclusively be determined as

involving Officer C because Mr. [redacted] had mismatched facts. Officer C recalled he did communicate with both parties on the welfare check he was dispatched to. As to the date when Officer C went to Mr. [redacted] s residence, it would not be proper procedure to discuss with Mr. [redacted] s mother the need to arrest him. It also would be counterproductive to advise Mr. [redacted] over the phone the intention to arrest. Officer S was also present on the welfare check and recalled Mr. [redacted] berated them when they called him with status information. Officer S also agreed they did not reveal to Mr. [redacted] or his mother their intention to arrest him for a protection order violation.

The CPOA finds Officer C's conduct to be **Exonerated** where the investigation determined the alleged conduct occurred, but did not violate APD policies, procedures or training.

B) The CPOA reviewed Standard Operating General Order 1-04-4U regarding Officer C's conduct, which states:

*Personnel shall not alter, misrepresent, or otherwise make any false statement on any report or other written document, which has been filled out in the course of their employment.*

Mr. [redacted] accused the officers of tampering with the police report because things were not explained to Officer C in full. Mr. [redacted] also complained that he did not receive a police report that day, only a card with a case number on it.

The lapel video showed Mr. [redacted] expected a police report before he left the scene. The lapel video showed Sergeant S explained to Mr. [redacted] when he could receive the report and it would not be written right then. Mr. [redacted] was insistent that the officers lied on the report, but admitted in the interview that he had not read the police report. In reviewing the report, it reflected mostly Ms. [redacted] s version because of Mr. [redacted] o's agitated state and inability to convey information. The lapel video supported the basics of the police report.

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

C) The CPOA reviewed Standard Operating General Order 1-02-2B1 regarding Officer C's conduct, which states:

*Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque, which they are required to enforce. Officers shall: Take appropriate action and render assistance in any instance that comes to their attention, whether on duty or off duty.*

Mr. [redacted] claimed he told Officer C he wanted Ms. [redacted] charged with scratching him days prior, but Officer C did nothing. Mr. [redacted] also complained Officer C did nothing to ensure the safety of his children despite his expressed concern for their safety.



The lapel video showed Mr. [REDACTED] failed to provide specifics about how he received his scratch, which occurred during a previous incident resulting in other officers responding. The lapel video showed Mr. [REDACTED] never articulated specific, immediate safety concerns for his children and said he already contacted CYFD. His statements were broad and when the officers asked for more information, he said it was "just everything." Nothing was brought to Officer C's attention that rose to the level of requiring action.

The CPOA finds Officer C's conduct to be **Exonerated** where the investigation determined the alleged conduct occurred, but did not violate APD policies, procedures or training.

**Additional Issue:**

Mr. [REDACTED] complained on April 12, 2015 that he called police for a welfare check on his children, but Officer C never called him back about the status. Mr. [REDACTED] denied comments on the call that he had been contacted. However, Mr. [REDACTED] claimed he heard about the welfare check on April 7, 2015, which given the dates was not possible. When this was pointed out, Mr. [REDACTED] said he did not know the date. There were several welfare checks initiated by Mr. [REDACTED]. Officer C did not respond to any of the ones prior to April 7 and the comments on the calls prior to April 7 did not specifically mention the concerns Mr. [REDACTED] described in the call. Officer C was asked in his interview about welfare check callbacks he may have been involved in, but as to the specific date Mr. [REDACTED] complained about the facts did not match. There were too many others to guess which one he meant to complain about so no specific alternate officer was targeted about this issue.

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

A) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Officer S' conduct, which states:

*Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Mr. [REDACTED] complained that Officer S lied because Officer S did not relay all the information to Officer C that he just provided in a lengthy story. When Mr. [REDACTED] asked Officer C what Officer S said, Officer C repeated a minimal amount of what he said including Officer S making it sound like he went to Ms. [REDACTED]'s house of his own decision. Mr. [REDACTED] wanted the issue cleared up because Ms. [REDACTED] called him. Mr. [REDACTED] felt Officer S should be arrested for lying because Officer S did not tell Officer C everything he had said. Mr. [REDACTED] said Officer S had a smirk on his face and laughed at him. Mr. [REDACTED] felt ignored and mistreated because all the officers interrupted him. Mr. [REDACTED] also feared Officer S would shoot him because Officer S came at him with a "serious" look on his face and his hand on his gun.

The lapel video showed Officer S asked questions about the nature of Mr. [REDACTED]'s relationship with Ms. [REDACTED]. The lapel video showed Mr. [REDACTED] said he had been

calling Ms. because of her illness. Mr. said he came to the house, not that Ms. asked him. The lapel video showed Mr.'s story bounced around and his retelling of things was extremely unfocused. The lapel video showed Mr. accused Officer S of being impatient, but Officer S was trying to direct Mr. to start from the beginning and tell him things in a coherent manner. The lapel video showed Officer S did not approach with intent to draw his weapon. The lapel video showed Officer S treated Mr. professionally.

The CPOA finds Officer S' conduct to be **Exonerated** where the investigation determined the alleged conduct occurred, but did not violate APD policies, procedures or training.

B) The CPOA reviewed Standard Operating Procedural Order 2-17-3B2 regarding Officer S' conduct, which states:

*A pat down is to be conducted in accordance with the officer's training and experience and is no more extensive than what is necessary to remove the immediate danger to the officer(s) and others.*

Mr. claimed Officer S tried "picking" at him by searching him, trying to piss him off. Mr. refused to be searched and Officer S came at him as if he was going to search him by force. Instead, Mr. picked up his shirt and pulled his pants down to show them he did not have a weapon.

Officer S learned from Officer C about the presence of ammunition. The lapel video showed Officer S asked Mr. about the presence of weapons and Mr.'s response was vague when asked about weapons. Officer S informed Mr. he wanted to make sure Mr. did not have a weapon. The lapel video showed Mr. started to comply and then became upset. The lapel video showed Mr. stripped off his shirts and lowered his pants to his knees to prove he did not have a weapon. The lapel video showed even Mr. later acknowledged the presence of ammunition could mean a weapon was present, but still did not understand why the officers suspected he might have a weapon. Given the presence of ammunition and Mr.'s behavior, the desire to complete a pat search was reasonable.

The CPOA finds Officer S' conduct to be **Exonerated** where the investigation determined the alleged conduct occurred, but did not violate APD policies, procedures or training.

C) The CPOA reviewed Standard Operating General Order 1-02-2B1 regarding Officer S' conduct, which states:

*Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque, which they are required to enforce. Officers shall: Take appropriate action and render assistance in any instance that comes to their attention, whether on duty or off duty.*

Mr. [REDACTED] claimed he told Officer S that he wanted Ms. [REDACTED] charged with scratching him days prior, but Officer S did nothing. Mr. [REDACTED] also complained Officer S did nothing to ensure the safety of his children despite his expressed concern for their safety.

The lapel video showed Mr. [REDACTED] mentioned he called CYFD, but he never answered Officer S' questions of how he claimed the children were specifically being mistreated. The lapel video showed Officer S asked more than once about the alleged abuse, but Mr. [REDACTED] never answered his questions. The lapel video showed Mr. [REDACTED] briefly mentioned he had been scratched, but that was all the detail he provided. Nothing was brought to Officer S' attention that rose to the level of requiring action.

The CPOA finds Officer S' conduct to be **Exonerated** where the investigation determined the alleged conduct occurred, but did not violate APD policies, procedures or training.

#### **IV. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SERGEANT S' CONDUCT**

A) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Sergeant S' conduct, which states:

*Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Mr. [REDACTED] said Sergeant S had a smirk on his face and laughed at him. Mr. [REDACTED] felt ignored and mistreated because all the officers were cutting him off. Sergeant S told him not to square off against him when in fact Sergeant S was the one that squared off.

The lapel video showed Mr. [REDACTED] made very little sense in talking to Sergeant S. When Sergeant S asked for clarification, Mr. [REDACTED] became insulting. The lapel video showed Sergeant S allowed Mr. [REDACTED] to say his side of things. Mr. [REDACTED] called his parents to be his witnesses, but became very hostile and aggressive towards his parents. The lapel video showed Mr. [REDACTED] accused Sergeant S of playing games, but when Sergeant S asked how, Mr. [REDACTED] asked him what Sergeant S meant as if Mr. [REDACTED] did not realize he had just made the accusation. The lapel video showed Sergeant S chuckled a little in apparent disbelief and confusion, not at Mr. [REDACTED], but because Sergeant S did not know what to say since Mr. [REDACTED] made no sense. The lapel video showed Sergeant S treated Mr. [REDACTED] respectfully despite receiving very little and tried to maintain a dialog with Mr. [REDACTED] despite great difficulty. The lapel video showed Sergeant S was not aggressive with Mr. [REDACTED].

The CPOA finds Sergeant S' conduct to be **Exonerated** where the investigation determined the alleged conduct occurred, but did not violate APD policies, procedures or training.

B) The CPOA reviewed Standard Operating General Order 1-02-2B1 regarding Sergeant S' conduct, which states:

*Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque, which they are required to enforce. Officers shall: Take appropriate action and render assistance in any instance that comes to their attention, whether on duty or off.*

Mr. [redacted] told Sergeant S that he had concerns over his children's safety. He told Sergeant S he called CYFD. He also told Sergeant S that Ms. [redacted] scratched him a couple of days prior and he wanted charges filed against her. Mr. [redacted] claimed Sergeant S told him he would file charges against Ms. [redacted], but to Mr. [redacted]'s knowledge, no charges had ever been filed. Sergeant S did not do anything about his concerns for his children.

The lapel video showed Mr. [redacted] told Sergeant S that Ms. [redacted] told the original responding officers for the incident days prior that she pushed him to get him out of her house and accidentally scratched him. Mr. [redacted] decided to let it go at that time, but now he wanted something done. The lapel video showed Sergeant S never promised to file charges and said charges would only be filed if appropriate. The lapel video showed Mr. [redacted] never articulated specific, immediate safety concerns for his children and said he already contacted CYFD. His statements were broad and when the officers asked for more information, he said it was just "everything." Mr. [redacted] did not provide information to investigate either issue adequately.

The CPOA finds Sergeant S' conduct to be **Exonerated** where the investigation determined the alleged conduct occurred, but did not violate APD policies, procedures or training.

Your complaint and these findings are made part of Officer C's, Officer S', and Sergeant S' Internal Affairs records.

**Additional Issue:**

Mr. [redacted] stated on March 18, 2015 police were called and he submitted an Inspection of Public Records request to get lapel videos from that call. He received a response that none existed, which Mr. [redacted] stated was a violation. Investigator McDermott requested from Evidence videos for the date, time, and case number. Evidence responded with no videos located. Investigator McDermott took this at face value until she searched the Evidence.com system. The two responding officers had videos downloaded at the appropriate date and time. The videos did not have case numbers tagged to them, but the nature of the call did not require the videos to be tagged with case numbers. Unfortunately, by the time the videos were identified the 120-day retention periods had passed and were no longer available. The complaint had been filed about two months after the incident date. The officers were not targeted since the videos were no longer available to verify if they were the correct videos, but based on the time and date stamp the officers did run video. Mr. [redacted] specifically said there was no complaint about the call or the actions of the officers; he just wanted the videos. A recommendation is that when requests come in for either IPRA or complaint investigations

Letter to Mr.  
May 18, 2016  
Page 8

CPC 069-15

a more thorough search is conducted by Evidence personnel before a response is sent back that no video is present.

You have the right to appeal this decision.

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.
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



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 078-15**

Dear Mr.

Our office received the complaint you filed on June 1, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on May 18, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

www.cabq.gov

### I. THE COMPLAINT

wrote that while travelling on I25 he observed a person walking across the access road wearing dark clothing and he appeared to be a pedestrian. Mr. stated as he approached the person on the left, about 30 feet from the individual he noticed it was a police officer. Mr. stated he hit his brakes as he passed him and the officer hit his rear window with his fist. Mr. wrote he was able to stop about 20 feet after the contact and rolled down his window. Mr. stated the officer yelled at him to pull over. Mr. stated he did and was written a ticket. Mr. stated the officer was very unsafe and felt it was rude for him to punch his window. Mr. stated he also felt the traffic stop could be considered entrapment.

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

The investigation included review of the Complaint, SOPs, CAD [REDACTED] Interviews of Officer M., and lapel video of Officer M.

(A) The CPOA reviewed Standard Operating General Order 1-04-1 (F) in reference to Officer M.'s conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.*

[REDACTED] complained that Officer M. was very rude when he punched the window of his vehicle and yelled at him to pull over during a traffic stop. The investigations showed that Officer M. was part of a traffic TAC plan and conducting stationary radar enforcement when Mr. [REDACTED] was contacted. Officer M. stepped out into the roadway to direct Mr. [REDACTED] to pull over. The video showed Mr. [REDACTED] approaching and slowing down but not stopping. The video showed Officer M.'s open hand hit Mr. [REDACTED] car in an attempt to let him know he needed to pull over and not continue driving forward. Officer M. is not heard yelling at any time during the contact.

The CPOA finds Officer M.'s conduct **EXONERATED** where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

(B) The CPOA reviewed Standard Operating General Order 4-06-8 (C-2a) in reference to Officer M.'s conduct, which states:

**C. Enforcement techniques**

**2. Stationary assignments**

**a) Radar or stop watch zones**

[REDACTED] wrote in his complaint he felt the traffic stop and procedure could be considered entrapment. The Albuquerque Police Department conduct stationary assignment TAC plans throughout the city of Albuquerque in areas predetermined, based on history, for speeding, traffic accidents etc. On the day Mr. [REDACTED] was issued a speeding citation there were eight traffic officers on scene conducting an authorized TAC plan due to the frequency of high speed traffic along the frontage road. The officers were in plain sight utilizing stationary radar to ensure safe travel and speed in that particular area. In criminal law, entrapment is a practice whereby a law enforcement agent induces a person to commit a criminal offense that the person would have otherwise been unlikely to commit. In this matter the officer did not induce Mr. [REDACTED] into speeding.

The CPOA finds Officer M.'s conduct **UNFOUNDED**, where the investigation determines by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

Based on Mr. ' . 's complaint, the CPOA did recognize an opportunity for a policy and procedure change for stationary radar traffic enforcement. The lapel video does show during this type of traffic plan that there could be different thoughts on how an officer should approach oncoming vehicles. In some cases the officers are crossing two lanes of traffic to inform a violator to pull over. The current policy does not require the officers to wear reflective vests unless it is dusk or later. The CPOA recognizes that officer and citizen safety is of great importance and will work with the APD policy and procedure board to determine a better process for situations such as Mr. . incident.

**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque'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/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #086-15**

Dear Mr.

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on June 3, 2015 regarding an alleged incident that occurred on June 3, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA investigated your complaint. The CPOA made a finding, based on the information you provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

PO Box 1293

Albuquerque

Below is a summary of the complaint, the CPOA's investigation, and findings.

New Mexico 87103

### **I. THE COMPLAINT**

Mr. [redacted] reported that a vehicle was speeding westbound on Lomas, ran a red light, and came close to hitting a vehicle turning left (eastbound) onto Lomas. Mr. [redacted] reported a specific police vehicle number did nothing, and continued northbound on Louisiana until entering westbound I40. Mr. [redacted] wrote he was extremely upset that the officer did not pursue the individual that engaged in unsafe driving. Mr. [redacted] wrote the incident occurred June 3, 2015 at 2200.

www.cabq.gov

### **II. INVESTIGATION**

The CPOA Administrative Assistant contacted Mr. [redacted] to confirm the date and time of the incident as his complaint showed being submitted prior to when the alleged incident occurred. Mr. [redacted] informed the Administrative Assistant he filed his complaint as soon as he got home, which according to the time stamp was 2129, but he said it was 2229 and the incident occurred the same day. The CPOA Investigator left voicemails in July for Mr. [redacted] without response. The CPOA Investigator reached Mr. [redacted] on August 31, 2015

when an appointment was scheduled for September 3, 2015. Mr. [REDACTED] ; called and cancelled that appointment and rescheduled for September 8, 2015. Mr. [REDACTED] did not show up for his appointment or call to reschedule. A message to reschedule was left, but Mr. [REDACTED] , did not respond. The preliminary investigation was based on Mr. [REDACTED] ' written complaint.

The Investigator interviewed Officer B. Officer B. agreed it was his car number listed in the complaint, but he works dayshift and would not be in the area at night. Officer B. did traverse through that intersection in the day. Officer B. did not remember anything unusual about the day or that he observed any driving behaviors out of the ordinary. Officer B. would have taken enforcement action if he had seen the described behaviors assuming he was not on a higher priority call. No one attempted to get his attention such as flagging him down or honking the horn.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint. You made an assumption the officer saw the driving behaviors of another. You did not participate in the investigative process to confirm the car number, time of day, or date. The lack of participation also prevented knowing how you knew the officer had seen any driving infractions or your position to observe the situation. The complaint had a lack of information and the policy violations were minor even if true as there are many factors to why an officer may not take enforcement action.

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/iro/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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*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 102-15**

Dear Mr.

Our office received the complaint you filed on June 11, 2015 against unknown officers of the Albuquerque Police Department (APD) regarding an incident that occurred on May 9, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### **I. THE COMPLAINT**

Mr.            said that on May 9, 2015 he was involved in a traffic accident and his girlfriend arrived on scene to assist him. He alleges he had \$9,000.00 in cash in an envelope in his truck and when he asked his girlfriend to retrieve it, the money could not be located. Mr.            alleged either an APD officer or someone from the Albuquerque Fire Department took his money.

### **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING ALLEGED MISCONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the Northwest Impact Detective, which included a review of the applicable SOPs, the Complaint, traffic

Letter to Mr. ; CPC 102-15  
May 18, 2016  
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accident reports, the CADs report, and interviews with the Complainant, the complainant's son, Ms. , Officer L., and AFD Paramedics S. and C..

The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedures (SOP) and the investigation and determined there were no issues or evidence to suggest that any APD officer acted improperly in any way, or violated any APD SOPs in regards to this incident. Therefore, the CPOA will be **Administratively Closing** your complaint and no further investigation will occur. It is our hope that your complaint was resolved to your satisfaction by our office and by the APD.

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 you completing our client survey form at <http://www.cabq.gov/iro/survey> .

Please contact me if you have any questions or concerns.

Sincerely,



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

CC: Albuquerque Police Department, Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 103-15**

Dear Ms.

Our office received the multiple complaints you filed against Officer M. G., Officer H. G., Officer T., Officer H., and Detective (Det.) J. of the Albuquerque Police Department (APD), regarding incidents which took place on February 25, 2014, April 12, 2014 and August 25, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaints. The CPOA thoroughly and impartially investigated the complaints.

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

New Mexico 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 complaints, the CPOA's investigation and findings.

www.cabq.gov

### **I. THE COMPLAINT**

Ms. \_\_\_\_\_ said she called APD on February 25, 2014 to report a domestic violence incident with her ex-boyfriend, Mr. Z., and Officer M. G. responded. Ms. \_\_\_\_\_ complained that Officer M. G. failed to write a report and her failure to do so "led up to and can be reasonably attributed to the rape that occurred on April 12, 2015" in which Ms. \_\_\_\_\_ was a victim and Mr. Z. the alleged suspect. (NOTE: The alleged rape occurred on April 12, 2014 and she called APD on February 24, 2014 and not February 25, 2014.)

Ms. \_\_\_\_\_ said she called APD on April 12, 2014 to report she was raped by Mr. Z. and Officer H. G. responded. Ms. \_\_\_\_\_ complained that Officer H. G. violated her constitutional rights by intentionally failing to report the rape of April 12, 2014 and instead

filed a report of domestic dispute. Ms. \_\_\_\_\_ complained that Officer H. G. violated her rights when he filed a criminal summons/complaint against her on Mr. Z.'s behalf on July 2, 2014.

Ms. \_\_\_\_\_ complained that Det. S. did not call her or follow-up with her to get additional information related to the rape that occurred on April 12, 2014. (NOTE: Det. S. no longer works for APD; therefore he was not interviewed for this complaint.)

Ms. \_\_\_\_\_ complained APD ignored her case for seven months. She complained that Det. J. was assigned the case on November 25, 2014 and finally interviewed her on May 6, 2014.

Ms. \_\_\_\_\_ said she called APD on August 25, 2014 to report a domestic violence incident, trespassing, larceny, threats and property damage against her ex-boyfriend, Mr. A. and Officers T. and H. responded. She complained Officers T. and H. dismissed witnesses without getting statements from them, they refused to write down any information, and rudely stated they didn't have to write a report because it was a domestic dispute between Ms. \_\_\_\_\_ and Mr. A.. She complained that Officers T. and H. "knew Mr. A. was a convicted felon who had criminally trespassed and violated the conditions of his parole" and they failed to perform their duty to arrest Mr. A..

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

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 CADs report, Officer M. G.'s written report, and interview.

A) The CPOA reviewed APD SOP 2-24-3 (A)(5)(f), which states:

### ***2-24-3 Rules***

#### ***A. Preliminary Investigations***

***5. Steps to be followed in conducting preliminary investigations that may include by are not limited to:***

***f. Report the incident fully and accurately.***

Ms. \_\_\_\_\_ complained Officer M. G. failed to report a domestic violence incident that occurred on February 25, 2014 between her and her ex-boyfriend, Mr. Z. Ms. \_\_\_\_\_ complained that Officer M. G.'s failure to write a report "led up to and can be reasonably attributed to the rape that occurred on April 12, 2015" in which Ms. \_\_\_\_\_ was a victim. (NOTE: The alleged rape occurred on April 12, 2014 and she called APD on February 24, 2014 and not February 25, 2014.)

Officer M. G. was interviewed. The CADs report and Officer M. G.'s written report were reviewed. The evidence revealed Officer M. G. responded to the call and wrote a report on the incident between Ms. \_\_\_\_\_ and Mr. Z. and provided Ms. \_\_\_\_\_ with a "Victims of Domestic Violence" packet.

The CPOA finds Officer M. G.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

### **III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER H. G.'S CONDUCT**

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 CADs report, Officer H. G.'s written report and the Domestic Violence Criminal Summons he filed against Ms.

- A) The CPOA reviewed APD SOP 2-24-3 (A)(5)(f), which states:

#### ***2-24-3 Rules***

##### ***A. Preliminary Investigations***

##### ***5. Steps to be followed in conducting preliminary investigations that may include by are not limited to:***

##### ***f. Report the incident fully and accurately.***

Ms. complained Officer H. G. failed to report a rape she alleged occurred on April 12, 2014, wherein her ex-boyfriend, Mr. Z. was the suspect and he violated her rights when he filed a criminal summons/complaint against her on behalf of Mr. Z.

Officer H. G.'s CADS report, written report and the Domestic Violence Criminal Complaint Summons he filed against Ms. revealed that he responded to a domestic violence altercation involving Ms. , and Mr. Z., which resulted in Mr. Z. sustaining injuries. The evidence revealed that Ms. alleged she was raped by Mr. Z. so Officer H. G. contacted the on-call Sex Crimes Unit (SCU) detective and advised Ms. of the SANE exam, which she submitted to at the Veteran's Administration (VA) Hospital. Officer H. G. then forwarded his report on to the SCU for follow-up and filed a Domestic Violence Criminal Complaint Summons against Ms. based on the physical evidence and investigation conducted.

The CPOA finds Officer H. G.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

### **IV. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE J.'S CONDUCT**

- A) The CPOA reviewed APD SOP 2-24-3 (B)(5)(a-b, i and l), which state:

#### ***2-24-3 Rules***

##### ***B. Follow-Up Investigations***

5. *Steps to be considered when conducting follow-up investigations:*
  - a. *Review and analyze all previous reports*
  - b. *Conduct additional interviews and interrogations, when necessary*
    - i. *Identify and apprehend the suspect(s)*
    - l. *Prepare cases for court presentations and assist in the prosecutions*

Ms. \_\_\_\_\_ complained nothing was done with her rape case for seven months.

Det. J.'s interview and report were reviewed and revealed the alleged rape occurred on April 12, 2014 and the original report was written, filed and forwarded on to APD Sex Crimes Unit (SCU). On April 29, 2014, Det. J. assigned the case to herself and interviewed Ms. \_\_\_\_\_ on May 6, 2014. Det. J. attempted to contact the alleged suspect, Mr. Z., eight times between May 6, 2014 and July 14, 2014 but was unsuccessful so she forwarded the case on to the District Attorney's office sometime after September 23, 2014. Det. J. completed her report on September 25, 2014. The evidence revealed that Det. J. actively investigated this case between April and September 2014 and did not fail to investigate it as alleged in the written complaint.

NOTE: Ms. \_\_\_\_\_'s written statement is confusing and contradictory. Specifically, she complained it took seven months for Det. J. and APD to do anything on this case; however, her written complaint stated Det. J. was assigned the case in November 2014, and Det. J. interviewed her on May 6, 2014.

The CPOA finds Det. J.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

#### **V. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER T.'S AND OFFICER H.'S CONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, the CADs report, and Officer T.'s and Officer H.'s interviews.

- A) The CPOA reviewed APD SOP 1-02-2 (B)(1), which states:

##### ***1-02-2 Enforcement of laws, ordinances, and police regulations***

***B. Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall:***



***1. Take appropriate action and render assistance in any instance coming to their attention whether on or off duty.***

Ms. [redacted] complained she called APD on August 25, 2014 to report a domestic violence incident between her and Mr. A. and Officer T. and Officer H. refused to arrest Mr. A.

Officer T.'s interview, Officer H.'s interview and their CADs report revealed that upon their arrival at Ms. [redacted]'s residence, Mr. A. was not on scene. Additionally, Ms. [redacted] told Officers T. and H. that nothing physical happened and no threats were made so the officers did not have enough probable cause to arrest Mr. A..

The CPOA finds Officer T.'s and Officer H.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

B) The CPOA reviewed APD SOP 2-24-3 (A)(5)(b and f), which state:

***2-24-4 Rules***

***A. Preliminary Investigations***

***5. Steps to be followed in conducting preliminary investigations that may include by are not limited to:***

***b. Locate, identify, and interview witnesses, victims, and suspect(s).***

***f. Report the incident fully and accurately.***

Ms. [redacted] complained that Officers T. and H. arrived at her residence and dismissed the witnesses and their statements and refused write a report.

Officer T.'s interview, Officer H.'s interview and their CADs report revealed there were no witnesses on scene at the time of their arrival and Ms. [redacted] did not tell them about any witnesses to the incident. The investigation revealed Ms. [redacted] told the officers only a verbal disagreement took place between she and Mr. A. before he left and damaged her garage door. The officers fixed the garage door and Ms. [redacted] reported that nothing else happened so it wasn't necessary for the officers to write a report.

The CPOA finds Officer T.'s and Officer H.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

Your complaint and these findings are made part of Officer M. G.'s, Officer H. G.'s, Officer T.'s, Officer H.'s and Det. J.'s Internal Affairs records.

Letter to Ms.  
May 18, 2016  
Page 6

, CPC 103-15

You have the right to appeal this decision. The Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of their respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

Please contact me if you have any questions or concerns.

Sincerely,



Edward W. 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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*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #107-15**

Dear Mr.

Our office received the complaint you filed on June 29, 2015 against Officer B. of the Albuquerque Police Department (APD) regarding an incident that occurred on June 18, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

Mr. [redacted] wrote in his complaint that on June 18, 2015 at about 10:00 PM, he was pulled over and arrested by Officer B. [redacted] said he was in a hurry to get home because his wife was having female problems. Officer B. had Mr. [redacted] step out of his car and Officer B. arrested Mr. [redacted] for reckless driving. Mr. [redacted] complained that Officer B. was rude to his wife and when she asked Officer B. if she could speak to Mr. [redacted] Officer B. allegedly told her that she could not and it wasn't as if she wasn't going to see him again because he wasn't going to prison. Mr. [redacted] complained that Officer B. had stopped him twice before and that Officer B. was rude to him during those stops. Mr. [redacted] wrote in his complaint that he felt that Officer B. had it out for him and

that he was being judged and targeted by Officer B. because of the color of Mr. s skin. Mr. African American.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER B.'S CONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), a review of the Citizen Police Complaint, an interview with Mr. and an interview with Officer B. Officer B.'s lapel video recording of the incident was also reviewed.

- A) The CPOA reviewed Standard Operating Procedure 1-04-1-F regarding Officer B.'s conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.*

Mr. complained that Officer B. was rude to his wife and when she asked Officer B. if she could speak to Mr. , Officer B. allegedly told her that she could not and it wasn't as if she wasn't going to see him again because he wasn't going to prison.

The lapel camera video of the traffic stop was reviewed. The video showed that Officer B. was not rude with Mr. s wife. Officer B. asked her twice if she had any questions and Officer B. responded politely to the questions asked. When Mr. 's wife asked if she could tell Mr. bye, Officer B. said, "You'll see him again. It's not like he's going to prison. He was drag racing."

Overall, Officer B.'s conduct was reviewed and Officer B. did not commit any infractions or say or do anything that reflected negatively on the Albuquerque Police Department.

The CPOA finds Officer B.'s conduct to be **EXONERATED**, as the investigation determined by a preponderance of the evidence that the alleged conduct did occur but it did not violate APD policies, procedures, or training.

- B) The CPOA reviewed Standard Operating Procedure 1-03-1 regarding Officer B.'s conduct, which states:

*It is the policy of the Albuquerque Police Department to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions and that such enforcement decisions will not be predicated solely on the basis of an individual's race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.*

Mr. [redacted] wrote in his complaint that he felt that Officer B. had it out for him and that he was being judged and targeted by Officer B. because of the color of his skin. Mr. [redacted] African American. In his interview, Mr. [redacted] alleged that he was arrested and charged with the offenses that he was because he was African American. Mr. [redacted] admitted in his first encounter with Officer B. that he had a license plate cover over his plate. He said that at the time he did not know that was illegal. Officer B. warned him about his exhaust and his display of the red marker lights on the front of his car. He said that Officer B. took no enforcement action on him at that time; that he was simply warned to get everything fixed. Officer B. confirmed that was true.

Mr. [redacted] said the second time Officer B. pulled him over Officer B. gave Mr. [redacted] tickets for the modified exhaust, the license plate cover, and for having red marker lights on the front of his car. All of those things he was warned to fix before. Mr. [redacted] admitted he had not taken care of the problems at that time, even though he was previously warned by Officer B. to get the problems fixed. Officer B. confirmed this.

In this last encounter, the one where Mr. [redacted] was arrested, Mr. [redacted] admitted that he was violating the law by driving his car at excessive speed up Montgomery Boulevard.

In each encounter, Mr. [redacted] admitted that he had violated the law and in each encounter Officer B. had probable cause to stop Mr. [redacted] and take enforcement action.

Biased based policing is prohibited by APD. Mr. [redacted]'s traffic stops, enforcement action, and arrest, were all based on probable cause.

The CPOA finds that Officer B.'s conduct was **UNFOUNDED**, as the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

C) The CPOA reviewed Standard Operating Procedure 2-48-2 B 2 regarding Officer B.'s conduct, which states:

*Vehicles will be towed when the driver has been incapacitated, hospitalized, arrested, or when the vehicle cannot be released to a responsible party. Officers will not tow the vehicle if the vehicle is parked at the driver's place of residence, or his/her registered address.*

The lapel video evidence, the police report, and the investigation showed that this traffic stop took place at [redacted] Montgomery where Mr. [redacted] resides. The lapel video evidence showed that it was Officer B.'s car that was blocking traffic in and out of the complex and not Mr. [redacted]'s car. Although Mr. [redacted]'s car was not in a parking space, it was at the residence, and his girlfriend/wife was there, as well as his roommate, and either one of those responsible adults could have moved and parked the car with Mr. [redacted]'s permission. The video showed that Officer B. decided to

tow the car even before Mr. had a chance to ask if his passengers could  
move or take possession of the car. Mr. 's car should not have been  
towed.

The CPOA finds Officer B.'s conduct to be **SUSTAINED**, as the investigation determined by  
a preponderance of the evidence that the alleged misconduct did occur.

Your complaint and these findings are made part of Officer B.'s Internal Affairs records.

**You have the right to appeal this decision.**

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 notice.  
Include your CPC number.
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 Albuquerque'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/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #108-15**

Dear Mrs.

Our office received the complaint you filed on July 6, 2015 against Officer H. of the Albuquerque Police Department (APD) regarding an incident that occurred on June 30, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

www.cabq.gov

### I. THE COMPLAINT

Mrs. \_\_\_\_\_ said that on June 30, 2015, she was sitting in her car, which was parked around the corner from her house when Officer H. pulled up, faced his headlights at her windshield and sat in his vehicle. Mrs. \_\_\_\_\_ said she got out of her vehicle and walked towards Officer H.'s vehicle when he got out and shone a flashlight in her eyes. She asked Officer H. to remove the light from her eyes but he did not and did not say anything to her so she asked him, "What are you going to do to me? Shoot me? That's what you people do, isn't it? That's what APD does, is shoot people? Just shoot me then!" She turned around and without saying anything to her, Officer H. ran up behind her, grabbed her arms and twisted them behind her back while screaming, "Stop resisting! Stop resisting!" Mrs. \_\_\_\_\_ said Officer H. handcuffed her so tightly the handcuffs cut into her

wrists and caused abrasions which lasted three days. She complained Officer H. did not adjust the handcuffs when she told him they hurt. She complained Officer H. dragged her to his police car and pushed her into the back of the car. Mrs. [redacted] complained unknown APD officers searched her car without her permission. Mrs. [redacted] complained that paramedics, firefighters and Officer H. put her on a gurney and Officer H. twisted her left arm hard and painfully behind her back. She complained Officer H. was inappropriate and uncommunicative, and frightened and hurt her.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, lapel video, Officer's reports, and interviews with the Complainant, Officer H. and Officer O.

A) Did Officer H. comply with Albuquerque Police Department (APD) General Order 1-4-1 (F)? General Order 1-4-1 (F) states:

*F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Mrs. [redacted] complained that APD Officer H. was uncommunicative and abusive.

A review of lapel videos and interviews revealed Officer H. was calm, communicative and professional with Mrs. [redacted] throughout his contact with her, although she yelled, screamed and used excessive profanity towards Officer H. and repeatedly told him to shoot her. Additionally, Mrs. [redacted] yelled racially motivated statements at Officer H. and at an Asian paramedic who was assisting, to which Officer H. calmly and professionally responded that there was no reason to bring race into the incident. The evidence revealed that Officer H. was not uncommunicative and abusive, as alleged in Mrs. [redacted] s written complaint and interview.

The CPOA finds Officer H.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

B) Did Officer H. comply with Albuquerque Police Department (APD) General Order 2-52-3 (A)? General Order 2-52-3 (A) states:

*A. Officers may use force when objectively reasonable based on a totality of the circumstances. The objectives for which force may be appropriate include:*

- *To intervene in a suicide or self-inflicted injury*
- *To defend an officer or member of the public from the physical acts of another.*



Mrs. \_\_\_\_\_ complained Officer H. ran up behind her, grabbed her arms and twisted them behind her back while screaming, "Stop resisting! Stop resisting!" Mrs. \_\_\_\_\_ said Officer H. handcuffed her so tightly the handcuffs cut into her wrists and caused abrasions which lasted three days, and he did not adjust the handcuffs when she told him they hurt. She complained Officer H. dragged her to his police car and pushed her into the car. She complained that Officer H. helped rescue personnel put her on a gurney and twisted her left arm hard and painfully behind her back.

A review of lapel videos and interviews with Mrs. \_\_\_\_\_, and Officers H. and O. revealed that upon initial contact Mrs. \_\_\_\_\_ yelled at Officer H. and repeatedly told him to shoot her as she walked towards him. The video showed Officer H. repeatedly asked Mrs. \_\_\_\_\_ to face away from him but she would not so he handcuffed her when she finally walked away from him and towards her vehicle. The interviews revealed Officer H. detained Mrs. \_\_\_\_\_ because she told him to shoot her, and had made suicidal statements to her husband prior to driving off with prescription pills and alcohol. Additionally, Officer H. did not want Mrs. \_\_\_\_\_ to get into her vehicle and drive away in that state of mind as he was concerned for her safety and the safety of others. The video showed Officer H. readjusted the handcuffs when she complained they were too tight. The video showed Officer H. walked with Mrs. \_\_\_\_\_ to his patrol car and did not drag her to his vehicle, as alleged in her complaint. The video showed rescue personnel escorted Mrs. \_\_\_\_\_ onto the gurney and a paramedic asked Officer H. to take control of her left arm while the paramedics attempted to strap her to the gurney. As soon as Officer H. placed his hands on her left arm, she screamed and yelled profanities at him, told him she hated him, and threatened to kill him. She started yelling about Officer H. being Asian, to which Officer H. responded there was no reason to bring race into the incident. She yelled profanities at the paramedics and told them she hoped they didn't die in a car accident. The video showed Officer H. did not violently twist her arm and use excessive force, or apply any more force than the paramedics who were also securing her to the gurney. The video showed Officer H. used clear and professional communication with Mrs. \_\_\_\_\_ during the incident.

The CPOA finds Officer H.'s conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

Mrs. \_\_\_\_\_ complained that APD officers searched her vehicle without her permission. A review of lapel videos revealed no APD officers entered or searched her vehicle and that Mr. Thornburgh was the only person to enter and search her vehicle.

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

**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque'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/iro/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

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*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #109-15**

Dear Mr.

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on July 2, 2015 regarding an alleged incident that occurred on July 2, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA investigated your complaint. The CPOA made a finding, based on the information you provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

PO Box 1293

Albuquerque

New Mexico 87103

Below is a summary of the complaint, the CPOA's investigation, and findings.

### I. THE COMPLAINT

Mr.                    wrote that he had to wait hours before an officer was dispatched to an accident.

Mr.                    observed fifteen police cars pass by during the time he was waiting. The lack of urgency was disheartening.

www.cabq.gov

### II. INVESTIGATION

The CPOA Investigator reviewed the complaint Mr.                    submitted. The Investigator contacted the Communications Manager for the Albuquerque Police Department to obtain the call volume at the time of the accident. During the timeframe Mr.                    called, there were fourteen priority one calls, which had a higher priority than the traffic accident with no injuries. There were thirty-eight priority two calls, which had the same priority level as the accident. There were not enough officers available to handle all the calls within a desired response time.

The Investigator spoke with Mr. on August 31, 2015. The Investigator informed Mr. of the preliminary investigation and that the lack of response was due to staffing issues. The Investigator asked Mr. if he had any identifying information about the police cars that passed in order to confirm those officers were occupied on other duties. Mr. ; did not have any information to identify the officers. The Investigator offered to have the Area Commander contact Mr. about the staffing and general concerns, but Mr. did not wish to speak to a supervisor believing it would be a waste of time.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to not being able to identify any specific Albuquerque Police Officer related to this incident and the preliminary investigation showed that the slow response was due to call volume and officers available.

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/iro/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



That complaint alleged that Officer H.'s manner and behavior toward Ms.                   "as an apparent nonminority Caucasian in the northeast heights" lead her to conclude that Officer H. has had claims of excessive force against him.                   complained that Officer H.'s issuance of the second ticket for having an unsigned registration demonstrated vindictiveness, poor judgment, and a lack of his awareness of his public duty to protect and serve those that support and pay for his career and his obligation to resolve conflicts in a reasonable manner.                   alleged that the issuance of the second ticket created as senseless waste of public monies, a reckless burden on the court system, a drain on the judge's time and unnecessary stress on                   and an inconvenience for her patients.                   stated that Officer H.'s bullying behavior perpetuated APD's already tarnished reputation.                   stated that Officer H. issued a frivolous ticket and turned a clerical matter into a huge expense and a waste of time for the city and its citizens. When                   was interviewed, she alleged that Officer H. discriminated against her because of her age and gender.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), a review of the law that                   : was cited under, the Citizen Police Complaint, an interview with                   and an interview with Officer H. Officer H.'s lapel video recording of the incident was also reviewed.

- A) The CPOA reviewed Standard Operating Procedure 1-04-1-F regarding Officer H.'s conduct, which states:

***Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.***

When                   phoned in her complaint to the Civilian Police Oversight Agency on July 6, 2015, she reported that APD Officer H. issued                   a ticket for speeding and a ticket for not having signed her vehicle registration.                   reported that the ticket required her to appear in court.                   alleged that Officer H. was rude, discourteous, and seemed to want to abuse his power as a police officer.                   alleged that she was inconvenienced by having to appear in court to show the judge that her registration was now properly signed, as opposed to permitting                   to mail in payment for the speeding ticket. When                   was interviewed by the CPOA Investigator                   filed a subsequent written, signed complaint.

That complaint alleged that Officer H.'s manner and behavior toward                   "as an apparent nonminority Caucasian in the northeast heights" lead her to conclude that Officer H. has had claims of excessive force against him.                   complained that Officer H.'s issuance of the second ticket for having an unsigned registration demonstrated vindictiveness, poor judgment, and a lack of his awareness of his public duty to protect and serve those that support and pay for his career and his obligation to resolve conflicts in a reasonable manner.

alleged that the issuance of the second ticket created as senseless waste of public monies, a reckless burden on the court system, a drain on the judge's time and unnecessary stress on and an inconvenience for her patients. stated that Officer H.'s bullying behavior perpetuated APD's already tarnished reputation. stated that Officer H. issued a frivolous ticket and turned a clerical matter into a huge expense and a waste of time for the city and its citizens.

told the CPOA Investigator, "Obviously, I was being professional. I was driving a new car. I don't look like I have no money. He insured that I had to lose a day of work. It ended up costing me approximately 735.00. But it would not have cost me if I had one ticket to deal with. I thought the abuse of power occurred when he gave me a second, and completely unnecessary, ticket. I could have simply sent in the payment if he had not done that. He insured that I had to take a day off work and a day of personal time instead of being able to see patients. So in total it was an abuse of power."

Officer H. recorded his entire interaction with on his lapel camera. The CPOA Investigator reviewed that lapel camera recording. It showed the following:

Officer H. greeted with "Good Morning." She replied, "Hi there." Officer H. told that she was speeding 59 miles per hour in a 40 mile per hour zone. Officer H. said, "I'm Officer H. with APD." said, "I'm sorry. It's a new car. I'm not used to it." Officer H. said, "Okay. Can you please put it in park so you don't bump up on the curb? Thank you." produced her driver's license and gave it to Officer H. She then showed him the registration and proof of insurance which was in a plastic bag. Officer H. asked to remove the registration from the bag. He called her ma'am in doing so. Officer H. asked if she currently lived at the address on her license and she confirmed that she did. Officer H. said, "Thank you." When handed Officer H. her registration, he again said, "Thank you." Officer H. looked at the proof of insurance and made sure that it was current. Officer H. said, "Thank you ma'am. Please stay in the car. I'll be right back." Officer H. then walked to his car. After the tickets were written, the video then captured Officer H. returning Dr. Karr's car.

Officer H. said to "Two citations. That registration doesn't have a signature and one for speeding." said something that was inaudible. Officer H. said, "You'll have to sign your registration and bring it to court to show that you're in compliance and then you have to go to court on your speeding citation." asked, "I just can't sign it now?" Officer H. replied, "No." Officer H. gave a court date. pointed to her registration and said, "But I told you how new it is." Officer H. said, "Okay. I understand that." Officer H. told where the court was located and told her what to do if she couldn't make it to court on the given date and time. Officer H. told, "You're signing for court date, not admitting guilt to anything." While signed the citations Officer H. said, "You need to watch your speed. I realize it's a new car but almost twenty over the speed limit is a little quick okay?" said something inaudible and then said, "I have no speeding tickets for 30 years." Officer H. said, "I believe you." Officer H. said, "I have to scan your signature and I will bring these copies right back to you." said, "While

we're doing this." then signed the registration in front of Officer H. He said, "Yeah sign it and just bring it into the courthouse with you." said, "You know I have to tell you sir, this was a little more than, a little much. And I think, a little inconvenient." Officer H. said, "Okay. Alright. Well, I'm just doing my job. I'll be right back ma'am." said, "I have no problem with the speeding ticket. I think this is uncalled for." Officer H. said, "Okay."

Officer H. returned to his car and scanned the signatures on the citations. Officer H. returned to the vehicle and spoke with In handing the citations to he said, "Here's your copy Ma'am." asks, "Can I have my license?" Officer H. replied, "Yes Ma'am you can. You're free to go. Please watch your speed." asked Officer H. if his name was on the tickets. He replied, "Yes ma'am my name is Officer H. It is also on the, they are written down right here. Let me show you on the citations. Officer H. This is my police ID number, XXXX. Alrighty ma'am, please drive safe." Officer H. then walked away and the video ended.

The CPOA Investigator also reviewed the applicable law.

State Statute 66-3-13 is not a penalty assessment misdemeanor and because it is not, any person charged with a violation of the statute is required to appear in court. The law is cited below:

**66-3-13 Evidence of registration to be signed and exhibited on demand.**

- A. Every owner, upon receipt of registration evidence, shall write that owner's signature thereon in a space provided. Every such registration evidence or duplicate of registration evidence validated by the division shall be exhibited upon demand of any police officer.
- B. A person charged with violating the provisions of this section shall not be convicted if the person produces, **in court**, evidence of a signed registration valid at the time of issuance of the citation.

was required by law to sign her registration when she received it as part of her new car purchase. The signature on the form is also an affirmation that the vehicle has liability insurance coverage, which is also required. The dismissal of 's second citation in court for not having a signed registration was dismissed because it was mandated by law.

The investigation revealed that Officer H. was not rude or discourteous. Officer H. did not abuse his power as a police officer because he cited into court. Officer H. was not "bullying" in his behavior. The evidence in the case showed that was in violation of the law. She was speeding 19 miles per hour over the posted speed limit. She did not have a signed vehicle registration in her possession when she was stopped. Officer H. routinely cites people for that same violation. The issuance of the citations was lawful and proper.



The CPOA finds Officer H.'s conduct to be **UNFOUNDED**, as the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

B) The CPOA reviewed Standard Operating Procedure 1-03-1 regarding Officer H.'s conduct, which states:

*It is the policy of the Albuquerque Police Department to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions and that such enforcement decisions will not be predicated solely on the basis of an individual's race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.*

When [redacted] was interviewed by the CPOA Investigator in person, she additionally alleged that Officer H. discriminated against her because of her age and gender. [redacted] offered no facts to support her allegation other than saying that she did not feel that Officer H. would have taken the same action if she were male or if she were a young pretty girl. [redacted] went on to say that she also felt discriminated against because her sister is a criminal defense attorney who has had some run-ins with Officer H. in the past. She said her voice and name is clearly similar to her sister's voice and name. She felt that Officer H. discriminated against her because of that.

The investigation showed that Officer H. had never met [redacted] prior to this incident and he did not know who [redacted]'s sister was. There was no mention of [redacted]'s sister on the lapel video. Officer H. was unaware that [redacted]'s sister was a defense attorney. During Officer H.'s administrative interview he asked for [redacted]'s sister's name but the name had never been provided to the CPOA Investigator. Officer H. said that without a name he wouldn't know who [redacted]'s sister was. In the course of his duties Officer H. deals with a lot of defense attorneys. He does not know who their family members are.

During the investigation Officer H. was asked if [redacted]'s age or sex influenced his decision to issue the tickets. Officer H. issued the citations to [redacted] because she violated the law. There was no outside influence on him, no proof of bias, and no evidence uncovered during the investigation that would support [redacted]'s allegations that she was discriminated against or that the issuance of the second ticket was discriminatory in nature.

The CPOA finds that Officer H.'s conduct was **UNFOUNDED**, as the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

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

**You have the right to appeal this decision.**

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 notice. Include your CPC number.

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 Albuquerque'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/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 132-15**

Dear Mr.

:  
Our office received the complaint you filed on July 29, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on July 23, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

Mr. \_\_\_\_\_ complained that July 23, 2015 he called 911 to make a report about low volume noises he was hearing after being released from jail. Mr. \_\_\_\_\_ stated Officer R. \_\_\_\_\_ arrived, searched him, placed him in handcuffs and took him to the mental ward. Mr. \_\_\_\_\_ complained he just wanted to file a report about the noises.

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

The investigation included review of the Complaint, SOPs, Officer R's lapel video, interview of Officer R. and review of the investigation in reference to the complaint filed.

(A) The CPOA reviewed Standard Operating General Order 2-13-03 (D-3) in reference to Officer R.'s conduct, which states:

***Recognizing abnormal behavior:***

***D. Other specific behaviors***

***3. Hallucinations of any of the five senses; e.g. hearing voices, feeling one's skin crawl.***

Mr. \_\_\_\_\_ wrote that he called 911 to file a report about the low tone noises and voices he continually heard. Mr. \_\_\_\_\_ stated Officer R. placed him in handcuffs, searched him and transported him to a mental institution when he just wanted to file a report.

Officer R. responded to the 911 call for service and made contact with Mr. \_\_\_\_\_. Lapel video showed Mr. \_\_\_\_\_ explaining to Officers that he consistently hears noises and voices and stated just reading their nametags, he hears the voices saying their names to him. After a discussion about the call and informing Mr. \_\_\_\_\_ that he will file a report for him, Officer R. suggests Mr. \_\_\_\_\_ see a doctor about the voices. Officer R. does not force Mr. \_\_\_\_\_ to go to a facility, he only suggests it and after some conversation, Mr. \_\_\_\_\_ agrees to go. Mr. \_\_\_\_\_ even informs the Officers which hospital to take him to. Mr. \_\_\_\_\_ was searched and placed in handcuffs as normal procedure for transportation in a police vehicle. Mr. \_\_\_\_\_ was informed numerous times he was not in any trouble and that it was merely protocol to ride in the police car. Mr. \_\_\_\_\_ was never placed under arrest.

The CPOA finds Officer R.'s conduct to be **EXONERATED**, where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

Your complaint and these findings will be placed in Officer R.'s Internal Affairs personnel file.

**You have the right to appeal this decision.**

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.

Letter to Mr. ; CPC 132-15  
May 18, 2016  
Page 3

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.

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

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 147-15**

Dear Ms.

Our office received the complaint you filed on August 10, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on August 9, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://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

Ms. [redacted] stated she called police on August 9, 2015 in reference to what she thought was a domestic violence regarding her neighbors. Ms. [redacted] stated she called about apartment 351 and her apartment number is 347. Ms. [redacted] stated Officer C. and Officer K. arrived banging on her door and demanding entry. Ms. [redacted] stated she tried explaining to the officers that she was the caller however Officer K. became very confrontational and barged his way into her apartment. Ms. [redacted] stated that when Officer K. barged in, he grabbed her by the arm causing a bruise. Ms. [redacted] stated the officers asked her for identification but then would not let her go and get the identification. Ms. [redacted] added Officer K. accused Ms. [redacted] of having weed in her apartment and began going through her things. Ms. [redacted] stated that after the

officers realized she was not the subject and went to the other apartment, she began recording them. Ms. stated the officers threatened to arrest her for recording them.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER K.'S CONDUCT**

The investigation included review of the Complaint, SOPs, Officer C and K.'s lapel video, CAD report, police report, interview of Officer C. and Officer K., statement and interview of Ms. and review of the investigation in reference to the complaint filed.

(A) The CPOA reviewed Standard Operating General Order 1-04-1 (F) in reference to Officer K.'s conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.*

Ms. stated Officer C. and Officer K. arrived at her apartment, banging on her door and demanding entry. Ms. also stated Officer K. accused her of having "weed" in her apartment. Lapel video showed the officers arrive at Ms. ' apartment door, knock, identify themselves as Albuquerque Police and asked Ms. to open the door. Ms. responded with "just a minute" and the officers waited patiently until Ms. opened the door.

Lapel video also showed Officer K. did not accuse Ms. of having "weed" in her apartment, Officer K. indicated that due to the nature of the call and the information he had from dispatch, he needed to check her apartment for safety reasons. Officer K. stated in lapel video, "I just need to make sure everyone is ok in the apartment, I don't care if you have weed out on the table, it's not what I'm here for".

The CPOA finds Officer K.'s conduct to be **UNFOUNDED**, where the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

(B) The CPOA reviewed Standard Operating General Order 2-52-3 (A-5 c) in reference to Officer K.'s conduct, which states:

*A.5) Officers must continually assess the effectiveness of their actions and consider the desired outcome for the level of force used, including, where feasible:*

*c. Is the officer using the minimum amount of force necessary to carry out lawful objectives.*

Ms. stated she tried explaining to Officer K. that she was the caller and was calling on a disturbance, possible domestic violence at another apartment. Ms. stated Officer K. barged his way into her apartment and grabbed her by the arm, causing a bruise. Lapel video

showed Officer K. explaining several times that the information he received from dispatch was a possible domestic violence at Ms. [redacted] apartment number and he was required to come in, make sure everyone was ok and then leave. Ms. [redacted] is never heard stating she was the caller to Officer K. According to the CAD report Ms. [redacted] did fit the description of the person of interest and would only open her door a very minimal amount. Ms. [redacted] refused to let Officer K. into her apartment even after he and Officer C. explained several times why they were there. After refusing, Officer K. informed Ms. [redacted] that he had to check and would come in even if she did not allow him to. Officer K. made his way into the apartment and as he did Ms. [redacted] went running out of the apartment. Officer K. never grabs the arm of Ms. [redacted]

The CPOA finds Officer K.'s conduct to be **EXONERATED**, where the investigation determined by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

(C) The CPOA reviewed Standard Operating General Order 1-02-2 (B) (2) in reference to Officer K.'s conduct, which states:

*Officers shall familiarize themselves with and have the working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall:*

*2. Make only those arrests, searches and seizures which they know or should know are legal and in accordance with departmental procedures.*

Ms. [redacted] complained that Officer K. violated her rights by entering her apartment and then threatening to arrest Ms. [redacted] because she was filming the officers.

Lapel video again showed Officer K. explaining several times why they were at Ms. [redacted] apartment. Ms. [redacted] is never heard stating she was the calling regarding an issue at another apartment. Officer K. explained several times that he had to check on the safety of anyone in the apartment and could not just leave. Once Officer K. made entry he briefly looked around and exited the apartment. Officer K. was approached by another tenant who opened their door and is heard on lapel video stating "I may have given the wrong apartment", meaning that tenant had called police as well and mistakenly gave Ms. [redacted] apartment number as the disturbance to police dispatch.

Officer K. is heard on video informing Ms. [redacted] to go back to her apartment or she will be arrested for interfering or impeding his investigation. Ms. [redacted] is seen in the video inches from the officers body's and face with her cell phone as Officer K. is interviewing another person, attempting to investigate a possible domestic violence. Officer K. does not threaten Ms. [redacted] with arrest for filming them.



The CPOA finds Officer K.'s conduct to be **EXONERATED**, where the investigation determined by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

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

(A) The CPOA reviewed Standard Operating General Order 1-04-1 (F) in reference to Officer C.'s conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.*

Ms. stated Officer C. and Officer K. arrived at her apartment, banging on her door and demanding entry. Lapel video showed the officers arrive to Ms. ' ' apartment door, knock, identify themselves as Albuquerque Police and asked Ms. to open the door. Ms. responded with "just a minute" and the officers waited patiently until Ms. opened the door. Officer C. never demanded entry into the apartment.

The CPOA finds Officer C.'s conduct to be **UNFOUNDED**, where the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

Your complaint and these findings will be placed in Officer R.'s Internal Affairs personnel file.

**You have the right to appeal this decision.**

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.
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.

Letter to Ms. ; CPC 147-15  
May 18, 2016  
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Thank you for participating in the process of civilian oversight of the police, ensuring officers are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police



Mr. had come into the office of the CPOA to file his complaint. On that day an Investigator conducted an in person interview with Mr. while he was in the office. Mr. stated he just felt he was being singled out in the park and profiled. Mr. stated he was not treated rudely, he just felt it was snide for the officer to ask him if he woke him.

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

The investigation included review of the Complaint, SOPs, Interviews of Officer A, Mr. and lapel video of Officer A.

(A) The CPOA reviewed Standard Operating General Order 1-3-3 (A-1) in reference to Officer A.'s conduct, which states:

*Biased based policing and/or profiling by any member of the Department are prohibited. Investigative detentions, field contacts, traffic stops, arrests, searches, property seizures and forfeiture efforts will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution.*

complained that while sitting in a park using his cell phone, an Albuquerque Police Officer approached him and asked if he woke him. Mr. stated he felt he was being profiled, harassed and provoked by the officer since there were other homeless people sleeping in the park. Mr. stated during his interview that he was not treated rudely; just that he felt profiled and provoked.

Officer A. responded to a dispatched call for service that a caller advised there were 8-10 homeless subjects sleeping in the park. That call was made at 0728 hrs. Officer A. took the call at 0830 hrs. and arrived at the park at 0833 hrs. Officer A. was back in his vehicle approximately one minute later. The investigation showed that Officer A. arrived at the north end of the park. As Officer A. approached the park there was a male whom appeared to possibly be sleeping on a park bench. Officer A. walked up and spoke to the male for approximately 10 seconds and then went back to his vehicle. The lapel video showed one male in view, Mr. . The investigation determined that a few moments later Officer A. saw other people packing up, getting water and leaving the park. Since Officer A. did not witness them sleeping he did not make contact with them. The Investigation determined due to the call for service and Mr. in the area, this was not profiling or harassment by Officer A. At no time did Officer A. try to provoke Mr. Officer A. simply asked if he was sleeping and informed him he was there just checking on Mr.

The CPOA finds Officer A.'s conduct **UNFOUNDED**, where the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque'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/iro/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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*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 163-15**

Dear Mr.

Our office received the complaint you filed on September 2, 2015 against Officer B. of the Albuquerque Police Department (APD) regarding an incident that occurred on August 24, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

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.

New Mexico 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.

www.cabq.gov

### I. THE COMPLAINT

Mr. [redacted] complained that on August 24, 2015 after he was arrested by Albuquerque Police Department (APD) Officer B., Officer B. called him a baby and a terrorist, did not allow him to get a drink of water and was insulting and disrespectful towards him during the booking process at the Prisoner Transport Center (PTC). Mr. [redacted] complained that he asked Officer B. to put the handcuffs in front of his body to alleviate his back pain but Officer B. wouldn't. Mr. [redacted] complained he was physically assaulted by Officer B. Specifically, Mr. [redacted] said he sat on the bench with his arms handcuffed behind his back and his back started hurting so he had to lie down on the bench. He complained that when he did this Officer B. physically picked him up and slammed him into the wall. Mr. [redacted] said he repeatedly tried to lie down on the bench and each time Officer B. picked him up and slammed him into the wall.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Officer B.'s report, Officer B.'s lapel videos and Officer B.'s interview. You did not respond to repeated requests by the CPOA Investigator for an interview, therefore this investigation was conducted based on your written complaint.

A) Did Officer B. comply with Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-04-1 (F)? SOP 1-04-1 (F) states:

*F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Mr. [REDACTED] complained that APD Officer B. called him a baby and a terrorist, did not allow him to get a drink of water and was insulting and disrespectful towards Mr. [REDACTED] during the booking process at the Prisoner Transport Center (PTC).

Mr. [REDACTED] did not respond to repeated requests to be interviewed; therefore he was not interviewed. A review of Officer B.'s interview and lapel videos revealed Officer B. did not call Mr. [REDACTED] a baby or a terrorist; rather, Mr. [REDACTED] stated he was a terrorist when Officer B. asked what he did for work. The video showed Officer B. was calm, communicative and professional with Mr. [REDACTED] throughout the contact. The evidence revealed that Officer B. allowed another officer to get Mr. [REDACTED] a drink of water and Officer B. was not insulting or disrespectful towards Mr. [REDACTED] as alleged in his written complaint.

The CPOA finds Officer B.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

B) Did Officer B. comply with Albuquerque Police Department (APD) SOP 2-52-3 (A)? SOP 2-52-3 (A) states:

*A. Officers may use force when objectively reasonable based on a totality of the circumstances. The objectives for which force may be appropriate include:*

- *To effect a lawful arrest or detention of a person.*
- *To intervene in a suicide or self-inflicted injury*

Mr. [REDACTED] complained that Officer B. would not put the handcuffs in front of his body to alleviate Mr. [REDACTED]'s back pain. Mr. [REDACTED] complained that during booking at the PTC, he was physically assaulted by Officer B. Specifically, Mr. [REDACTED] said he sat on the bench with his arms handcuffed behind his back and his back started hurting so he had to lie down on the bench. He complained that Officer B. physically picked him up and slammed his back into the wall each time Mr. [REDACTED] tried to lie down.

A review of Officer B.'s interview and lapel video showed Mr. asked for the handcuffs to be placed in front of his body and Officer B. told him he could not do that because it was against policy. The video showed Mr. was uncooperative while at the PTC and he lay down five times on the bench despite Officer B. telling him not to. The first time he lay down Officer B. sat him upright by holding onto the shoulder of Mr.'s t-shirt. The remaining four times, Officer B. placed one hand on each of Mr.'s shoulders and sat him upright. Officer B.'s interview and lapel videos showed that Officer B. told Mr. he couldn't lie on the bench because he might choke lying down or be harmed by positional asphyxiation. The video showed Officer B. did not use excessive force when he sat Mr. up, nor did Officer B. slam Mr.'s back into the wall, as alleged in his written complaint.

The CPOA finds Officer B.'s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Officer B.'s Internal Affairs records.

**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque'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/iro/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 W. Harness, Esq.  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department, Chief of Police



# CITY OF ALBUQUERQUE



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*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via email

**Re: CPC # 167-15**

Dear Ms.

Your complaint against Dispatch Employee M. was received in our office on September 9, 2015. There is not an Albuquerque Police Department employee, dispatch or otherwise, by the name you provided. By City Ordinance, we may only investigate and address complaints which are filed against the APD and its officers and employees. We do not have legal authority to investigate your complaint because your complaint contains no allegations of misconduct by any APD officer or APD employee. Therefore, I am inactivating your complaint without further investigation.

PO Box 1293

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

Albuquerque

Please contact me if you have any questions or concerns.

New Mexico 87103

Sincerely,  
The Civilian Police Oversight Agency by

[www.cabq.gov](http://www.cabq.gov)

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*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

Re: CPC # 168-15

Dear Mr.

Our office assigned the complaint you filed on September 15, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on September 5, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

www.cabq.gov

### I. THE COMPLAINT

Mr. [redacted] wrote the officer arrived at his home with his wife, asking if she could get property. Mr. [redacted] wrote he told the officers she could take things only if she left the van and his daughter because she was crazy and did not have a license. Mr. [redacted] wrote the officer allowed his wife to drive anyway even though she had no insurance or license. As a result, his van was wrecked.

Mr. [redacted] stated he saw officers approach with their weapons in the low-ready position. Mr. [redacted] asked the officers why they had their weapons drawn. Officer M [redacted] told him because they treated the car as a weapon. Mr. [redacted] stated Officer M [redacted] told him his wife was there to get some property. Mr. [redacted] stated he told Officer M [redacted]

his wife suffered from mental illness, she drove crazy when she was in such a state, she did not have a license, did not have insurance, and the registration was only in his name. Mr. [redacted] refused to allow his wife to get property because Officer M [redacted] was going to allow her to leave in the van without a license.

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

(A) The CPOA reviewed Standard Operating General Order 1-02-2C regarding Officer M's conduct, which states:

*Officers shall be equally responsible for the enforcement of laws, ordinances, and police regulations. All uniformed officers shall share the responsibility for enforcement of traffic laws and regulations.*

Mr. [redacted] stated Officer M [redacted] told him he was there to assist his wife in getting some property. Mr. [redacted] told Officer M [redacted] his wife suffered from mental illness and was in no condition to drive or care for their daughter currently with his wife. Mr. [redacted] told Officer M [redacted] his wife did not have a driver's license, the van was registered in his name only, and there was no insurance. Despite those concerns, Officer M [redacted] allowed his wife to leave in the van. When Mr. [redacted] later called the non-emergency number, the Operator told him, after speaking with Officer M [redacted] that everything was under control.

Officer M [redacted] was the primary officer and made the decisions on the call. The lapel video showed when Officer M [redacted] expressed he wanted to perform a pat down for safety Mr. [redacted] refused, took off his shirt, and started pulling things out of his pockets. The lapel videos showed Officer M [redacted] told Mr. [redacted] that his wife wanted to get a few things to avoid escalation. Mr. [redacted] said she was using his van, which was in his name. Officer M [redacted] pointed out they were married. Mr. [redacted] focused on the fact his wife was not sharing money with him and had other complaints. The video showed Mr. [redacted] stated he refused to allow his wife to take anything because he was angry. The video showed Mr. [redacted] mentioned his wife did not have a license. The video showed Mr. [redacted] said nothing about insurance. The video showed Mr. [redacted] refused to allow his wife to take anything and went into the house. Officer M [redacted] spoke to Mrs. [redacted] about the situation. Mrs. [redacted] indicated she was scared and did not want to be at home. The video showed Officer M [redacted] cautioned Mrs. [redacted] about driving without a license. SOP 1-02-2D states that officers shall use discretion in the performance of their law enforcement duties and should evaluate the circumstances in making the appropriate decision. Mrs. [redacted] expressed a concern for her safety and Officer M [redacted]'s observations of Mr. [redacted] supported her concerns. Officer M [redacted] was placed in a problematic position; he decided to protect Mrs. [redacted]'s safety and used his discretion to only provide a verbal warning for a traffic infraction.

The CPOA finds Officer M's conduct to be **EXONERATED**, which means the investigation determined the alleged conduct did occur, but did not violate APD policies, procedures, or training.

Additional Note: Mr. [redacted] also expressed concern that officers had their weapons drawn, but agreed weapons were at the low ready. Weapons at the low ready do not require documentation and are not defined as a show of force. The lapel video showed that one officer had his weapon out of the holster in one hand briefly, but never raised it. Mr. [redacted] asked about officers having a weapon out. Officer M [redacted] explained since Mr. [redacted] was seated in the car, they did not know if he had a weapon or the car itself could be a weapon. The CAD indicated Mrs. [redacted] informed officers her husband had a weapon in his car. Mr. [redacted] did not express any further concern about that.

Your complaint and these findings will be placed in the officers' Internal Affairs personnel file.

**You have the right to appeal this decision.**

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.
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/iro/survey>.

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

Sincerely,  
The Civilian Police Oversight Agency by



Edward Harness  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 171-15**

Dear Ms.

Our office received the complaints you filed on September 21, 2015 and on January 21, 2016 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on September 3, 2015 and the week of January 4-10, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

www.cabq.gov

### I. THE COMPLAINT

Ms. [redacted] complained that on September 3<sup>rd</sup>, 2015 Ms. [redacted] was dropping her dogs off at her mother's home prior to going on a trip. Ms. [redacted] observed a vehicle drive by as she was unloading the dogs and believed it to be Detective A. [redacted], W. [redacted]'s vehicle. Detective W. [redacted] is the current wife of the complainant's ex-husband. Ms. [redacted] believed Detective W. [redacted] was checking on her because Mr. [redacted] had agreed for Ms. [redacted] and her daughter to go on the trip and then before the trip, changed his mind.

Ms. [redacted] then stated as her and her daughter went to the airport to begin their trip, they were pulled aside by aviation police and questioned on their trip and that Mr. [redacted] had called the



The CPOA finds Detective W.'s conduct to be **UNFOUNDED**, where the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

(B) The CPOA reviewed Standard Operating General Order 1-04-6 (G) in reference to Detective W.'s conduct, which states:

***Personnel shall not represent themselves as the official representative of the department, without prior authority.***

complained that she and her daughter were stopped by Aviation Police at the airport and were refused allowance to board the plane for their trip. Ms. complained she believed Detective W. used her position as a police officer to have them stopped.

Ms. also complained that her fiancé, had been placed under investigation by Child Protective Services of Virginia based on false allegations Ms. felt Detective W. had placed and abused her power as a police officer to do so.

The investigation showed that Aviation Police Officer D. was dispatched to a possible custody dispute inside the airport. The investigation showed Officer D. had no information that the caller was a police officer and that the caller never identified themselves as a police officer. The investigation also showed that the documentation provided to the aviation police determined Ms. was in violation of the court document if she did leave with her daughter.

The CPOA finds Detective W.'s conduct to be **EXONERATED**, where the investigation determined by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

In regards to the complainants claim that Detective W. contacted Virginia Child Protective Services to file false allegations against Mr. , the investigation showed by documentation that Detective W. had absolutely nothing to do with contacting CPS and did not file or call CPS in any way.

The CPOA finds Detective W.'s conduct to be **UNFOUNDED**, where the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

**You have the right to appeal this decision.**

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 notice. Include your CPC number.

Letter to Ms. CPC 171-15  
May 18, 2016  
Page 4

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 Albuquerque'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/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 172-15**

Dear Ms. \_\_\_\_\_

Our office received the complaint you filed on September 21, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on September 14, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

www.cabq.gov

### I. THE COMPLAINT

\_\_\_\_\_ called in to file a complaint. Ms. \_\_\_\_\_ stated she was at a laundromat and had gotten into a disagreement with the workers. Ms. \_\_\_\_\_ stated one of the workers told her they don't allow homeless people at the laundromat and that they had called the police. Ms. \_\_\_\_\_ stated she was not homeless; she had a mobile home not far from the laundromat. Ms. \_\_\_\_\_ stated she rode the Sun Van service because she was disabled and when the Sun Van had returned to pick her up and she had finished her laundry a police officer had arrived. Ms. \_\_\_\_\_ stated she was on the Sun Van lift and the police officer was very nasty, yelling at her to get off the van. Ms. \_\_\_\_\_ stated the police officer never asked her for her side of the story and proceeded with giving Ms. \_\_\_\_\_ a criminal trespass notice. Ms. \_\_\_\_\_ told the officer she did nothing wrong and she would not sign the trespass notice. Ms. \_\_\_\_\_ complained the

officer made the Sun Van leave and she had no way to get back home. The officer offered Ms. a ride however she did not feel comfortable riding with him after the incident.

Ms. also stated the officer informed her she needed to move her laundry from the parking lot and that he would leave. Ms. moved her laundry and stated the officer got in his car and left.

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

The investigation included review of the Complaint, SOPs, CAD, APD report, Interviews of Officer M., and lapel video of Officer M.

(A) The CPOA reviewed Standard Operating General Order 1-04-1 (F) in reference to Officer M.'s conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.*

complained that Officer M. was rude and nasty during an incident between herself and the staff of a laundromat. Ms. complained that Officer M. yelled at her to get off the bus and told the bus driver to leave. Ms. stated Officer M. would not listen to her side of the story and issued her a criminal trespass notice and threatened to cite her further if she did not move her belongings from the property.

The investigation showed Officer M. was dispatched to a call for service in reference to a disturbance at a laundromat in which the management was requesting a person to be removed from the premises and that the person was filming the staff. Officer M. arrived on scene and was approached by laundromat staff stating they wanted Ms. trespassed from their business due to issues they were having with Ms. The investigation showed that Officer M., while speaking with the laundromat staff, and then approaching Ms. Ms. had gotten onto the lift of the bus. Officer M. informed Ms. why he was there and that he needed to speak with her. The investigation showed that Officer M. did not yell or scream at Ms. to get off the bus as Ms. had stated in her complaint. The investigation also showed that Officer M. did not tell the bus driver to leave as Ms. had stated in her complaint. The investigation showed that Officer M. was actually surprised the bus driver left so quickly and he offered to give Ms. a ride home. Ms. did decline the ride from the officer. Officer M.'s conduct during the contact was reasonable and the investigation did not show Officer M. being rude or nasty.

The CPOA finds Officer M.'s conduct **EXONERATED** where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

(B) The CPOA reviewed Standard Operating General Order 1-02-3 (A&B) in reference to Officer M.'s conduct, which states:

*A. Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity...*

*B. Officers shall furnish APD business cards to victims and/or witnesses of crimes unless the officer's assignment and good judgement dictates that identity should not be revealed.*

Ms. stated she asked Officer M. several times for his name and he would not furnish his name to her. The investigation showed that Officer M. did furnish his name to Ms. Officer M. provided his name verbally, on the trespass form and provided Ms. with 2 of his business cards.

The CPOA finds Officer M.'s conduct **UNFOUNDED**, where the investigation determines by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque'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/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 174-15**

Dear Mr.

Our office received the complaint you filed on September 22, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on September 14, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

complained while driving he observed a vehicle approaching in the left lane at a high rate of speed. Mr. stated another vehicle in the left lane had to move over in front him in the middle lane causing him to slam on his brakes and almost have an accident. Mr. stated when the vehicle passed him in the left lane he observed the vehicle to be an Albuquerque Police Department vehicle with the number R2. Mr. stated he was a certified radar instructor in two states and projected the police vehicle going approximately 30 miles per hour faster than his vehicle at the time, which would he described as the police vehicle speeding at over 90 miles per hour with no emergency equipment on. Mr. complained that the officer would be out of his jurisdiction as well.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER B.'S CONDUCT**

The investigation included review of the Complaint, SOPs, Interviews of Officer B. and Mr.

(A) The CPOA reviewed Standard Operating General Order 1-19-2 (J, 3) in reference to Officer B.'s conduct, which states:

*All employees assigned an APD vehicle will exercise good judgement utilizing it and will not drive or use the vehicle so as to cause unfavorable comment, or reflect discredit on the Department. When practical all employees will not use their radio or MDT while operating an APD vehicle. Officers will pull over before using an MDT except in emergency situations.*

Albuquerque Police Department vehicle R2 was investigated and determined to be Officer B. The investigation showed that Officer B. was in that area on the date of incident, however the investigation could not determine the rate of speed Officer B. may have been travelling. According to the facts of the investigation, Officer B. did not violate any Standard Operating Procedures by being in the area Mr. believed that Officer B. may have been out of his jurisdiction.

The CPOA finds Officer B.'s conduct to be NOT SUSTAINED, where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque'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/iro/survey>.

**Letter to Mr.  
May 18, 2016  
Page 3**

**CPC 174-15**

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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 180-15**

Dear Mrs

Our office received the complaint you filed on September 21, 2015 against Officer L. of the Albuquerque Police Department (APD) regarding an incident that occurred on September 9, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### **I. THE COMPLAINT**

Mrs. \_\_\_\_\_ complained that on September 9, 2015 after she was arrested by Albuquerque Police Department (APD) Officer L., Officer L. allowed her husband to steal her cellphone and documents out of her van. She also complained that Officer L. left her handcuffed to a metal bench at the substation for hours, which caused her pain in her back and tailbone. She said these were pre-existing issues; however she tried to relieve the pain by putting her head between her legs and Officer L. used excessive force when he grabbed her arm to sit her up and slammed her head and back into the wall.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Officer L.'s

CADS reports and arrest report, Officer L.'s lapel videos and Officer L.'s interview. You did not respond to repeated requests by the CPOA Investigator for an interview, therefore this investigation was conducted based on your written complaint.

A) Did Officer L. comply with Albuquerque Police Department (APD) SOP 2-52-3 (A)? SOP 2-52-3 (A) states:

*A. Officers may use force when objectively reasonable based on a totality of the circumstances. The objectives for which force may be appropriate include:*

- *To effect a lawful arrest or detention of a person.*
- *To intervene in a suicide or self-inflicted injury*

Ms. [redacted] said she has chronic issues with her back/spine and tailbone and complained that while she was at the sub-station, Officer L. handcuffed her to a metal bench, which caused her back and tailbone to hurt. She said the pain caused her to have a panic attack so she placed her head between her legs and was taking short breaths when Officer L. grabbed her right arm and slammed her into the wall causing her to bump her back and head against the wall.

A review of Officer L.'s lapel videos showed Mrs. [redacted] was already at the sub-station and handcuffed to the metal bench when Officer L. arrived. The video showed Officer L. worked on his computer while Mrs. [redacted] sat on the metal bench. At one point in the video Mrs. [redacted] bent over and rested her upper body on her lap for a short time and then became completely silent and appeared to be slumped over. The video showed Officer L. used Mrs. [redacted]' right arm to sit her up but he did not use excessive force and slam her head and/or back into the wall, as alleged in her written complaint.

The CPOA finds Officer L.'s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Mrs. [redacted] complained that Officer L. allowed Mrs. [redacted]' husband to steal her cellphone and personal documents out of her vehicle after she was arrested. The investigation revealed that the vehicle was shared property so Mrs. [redacted]' husband was allowed to enter the vehicle and remove whatever property necessary. Additionally, the video showed Officer L. gave the vehicle keys to Mrs. [redacted]' parents so they could access the vehicle and move it, if needed.

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



**You have the right to appeal this decision.**

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.
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/iro/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 W. Harness, Esq.  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 182-15**

Dear Ms.

Our office received the complaint you filed on September 23, 2015 against Officer H. of the Albuquerque Police Department (APD) regarding an incident that occurred on September 22, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

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.

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### **I. THE COMPLAINT**

Ms. \_\_\_\_\_ complained that on September 22, 2015 she was stopped by APD Officer H. for speeding and when he contacted her he was rude from the start of their interaction and throughout because he did not let Ms. \_\_\_\_\_ respond to his questions and instead cut her off. She also complained Officer H. checked her window tint to ensure it was within code but when she asked him what the City Ordinance was pertaining to window tint he did not provide an answer.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Ms. \_\_\_\_\_'s interview, Officer H.'s Traffic Citation and lapel videos and Officer H.'s interview.

A) Did Officer H. comply with Albuquerque Police Department (APD) General Order 1-4-1 (F)? General Order 1-4-1 (F) states:

*F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Ms. said she was stopped by APD Officer H. for speeding and when he contacted her he was rude from the start of their interaction and throughout because he did not let Ms. respond to his questions and instead cut her off. She also complained Officer H. checked her window tint to ensure it was within code but when she asked him what the City Ordinance was pertaining to window tint he did not provide an answer.

A review of the interviews and lapel videos showed Officer H. pulled Ms. over for speeding and told Ms. why he stopped her. The video showed Officer H. was polite and professional with Ms. during the initial contact and throughout. The video showed Officer H. asked Ms. questions and then allowed her to answer completely and did not cut her off. The video showed Officer H. placed a special device on Ms.'s driver side window to check the tint. While he was doing so Ms. stated it was factory tint, to which Officer H. responded that didn't matter she still had to follow city code. The video showed Ms. did not ask Officer H. what the city ordinance was regarding window tint but showed Officer H. told her the tint on her windows was a little dark but he wasn't going to issue a citation for it. The video showed Officer H. walked to his vehicle to write the speeding ticket and then showed him hand Ms. the ticket. He told Ms. she was free to go and to drive safely, to which she responded, "Thank you" and the video ended. The investigation revealed that Officer H. did not violate any APD Standard Operating Procedures (SOPs) as alleged in Ms. Nieto's complaint.

The CPOA finds Officer H.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged conduct did not occur or did not involve the subject officer.

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

**You have the right to appeal this decision.**

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.
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.

Letter to Ms.  
May 18, 2016  
Page 3

CPC 182-15

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/iro/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 W. Harness, Esq.  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 189-15**

Dear Mr.

Our office received the complaint you filed on September 25, 2015 against Detective P. and Detective E. of the Albuquerque Police Department (APD) regarding an incident that occurred on August 6, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

www.cabq.gov

### **I. THE COMPLAINT**

Mr.            complained that Detective (Det.) P. and Det. E. were rude, crude and socially unacceptable during his interview because they accused Mr.            of the sexual assault on his seven-year-old daughter. Mr.            complained Det. P. twisted his words and manipulated him during his interview. Mr.            complained Det. P. lied about the 48 hour no contact order originally placed on his children because he had not been able to have contact with his children for 36 days. Mr.            complained Det. P. has done nothing about Mr. M., who he suspects committed the sexual assault on his daughter. Specifically, Mr.            complained Det. P. hasn't asked him or his wife, Ms.            , any questions about Mr. M. nor has he asked Mr.            his side of the story. Mr.            and Ms.            complained Det. E. used profanity during their interviews.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE P.'S CONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Mr. 's interview, Ms. 's interview, Officer M.'s interview, report, and lapel videos, Det. P.'s interview and lapel videos, and interview room videos.

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-04-1(F), which states:

*F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Mr. complained that Det. P. was rude, crude and socially unacceptable during his interview because he accused Mr. of the sexual assault on his daughter. Mr. complained Det. P. twisted his words and manipulated him during the interview. Mr. complained Det. P. lied about the 48 hour no contact order originally placed on his children because he had not been able to have contact with his children for 36 days.

A review of the interviews, lapel videos and interview room videos revealed Det. P. was forthright and professional when he interviewed and questioned Mr. about his daughter, E.'s accusations that Mr. assaulted her. The videos showed Det. P. was not rude, crude or socially unacceptable as alleged in Mr. 's complaint. The videos showed Det. P. and Det. E. pressed Mr. for more information about the sexual assault and Mr. responded that he was really confused and didn't assault his daughter and that he was being railroaded because the detectives just wanted to blame him. The interviews revealed that Det. P. placed the children on a 48 hour no contact hold and CYFD was responsible for having the hold extended past the 48 hour period and Det. P. does not have control over the decisions made by CYFD and the courts.

The CPOA finds Detective P.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

B) The CPOA reviewed APD SOP 2-24-3(B)(5)(i), which states:

### ***B. Follow-Up Investigations***

#### ***5. Steps to be considered when conducting follow-up investigations***

##### ***i. Identify and apprehend the suspect(s).***

Mr. complained that Det. P. has done nothing about Mr. M., who he suspects committed the sexual assault on his daughter. Specifically, Mr. complained Det. P. hasn't asked him or his wife, Ms , any questions about Mr. M. nor has he asked Mr. ' his side of the story.

A review of the interviews, lapel videos and interview room videos revealed Det. P. spoke with Mr. [redacted] at length about the sexual assault on his daughter at UNMH and during the interview; therefore he got Mr. [redacted] side of the story. The evidence revealed Det. P. made several attempts to contact and interview Mr. M.; however the attempts were unsuccessful. The evidence revealed Det. P. identified at least three suspects in this sexual assault; Mr. [redacted], Mr. [redacted] 21 year old stepson, and Mr. M. and he interviewed two of the three suspects. The evidence revealed Det. P. interviewed the suspects he could and conducted a thorough investigation into the sexual assault against Mr. [redacted]'s daughter(s).

The CPOA finds Det. P.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

### **III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE E.'S CONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Mr. [redacted]'s interview, Ms. [redacted]'s interview, Officer M.'s interview, report, and lapel videos. Det. P.'s interview, Det. E.'s interview, and interview room videos.

- A) The CPOA reviewed APD SOP 1-4-1 (F), which states:

***F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.***

Mr. [redacted] complained that Det. E. was rude, crude and socially unacceptable during his interview because she kept accusing Mr. [redacted] of the sexual assault on his daughter.

A review of the interviews and interview room videos revealed Det. E. was frank, forthright and professional when she asked Mr. [redacted] if he sexually assaulted his daughter and when she pressed him for more information about the assault. The videos showed Det. E. was not rude, crude or socially unacceptable as alleged in Mr. [redacted]'s complaint.

The CPOA finds Det. E.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

- B) The CPOA reviewed APD SOP 1-04-4(P), which states:

***P. Personnel shall not use coarse, violent, profane, or insolent language or gestures.***

Mr. [redacted] complained that during his interview Det. E. asked him if his "dick" slipped into his daughter's vagina while he was putting ointment on her. Ms. [redacted] complained that during her interview Det. E. called her a "f---ing" bad mother and said her kids should be "f---ing" adopted.

May 18, 2016

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A review of the interviews and interview room videos revealed Det. E. did not use profane language when interviewing Mr. [redacted] rather she used the word penis and not d[redacted], when she asked Mr. [redacted] if he assaulted his daughter. The video showed Det. E. did not use profanity during the interview with Ms. [redacted], nor did Det. E. tell Ms. [redacted] she was a bad mother or that her children should be adopted.

The CPOA finds Det. E.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

Your complaint and these findings are made part of Det. P.'s and Det. E.'s Internal Affairs records.

**You have the right to appeal this decision.**

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.
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/iro/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 W. 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*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #193-15**

Dear Ms.

Our office received the complaint you filed on October 12, 2015 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on October 7, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on October 16, 2015. 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

New Mexico 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.

www.cabq.gov

### **I. THE COMPLAINT**

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 CAD report, the police report, the citizen interviews, the officer interviews, and the lapel videos.

According to the Computer Aided Dispatch (CAD) Ms. \_\_\_\_\_ Ms. \_\_\_\_\_'s fiancée, called police after Ms. \_\_\_\_\_ made suicidal threats, consumed pills, and alcohol. Officers J and S were dispatched to a priority 1 suicide call. Officer J arrived first and started the dialog with Ms. \_\_\_\_\_ Officer S arrived a little bit later as backup to Officer J.

Ms. and Ms. alleged that Officer S was very unprofessional and dismissive when he arrived to the call. Ms. and Ms. alleged Officer S became aggressive and impatient as the call progressed. Ms. and Ms. alleged Officer S used unnecessary force against Ms. Ms. alleged Officer J belittled her, but was better than Officer S was. Ms. did not appreciate the private conversations between Officer J and Officer S.

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

A) The CPOA reviewed Standard Operating General Order 1-04-40 regarding Officer S' conduct, which states:

*In the performance of their duties, personnel shall maintain a neutral and detached attitude without indicating disinterest or that a matter is petty or insignificant.*

Ms. based much of her complaint about dismissive conduct on what she saw in the lapel video as opposed to her memory as she was outside with Officer J. Ms. complained Officer S chatted with AFD personnel about a sports event. Ms. stated Officer S made small talk with Ms. and was on his phone much of the time. Ms. stated all of these behaviors were inappropriate because Officer S made light of the situation and was not taking things seriously. Ms. also complained about Officer S' actions and stated he conveyed the attitude the situation was not serious.

The lapel videos showed there was a significant amount of down time during the call while waiting for the ambulance to arrive. The video showed while Ms. was on the balcony with Officer J there was limited room. The lapel video showed Officer S engaged in small talk with AFD and Ms., and looked briefly at his phone. Once Ms. came into the living room, Officer S was engaged in the conversation. The videos showed Ms. initiated conversations about officers' hair, muscles, and guns. The videos showed neither Ms. nor Ms. expressed an objection to any conversation while passing the time.

The CPOA finds Officer S' conduct to be **Exonerated**, as the investigation determined that the alleged conduct occurred, but did not violate APD policies, procedures or training.

B) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Officer S' conduct, which states:

*Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Ms. was irritated with Officer S because he told her what she could and could not do in her own home. Ms. needed to go to the restroom, but Officer S made her wait for an hour until a female paramedic arrived. Ms. believed she should have

either been allowed to go to the restroom alone, have Ms. observe her, or she offered to allow Officer S to observe her. Officer S rejected those options. Officer S searched the bathroom, but proclaimed he was not comfortable in allowing Ms. to go because she could lock the door and there was a window. When the female paramedic arrived, Officer S warned Ms. against giving the paramedic a hard time. Ms. was offended at Officer S' warning because she was not a threat and she claimed had done nothing to show she was going to cause a problem. Ms. stated Officer S accused her of being disrespectful and belittled her, but she did not remember the specifics. Ms. stated Officer S rushed her, became aggressive and impatient once the ambulance arrived. Ms. wanted a beer and a cigarette before going, but Officer S would not let her. Ms. said Officer S accused her of trying to touch or hit him twice, which she felt was Officer S' attempt to entrap her. Ms. also did not understand why Officer S would not allow Ms. to go to the restroom or at least allow Ms. to go with her. Ms. additionally complained about the private conversation that went on between Officer S and Officer J, excluding her. Ms. observed Officer S' impatience. Ms. felt Officer S looked for an excuse to go into "officer mode" by his statements about Ms. wanting to hit him or touch him. Both Ms. and Ms. complained that Officer S proclaimed he was "done with her" even though they claimed Ms. made no refusals Ms. just wanted to do things at her pace.

The CAD showed Ms. called police because Ms. consumed an unknown number of pills. Officers responded and confirmed Ms. consumed several pills and alcohol. The videos showed Ms. made suicidal statements. By Procedural Order 2-13-4A2 and in accordance with state statute 43-1-10, Officer S detained Ms. to take her for an emergency evaluation. The lapel videos showed Ms. constantly wanted a beer and cigarettes despite the medical concerns of adding such substances to what she already took. Ms. did not like officers telling her "no." Officer S explained valid safety concerns for all parties about Ms. going to the bathroom and compromised by having the female paramedic accompany Ms. The lapel videos showed Ms. was minimally cooperative so providing a warning was appropriate. The lapel videos showed from the time Ms. said she needed to use the restroom to the time she was able to use the restroom was approximately eleven minutes. The total call was about forty-eight minutes. The lapel videos showed Ms. refused to go to the hospital more than once. What Ms. and Ms. attributed as impatience the videos showed as sternness on the part of Officer S because of Ms. s refusals. Once the ambulance arrived, the time for delay had passed since Ms. had consumed pills and other substances such as alcohol so her medical condition as well as mental health needed assessment. The lapel videos showed Officer S did not accuse Ms. of touching him the first time, but said for her not to test them. The second time at the ambulance the video showed Ms. stopped and turned towards Officer S, but her expression was not visible.

The CPOA finds Officer S' conduct to be **Exonerated**, as the investigation determined that the alleged conduct occurred, but did not violate APD policies, procedures or training.

C) The CPOA reviewed Standard Operating Procedural Order 2-52-3A regarding Officer S' conduct, which states:

*Officers may use force when objectively reasonable based on a totality of the circumstances. The objectives for which force may be appropriate include: To intervene in a suicide or self-inflicted injury.*

Ms. stated Officer S forcibly grabbed hold of her because he was aggravated. Ms. claimed Officer S did not have proper training because he used physical force against her even though she made no refusals nor did she pull away from Officer S. Ms. stated Officer S' actions prompted Officer J to tell Officer S to let her go. Ms. claimed Officer S grabbed her forcibly and pulled her arm back. His grip increased in strength even though she did nothing to justify his actions. Ms. admitted she pushed Officer S' hands off once because his grip was so tight. When she pushed him away, Officer S grabbed even tighter and ordered her not to do that. Ms. stated once they arrived at the ambulance that Officer S pushed her toward the door even though she did not refuse to enter the ambulance. Again, Officer J felt compelled to separate Ms. and Officer S and told her no one was going to touch her. Ms. claimed she had bruises because of Officer S' actions. Ms. also observed Officer S' physical actions against Ms. and felt the actions were excessive. Ms. believed Ms. was hesitant, but not refusing and trying to comply at her pace.

Officer S stated he did not hold Ms. tightly, did not cause the bruises, and obviously was not holding her tightly since Ms. was able to push off his hands.

Officer S' use of an escort hold is a low-level control tactic. Ms. exhibited passive resistance by non-compliance with officer commands such as bracing, tensing, and verbally signaling an intention to avoid going. The video showed Ms. committed an act of active resistance by pulling away from the officer's grasp. The video showed Officer S did not shove Ms. towards the ambulance and instead the videos showed Ms. pulled away from Officer S. Officer S used the low-level tactic to intervene in a suicide and take Ms. in for an evaluation.

The CPOA finds Officer S' conduct to be **Exonerated**, as the investigation determined that the alleged conduct occurred, but did not violate APD policies, procedures or training.

### **III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER J'S CONDUCT**

A) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Officer J's conduct, which states:

*Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Ms. [redacted] was irritated with Officer J because he told her what she could and could not do in her own home. Ms. [redacted] needed to go to the restroom, but Officer J made her wait for an hour until a female paramedic arrived. Ms. [redacted] believed she should have either been allowed to go to the restroom alone, have Ms. [redacted] observe her, or she offered to allow Officer J to observe her. Officer J had Officer S search the bathroom, but Officer S said he was not comfortable with her going in so Officer J would not let her. Ms. [redacted] stated Officer J accused her of being disrespectful and belittled her, but she did not remember the specifics. Ms. [redacted] also did not understand why Officer J would not allow Ms. [redacted] to go to the restroom or at least allow Ms. [redacted] to go with her. Ms. [redacted] additionally complained about the private conversation that went on between Officer J and Officer S, excluding her. Ms. [redacted] and Ms. [redacted] both agreed Officer J was better than Officer S was.

The CAD showed Ms. [redacted] called police because Ms. [redacted] consumed an unknown number of pills. Officers responded and confirmed Ms. [redacted] consumed several pills and alcohol. The videos showed Ms. [redacted] made suicidal statements. By Procedural Order 2-13-4A2 and in accordance with state statute 43-1-10, Officer J detained Ms. [redacted] to take her for an emergency evaluation. The lapel videos showed Ms. [redacted] constantly wanted a beer and cigarettes despite the medical concerns of adding such substances to what she already took. Ms. [redacted] did not like officers telling her "no." Officer S explained valid safety concerns for all parties about Ms. [redacted] going to the bathroom, which Officer J respected and compromised by having the female paramedic accompany Ms. [redacted]. The lapel videos showed from the time Ms. [redacted] said she needed to use the restroom to the time she was able to use the restroom was approximately eleven minutes. The total call was about forty-eight minutes. The lapel videos showed Ms. [redacted] refused to go to the hospital more than once. Once the ambulance arrived, the time for delay had passed since Ms. [redacted] had consumed pills and other substances such as alcohol so her medical condition as well as mental health needed assessment.

The CPOA finds Officer J's conduct to be **Exonerated**, as the investigation determined that the alleged conduct occurred, but did not violate APD policies, procedures or training.

Your complaint and these findings are made part of Officer S' and Officer J's Internal Affairs records.

**You have the right to appeal this decision.**

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.

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/iro/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, 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*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #195-15**

Dear Mrs.

Our office received the complaint you filed on October 10, 2015 against the Albuquerque Police Department (APD) regarding an incident that occurred on July 15, 2015. Your complaint contained allegations of criminal misconduct by Officer D.S. Because of those allegations, the CPOA was prohibited from investigating your complaint as the CPOA has no authority to conduct criminal investigations. Your complaint was forwarded to the APD Internal Affairs Commander on December 7, 2015. The IA Commander assigned your complaint to an APD Internal Affairs (IA) Investigator. The IA Investigator conducted an Administrative Investigation into your complaint while an APD Criminal Investigator conducted a preliminary criminal investigation into your complaint. The APD criminal investigation determined that the officer D.S. was misidentified by Mrs.                      and was not investigated for criminal misconduct.

PO Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

The CPOA thoroughly and impartially reviewed the Internal Affairs Administrative Investigation of your 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 Albuquerque Police Department Internal Affairs investigation, and findings.

## I. THE COMPLAINT

On July 13, 2015, Mrs. called police to her residence in reference to a domestic violence call. Mrs. placed the call around 11:13 p.m. with the Albuquerque Police dispatch. She stated that her husband, just walked into the house and there is a restraining order against him. She told dispatch that she has been allowing to stay with her. She advised dispatch that has mental issues and he was hearing voices and her 2-year old child was inside the house with . She told dispatch that locked her out of the house and he assaulted her. She also said has been taking METH and his mental health issues have gotten worse. When Officers arrived on scene, Mrs. advised the officers on scene that she had been using METH as well. Mrs. told officers that she was fighting with over a laptop computer and slammed her fingers in the door causing an injury to her finger. Mrs. gave Officers permission to enter her residence through a bedroom window. Once inside, Officers made contact with and made the decision to arrest him for Domestic Violence and Battery against a Household Member. Officers did not feel safe leaving the 2-year old child with Mrs. due to the statements she made about recently using METH. Officers called CYFD, and the child was placed into a 48 hour protective hold.

Mrs. emailed a typed complaint utilizing the online complaint form and submitted it to the Civilian Police Oversight Board, on October 10, 2015, nearly 4 months after the date of incident. She alleged that on July 15, 2015, she was locked out of her home by her husband during a disagreement. She stated that had a no contact order and need police to assist getting back into her home. She stated that would not open the door for police, so she gave them permission to enter the residence and open the door and remove . She stated that she had security footage of the officers entering her house. She was upset that Officers found 4 to 5 pipes inside her residence and she stated that she did not know what they were talking about. She was also upset that her son was placed on a 48 hold with CYFD because she could not find a relative to come pick up her child. She stated that two Officers spoke to her father over the phone and told him they would take his grandchildren if he did not drive to Albuquerque from Moriarty to pick up her son. was also upset because Officers searched her home. She stated that while officers made entry inside her home, she observed an officer going through and rummaging through her things without permission.

Mrs. stated after officers arrested her husband and left, an officer who she misidentifies as Officer S., was waiting outside her residence for CYFD to show up. She stated she had been waiting outside for two and a half hours, so she told the officer she was going back into her residence. She stated he grabs her in a violent manner, threw her into the back of a car, and took her cell phone. She stated he left her in the back of a car for two hours and deleted all the video she had of the officer's misconduct. She stated later officers did let her back into her house. She stated she was getting a bag ready for her son and noticed 2 packages of pull up diapers missing. She said when she asked about the missing diapers, the



same officer ripped the bag out of her hands and walked out the door. She followed behind him and told him, "You can't do that, this is robbery." She stated that she does not know why her kids were taken from her. She also said that officers told her they found 5 METH pips all over the home. Mrs. said that was not true and explained what they found was an incense burner in the bedroom and the officers should not have been in the bedroom in the first place. She stated that her civil rights were violated as well as her children's rights. She is filing a suit for misconduct. Mrs. requested this matter be investigated.

The Internal Affairs Investigator reviewed the only lapel video that was available due to the time delay from when the complaint was received with the CPOA and from when they turned the case over to Internal Affairs. The Investigator was able to determine the only officers needed to be interviewed will be Officer L., Officer D. and Officer P. It should be noted that a supervisor was notified of the incident and was on scene for the duration of the call.

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

The Executive Director of the CPOA reviewed the investigation conducted by the Internal Affairs Investigator, which included a review of the applicable SOPs, the Citizen Police Complaint, Albuquerque Police Report, Computer Assisted Dispatch (CAD) report, Officer L.'s lapel video and the interviews with Officer L., Officer D., Officer P. and Children, Youth and Family's Department Investigator. Several attempts were made to reach Mrs. for an interview, but were unsuccessful.

A) The CPOA reviewed Standard Operating Procedure Order 1-04-1(A) regarding Officer L.'s conduct, which states:

***Personnel shall obey all law, rules and regulations, and to the best of their abilities, protect the rights of the people as provided in the Constitution of the United States.***

Officer L. handled this call in a professional manner. After reviewing all the lapel video, Officer L. followed SOP with conducting a domestic violence investigation. Based on her judgment and the information given to her, she made the decision to arrest Mr. for battery against a household member. She ran her lapel video as directed. She did ask Mrs. to fill out a domestic violence statement which Mrs. refused. Officer L. requested a Field Investigator to photograph the visible injuries. When the Field Investigator arrived on scene, Mrs. became agitated and refused to be photographed. Officer L. did not feel leaving a 2-year old child with Mrs. was a good idea due to possible drug paraphernalia being located inside the residence and the vehicle of Mrs. Officer L. placed a call to CYFD to place the child on a 48 hour hold. Mrs. is heard on lapel video giving officer's permission to enter her residence.

The lapel video does not show Officer L. erasing any video of officers on scene or threatening Mrs. 's father while speaking to him on the phone. This is confirmed by lapel video as

she was recording the entire telephone conversation. Officer L. then left and had no further involvement with Mrs. . Based on the statement provided by CYFD investigator who stated that she grabbed a pack of diapers for the 2-year old and a change of clothes, it is clear that no items were stolen. CYFD Investigator : stated once, Mrs. started to yell and accuse everyone of stealing from her, and Mrs. handed the bag to Officer P. to give back to Mrs.

The CPOA finds with regard to the allegation made by Mrs. about Officer L.'s conduct that the allegation was **UNFOUNDED**, which means the investigation determines, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

B) The CPOA reviewed Standard Operating Procedure Order 1-04-1(F) regarding Officer L.'s conduct, which states:

*Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Based on the lapel video that was reviewed and the statements made by case worker : of CYFD, all of the officers conducted themselves in a professional manner.

The CPOA finds with regard to the allegation made by Mrs. about Officer L.'s conduct that the allegation was **UNFOUNDED**, which means the investigation determines, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

### **III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER D.'S CONDUCT**

A) The CPOA reviewed Standard Operating Procedure 1-04-1(A) regarding Officer D.'s conduct, which states:

*Personnel shall obey all law, rules and regulations, and to the best of their abilities, protect the rights of the people as provided in the Constitution of the United States.*

Officer D. conducted himself in a professional manner. The lapel video of Officer L. was reviewed. Based on Officer L.'s video; Officer D. handled the call in a professional manner. Officer D. did record the incident by activating his lapel camera. Officer D. did upload his footage from the incident and marked as a 120 day deletion. He was not primary and was not required to tag his video under a case number. Due to the fact that the Civilian Police Oversight Agency held on to this case for an extended amount of time before sending to the Internal Affairs office, valuable time was lost and now Officer D.'s lapel video has been automatically purged from the system due to the time that passed since the complaint was filed by Mrs. . Based on the statement provided by the CYFD investigator, who stated that she grabbed a pack of diapers for the 2-year old and a change of clothes, it is clear that no

items were stolen. CYFD Investigator stated once Mrs. started to yell and accuse everyone of stealing from her and that she would be filing a lawsuit, Mrs. handed the bag to Officer P. to give back to Mrs.

The CPOA finds with regard to the allegation made by Mrs. about Officer D.'s conduct that the allegation was **UNFOUNDED**, which means the investigation determines, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

B) The CPOA reviewed Standard Operating Procedure Order 1-04-1(F) regarding Officer D.'s conduct, which states:

*Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Based on the lapel video that was reviewed and the statements made by CYFD case worker all of the officers conducted themselves in a professional manner.

The CPOA finds with regard to the allegation made by Mrs. about Officer D.'s conduct that the allegation was **UNFOUNDED**, which means the investigation determines, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

#### **IV. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER P.'S CONDUCT**

A) The CPOA reviewed Standard Operating Procedure 1-04-1(A) regarding Officer P.'s conduct, which states:

*Personnel shall obey all law, rules and regulations, and to the best of their abilities, protect the rights of the people as provided in the Constitution of the United States.*

Officer P. conducted himself in a professional manor. The lapel video of Officer L. was reviewed. Based on Officer L.'s video, Officer P. handled the call in a professional manner. Officer P. did record the incident by activating his lapel camera. Officer P. did upload his footage from the incident but it was deleted on November 17, 2015 due to it being the 120<sup>th</sup> day. He was not primary officer on scene and was not required to tag his video under a case number. Due to the fact the CPOA held on to this case for an extended amount of time before sending it to the Internal Affairs office, valuable time was lost and now Officer P.'s lapel video has been automatically purged from the system. Based on the statement provided by the CYFD investigator in which she stated she grabbed a pack of diapers for the 2-year old and a change of clothes, it is clear that no items were stolen.

Investigator [redacted] stated once Mrs. [redacted] started to yell and accuse everyone of stealing from her and that she would be filing a lawsuit, Mrs. [redacted] handed the bag to Officer P. to give back to Mrs. [redacted].

The CPOA finds with regard to the allegation made by Mrs. [redacted] about Officer P.'s conduct that the allegation was **UNFOUNDED**, which means the investigation determines, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

B) The CPOA reviewed Standard Operating Procedure Order 1-04-1(F) regarding Officer P.'s conduct, which states:

*Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Based on the lapel video that was reviewed and the statements made by CYFD case worker [redacted], all of the officers conducted themselves in a professional manner.

The CPOA finds with regard to the allegation made by Mrs. [redacted] about Officer P.'s conduct that the allegation was **UNFOUNDED**, which means the investigation determines, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

Your complaint and these findings are made part of Officer L.'s, Officer D.'s, and Officer P.'s Internal Affairs records.

**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque'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/iro/survey>.

Letter to Mrs. , CPC 195-15  
May 18, 2016  
Page 7

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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 197-15**

Dear Mr.

Our office received the complaint you filed on October 19, 2015 against Officers L. and S. of the Albuquerque Police Department (APD) regarding an incident that occurred on October 7, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

www.cabq.gov

### I. THE COMPLAINT

Mr.                    said that on October 7, 2015, he called Albuquerque Police Department (APD) and reported he was assaulted by a Greyhound bus driver, named Mr. L. He complained that when Officers L. and S. arrived they treated him poorly. He complained the officers did not arrest Mr. L., or do anything about the incident because it was a petty misdemeanor. He complained the officers didn't allow him to effect a citizen's arrest and stated it was not allowed in New Mexico, which he said is a lie. He complained the officers lied to him, again, when they told him they were both CIT officers.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Officer L.'s lapel videos, the CADs report, and interviews with the Complainant, Mr. L., and Officer L..

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-02-2(B)(1), which states:

*B. Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall:*

*1. Take appropriate action and render assistance in any instance coming to their attention whether on or off duty.*

Mr. [redacted] complained that Officer L. failed to arrest a male subject who allegedly assaulted Mr. [redacted] and would not allow Mr. [redacted] to make a citizen's arrest on the subject.

The interviews, lapel videos and CADS report revealed Mr. [redacted] called APD to report a bus driver punched him in the chest. The investigation revealed Officer L. responded to the call and interviewed the bus driver, Mr. L., while Officer S. contacted Mr. [redacted]. The investigation determined that Mr. [redacted] and Mr. L. had differing stories, wherein they both claimed to be victims of assault at the hands of the other. Additionally, the alleged petty misdemeanor assaults occurred outside the presence of officers so neither party could be summonsed for the alleged offense. Regarding Officer L. not allowing Mr. [redacted] to make a citizen's arrest; Officer L. could not recall Mr. [redacted] asking him if he could make a citizen's arrest.

The CPOA finds Officer L.'s conducted **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

B) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure 1-4-1 (F), which states:

*F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Mr. [redacted] complained Officer L. lied to him about being a CIT officer and treated him poorly.

The lapel videos showed Officer L. did not have any verbal exchanges with Mr. [REDACTED] but stood nearby while Officer S. contacted and spoke to Mr. [REDACTED], therefore Officer L. did not lie to Mr. [REDACTED] about being a CIT officer nor did he treat him poorly.

The CPOA finds Officer L.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

### **III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER S.'S CONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Officer S.'s lapel videos, the CADs report, and interviews with the Complainant, Mr. L., and Officer S.

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-02-2(B)(1), which states:

*B. Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall:*

*1. Take appropriate action and render assistance in any instance coming to their attention whether on or off duty.*

Mr. [REDACTED] complained that Officer S. failed to arrest a male subject who allegedly assaulted Mr. [REDACTED] and would not allow Mr. [REDACTED] to make a citizen's arrest on the subject.

The interviews, lapel videos and CADS report revealed Mr. [REDACTED] called APD to report a bus driver punched him in the chest. The investigation revealed Officer S. responded to the call and contacted Mr. [REDACTED], who gave Officer S. his side of the story. Mr. [REDACTED] told Officer S. he wanted the bus driver, Mr. L., arrested. The investigation determined that Mr. [REDACTED] and Mr. L. had differing stories, wherein they both claimed to be victims of assault at the hand of the other. Additionally, the alleged petty misdemeanor assaults occurred outside the presence of officers so neither party could be summonsed for the alleged offense. The lapel video showed Officer S. explained this to Mr. [REDACTED] who responded that if officers wouldn't arrest Mr. L. then he wanted to make a citizen's arrest. Officer S. told Mr. Hamilton he could not and Mr. [REDACTED] responded with, "Mother f [REDACTED]!" before picking up his cell phone and using it to call someone.

The CPOA finds Officer S.'s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.



B) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure 1-4-1 (F), which states:

*F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Mr. [REDACTED] complained Officer S. lied to him about being a CIT officer and treated him poorly.

The interviews revealed that Officer S. has been trained in CIT and is considered a CIT officer; therefore he did not lie to Mr. [REDACTED]. The lapel videos showed Officer S. was forthright when he spoke to Mr. [REDACTED] but he remained professional throughout his contact and did not treat Mr. [REDACTED] poorly despite Mr. [REDACTED] calling him and Officer L. "mother fuckers".

The CPOA finds Officer S.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

It should be noted that Mr. [REDACTED] contacted the CPOA Investigator on February 19, 2016 to request a copy of the officer's statements and when he was told the statements were confidential Mr. [REDACTED] told the CPOA Investigator to "eat a bag of d [REDACTED]" before hanging up on the Investigator.

Your complaint and these findings are made part of Officer L.'s and Officer S.'s Internal Affairs records.

**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque'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 you completing our client survey form at <http://www.cabq.gov/iro/survey>.

Letter to Mr. ; CPC 197-15  
May 18, 2016  
Page 5

Please contact me if you have any questions or concerns.

Sincerely,



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

CC: Albuquerque Police Department, Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #198-15**

Dear Mr.

Our office received the complaint you filed against Albuquerque Police Department (APD) Officer L. and Officer C. on October 20, 2015, regarding an incident that occurred on June 26, 2104. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on that same day. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. 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.

Below is a summary of the complaint, the CPOA's review of the investigation, and the CPOA's findings.

### **I. THE COMPLAINT**

Mr.            complained that on June 24, 2014 he went to the hospital and was diagnosed with a blood clot. On June 26, 2014 he went back to the hospital for a follow up, got frustrated and left. The UNM Hospital Emergency Room Doctor issued a Certificate of Evaluation/Mental Health pick up order for Mr.            Mr.            complained that 8 officers from APD showed up with rifles trying to pick him up. Mr.            contacted an Attorney who negotiated with APD and the officers eventually left his home. Mr.            complained that the APD response to his home was improper.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Complaint, the CPOA Investigator interview with Officer C., and the CPOA Investigator interview of Mr. . There was no lapel video to be reviewed because no one was arrested or detained. There is a police report on the matter and that was reviewed, but no lapel video was tagged because SOP does not require video to be tagged when no one is taken into custody. This incident occurred in mid-2014. Mr. did not complain until late-2015. Lapel video is only retained for 120 days and then it is purged if there is no case number attached to the video. Any video documentation of the interaction was long gone by the time Mr. filed his complaint.

A) The CPOA reviewed Standard Operating Procedure 2-13-04 (H) and (G) regarding Officer L.'s conduct, which state:

*Officers who are provided with a Certificate of Evaluation concerning subject, will attempt to verify the authenticity of the certificate by directly talking to the source in person or by calling the facility or doctor who issued the certificate.*

*In the event an officer determines that a person is suffering from mental illness or crisis but is not dangerous and would benefit from further crisis intervention...officers will utilize the Crisis Intervention Team (CIT) or the Crisis Outreach Support Team to assist in handling subjects requiring special consideration.*

Mr. complained that after a UNM Doctor issued a Certificate of Evaluation for him that the Albuquerque Police Department's response to his home was improper. Specifically, he was upset that the officers showed up with rifles and they attempted to take him into custody.

While Mr. may have been upset at the response, the investigation revealed that the response was within policy and that there was no Standard Operating Procedure violation.

In this case, Mr. had been diagnosed with an illness and he went back to the hospital for treatment two days after the diagnoses. Mr. became frustrated and left the hospital. UNM Doctor who had been treating Mr. , issued a Certificate of Evaluation for Mr. after he left. Doctor told the APD that Mr. had been diagnosed in the past as being bi-polar and that Mr. had access to firearms. The Doctor stated that Mr. had the key to where the firearms are stored in his home. The Doctor said that Mr. told the staff there that Mr. had thoughts of harming others. The Doctor went on to say that Mr. has expressed thoughts of suicide in the past and that Mr. had held a gun to himself in the past. The Doctor said that Mr. lived with other family members. Dr. requested that the firearms be removed from Mr. 's home and that Mr. be transported to UNM Mental Health Center. The staff had spoken with Mr. 's mother earlier and his mother told the staff that Mr. was asleep and that nothing was wrong with him.

The APD Real Time Crime Center (RTCC) went on to relay to officers that in 2013 Mr. [REDACTED] was taken to the hospital after he threatened suicide by gun. The report that the RTCC looked at stated that Mr. [REDACTED] had been diagnosed with depression and that he did put a loaded gun to his head.

The CADS report showed that there were four officers logged out at the call, not eight as Mr. [REDACTED] had alleged.

Officers arrived between 6:30 and 6:45 PM. At 6:55 PM, Mr. [REDACTED]'s mother advised that she wanted to talk to the doctor. At 7:06 PM, the Doctor refused to call Mr. [REDACTED]'s mother stating that Mr. [REDACTED]'s mother was part of the problem because she would not take the guns out of the house.

When the Certificate of Evaluation was issued by Dr. [REDACTED] it gave the authority to APD to respond to Mr. [REDACTED]'s home. Because of the information received by the officers about Mr. [REDACTED]'s behavior and his access to firearms, the response by APD was proper. Posting an officer in the back yard was proper to prevent the possible fleeing of an armed Mr. [REDACTED], had he decided to go out the back door. Mr. [REDACTED] never alleged that any of the officers ever pointed their rifles at him, only that they had rifles with them. Having a rifle for protection, does not require any use of force form or documentation by APD policy.

It should be noted that years ago, two APD officers were killed attempting to serve a Certificate of Evaluation on someone and because of that experience officers are more sensitive to situations such as these.

Officer L., who was the acting Supervisor at Mr. [REDACTED]'s home, assessed the situation after speaking with Mr. [REDACTED]'s mother and speaking some with Mr. [REDACTED], it did not appear that Mr. [REDACTED] was suicidal. Mr. [REDACTED]'s mother had assured the officers that everything was fine with her son. As is required by policy, Officer L. attempted to contact Dr. [REDACTED] to discuss the matter further, but Dr. [REDACTED] had gone home and could not be reached by phone. When Doctor [REDACTED] could not be reached and Officer L. correctly assessed that Mr. [REDACTED] was not an immediate danger to himself or others, the officers left the home as they should have.

The CPOA finds Officer L.'s conduct to be **Exonerated**, as the investigation determined by a preponderance of the evidence that the alleged conduct did occur, but it did not violate APD policies, procedures, or training.

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

A) The CPOA reviewed Standard Operating Procedure 1-04-1 (F) regarding Officer C.'s conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.*

Mr.        said in his verbal statement to the CPOA Investigator that the officer who was in his back yard was the one who irritated him the most. He said that the officer's actions would have agitated him if he wanted to harm himself or someone else. Mr.       , said that the officer in the back yard, later identified as Officer C., repeatedly knocked on the back door. Mr.        found that to be very irritating.

Officer C. admitted that he did knock on the back door repeatedly but he was trying to get Mr.        to respond to the officers repeated requests for him to come out of the house. While Mr.        may have found the repeated knocking annoying, it is not against Standard Operating Procedure to knock on someone's door to elicit their response.

The CPOA finds Officer C.'s conduct to be **Exonerated**, as the investigation determined by a preponderance of the evidence that the alleged conduct did occur, but it did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Officer L.'s and Officer C.'s Internal Affairs records.

You have the right to appeal this decision.

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.
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/iro/survey> .

Letter to Mr. ; CPC 198-15  
May 18, 2016  
Page 5

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, Esq.  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #204-15**

Dear Ms. Quiles:

Our office received the complaint you filed against Officer B. of the Albuquerque Police Department (APD) on October 15, 2015, regarding an incident that occurred on August 13, 2015. Your complaint contained allegations of criminal misconduct by Officer B.. Because of those allegations, the CPOA was prohibited from investigating your complaint as the CPOA has no authority to conduct criminal investigations. Your complaint was forwarded to the APD Internal Affairs Commander on October 15, 2015. The IA Commander assigned your complaint to an APD Internal Affairs (IA) Investigator. The IA Investigator conducted an Administrative Investigation into your complaint while an APD Criminal Investigator conducted a preliminary criminal investigation into your complaint. The APD criminal investigation determined that there was no criminal misconduct by Officer B.. The CPOA thoroughly and impartially reviewed the Internal Affairs Administrative Investigation of your complaint.

PO Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

Upon completion of the review 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.

Below is a summary of the complaint, the CPOA's review of the investigation, and the CPOA's findings.



## I. THE COMPLAINT

Ms. [REDACTED] alleged that while she was sitting in a church parking lot that Officer B. approached her in an angry manner while putting on rubber gloves. Officer B. allegedly ejected Ms. [REDACTED] from her car and then conducted an illegal search. Ms. [REDACTED] alleged that while Officer B. was handcuffing her, Officer B. put his knee on her neck and spine causing her to pass out. Ms. [REDACTED] alleged that the handcuffs were put on too tightly causing a loss of circulation to her hands. Ms. [REDACTED] further alleged that after her arrest Officer B. touched her inappropriately while allegedly searching her for a liquor bottle. Ms. [REDACTED] alleged that while she was in the police car, Officer B. put a sack over her head which caused her to pass out. Ms. [REDACTED] believed that she was detained in the police car for over four hours as she lapsed in and out of consciousness. Ms. [REDACTED] gave her written and verbal statements to CPOA Investigator Erin O'Neil on October 15, 2015. It was during those statements that Ms. [REDACTED] alleged that Officer B. had sexually assaulted her.

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

The Executive Director of the CPOA reviewed the investigation conducted by the IA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Computer Assisted Dispatch (CAD) report, the police report, the CPOA Investigator interview with Ms. [REDACTED], and Officer B. and Officer T's lapel camera videos.

A) The CPOA reviewed Standard Operating Procedure 1-04-1 (A) and (E) regarding Officer B.'s conduct, which states:

***Personnel shall obey all laws, rules and regulations, and to the best of their abilities, protect the rights of the people as provided in the Constitution of the United States. Personnel shall not commit or omit any acts which constitute a violation of any rules, regulations directives or orders of the department.***

A review of the investigation showed that Officer T. was dispatched to the church parking lot because Ms. [REDACTED] had allegedly been driving her car in the parking lot in a reckless manner. The caller believed that Ms. [REDACTED] was possibly intoxicated based on Ms. [REDACTED]'s actions described by the caller to the APD dispatcher. The lapel video showed that when Officer T. arrived, Ms. [REDACTED]'s car was illegally parked across two handicapped parking spaces. The lapel video showed Officer T. approach the car and make contact with Ms. [REDACTED]. The video showed that Officer T. was not wearing any gloves and Officer T.'s demeanor was calm. The video showed that Ms. [REDACTED] repeatedly ignored Officer T.'s directives while she pretended to be talking to someone on her cell phone. Officer T. commented on the odor of alcohol emanating from the car. Ms. [REDACTED] was the sole occupant of the car and she was seated in the driver's seat. After a brief contact, Officer T. returned to his police car and requested a DWI officer.

The lapel video showed that Officer B. arrived and questioned Ms. . Officer B. also commented on the odor of alcohol emanating from the car. Officer B. directed Ms. numerous times to exit the car so she could perform sobriety tests. Ms. refused to get out of the car. Officer B. then grabbed Ms. ( ) by the arm and wrist and pulled Ms. Quiles from the car to the ground. Officer T. assisted Officer B. in getting Ms. out of the car and Officer T. assisted Officer B. in getting Ms. handcuffed. Ms. resisted the officer's attempts to get Ms. , handcuffed. During the handcuffing procedure, the video showed that Officer B. did place a knee on Ms. 's lower back. Officer B.'s knee was nowhere near Ms. 's neck and the video showed that Ms. never lost consciousness. The lapel video showed Officer B. search Ms. 's pockets and he noted that her pants were wet. Officer B. emptied the contents of the pockets into a personal belongings bag. The video showed Officer B. did not touch Ms. 's genital area and he never cupped Ms. 's genital area as Ms. alleged in her complaints. The lapel video continued from the scene of the arrest to the Prisoner Transport Center (PTC) where Ms. was booked. The trip was seven miles and took 12 minutes. The lapel video was continuous and uninterrupted. The lapel video showed that Officer B. never stopped his car and there was never a search conducted for a hidden liquor bottle as was alleged by Ms. . Furthermore the lapel video showed that Ms. never had a bag placed over her head or that she ever lost consciousness.

The CPOA finds Officer B.'s conduct to be **UNFOUNDED**, where the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

The CPOA finds Officer T.'s conduct to be **UNFOUNDED**, where the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

B) The CPOA reviewed Standard Operating Procedure 2-52-3 (A) regarding Officer B.'s conduct, which states in part:

*Officers may use force when objectively reasonable based on a totality of the circumstances. The objectives for which force may be appropriate include:*

*To effect a lawful arrest or detention of a person  
To gain control of a combative prisoner*

Ms. complained that Officer B. ejected Ms. from her car and while handcuffing her, Officer B. put his knee on her neck and spine causing her to pass out. Ms. alleged that the handcuffs were put on too tightly causing a loss of circulation to her hands.

The lapel video showed that probable cause existed to arrest Ms. ; for DWI. Officer B. directed Ms. numerous times to exit the car so she could perform sobriety tests. Ms. refused to get out of the car. The lapel video showed that Officer B. then grabbed Ms. by the arm and wrist and pulled Ms. from the car to the ground. Officer T. assisted Officer B. in getting Ms. ; out of the car and Officer T. assisted Officer B. in getting Ms. handcuffed. Ms. resisted the officer's attempts to get Ms. .

handcuffed. During the handcuffing procedure, the video showed that Officer B. did place a knee on Ms. 's lower back. Officer B.'s knee was nowhere near Ms. 's neck and the video showed that Ms. never lost consciousness. The video showed that the handcuffs were properly applied. The video showed that only a minimal use of force was used to remove Ms. from the car and to get her handcuffed. That minimal use of force was justified.

The CPOA finds Officer B.'s conduct to be **EXONERATED**, where the investigation determined by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

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

C) The CPOA reviewed Standard Operating Procedure 1-02-2 (B) 2 regarding Officer B.'s conduct, which states in part:

*Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall:*

*2. Make only those arrests, searches, and seizures which they know or should know are legal and in accordance with departmental procedures.*

Ms. alleged that after her arrest, she was illegally searched. The lapel video showed that probable cause existed to arrest Ms. . The lapel video showed that after her arrest, Ms. 's pants pockets were searched, incident to the arrest, and the contents of the pockets were reviewed and then placed in a personal property bag. The lapel video showed that several receipts from various liquor establishments were in Ms. 's pants pockets. The search of the pants pockets was incident to arrest and lawful.

The CPOA finds Officer B.'s conduct to be **EXONERATED**, where the investigation determined by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

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

Your complaint and these findings are made part of Officer B.'s Internal Affairs records.

**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque'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/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #206-15**

Dear Mr.

Our office received the complaint you filed against Albuquerque Police Department (APD) Officers H. on October 23, 2015, regarding an incident that occurred on January 7, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on October 28, 2015. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

PO Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

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.

Below is a summary of the complaint, the CPOA's review of the investigation, and the CPOA's findings.

### I. THE COMPLAINT

On January 9, 2014 at about 1:20 PM, Mr. \_\_\_\_\_ was arrested by members of the Albuquerque Police Department. Immediately prior to his arrest, Mr. \_\_\_\_\_ had sold fake drugs which he had purported to be real drugs to Officer H. who was working in an undercover capacity. Another undercover officer, Officer S., was present in the vehicle when Mr. \_\_\_\_\_ sold the fake drugs to Officer H. Immediately after Mr. \_\_\_\_\_ sold the fake drugs to the undercover officers, he turned and ran away, but was apprehended a short time later by uniformed APD Officers.

Just a few days prior to that happening, Officer H. was working in an undercover capacity and he picked up a prostitute who propositioned him with sex in exchange for money. The prostitute was arrested at that time. In an effort to avoid criminal charges, the prostitute offered to arrange an undercover drug buy with one of her drug suppliers. The prostitute phoned Mr. who agreed to meet the prostitute and Officer H.. Officer H. was posing as a customer of the prostitute and Mr. was told by the prostitute that Officer H. was one of her customers and that he wanted to purchase cocaine.

The prostitute, Officer H., and Mr. went to an apartment at 3100 Jane place and Mr. told Officer H. where to park. Officer H. watched Mr. go into an apartment and then Mr. returned to the car where Mr. showed Officer H. several rocks of crack cocaine and Mr. asked Officer H. how many he wanted. Officer H. told Mr. that he wanted to try it out first so he only wanted to purchase one rock of crack cocaine. Officer H. purchased one rock of crack cocaine from Mr. at that time for \$20.00. After the buy, Mr. gave Officer H. his phone number so that Officer H. could purchase more drugs from him in the future. Mr. was given a ride to the area of Louisiana and Lomas and the prostitute was released without any criminal charges. The rock of crack cocaine that was sold to Officer H. field tested positive for cocaine.

On the 9<sup>th</sup> of January, 2014, Mr. , agreed over the phone to sell Officer H. more drugs. Mr. told Officer H. that he had ten ecstasy pills for sale for ten dollars each but if Officer H. bought all of the pills he could have them for five dollars each. In addition Mr. agreed to sell Officer H. a rock of crack cocaine for twenty dollars. Mr. agreed to meet Officer H. in the parking lot of 5455 Gibson SE so the drug sale could take place. Prior to meeting Mr. a uniform arrest team was briefed on the details of the operation and after the drug purchase the uniformed officer would be called in to make the arrest.

Mr. showed up in the parking lot and walked to the driver door of the undercover vehicle. Officer S. was passenger in the undercover vehicle. Mr. was given \$70.00 for the drugs and Mr. gave Officer H. a plastic baggie that held ten heart designed shaped pills and one off-white rock shaped substance. As Mr. walked away, the arrest signal was given and the uniformed officers moved in. Mr. fled from the officers and ran to a nearby apartment complex where he was later apprehended. The officers who arrested Mr. found the same \$70.00 on Mr. that Officer H. had given him for the drugs. At the substation, the pills and the rock like substance was tested and they tested negative, which meant that Mr. sold the undercover officer fake drugs. That action is against the law.

At the substation, Mr. was not immediately charged with the crime because he agreed to work as a confidential informant for Officer H. in exchange for no charges being filed against him. Mr. was released shortly after that but he did not follow through on his promise to work as a confidential informant. When Officer H. could not locate Mr. , the case was turned over to the office of the District Attorney for prosecution. The

District Attorney did prosecute the case. Warrants were issued for Mr. [redacted]'s arrest and he was eventually arrested on the charges. He went to trial before a Jury on July 10, 2015; one year and six months after he sold the fake drugs to Officer H. The Jury found Mr. [redacted] Guilty. The Judge sentenced him to 18 months in prison, but suspended 15 months of that. He also got a one year of parole and 15 months of supervised probation. Mr. [redacted] reported to prison on September 23, 2015. He filed his complaint against Officer H. one month later on October 23, 2015.

Mr. [redacted] wrote his complaint out to make it sound like the prostitute was present when he was arrested. He wrote that the prostitute contacted him and asked him if he could get her some crack and some ecstasy for one of her johns (Officer H.). Mr. [redacted] wrote that the prostitute owed him several hundred dollars so this was an opportunity for him to make some of the money back that she owed him. He decided to sell the undercover officer, the john, soap and aspirin. Mr. H. wrote that as soon as he met with Officer H. that about ten police officers started coming for him. He wrote that he ran only about 100 feet and was detained and transported to the SE substation. There, he claims, he was held for four hours with his hands handcuffed behind his back. He asked if the handcuffs could be taken off because he had a dislocated shoulder and Officer H. refused to take them off. Mr. [redacted] alleged that he made Officer H. look like an idiot in front of his co-workers. Mr. [redacted] alleged that he was in so much pain and he asked if he could use the restroom but the officer wouldn't allow him to and so he urinated and defecated on himself. He wrote that he was interrogated about his family, friends, where he grew up and about who he knew. He was asked where he gets his drugs from. Mr. [redacted] wrote that he was asked by a uniformed officer if he knew that Officer H. was an undercover officer and he told the uniform officer that he was pretty sure that he was and everyone started laughing. When the officers found out that the drugs were fake they laughed at Officer H. some more. Officer H. refused to allow Mr. [redacted] to go to the bathroom and Mr. [redacted] asked if he could get his attorney on the phone. Officer H. refused that request also. Mr. [redacted] was humiliated and started to cry. Mr. [redacted] wrote that he thought that they were going to take him out to the West Side and kill him and bury him. Officer H. joked that it smelled like "s\*\*\*" and everyone laughed at him. Officer H. then allegedly took Mr. [redacted] outside and told him that he was to call him over the weekend so he could "set some people up". He was then released from custody. Mr. [redacted] later found out from the prostitute that she had been arrested by Officer H. but that instead of her being charged and taken to jail she was working off the charges by setting some people up, one of them being Mr. [redacted]

Mr. [redacted] went on to allege that Officer H. had pulled over several friend of Mr. [redacted]'s and that he harassed and searched his friends. Allegedly, Officer H. told these "friends" that Mr. [redacted] was "a rat." After that, he was with his grandson at a convenience store at Yale and Gibson. Two former friends told him that they knew he was a "cop" and a "confidential informant" and when he told the former friends that they were crazy, a shot was fired at Mr. [redacted]. Mr. [redacted] did not give any witness names in his complaint to all of these things that allegedly happened to him and his friends. Seven months passed and Mr. [redacted] was arrested on a misdemeanor warrant for evading arrest. The warrant was allegedly for when Mr. [redacted] ran the hundred feet after selling the fake drugs to Officer H. Mr. [redacted]

alleged that he tried to bond out but Officer H. made it hard for him to do so and he had to stay in jail a lot longer than he should have.

Mr. wrote that since his arrest, the fake drugs were never tested in a lab and that he was not taken to trial in a speedy manner. He believes that Officer H. influenced that District Attorney, the Jail, and the Judge. He felt victimized by the Metropolitan Detention Center, Judge Whitaker, the District Attorney, and especially Officer H. Mr. feels that all of this happened over a simple piece of soap and some aspirin.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Complaint, the CPOA Investigator interviews with Officer H. and Officer S., a review of the Computer Assisted Dispatch Report, and a review of the police report. Mr. 's court records and prison records were also reviewed. There were no lapel camera recordings as this incident occurred in January of 2014 and lapel cameras were just being instituted at that time. Officer H. would not have been required to record his encounter with Mr. as he was working in an undercover capacity and the policy at the time did not require the use of a lapel camera. Mr. was not interviewed. Mr. refused to speak with the CPOA Investigator about his complaint.

- A) The CPOA reviewed Officer H.'s conduct concerning Albuquerque Police Department General Order 1-04-4 N which states :

*Personnel will not act officiously or permit personal feelings, animosities, or friendship to influence their decisions.*

Mr. alleged that Officer H. influenced the jail to keep him in custody longer, that Officer H. had influenced the District Attorney and that he had influenced the courts as well. Mr. alleged that Officer H. had stopped Mr. 's friends and told the friends that Mr. was a "rat". Mr. said that he was shot at at the 7-11 located at 1010 Yale by some of these friends because he had been labeled a "rat".

Mr. refused to participate in this investigation other than his filing of the complaint. Mr. did not list any of his "friend's" names who could have supported his version of events.

The CPOA Investigator checked calls for service from the date of Mr. 's arrest which was on January 9, 2014 to the date of his trial. The alleged shot being fired was sometime after Mr. had picked up his grandson from school. There was no report of shots fired at that location during that six month period.



The investigation showed that when Mr. [REDACTED] failed to uphold his end of the agreement to work as a Confidential Informant, Officer H. turned the case over to the District Attorney. It was the District Attorney who chose to prosecute the case. There is no evidence to prove or even suggest that Officer H. influenced the DA in any way. Furthermore, Officer H. had nothing to do with Mr. [REDACTED] bond amounts or his being released from jail. In fact, Officer H. is a uniformed police officer who was on a temporary assignment when Mr. [REDACTED] sold cocaine to Officer H. the first time, and fake drugs to him the second time.

As far as the allegation that Officer H. influenced the Court, that simply is not true. The fact is that Officer H. didn't even testify at Mr. [REDACTED]'s trial.

Mr. [REDACTED]'s complaint contains erroneous and convoluted facts. Mr. [REDACTED]'s credibility and motivation is questionable. Mr. [REDACTED] had months after his alleged bad treatment to file a complaint with this agency. In fact, 22 months elapsed between the time he was arrested and the time he filed the complaint. Mr. [REDACTED] filed the complaint one month after being sent to prison for his crime. Throughout the investigation there was not one bit of evidence that could be located that supported Mr. [REDACTED]'s version of events. Even when he claimed he only ran 100 feet from the police before his arrest, the evidence showed he ran 2200 feet or .38 miles from where he sold the fake drugs to Officer H. and Officer S. The evidence showed there was no prostitute in the car at the time of the sale as Mr. [REDACTED] alleged. The evidence showed Mr. [REDACTED] was not in custody for four hours as he alleged. He was in custody for one hour and thirty nine minutes (1:39). Mr. [REDACTED] simply cannot be believed.

The CPOA finds Officer H.'s conduct to be **UNFOUNDED**, as the investigation determined by clear and convincing evidence that that the alleged misconduct did not occur.

- B) The CPOA reviewed Officer H.'s conduct concerning Albuquerque Police Department Procedural Order 2-14-2 O i which states:

*(At a substation) The prisoner will be secured (handcuffed) to a fixed object specifically designed for this purpose in such a manner that maximizes the comfort of the prisoner.*

Mr. [REDACTED] alleged that he was handcuffed behind his back for almost four hours. That simply is not true. The evidence showed that he was in custody for one hour and thirty nine minutes and he was only handcuffed behind his back when he was in the police car being transported to the substation. At the substation he was handcuffed to the prisoner bench by one hand which is policy.

The CPOA finds Officer H.'s conduct to be **UNFOUNDED**, as the investigation determined by clear and convincing evidence that that the alleged misconduct did not occur.

- C) The CPOA reviewed Officer H.'s conduct concerning Albuquerque Police Department Procedural Order 2-14-2 O iv which states:

*Prisoners are to be provided access to water, restrooms, or any other justifiable need.*

Mr. painted a picture in his written complaint about his being detained for four hours and being in pain. He complained that he asked to go to the bathroom and when his request was refused he soiled himself. He said that the officers commented on him doing that. The evidence showed that Mr. was not held for hours. He never complained of being in pain. He never asked to go to the bathroom. Officer H. was less than an arm length away from Mr. the entire time Mr. was being interviewed and he never smelled any odor of excrement coming from Mr.

I recommend a finding of **UNFOUNDED**, as the investigation determined by clear and convincing evidence that that the alleged misconduct did not occur.

Your complaint and these findings are made part of Officer H.'s, Internal Affairs record.

**You have the right to appeal this decision.**

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.
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/iro/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, Esq.  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

Re: **CPC #209-15**

Dear Ms.

Our office received the complaint you filed on October 30, 2015 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on October 28, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on November 4, 2015. 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

New Mexico 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.

www.cabq.gov

### I. THE COMPLAINT AND INVESTIGATION

Ms. [redacted] has had ongoing problems with her mother, [redacted]. Officers responded in the afternoon of October 28, 2015 to conflicts between Ms. [redacted] and her mother, but Ms. C. [redacted] left the scene before officers arrived. Ms. [redacted] recorded some of her mother's actions from earlier in the day. Ms. [redacted]'s mother returned later in the evening and Ms. [redacted] called police. Officer H and Sgt. J arrived to Ms. [redacted]'s second call for service.

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 computer aided dispatch reports (CADs), the citizen interview, the citizen's video, the officer interview, and the officer's lapel videos.

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

A) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Officer H's conduct, which states:

*Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Ms. claimed Officer H was dismissive, intimidating, and had an egotistical attitude. Ms. claimed Officer H acted as if he wanted to arrest her or her friend for no reason. Officer H accused Ms. of threatening him, which she did not do, just to be an "asshole." He abused his authority in the manner that he looked at her. Ms. stated she asked for a restraining order packet and Officer H ignored her. Ms. stated Officer H treated her as if she was lying.

The video showed Ms. and her friend spoke at the same time. The video showed Officer H tried to get information and straight answers, but neither Ms. nor her friend answered the officer's questions. The video showed Officer H never accused Ms. of threatening him. The video showed Ms. did not ask for a restraining order packet. The video showed Officer H was professional and did not indicate he did not believe her. Ms.'s friend could not be interviewed because Ms. did not provide contact information, the number on the report was disconnected, and there was full video by the officer.

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

B) The CPOA reviewed Standard Operating Procedural Order 2-24-A5a, b & e regarding Officer H's conduct, which states:

*Steps to be followed in conducting preliminary investigations that may include but are not limited to a. Observe all conditions, events, and remarks. b. Locate, identify, and interview witnesses, victims, and suspect & e. Effect the arrest of the suspect.*

Ms. complained that Officer H refused to listen to her or review the video she had as evidence of her mother's actions. Ms. stated Officer H charged her mother with a lesser charge because he would not listen to her or review the damages that her mother caused. Officer H indicated he was not going to do anything.

The lapel video showed Officer H tried to get information from Ms. and her friend, but they were not cooperative. The lapel video showed Ms. was unfocused and

impatient when talking with Officer H. She seemed frustrated that Officer H did not automatically know all of what occurred earlier. Officer H spoke to neighbors to get information about the situation. The lapel video showed Officer H asked Ms. to show him the video and she specifically refused to show him. Since Ms. shared the video with the CPOA Investigator, it was reviewed. The video Ms. shared was only twenty-three seconds long and did not show criminal activity committed by her mother. Officer H arrested Ms.'s mother with the information he had of the current incident. It was reasonable for Officer H to believe the officer from the earlier call resolved whatever issues Ms. brought up at that time. Officer H's responsibility was to deal with the current situation since Officer H could see the earlier call cleared with a report, but he could not see the report. The officer from the earlier incident retired and could not be questioned as to what his actions and decisions were. There was a case number from the earlier call, but no content in the system for a report. The lapel video showed Officer H conducted an investigation and took appropriate action based on what he was presented.

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

C) The CPOA reviewed Standard Operating General Order 1-3-3A3 regarding Officer H's conduct, which states:

*Department personnel will provide the same level of police service to every citizen regardless of their race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.*

Ms. claimed Officer H treated her as a second-class citizen. She believed he treated her as "scum" because in New Mexico many Hispanic individuals hate Caucasian people, such as herself. Ms. based her opinion on the "hateful" look in his eye.

The video showed no indication of bias by Officer H. Ms. did not make any indications her displeasure with Officer H was due to a racial bias.

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

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

You have the right to appeal this decision.

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.
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.

# CITY OF ALBUQUERQUE



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*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

### Re: CPC# 211-15

A complaint was filed against the Albuquerque Police Department (APD) and was received in our office on November 6, 2015 regarding an alleged incident that occurred on November 2, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate the Complaint. The Administrative Office of the CPOA investigated the complaint. The CPOA made a finding, based on the information anonymously provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

PO Box 1293

Albuquerque

Below is a summary of the complaint, the CPOA's investigation and findings.

New Mexico 87103

### I. THE COMPLAINT

The complaint stated that between approximately 4:30pm and 6:30pm a cop said he was booking a man that was harassing the complainant in front of the library downtown. The complaint stated the officer never booked the man.

www.cabq.gov

### II. INVESTIGATION

The CPOA Investigator reviewed the complaint and attempted to obtain more information. The Investigator contacted the dispatch center to obtain a Computer Aided Dispatch Report. The Investigator could only find a dispatch call for service around the area the complainant had mentioned when referring to the downtown library. That report showed a disturbance call in which it was reported subjects had left the scene. The extent of the dispatch was 15 seconds long. The complainant, listed as Desiree Snyder, left no phone number, no email address and only a partial mailing address.

Letter to Ms.  
May 18, 2016  
Page 2

CPC 211-15

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** this complaint lack of information in the complaint.

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

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/iro/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 CPOA  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 214-15**

Dear Mr.

Our office received the complaint you filed on November 4, 2015 against Officer G. of the Albuquerque Police Department (APD) regarding an incident that occurred on September 24, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

Mr.        said he was contacted by Officer G. and Officer M. on September 24, 2015 after contacting APD regarding a possible stalking incident. He complained that during the investigation into the incident, Officer G. was rude and called Mr.        and his girlfriend, Ms. C., "fricking paranoid" and "crazy." Mr.        said he did not have any complaints against Officer M.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Officer M.'s and Officer G.'s lapel videos, Officer M.'s report, the CADs report, and interviews with the Complainant, Ms. T., and Officer M. and Officer G..



May 18, 2016

Page 2

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure 1-4-1 (F), which states:

*F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Mr. complained Officer G. was rude and called him and his girlfriend, Ms. C., “fricking paranoid” and “crazy.”

The interviews and lapel videos revealed Officer G. was not rude, but frank and forthright when he told Mr. that if he thinks he’s being followed, he should write down a license plate number and talk to a Detective. Mr. told Officer G. he was frustrated and Officer G. said Ms. T., the other driver, was just as frustrated because she was being followed by someone she doesn’t even know. Mr. said he found it hard to believe Ms. T. didn’t know him, to which Officer G. responded, “I think you might have other issues.” Mr. said, “Some of those other issues, I can definitely talk to the Detective (Detective M. of the FAST team) about” and Officer G. responded with “Yeah, how about paranoia?” before he walked away. The lapel video showed Officer G. did not call Mr. or Ms. C. “fricking” paranoid, nor did he say they were “crazy” as alleged in the complaint.

The CPOA finds Officer G.’s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

Your complaint and these findings are made part of Officer G.’s Internal Affairs records.

You have the right to appeal this decision. The Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of their respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

Please contact me if you have any questions or concerns.

Sincerely,



Edward W. Harness, Esq.  
Executive Director  
(505) 924-3370

CC: Albuquerque Police Department, Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 215-15**

Dear Ms.

Our office received the complaint you filed on November 11, 2015 against Officer T. of the Albuquerque Police Department (APD) regarding an incident that occurred on September 27, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://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**

Ms. \_\_\_\_\_ complained that on September 27, 2015, while investigating an alleged battery between her boyfriend, \_\_\_\_\_ and her ex-boyfriend, \_\_\_\_\_ Officer T. called her "a badge bunny jumping from police officer to police officer." Ms. \_\_\_\_\_ complained this comment led to the pending criminal charges against Mr. \_\_\_\_\_ Ms. \_\_\_\_\_ also complained that Officer T. prejudged Ms. \_\_\_\_\_ and Mr. \_\_\_\_\_ without meeting with Mr. \_\_\_\_\_ to hear his side of the story.

### **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER T.'S CONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Officer T.'s report and lapel videos, the CADs report, and interviews with the Complainant and Officer T.

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure 1-4-1 (F), which states:

*F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Ms. complained Officer T. referred to her as “a badge bunny jumping from police officer to police officer” and these hurtful and unprofessional comments caused criminal charges against her fiancé, . Ms. also complained that Officer T. prejudged Ms. and Mr. without meeting with Mr. to hear his side of the story.

Lapel videos and interviews were reviewed and revealed Officer T. responded to a battery call involving Ms. ex-boyfriend, and . Lapel videos showed Officer T. interviewed and obtained statements from both parties. The investigation revealed that when Mr. asked Officer T. what the likely outcome would be, Officer T. told him he had to review the evidence first before making a determination of who was the victim and who was the suspect but he would issue Mr. a summons for the incident. The investigation revealed Officer T. met with Mr. and did not prejudge Mr. or Ms. as alleged in Ms. complaint. Lapel videos showed that while interviewing Mr. , Officer T. said, in reference to Ms. “Is she kinda like one of those badge bunnies going from officer to officer type deal?” to which Mr. ; replied, “She’s trouble man.” The investigation revealed Officer T. learned the term “badge bunny” while in the academy to describe women who primarily date law enforcement officers and fire fighters. The investigation revealed Officer T.’s comment was made out of Ms. presence to a third party and had no bearing on the outcome of the investigation or the criminal complaint or charges against Mr. .

The CPOA finds Officer T.’s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Officer T.’s Internal Affairs records.

You have the right to appeal this decision. The Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of their respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

Letter to Ms.  
May 18, 2016  
Page 3

CPC 215-15

Please contact me if you have any questions or concerns.

Sincerely,



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

CC: Albuquerque Police Department, Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*        *Eric H. Cruz*        *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 216-15**

Dear Ms.

Our office received the complaint you filed on November 16, 2015 against Officer M. of the Albuquerque Police Department (APD) regarding an incident that occurred on November 13, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://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**

Ms.            said that on November 13, 2015, Officer M. responded to the Desert Hills Treatment Facility (DHTF) reference a battery on her six-year-old daughter, A., by a DHTF employee, named Ms. R. Ms.            complained that Officer M. failed to interview Ms. R. and did not arrest her. Ms.            complained Officer M. was unsympathetic towards A. and rolled his eyes when he spoke to her. She complained Officer M. did not call the Crimes Against Children Unit (CACU) or arrange for a safe house interview. She complained that Officer M. was rude to her when he asked, "Is she even in your custody?" She complained that when she asked for his name and badge number, Officer M. gave her the incorrect information and misspelled his name in an effort to conceal his true identity.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Officer M.'s report and lapel videos, the CADs report, and interviews with the Complainant and Officer M..

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-02-2(B)(1), which states:

*B. Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall:*

*1. Take appropriate action and render assistance in any instance coming to their attention whether on or off duty.*

Ms. ... complained that Officer M. failed to arrest Ms. R., an employee at Desert Hills Treatment Facility (DHTF), who allegedly battered Ms. ...'s six-year-old daughter, A.. She also complained Officer M. did not contact CACU or provide a safe house interview.

The interviews, lapel videos and CADS report revealed that on November 13, 2015, Officer M. responded to DHTF reference a battery and upon his arrival, contacted Supervisor B.. Officer M. learned that Ms. R. grabbed A.'s shoulder and pushed her to the ground causing injuries to her shoulder and was subsequently placed on administrative leave and not currently on scene. DHTF was not able to provide Officer M. with Ms. R.'s contact information so he was not able to interview her and/or determine whether there was probable cause to make an arrest. The investigation revealed that once Officer M. was able to interview Ms. R. he did not have probable cause to arrest her. The investigation revealed Officer M. contacted the on-call CACU detective who told him the incident did not rise to the level of a CACU call-out so a CACU detective did not respond and a safe house interview was not conducted.

The CPOA finds Officer M.'s conducted **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

B) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure 1-02-3 (A), which states:

*A. Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity, except:*

Ms. [REDACTED] complained Officer M. purposefully concealed his identity when he gave her the incorrect badge number and misspelled his name when she asked for the information.

The interviews and lapel videos revealed Ms. [REDACTED] asked Officer M. for his badge number and name as she was leaving DHTF. The video showed Officer M. asked Ms. [REDACTED] if she wanted his badge number or man number, to which she replied his badge number. Officer M. wrote down his badge number and his name on a piece of paper and gave it to Ms. [REDACTED]. The investigation revealed that Officer M.'s badge number and man number are different, as are all APD officer's badge and man numbers. The investigation revealed Officer M. gave Ms. [REDACTED] his badge number as requested. Ms. [REDACTED] provided the CPOA investigator with a copy of the handwritten note given to her from Officer M., which had his name and badge number on it, and said Officer M. misspelled his name to conceal his identity. The note revealed that Officer M. wrote the two "c's" and "o" in his name so close together they touched and could have been interpreted as two "u's"; however, the lapel video showed Officer M. introduced himself to Ms. [REDACTED] and A. so Ms. [REDACTED] and did not intentionally deceive Ms. [REDACTED].

The CPOA finds Officer M.'s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

C) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure 1-4-1 (F), which states:

*F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Ms. [REDACTED] complained Officer M. was rude to her when he asked if her child was even in her custody. She also complained Officer M. was unsympathetic towards her child and rolled his eyes at the child while speaking to her.

The lapel videos showed Officer M. asked Ms. [REDACTED] if her child was in her custody but did not do so in a rude or offensive manner. The lapel videos showed that while attempting to speak to Ms. [REDACTED]'s child, Officer M. bent down to her level and was kind in his approach to the child. The investigation revealed Officer M. did not roll his eyes at the child while speaking with her.

The CPOA finds Officer M.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

Your complaint and these findings are made part of Officer M.'s Internal Affairs records.

**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque'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 you completing our client survey form at <http://www.cabq.gov/iro/survey> .

Please contact me if you have any questions or concerns.

Sincerely,



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

CC: Albuquerque Police Department, Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

### Re: Citizen Police Complaint 220-15

Dear Mr.

Your complaint against Officer C. of the Albuquerque Police Department (APD) was received by our office on November 17, 2015 for an incident which occurred on June 4, 2015. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Assistant Lead Investigator and a preliminary investigation was conducted.

PO Box 1293

### I. THE COMPLAINT

Albuquerque

New Mexico 87103

www.cabq.gov

You wrote in your complaint that in late June 2015 you received a Criminal Summons and Complaint in the mail and that Complaint was filed in Metropolitan Court by APD Officer C. The complaint charged you with using the telephone to terrify, intimidate, threaten, harass, annoy or offend. You wrote in your complaint that you had nothing to do with the call to 911 that prompted the APD to respond to the place of your former employer. You alleged that Officer C. did not have probable cause to write a police report about you, much less file the charges against you, because Officer C. did not see any evidence or listen to any recordings that would have identified you as the harassing caller. You wrote in your complaint that you did meet with Officer C.'s Commander who was very helpful and you also met with Officer C.. Officer C. admitted to you and her Commander that she was only told about the evidence but that she did not personally listen to any of the recordings herself. You eventually plead guilty to the charge and were given a 6 month conditional plea wherein the charges would be dismissed if you met certain conditions. You alleged that Officer C.'s action of filing charges on you without probable cause was unacceptable.

### II. THE INVESTIGATION

In an effort to obtain more information concerning your complaint, a CPOA Investigator conducted a preliminary investigation. The investigator reviewed a recording of the 911 call that prompted the charges being filed against you. The Investigator reviewed the Computer Assisted Dispatch (CAD) report, and the police report which was filed by Officer C. The report indicated that a 911 call had come in from someone alleging that a woman at your

former place of employment was going to commit suicide there. A call from dispatch to the work location was made and everything was fine. Officer C. contacted the employees in the business and interviewed them. It was then that the employees told Officer C. that they believed the 911 call came from you and then they told the officer that you had called the business numerous times in the past and that your harassing phone calls had started to become a problem. Officer C. checked databases and found that APD CIT Officers had come out and spoke with you about the harassing phone calls and they offered you counseling services because you had been making harassing phone calls to the business. Officer C. wrote in the report that she tried to contact you by phone but only received your voicemail. The employees of your former employer told Officer C. that on that very same date they had received four calls from you even though you had been warned by the CIT officers not to contact the business. It was alleged that you told the employees that they were "garbage" and that all of the employees there are pieces of s\*\*\*. The employees said that your phone calls were annoying and offensive. Officer C. was provided a log that had been kept by the company that alleged that you called on June 3, 2015 twice and on June 4, 2015, you allegedly called 7 times. The last time you allegedly called the business was just before the anonymous 911 call, alleging that someone was going to commit suicide, was placed to APD.

The CPOA Investigator met with you in person on January 28, 2015. You provided the investigator with a recorded statement. You admitted that after you had been let go from the business that you were bitter and angry and that you had indeed placed harassing calls to the business before. You denied that you made the 911 call to APD or that you called the people in the business bad names. You said that the Commander was very helpful and that since your court date, you had been receiving counseling for anger management and that the counselling has been working and your life has improved. You said that you now have a steady job and that things are working out for you. You stated that you still felt that the officer needed more probable cause than what she had to charge you, but that you did not want the officer to get in any trouble. You said that you felt satisfied with what had occurred and that you believed that Officer C. would most likely handle similar situations in the future better. You requested to withdraw your complaint at that time. The CPOA Investigator told you that our Agency was willing to complete the investigation and that we were more than willing to follow through with your complaint. You told the investigator that you were satisfied with the action of our office thus far. You assured the investigator that you wanted to withdraw the complaint of your own free will and that no further action would be required by our office.

### III. CONCLUSION

We are pleased that things are working out for you and that you have chosen to put the incident behind you. Since you have requested to withdraw your complaint and since you indicated that you were satisfied with our response, I am administratively closing your complaint without further investigation.

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

Letter to Mr. CPC 220-15  
May 18, 2016  
Page 3

Please contact me if you have any questions or concerns.

Sincerely,



Ed Harness  
Executive Director  
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*        *Eric H. Cruz*        *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #227-15**

Dear Ms.

Our office received the complaint you filed on November 21, 2015 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on November 4, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on November 30, 2015. 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

New Mexico 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.

www.cabq.gov

### I. THE COMPLAINT AND INVESTIGATION

Ms. \_\_\_\_\_'s vehicle was stolen on September 30, 2015. Her vehicle was involved in a two-car collision on November 4, 2015 at Eubank and Montgomery. The occupants of Ms. \_\_\_\_\_'s car fled the scene. Officers responded and completed an accident report and the recovered stolen vehicle supplement to the original theft report. According to Ms. \_\_\_\_\_, a woman reached her roommate to inform Ms. \_\_\_\_\_ that her car was in an accident. Ms. \_\_\_\_\_ stated she did not know where her vehicle was taken or that she was incurring fees. Ms. \_\_\_\_\_ stated sometime later another person spoke to her roommate and said the vehicle was at Mak Towing, but that person never mentioned fees were accruing either. Ms. \_\_\_\_\_

stated the vehicle should have been towed to her residence instead of the tow lot, which was far from her residence.

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 citizen interview, and the officer interview.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER K'S CONDUCT**

A) The CPOA reviewed Standard Operating Procedural Order 2-48-2B2 & 3 regarding Officer K's conduct, which states:

*Vehicles will be towed when 2. The vehicle has been abandoned, vandalized, involved in an accident to the extent that it is inoperable, and/or is in violation of Section 8-5-2-4 or 7-5-3 of the City of Albuquerque Traffic Code and documented attempts to contact the owner have failed. 3. The vehicle is needed for evidence processing in hit and run or other criminal investigations.*

Officer K responded to the accident scene. Officer K completed the accident report and another officer completed the stolen vehicle recovery report. Officer K completed the tow-in report form and waited for the tow truck since Ms. could not be reached, the vehicle was in the middle of the road, and the vehicle needed to be processed by a field investigator.

Per SOP 2-48-2C1, wrecker services will be restricted to the wrecker on call so the distance the wrecker company was to Ms. was not considered. Who exactly spoke to Ms. 's roommate each time or what was said is unknown. Ms. 's roommate did not participate in the investigative process and Ms. did not have first-hand knowledge of the details. Even in cases of stolen vehicles, the individual is responsible for tow and storage fees, usually worked out with the insurance company. Since Ms. herself could not be reached, alternatives could not be discussed with her and by her own admission, the address on her registration was not current.

The CPOA finds Officer K's conduct to be **Exonerated** where the investigation determined the alleged conduct occurred, but did not violate APD policies, procedures or training.

Your complaint and these findings are made part of Officer K's Internal Affairs record.

**You have the right to appeal this decision.**

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.
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.

Letter to Ms. ; CPC 227-15  
May 18, 2016  
Page 3

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



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*

*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*

*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*

*Rev. Dr. David Z. Ring III*

Edward Harness, Esq., Executive Director

May 18, 2016

Via Email

**Re: CPC #228-15**

Dear Ms

Our office received the complaint you filed on November 23, 2015 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred during a date range, particularly in November of 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on November 30, 2015. 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 AND INVESTIGATION**

Ms. [redacted] filed the complaint primarily on behalf of her boyfriend, [redacted], but she too was affected since she was on the lease with Mr. [redacted]. Mr. [redacted] lived at the address on Espanola for years, but the problems with the neighbors started about 2014 when Mr. [redacted] became ill. Ms. [redacted] listed many things about what the neighbors have done to them and said about them. She was not sure when, but Detective M became involved in the neighborhood situation in late 2015. Most of her information about Detective M's involvement came from her landlord.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the complaint, police reports,

PO Box 1293

Albuquerque

New Mexico 87103

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computer aided dispatches (CADs), multiple emails, interviews of Ms. Mr.  
Ms. , Detective M and lapel videos from a specific incident on December 11, 2015.

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

A) The CPOA reviewed Standard Operating General Order 1-04-4N regarding Detective M's conduct, which states:

*Personnel will not act officiously or permit personal feelings, animosities, or friendship to influence their decisions.*

Ms. claimed Detective M had a bias against her and Mr. Ms. described an incident where her neighbor, Ms. called Detective M about a visiting friend of theirs. Ms. claimed Detective M hugged Ms. and then told their friend to leave. Ms. stated Detective M then exaggerated the situation to the landlord, Ms. Both Ms. and Mr. claimed Detective M demanded Ms. issue an eviction notice to Mr. Ms. claimed Detective M "hung out" in the neighborhood. Ms. told her that Detective M called and visited every week to demand that Ms. evict them. Ms. told them Detective M said they were under surveillance, believing the false statements of the neighbors. Ms. told them Detective M bullied her, Ms. and Mr. Mr. stated Detective M exaggerated the number of police calls he reported to Ms. Detective M also falsely claimed to Ms. he was involved in drug trafficking.

Ms. stated she received constant communication from the neighbors, not Detective M. Ms. stated Detective M did not demand an eviction notice be issued. Ms. did not feel Detective M abused his authority and she did not blame Detective M for anything. Ms. never heard from Detective M allegations about drug trafficking or other specific complaints. Ms. explained her purpose for telling Ms. that Detective M had called was to make the point that something had to change, not to complain about Detective M. Ms. never said Mr. or Ms. were under investigation. Ms. told Ms. individuals were watching in the hopes they understood they had to keep their actions in check, not to say they were part of some investigation. The specific incident Ms. referred to about their friend, Ms. heard from Ms. , not Detective M. The investigation showed Detective M did not respond to that incident, a different officer did. Neither Ms. nor Mr. witnessed the incident and their friend was unavailable for a statement as to what happened. Ms. offered no evidence that Detective M hung out in the neighborhood, but believed that he did. Ms. mentioned the possibility that a SUV she saw often belonged to Detective M, but it does not. Ms.'s belief that Detective M was biased against her and Mr. came from Ms. , but Ms. did not corroborate those statements. Most of the activities Ms. attributed to Detective M were the neighbors, which the CPOA has no jurisdiction to resolve a neighbor dispute.



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

B) The CPOA reviewed Standard Operating General Order 1-04-040 regarding Detective M's conduct, which states:

*In the performance of their duties, personnel shall maintain a neutral and detached attitude without indicating disinterest or that a matter is petty or insignificant.*

Ms. called Detective M to discuss the situation. She left messages, as did Mr. Detective M eventually called back and said he did not have time, but for them to call towards the end of the month and then he might have time. She filed the complaint instead.

There is not a specific SOP that addresses calling individuals back or setting up specific meetings. Detective M recalled talking to her when she called. According to Ms. , it was a couple of days before Detective M called. Ms. and Detective M differed on what was said during the call and the tone. Ms. claimed Detective M was dismissive with her, Detective M denied the allegation. There was no recording or independent witness as it was a phone call. This would be a reasonable length of time, but the tone and statements are in dispute.

The CPOA finds Detective M's conduct to be **Not Sustained** where the investigation is unable to determine whether the alleged misconduct occurred.

#### Additional Issues

1. Ms. claimed all officers have a bias against her and Mr. Ms. complained about officers that responded to their neighbor, Ms. , displaying a weapon as proof of APD's bias towards her and Mr. Ms. assumed if Mr. had acted as Ms. did, Mr. would have been arrested whereas the officers simply spoke to Ms. . The lapel videos showed Mr. told the responding officers Ms. did not point the weapon at him. The lapel videos showed Mr. told the officers Ms. did not make specific statements of intent to harm him, but Mr. did say he found her actions intimidating. The officers learned from both Mr. and Ms. they had an ongoing dispute. The lapel videos showed Ms. said she was fearful and intimidated by Mr. The officers determined Ms. showed another neighbor, Ms. , the firearm, but Ms. agreed she was loud enough to make Mr. aware that she possessed a gun for protection. The videos showed the officers talked to Mr. Ms. and Ms. but determined they did not have enough probable cause to take actions. The officers provided all parties the advice of staying away from each other and suggested they obtain restraining orders. It was clear from the review of the videos that the officers' actions were not out of some bias against Mr. and did not even know the neighborhood drama that had been ongoing. The lapel videos showed Mr. was satisfied with the officers' actions at the time. The officers were not targeted as there was a

full recording, a review of the videos showed the officers did not act with bias, and the primary complaint was about Detective M.

2. Mr. [redacted] and Ms. [redacted] claimed Ms. [redacted] claimed to be a current employee with APD and as such was abusing her authority. Ms. [redacted] wrote Ms. [redacted] also heard from Ms. [redacted] that she was current APD. However, Ms. [redacted] stated she had not heard that from Ms. [redacted]. After researching the issue, Ms. [redacted] is not a current APD employee so any conduct complaints they have about Ms. [redacted] are not in the CPOA's jurisdiction to investigate.

3. Ms. [redacted] complained that Officer B did not call Mr. [redacted] back. Ms. [redacted] indicated in her interview that Officer B was the "unknown officer" she mentioned in her written complaint. Ms. [redacted] did not know the details of the complaint against Officer B and said Mr. [redacted] had the concerns. The investigation showed the neighbors sent some information and complaints to Officer B, as he was the officer assigned to that area for nuisance abatement type issues. Mr. [redacted] said he met with and had no complaint against Officer B. Ms. [redacted] had no complaint about Officer B and had a single contact with him. There was no specific complaint against Officer B so he was not targeted.

Your complaint and these findings are made part of Detective M's Internal Affairs record.

You have the right to appeal this decision.

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.
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



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #230-15**

Dear Ms.

Our office received the complaint you filed on November 24, 2015 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on November 21, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on December 1, 2015. 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

New Mexico 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.

www.cabq.gov

### I. THE COMPLAINT AND INVESTIGATION

A relative of \_\_\_\_\_ s called police concerning text messages she received from him where Mr. \_\_\_\_\_ expressed suicidal thoughts and sent a picture of a gun. At the time, Mr. \_\_\_\_\_ and his two daughters lived with Ms. \_\_\_\_\_, his mother. Two officers and Sgt. S responded to Ms. \_\_\_\_\_'s apartment. Officers had Ms. \_\_\_\_\_ exit her apartment while they assessed Mr. \_\_\_\_\_ Mr. \_\_\_\_\_ willingly went with officers for a mental health assessment. Mr. \_\_\_\_\_ did not want his children to stay at his mother's apartment. Sgt. S stayed behind while the girls packed some belongings to last them a couple of days. Ms. \_\_\_\_\_ expressed complaint about Sgt. S' actions.

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 citizen interview, the officer interview, and the lapel videos of Officer C, Officer M, and Sgt. S.

**II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SGT S' CONDUCT**

A) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Sgt. S' conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.*

Ms. [redacted] felt Sgt. S grilled her about whether her son had a gun or not. Ms. [redacted] stated she was nervous and frustrated because the officers did not tell her what was going on. She was kept out of her home for at least an hour without information. Her granddaughters were then allowed back in the home, but she still was not. Sgt. S was rude and condescending with her. She felt Sgt. S blamed her for the situation although he did not directly say it. Ms. [redacted] feared Sgt. S would "knock her lights out" because he was so rude and he was intimidating. Sgt. S laughed and smirked when she called his supervisor; she was disgusted by his behavior.

The lapel video showed officers asked Ms. [redacted] about the gun, but did not badger her about it. Ms. [redacted] immediately expressed animosity about her son and his possible mental state. Sgt. S mentioned her animosity was not helpful and asked for her cooperation instead. The lapel video showed Ms. [redacted] seemed unconcerned about her son's threat of suicide because he did it all the time, but the officers considered the threat more seriously and responded as such. When the scene was safe, the girls were allowed back in to discuss things with their father. Ms. [redacted] was kept outside as Mr. [redacted] indicated it was his mother that caused a large part of the problem that day. The lapel videos showed Ms. [redacted] was kept out of her apartment for about forty minutes. The videos showed officers informed Ms. [redacted] her son was going to the hospital and provided some updates. The lapel video showed Ms. [redacted] was very confrontational with Sgt. S and her granddaughters, calling him names and berating the girls. The lapel video showed Ms. [redacted] did not appear fearful of Sgt. S. The lapel video showed Sgt. S did not have an issue with Ms. [redacted] calling his supervisor, but he was not cocky about it. When Ms. [redacted] complained about the things her son had done, the video showed Sgt. S listened to what she had to say. The situation was emotionally charged and the ongoing problems within the family likely influenced how Ms. [redacted] perceived the situation.

The CPOA finds Sgt. S' conduct to be **Unfounded** where the investigation determined the alleged misconduct did not occur.

B) The CPOA reviewed Standard Operating General Order 1-04-4A regarding Sgt. S' conduct, which states:

*Personnel shall constantly direct their best efforts to accomplish the functions of the department intelligently and efficiently.*

Ms. did not think it necessary that her son be taken out in handcuffs in front of his daughters. Sgt. S overstepped his bounds by telling her what she could do in her own home. Sgt. S undermined her authority by allowing her granddaughters to take whatever they wished when she decided the girls could not take what she paid for. She criticized the officers for not looking for the gun well because she found it later.

The lapel videos showed Mr. was not placed in handcuffs contrary to Ms. 's claims. The lapel videos showed Sgt. S tried to make sure the girls had adequate basics such as clothing and personal effects required for immediate needs. This is normal practice and within policy in any domestic situation. The lapel video showed the girls did not remove all of their property from the home. The lapel video showed the items taken were the personal effects of the girls even if Ms. had paid for them. Sgt. S told Ms. he was not going to leave the girls without necessities and monetary issues could be worked out later. The lapel videos showed the officers did not search for Mr. 's gun nor did they say they were going to search for it.

The CPOA finds Sgt. S' conduct to be **Exonerated** where the investigation determined the alleged conduct occurred, but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Sgt. S' Internal Affairs record.

**You have the right to appeal this decision.**

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.
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>.

Letter to Ms. ; CPC 230-15  
May 18, 2016  
Page 4

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



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 235-15**

Dear Mr

Our office received the complaint you filed on December 6, 2015 against Officer L. of the Albuquerque Police Department (APD) regarding an incident that occurred on December 5, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

Mr.                      complained that on December 5, 2015 Albuquerque Police Department (APD) Officers L. and W. transported him and Officer L. told him to shut up and be quiet. He complained Officer L                      drove him to an alley, told him to get out and walk and threatened that if Mr.                      didn't start walking he would "f                      him up."

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, the CADs report and lapel videos.

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-4-1 (F), which states:

**1-04-1 Compliance with Laws, Rules and Regulations**

***F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.***

Mr. complained that Officer L. told him to shut up and drove him to an alley and told him to get out and walk and threatened that if Mr. didn't start walking he would "f him up."

Mr. was not interviewed. The CPOA Investigator made several attempts to contact him but was unsuccessful in obtaining an interview so this investigation was conducted based only on the written complaint.

Lapel videos from Officer L. and his partner Officer W., and the CADS report were reviewed. The videos showed Officer L. gave Mr. a ride regardless of Mr.'s rude behavior and vulgarity towards Officer L. and Officer W. Officer L. drove Mr. to a parking where he let him out of the vehicle. Mr. yelled at Officer L. that he wanted to go to his sister's and Officer L. told him this was where he originally told them he wanted to go so he was getting out there. Mr. called Officer W. a "dyke" for the third time and told Officer L., "This is bullshit. No wonder why you mother fuckers get shot." Officer W. took Mr.'s shoes out of Officer L.'s patrol vehicle and both officers left the area.

The videos showed Officer L. did not tell Mr. to shut up, nor did he tell Mr. to start walking or he (Officer L.) was going to "f him up", as alleged in his written complaint.

The CPOA finds Officer L.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

B) The CPOA reviewed APD SOP 2-52-6 (D)(1), which states:

**2-52-6 Use of Authorized Tools/Force Options**

***D. Empty Hand Techniques***

***1. Empty Hand Techniques include the use of close quarters striking, grabs, takedowns, and proper arrest techniques to effect control of a resistant/combatative subject.***

Mr. Ketcham complained Officer L. drove him to an alley and hit him when he got out of Officer L.'s patrol vehicle.



Letter to Mr. [REDACTED]; CPC 235-15  
May 18, 2016  
Page 3

As stated above, the video showed Officer L. gave Mr. [REDACTED] a ride and let him out at a parking lot near the area Mr. [REDACTED] requested to be taken, and not an alley. The video showed Officer L. did not hit Mr. [REDACTED] when he got out of his patrol vehicle.

The CPOA finds Officer L.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

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

You have the right to appeal this decision. The Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of their respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

Please contact me if you have any questions or concerns.

Sincerely,



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

CC: Albuquerque Police Department, Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*

*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*

*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*

*Rev. Dr. David Z. Ring III*

Edward Harness, Esq., Executive Director

May 18, 2016

Via Certified Mail

J

**Re: CPC # 236-15**

Dear Mr.

Our office received the complaint you filed on November 4, 2015 against Detective B. and Detective S. of the Albuquerque Police Department (APD) regarding an incident that occurred on October 9, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

www.cabq.gov

### **I. THE COMPLAINT**

Mr. [redacted] complained that on October 9, 2015, he was contacted by Crisis Intervention Team (CIT) Detective B. and Detective S. at his home although he told them he did not want to meet with them. Mr. [redacted] complained the detectives deliberately went to his home under the pretext he was in a crisis as a way to get him to say that he stalked a female (see report # [redacted], filed by Officer M.). Mr. [redacted] complained that CIT detectives calling him and showing up at his home, unannounced, is stigmatizing.

**II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE B.'S AND DETECTIVE S.'S CONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, CADs reports, lapel video, and interviews with the Complainant and Detective B. and Detective S.

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-02-2(D)(2), which states:

*D. Officer shall use discretion during the performance of their law enforcement duties.*

*2. In addition, within each situation, the appropriate decision should be the least restrictive that still accomplishes the intent of the law, is in accordance with department policy, and does not compromise officers' safety.*

Mr. complained Crisis Intervention Team (CIT) Detective B. and Detective S. showed up at his house to check on him to see if he was in crisis even after he told them he didn't want to meet with them. He complained this was stigmatizing.

The interviews showed Detective B. and Detective S. were contacted by APD patrol officers and University of New Mexico (UNM) Police Department regarding their concern about Mr. and his alarming behavior, which had been documented as far back as April, 2015 and as recently as October 2015. Specifically, they were concerned because Mr. was armed with a 9 mm handgun when he followed a fellow UNM student for miles after thinking she was stalking him; because he thought the CIA bugged his home and had him under surveillance; because he thought he was being followed/stalked by numerous people; and because he made statements regarding carrying a handgun to campus so he could protect himself and meet "violence with violence", if necessary. After receiving this information and speaking with UNM police and professors, Detective B. and Detective S. decided to contact Mr. at his home to see if they could provide him assistance. Detective B. and Detective S. followed APD SOP 2-13-02 (A), (C) and (F) when they responded to Mr.'s residence. This SOP, entitled "DETERMINING DANGER", states:

*"Not all mentally ill persons are dangerous. Some mentally ill persons may be dangerous only under certain circumstances. Specific indicators may exist to assist the officer in determining if an apparent mentally ill person represents an immediate or potential danger to him/herself, officers, or others. These indicators include but are not limited to the following:*

- A. The availability of weapons to the subject.*
- C. Personal history, known or provided, that reflects prior violence under similar circumstances.*
- F. The volatility of the environment is a relevant factor officers must evaluate. Agitators that may affect the person or a particularly combustible environment that may incite violence should be taken into account.*

Letter to Mr. \_\_\_\_\_, CPC 236-15  
May 18, 2016  
Page 3

The CPOA finds Detective B.'s and Detective S.'s conducted **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Detective B.'s and Detective S.'s Internal Affairs records.

You have the right to appeal this decision. The Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of their respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

Please contact me if you have any questions or concerns.

Sincerely,  
The Civilian Police Oversight Agency



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

CC: Albuquerque Police Department, Chief of Police

# CITY OF ALBUQUERQUE



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*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 237-15**

Dear Mr

Our office received the complaint you filed on December 4, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on November 30, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

Mr. [redacted] stated that Officer M [redacted] (S [redacted]) was called for jury duty on November 30, 2015. Mr. [redacted] complained that Officer S [redacted] wore his full uniform to jury selection. Mr. [redacted] stated that during voir dire, Officer S [redacted] was asked if he knew any of the police officers in the case. Mr. [redacted] complained that Officer S [redacted] instead of just stating "yes", Officer S [redacted] answered "I know these guys and I trust them, I am in a squad with them and I would trust them with my life". Mr. [redacted] stated Officer S [redacted] should be trained in how the judicial system works and if he was trained, he should be disciplined for deliberately attempting to prejudice the jury and ultimately cause a mistrial. Mr. [redacted] stated Officer

S. did not get selected for the jury but that does not ameliorate his disrespectful conduct.

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

The investigation included review of the Complaint, SOPs, and Interviews of Officer S., Sergeant C., Mr. , Mr. , and Mr. .

(A) The CPOA reviewed Standard Operating General Order 1-04-1 (F)) in reference to Officer S.'s conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.*

Mr. complained that during jury duty selection voir dire, Officer S. was asked if he knew the officers involved in the case. Mr. stated that instead of only answering yes to the question and waiting for a follow up question, Officer S. responded with "yes I know these guys and I trust them, I am in a squad with them and I'd trust them with my life". Mr. stated he felt Officer S.'s response showed disrespectful conduct.

The investigation showed that Officer S. did make those comments, not necessarily in that order, and when interviewed, Mr. and the witnesses stated they felt it was not done in an attempt to be disruptive or maliciously. Officer S. was part of a jury duty selection process, not giving testimony. Officer S. answered the question as it was asked.

The CPOA finds Officer S.'s conduct **EXONERATED**, where the investigation determined, by preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures or training.

(B) The CPOA reviewed Standard Operating Procedures in reference to Officer S.'s attire regarding jury duty selection process as written in Mr. 's complaint. The CPOA recognized there is no current SOP regarding officer attire for this type of process. The current SOP's only discuss testimony and appearance for court cases conducted in Metropolitan, District or Federal court. There is no directive or SOP relating to appearing for a jury duty selection process. As a large part of the mission of the CPOA, we realize this is a Policy and Procedures issue that will be brought forth for review by the Policy and Procedures Review Board of the CPOA and APD so that the CPOA can make recommendations to enhance the current SOP's regarding Mr. 's concerns.

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

Letter to Mr. ; CPC 237-15

May 18, 2016

Page 3

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*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 238-15**

Dear Mr

Our office received the complaint you filed on December 8, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on November 29, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

Mr. [redacted] wrote that his postal employee [redacted] was pulled over while driving a postal service vehicle. Mr. [redacted] complained that Officer H. pulled over the vehicle on November 29, 2015 for not having a license plate on the vehicle. Mr. [redacted] wrote that the postal service do not have license plates on the front or back of their vehicles and are instead marked with a postal emblem. Mr. [redacted] complained that Officer H. should have knowledge of the law and the stop could have been avoided. Mr. [redacted] also complained that Officer H. made a comment inferring that the driver could have fraudulently made the markings for the vehicle which Mr. [redacted] felt was unnecessary.



Mr. stated he called Officer H.'s Sergeant, Sergeant Y. Mr. complained that Sgt. Y. was unprofessional in his response in referring, as Officer H. did, that the markings on the vehicle could have been placed there fraudulently. Mr. stated Sgt. Y. questioned Mr.'s integrity asking him if he would ever lie to a police officer. Mr. stated he felt Sgt. Y. was not receptive to his call and dismissive of his request, stating Officer H. was doing his job.

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

The investigation included review of the Complaint, SOPs, Interviews of Officer H., Sergeant Y., and Mr. and lapel video of Officer H. and Sgt. Y.

(A) The CPOA reviewed Standard Operating General Order 1-02-2 (D-2) in reference to Officer H.'s conduct, which states:

*Officers shall use discretion during the performance of their law enforcement duties.  
2. In addition, within each situation, the appropriate decision should be the least restrictive that still accomplishes the intent of the law, is in accordance with department policy and does not compromise officer safety.*

Mr. complained that Officer H. pulled over his USPS postal vehicle for not having a license plate. Mr. stated the USPS is not required to have license plates and that the vehicle is marked with a postal emblem. Mr. stated that if Officer H. had knowledge of the law regarding postal vehicles the stop could have been avoided.

The lapel video showed Officer H. pulling over a brownish colored Chevrolet Trailblazer on a Sunday morning with a small postal service magnet on the rear driver side hatch of the vehicle. There was no license plate and the vehicle was not the standard USPS service vehicle. Officer H., having knowledge of stolen vehicle types in his area command made a stop on a vehicle with no license plate. Officer H. conducted a brief investigation into whether the vehicle was a stolen vehicle. Officer H. did not write any citations and fully explained why the vehicle had been stopped. Officer H. used discretion in his investigation and accomplished the intent of the law.

The CPOA finds Officer H.'s conduct **EXONERATED**, where the investigation determined by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures or training.

(B) The CPOA reviewed Standard Operating General Order 1-04-4 (F) in reference to Officer H.'s conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department*

Mr. complained that Officer H. inferred that the driver of the vehicle could have obtained the badge and markings of the vehicle fraudulently. Mr. felt this was rude and unprofessional.

Officer H. obtained information from the driver as would occur in most all traffic stops by asking for driver's license, insurance and registration. Due to there not being a license plate, Officer H. obtained the VIN number from the vehicle. Officer H. explained to the driver how people can obtain the vehicle markings he had on the Trailblazer as an example. Officer H. did not directly accuse the driver of fraudulently obtaining the magnet or stickers.

The CPOA finds Officer H.'s conduct **EXONERATED**, where the investigation determined by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures or training.

### **III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SERGEANT Y.'S CONDUCT**

(A) The CPOA reviewed Standard Operating General Order 1-04-1 (F) in reference to Sergeant Y.'s conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.*

Mr. complained that Sgt. Y. inferred, as did Officer H., during their conversation, that the driver of the vehicle could have obtained the badge and markings of the vehicle fraudulently. Mr. felt this was rude and unprofessional. Mr. also complained that Sgt. Y. questioned Mr.'s integrity by asking him if he would lie to an officer. Mr. stated he felt Sgt. Y. was not receptive and was being dismissive.

Lapel video of the conversation showed Mr. and Sgt. Y. both trying to explain their jobs and positions in regards to the incident. Sgt. Y. did not ask Mr. if he would lie to an officer, Sgt. Y. asked if Mr. believed citizens lie to officers on occasion. Sgt. Y. was attempting to explain how the vehicle could be marked differently and how auto thefts occur throughout the city which includes subjects using fraudulent ways to attempt to cover up a stolen vehicle. The lapel video did not show Sgt. Y. being dismissive or unprofessional; the conversation only appeared to be a difference of opinion.

The CPOA find Sergeant Y.s conduct **EXONERATED**, where the investigation determined by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures or training.

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

Letter to Mr. ; CPC 238-15  
May 18, 2016  
Page 4

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    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*

*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*

*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*

*Rev. Dr. David Z. Ring III*

Edward Harness, Esq., Executive Director

May 18, 2016

Via Certified Mail

...

**Re: CPC # 239-15**

Dear Ms.

Our office received the complaint you filed on December 8, 2015 against Officer T. of the Albuquerque Police Department (APD) regarding an incident that occurred on November 22, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### **I. THE COMPLAINT**

Ms. [redacted] said she called Albuquerque Police Department (APD) on November 22, 2015 for assistance in evicting her two adult sons and Officer T. responded. She complained that Officer T. told her she couldn't evict her sons without a landlord/tenant eviction order. She complained Officer T. was disrespectful and told her she was a bad mother in front of her sons, which empowered her sons to be more disrespectful towards her.

### **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER T.'S CONDUCT**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, Officer T.'s report, CADs report, Officer T.'s lapel videos, back up Officer C.'s lapel videos, and

interviews with the Complainant, her two sons, D.L. and S.L., and back up Officer C. and Officer T..

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure 1-4-1 (F), which states;

*F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Ms. : complained that Officer T. told her she couldn't evict her sons without a landlord/tenant eviction order. She complained Officer T. was disrespectful and told her she was a bad mother in front of her sons, which empowered her sons to be more disrespectful towards her.

The lapel videos showed Officer T. and Officer C. responded to Ms. 's residence and contacted Ms. , and her two sons, D.L. and S.L.. The lapel videos showed Officer T. told Ms. she could not evict D.L. and S.L. because they had established residency at her home and if she wanted them evicted she would have to file a landlord/tenant eviction through the courts, which was a civil issue. The lapel videos showed Officer T. was professional towards Ms. or the duration of the contact. They also showed Officer T. was forthright with Ms. when he told her there were certain responsibilities parents take on when they have children and allow their children to live with them even though they are adults; however, he did not call Ms. a bad mother.

The CPOA finds Officer T.'s conducted **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Officer T.'s Internal Affairs records.

You have the right to appeal this decision. The Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of their respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

Letter to Ms.  
May 18, 2016  
Page 3

CPC 239-15

Please contact me if you have any questions or concerns.

Sincerely,



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

CC: Albuquerque Police Department, Chief of Police

# CITY OF ALBUQUERQUE



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**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
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*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 240-15**

Dear Ms.

Our office received the complaint you filed on December 8, 2015 against Officer H. of the Albuquerque Police Department (APD) regarding an incident that occurred on November 29, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

Ms. \_\_\_\_\_ said Albuquerque Police Department (APD) officers responded to \_\_\_\_\_, on November 29, 2015 because her boyfriend threw her belongings all over the room and wouldn't let her leave. She complained that Officer H., one of the responding officers, didn't ask any questions and didn't help resolve the issue. She complained that after the officers escorted her out of the room, she asked Officer H. if she could go back and get her wallet and he told her he didn't care and to worry about it when she and her boyfriend sobered up. She complained that Officer H. told her to shut up, cursed at her and was unprofessional.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, the CADs report, lapel videos, and interviews with Officer H. and his partner Officer R.

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-04-1 (F), which states:

### ***1-04-1 Compliance with Laws, Rules and Regulations***

***F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.***

Ms. complained that Officer H. would not let her retrieve her wallet after they left the room she shared with her boyfriend and told her he didn't care about it. She also complained Officer H. told her to shut up and was unprofessional towards her.

The interviews with Officer H. and back up Officer R. revealed that Ms. asked about her wallet and the officers told her to wait until the morning because the situation had been de-escalated and they didn't want to re-escalate by returning to Mr. 's room to ask for the wallet. The interviews and videos showed Officer H. did not tell Ms. he didn't care about her wallet, he did not tell her to shut up and showed that he was professional towards her throughout their contact.

The CPOA finds Officer H.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

B) The CPOA reviewed APD SOP 1-04-4 (P), which states:

### ***1-04-4 Conduct while on duty***

***P. Personnel shall not use coarse, violent, profane or insolent language or gestures.***

Ms. complained that Officer H. cursed at her.

The lapel videos showed Officer H. never cursed at Ms. , or anyone else.

The CPOA finds Officer H.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.



C) The CPOA reviewed APD SOP 2-24-3 (A)(5)(b), which states:  
2-24-3 Rules

*A. Preliminary Investigations*

*5. Steps to be followed in conducting preliminary investigations that may include but are not limited to:*

*b. Locate, identify, and interview witnesses, victims, and suspect(s)*

Ms. . complained that Officer H. didn't ask her or her boyfriend, Mr. , any questions and didn't help resolve the issue.

The lapel videos showed Officer H. asked both parties what was going on and neither of them gave him any information. Officer H. asked Ms. if she knew why officers were there, to which she responded she did. Officer H. responded with something to the effect of, "Okay, then get your stuff so we can get you out of here." The interviews and lapel videos revealed Officer H. helped Ms. get her personal belongings out of the room without incident and then put her into contact with hotel personnel, who were able to get her a separate room to stay in for the night. The investigation revealed Officer H. asked questions and went above and beyond to help resolve the issue.

The CPOA finds Officer H.'s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

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

You have the right to appeal this decision. The Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of their respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

Please contact me if you have any questions or concerns.

Sincerely,



Edward W. 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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*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 242-15**

Dear Mr. \_\_\_\_\_

Our office received the complaint you filed against Officer R. of the Albuquerque Police Department (APD) on December 15, 2015, regarding an incident that occurred on December 8, 2015. Your complaint contained allegations of criminal misconduct by Officer R. Because of those allegations, the CPOA was prohibited from investigating your complaint as the CPOA has no authority to conduct criminal investigations. Your complaint was forwarded to the APD Internal Affairs Commander on December 15, 2015. The IA Commander assigned your complaint to an APD Internal Affairs (IA) Investigator. The IA Investigator conducted an Administrative Investigation into your complaint while an APD Criminal Investigator conducted a preliminary criminal investigation into your complaint. The APD criminal investigation determined that there was no criminal misconduct by Officer R. The CPOA thoroughly and impartially reviewed the Internal Affairs Administrative Investigation of your complaint.

Upon completion of the review 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.

Below is a summary of the complaint, the CPOA's review of the investigation.

PO Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

## FINDINGS

1. Did Officer R comply with Albuquerque Police Department General Orders Personnel Code of Conduct 1-04-l(A), which mandates:

### **1-04-1 COMPLIANCE WITH LAWS, RULES, AND REGULATIONS.**

***(A) Personnel shall obey all laws, rules and regulations, and to the best of their abilities, protect the rights of the people as provided in the Constitution of the United States.***

The Internal affairs Division does not believe Officer R. broke any laws, rules, or regulations while performing his duties in this case. When Officer R arrived on scene he was told one side of a story by Mrs. After interviewing Mrs. she identified a possible suspect for harassing phone calls as a former employee, Officer R. got the necessary information from Mrs. but wanted to call Mr. to get his side of the story. Officer R ended up leaving two voicemails for Mr. but never got a returned phone call from him. Both voicemails left by Officer R. have been preserved and are included with the case file.

Mr. accuses Officer R. of threatening him and cursing at him in his voicemails. At no time does Officer R ever use a curse word or profanity in the voicemails. Officer R. is very stern in his messages and does tell Mr. it would be in his best interest to call him back or things will get worse, but the Internal Affairs Division does not agree Officer R. ever threatened Mr. Mr. refused to call Officer R. back and it was later learned two lawyers that represent Mr. also told him not to call Officer R. back. The Internal Affairs Division believes Officer R.'s choice of words used in the voicemails could have been delivered in a different tone but after listening to them they do not seem to be threatening in nature.

I find this issue to be "UNFOUNDED" which means the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

2. Did Officer R. comply with Albuquerque Police Department General Orders Personnel Code of Conduct 1-04-l(F), which mandates:

### **1-04-1 COMPLIANCE WITH LAWS, RULES, AND REGULATIONS.**

***(F) Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.***

Officer R. does not know the 's and he did not have any knowledge of Mr. being called to give a statement involving a lawsuit between the 's

and an insurance company. Mr. made reference of an employee who he is still in contact with ( ) She thinks she has seen Officer R. at the business several times. He also made reference to her believing that she was introduced to Officer R. and then describes the individual she believes to be Officer R. as a short, bald Hispanic. The description provided does not match the description of Officer R. Based on that statement it was the decision of the Internal Affairs unit not to interview Ms.

While speaking with Mr. during his interview he stated that Officer R. used curse words in his message like "thisshit stops now." After listening to the voice mails Officer R. never uses any curse words. It is confusing none of the attorney's that represent Mr. attempted to contact Officer R. It is very common for officers to have conversations with attorney's representing clients being that officers and attorneys are constantly in and out of court together and maintain a working relationship. Attorneys contact officers to schedule pretrial interviews frequently. The Judge hearing the matter did not grant the restraining order.

I find this issue to be "**NOT SUSTAINED**" which means the investigation is unable to determine, by preponderance of the evidence, whether the alleged misconduct occurred.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 243-15**

Dear Ms. [REDACTED]

Our office received the complaint you filed on December 8, 2015 against Officer C. of the Albuquerque Police Department (APD) regarding an incident that occurred on December 7, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

www.cabq.gov

### **I. THE COMPLAINT**

Ms. [REDACTED] said her 16-year-old son, A., called Albuquerque Police Department (APD) on December 7, 2015 because he was worried about her because she took too much medication. She complained that Officer C. took A. into the back room and harassed him and threatened to take Ms. [REDACTED] to jail if Emergency Medical Technicians (EMTs) said she was trying to hurt herself. She complained Officer C. opened the bathroom door while her 5-year-old son, X., was urinating and stood there telling him to get out. She complained Officer C. went through her apartment and looked around without her permission and/or a search warrant. She complained Officer C. threatened to call Children, Youth and Families Department (CYFD) on her because she had clothes on her couch and dishes in her sink and cockroaches in the apartment. She complained Officer C. lectured her and intimidated her and turned his lapel camera off before doing so. She complained that she asked Officer C. for his badge number and the case number but he refused to give her the information.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER C.'S CONDUCT**

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 CADs report, lapel videos, and interviews with Officer C. and his partner Officer S.

A) The CPOA reviewed Albuquerque Police Department (APD) Standard Operating Procedure (SOP) 1-02-2 (B)(2), which states:

*B. Officer shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall:*

*2. Make only those arrests, searches, and seizures which they know or should know are legal and in accordance with departmental procedures.*

Ms. [redacted] complained that Officer C. went "looking around" through the rooms in her apartment without permission and without a search warrant.

The lapel videos showed Officer C. contacted Ms. [redacted]' son, A., at the front door and A. directed Officer C. to the back bedroom where he contacted Ms. [redacted]. The lapel video showed Officer C. followed Ms. [redacted]' 5-year-old son, X., to the back bedroom a couple of times when the child wandered back there but he did not search the room and only summonsed the child to return to the living room. Aside from the back bedroom, the only other room Officer C. stepped into and "looked around" in was X.'s bedroom when he excitedly showed Officer C. his bedroom.

The CPOA finds Officer C.'s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

B) The CPOA reviewed APD SOP 1-02-3 (A), which states:

*A. Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity except:*

Ms. [redacted] complained that Officer C. refused to give her his badge number and the case number for the call.

The lapel videos showed that just before leaving Ms. [redacted]' residence, Officer C. asked if she had any questions for him and she said she did not. He told her good luck and said he hoped things got better for her and then he and Officer S. left the residence. The lapel videos showed Ms. [redacted] never asked Officer C. for his badge number or a case number.

The CPOA finds Officer C.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

C) The CPOA reviewed APD SOP 1-04-1 (F), which states:

*F. Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.*

Ms. complained that Officer C. intimidated, harassed and lectured her about the condition of her home and threatened to call Children Youth and Families Department (CYFD) on her. She complained that he scared and harassed her mentally ill children and destroyed them. Specifically, she complained Officer C. caused her son, X., to have nightmares and to fear police and complained Officer C. threatened her son, A., to admit Ms. ; was suicidal and said he would take Ms. to jail if she was found to be suicidal. Ms. complained that Officer C. stood inside the bathroom while X. urinated and told the child to get out of the bathroom.

The lapel videos showed Officer C. was professional but firm and forthright when he spoke to Ms. about the conditions of the apartment and told her she needed to clean it because it was unsafe for her children. The videos showed Ms. ' apartment was in complete disarray, with clothing, garbage and assorted items strewn about the apartment. Overall the apartment was dirty and had cockroaches running around in the kitchen. Officer C. told Ms. he was going to report the conditions of the home to CYFD and request they do a follow-up. The video showed Officer C. interacted well with both children and developed a rapport with them and neither child appeared to fear Officer C. or his partner. The lapel video showed Officer C. spoke to A. in the back room and asked him if he called police and he said he did. Officer C. asked, "So you don't think she's trying to hurt herself?" to which A. replied, "No. I agree with her. I think she's trying to get sleep..." Officer C. said, "Okay. Did the firefighters just ask you the same thing? Okay. I just wanted to make sure, man." The lapel video showed Officer C. never threatened to take Ms. to jail. The lapel video showed Officer C. was walking down the hallway behind Ms. when X. opened the bathroom door with a cell phone in his hand and a sucker in his mouth. The child was not urinating when he opened the door and Officer C. never told him to get out of the bathroom.

The CPOA finds Officer C.'s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

D) The CPOA reviewed APD SOP 1-39-1 (A), which states:

*A. Personnel will use issued tape/digital recorders to document the incidents listed below.*

*It will be the responsibility of the primary officer to ensure that the incident will be recorded in its entirety...*

Ms. [REDACTED] complained Officer C. turned his lapel video off after Albuquerque Fire Department (AFD) personnel left the apartment and then threatened her.

The lapel video showed the entire contact with Ms. [REDACTED] from beginning to end, indicating Officer C. never turned his lapel camera off, to include after AFD left her apartment, as alleged in her written complaint.

The CPOA finds Officer C.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

Your complaint and these findings are made part of Officer C.'s Internal Affairs records.

NOTE: Ms. [REDACTED] alleged that on an unknown date and time Officer C. and another officer held guns to "our heads", called in a 10-39 and told them he was sorry and to have a good night before he left her apartment. The CPOA Investigator was unsuccessful in contacting Ms. [REDACTED] for an interview and was therefore unable to obtain more information from her regarding this allegation. The CPOA Investigator conducted a preliminary investigation into the allegation and learned that prior to December 7, 2015, there were no other calls for service to Ms. [REDACTED]'s address, nor had Officer C. or any other APD officer responded to any calls involving Ms. [REDACTED]. Should more information become available at a later date, a complaint can be filed and investigated at that time.

You have the right to appeal this decision. The Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of their respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

Please contact me if you have any questions or concerns.

Sincerely,



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

CC: Albuquerque Police Department, Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

### Re: Citizen Police Complaint 244-15

Dear Ms.

Your complaint against a person whom you believed to be an officer with the Albuquerque Police Department (APD) was received by our office on December 13, 2015 for an incident which occurred on December 12, 2015. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Assistant Lead Investigator and a preliminary investigation was conducted.

PO Box 1293

### I. THE COMPLAINT

Albuquerque

New Mexico 87103

You wrote in your complaint that in that on the evening of December 12, 2015 that you were assaulted at a nightclub by a man who might be an APD officer. You reported the assault to an APD officer but no charges were filed against the man who assaulted you. You were not provided the name of the alleged assailant but the officer told you that she would let the management of the nightclub know the man's name. On December 13, 2015, the day after the assault, you saw a police car sitting near your home for about 30 minutes and the male officer seated in the car looked to you like the man who assaulted you at the nightclub.

www.cabq.gov

### II. THE INVESTIGATION

In an effort to obtain more information concerning your complaint, a CPOA Investigator conducted a preliminary investigation. The investigator reviewed the Computer Assisted Dispatch (CAD) report regarding the incident. The CAD report indicated that you approached the reporting officer saying that you had been assaulted inside the nightclub. The officer contacted the man you identified as your assailant. The man's name, date of birth, and social security number was obtained by the officer and the officer also obtained the same information from the man's friend. The man and his friend reported to the officer that they were attempting to leave the club when they passed by you and your friend. The men reported that you got angry and that you tried to knee the man in the genitals. The man said that he pushed you and when he did you hit him with your knee several times in the groin and you struck the man in the face and throat.

Letter to Ms. CPC 244-15  
May 18, 2016  
Page 2

The report indicated that you and your friend told the responding officer that when the men passed by you and your friend that you were touched on your back so you ask the men to stop touching you. You reported that the man tried taking you to the ground and that you had to fight the man off of you. Your friend said that she threw a drink on the man when they refused to leave you alone.

The officer concluded that you all had similar versions of the events and that both you and the men experienced unwanted touching. It appeared to the officer that the males "got the worst of it". The officer felt that the disturbance that took place was reciprocal, so no charges were filed against either party. The officer provided the name of the man to the club so they could consider not allowing him in the club in the future. The officer explained to you that no charges would be filed.

The CPOA investigator was able to obtain the names, dates of birth, and social security numbers of the two men involved in the incident. A database check with APD and the City of Albuquerque revealed that neither man works for APD nor have they ever worked for the City of Albuquerque.

The police officer in the police car that you saw outside your house the following day was not involved in your assault and the fact that he was parked near your home was coincidence.

### III. CONCLUSION

Because the preliminary investigation showed that that neither man involved in the reported incident works for APD nor have they ever worked for the City of Albuquerque, we are administratively closing your complaint and no further investigation will be conducted.

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

Please contact me if you have any questions or concerns.

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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*

*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*

*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*

*Rev. Dr. David Z. Ring III*

Edward Harness, Esq., Executive Director

May 18, 2016

Via Certified Mail

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### **Re: Citizen Police Complaint 246-15**

Dear Ms

Your complaint against Sergeant T. of the Albuquerque Police Department (APD) was received by our office on December 15, 2015 for an incident which occurred on October 18, 2014. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Assistant Lead Investigator and a preliminary investigation was conducted.

PO Box 1293

### **I. THE COMPLAINT**

Albuquerque

New Mexico 87103

www.cabq.gov

You wrote in your complaint that in October of 2014 you were assaulted by your daughter's father. You wrote that the police officers who investigated the case took verbal statements from you, your sister, your daughter, and your niece. The police also allegedly obtained written statements from your sister and your niece. You had been pursuing charges against your daughter's father for the assault, but on September 21, 2015, the charges were dismissed without prejudice because the prosecutor had not turned over the written statements to the defense. You have been trying to get the charges re-filed but the prosecutor has been unsuccessful in getting the written statements from the Sergeant who allegedly took the written statements from your niece and your sister.

### **II. THE INVESTIGATION**

In an effort to obtain more information concerning your complaint, a CPOA Investigator conducted a preliminary investigation. The investigator reviewed the police report on the incident. The report stated that you could not complete a written statement because you needed medical treatment. The report indicated that your sister did complete a written statement. There is no reference in the police report to any other written statements. The police officer's lapel video containing all of the verbal statements made was logged into evidence. There are also photographs of your injuries and your sister's injuries in evidence at APD. There were no copies of your sister's written statement attached to the police report. The CPOA Investigator contacted Sergeant T., who was a field officer when this incident took place. She told the CPOA Investigator that she has been in contact with the prosecutor about

Letter to Ms. CPC 246-15  
May 18, 2016  
Page 2

this matter. Sergeant T. said that she had been working on the report while you were being treated. Your sister was working on her written statement at the time and the Sergeant anticipated that your sister's statement would be completed by the end of the call. It was not. Sergeant T. meant to change the report before submitting it to reflect that she did not get your sister's written statement, but did not. Sergeant T. said that she did not receive your sister's written statement. Sergeant T. has explained the above to the prosecutor and told the prosecutor that no written statement exists.

### III. CONCLUSION

It is the prosecutor's responsibility before trial to make sure that all evidence or lack thereof is disclosed to the defense. The case was dismissed with prejudice meaning that the case can be refiled. It appears from the information discovered by the CPOA investigation that there is sufficient evidence, even without the written statement, to proceed with the prosecution of the man who assaulted you. We would encourage you to continue to work with the prosecutor and APD to make sure that the man who assaulted you is held accountable.

In reviewing your complaint and the available evidence, the policy violation of writing in the report that a statement was obtained when it wasn't, is minor in nature. Because of that, we are administratively closing your complaint and no further investigation will be conducted.

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

Please contact me if you have any questions or concerns.

Sincerely,



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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #249-15**

Dear Ms

Our office received the complaint you filed on December 21, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on October 16, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

Ms. [redacted] filed a complaint saying on October 16, 2015 she was booked into jail on a warrant. She wrote she was in her cell, was in a lot of pain, and asked APD for ibuprofen. She claimed officers removed her from the cell and maced her. Ms. [redacted] wrote she was dragged from her cell and marched down a long hall. Ms. [redacted] wrote one officer dropped her to the floor. Ms. [redacted] wrote a four-page statement, which she claimed APD changed.

### II. INVESTIGATION

The CPOA Investigator reviewed the complaint Ms. [redacted] submitted. The complaint and the description Ms. [redacted] provided sounded like the events occurred at Metropolitan Detention Center (MDC) and not with APD officers. The CPOA Investigator called Ms. [redacted] to confirm where this occurred. Ms. [redacted] stated the incident occurred when she was already

Letter to Ms. , CPC 249-15  
May 18, 2016  
Page 2

booked into jail and dressed out. Ms. confirmed this occurred with MDC officers. The CPOA Investigator informed Ms. that she would have to file a complaint with MDC about the issues. Ms. had the mistaken believe APD officers ran the jail. Ms. was traveling and could not take the information down about where to file her complaint, but said she would call back if she needed assistance. Ms. understood her complaint would be closed, as the CPOA Office did not have jurisdiction. The CPOA Investigator attempted to reach Internal Affairs of MDC, but received no response.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to the complaint did not involve Albuquerque Police personnel.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #252-15**

Dear Mr.

Our office received the complaint you filed on December 21, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on December 21, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 87103

### I. THE COMPLAINT

Mr. \_\_\_\_\_ called the CPOA office to report APD car # \_\_\_\_\_ was speeding on the interstate.

### II. INVESTIGATION

The CPOA Investigator took the complaint over the phone and had confirmed at that time Mr. \_\_\_\_\_'s certainty in the car number. A check with Fleet Management confirmed the car number provided was not assigned to an APD vehicle. Several other agencies have similar cars and so it is unknown if the car possibly belonged to a different agency. There was no officer to target for an investigation.

www.cabq.gov

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to not being able to identify any Albuquerque Police Officer related to this incident to further the investigation.

Letter to Mr. [redacted]; CPC 252-15  
May 18, 2016  
Page 2

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/iro/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

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*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 255-15**

Dear Ms.

Our office received the complaint you filed on December 30, 2015 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on December 29, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

www.cabq.gov

### I. THE COMPLAINT

\_\_\_\_\_ wrote that on December 29, 2015, after a work party she had gotten drunk and went home to sleep. Ms. \_\_\_\_\_ wrote she believed her ex-boyfriend found out about a guy she was dating and called police. Ms. \_\_\_\_\_ complained that Officer M. and Officer W. woke her up by kicking and banging on her door. Ms. \_\_\_\_\_ complained that the officers demanded to see her phone and were undressing her with their eyeballs. Ms. \_\_\_\_\_ stated the officers saw an old text message that said "can't do this" and asked if Ms. \_\_\_\_\_ needed to be taken to the hospital. Ms. \_\_\_\_\_ believes the officers were rude and inappropriate.

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

The investigation included review of the Complaint, SOPs, CAD , APD report , Interviews of Officer W., Officer M. and lapel video of Officer W. and Officer M.

(A) The CPOA reviewed Standard Operating General Order 1-04-1 (F) in reference to Officer W.'s conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.*

complained that Officer W. and Officer M. were kicking and banging on her door. Ms. also complained that Officer W. and Officer M. were rude and inappropriate. Ms. also stated in her complaint that the officers undressed her with their eyes.

Officer W. and Officer M. arrived to a dispatched call for service in which Ms. ex-boyfriend had called police informing them Ms. wanted to kill herself and she was no longer answering the phone. Upon arrival at Ms. 's apartment, lapel video showed Officer M. knocked on the door and Officer W. noticed through the balcony window, Ms. lying on the bed unresponsive. Officer W. knocked on the window and called Ms. s name. After a few attempts Ms. began moving and Officer W. identified himself as Albuquerque Police and asked Ms. to come to the front door. Neither Officer W. nor Officer M. banged or kicked on Ms. s door. Officer M. knocked on the door and Officer W. knocked on the window, but there was no excessive banging or kicking.

Officer W. and Officer M. informed Ms. why they were there and that they had to check on her welfare. Ms. told the officers "you guys don't need to respond to every cry wolf call" and became upset at the officers when Officer W. asked if Ms. had a medical marijuana card because the smell of marijuana coming from her apartment was profuse. Ms. told the officer's "you're not here on a weed call." The lapel video recorded the full contact with Ms. and at no point was there any inappropriate behavior by either officer in reference to undressing Ms. with their eyeballs and the investigation determined Officer W. was not rude or inappropriate.

The CPOA finds Officer W.'s conduct **UNFOUNDED**, where the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

(B) The CPOA reviewed Standard Operating General Order 1-02-2 (B-2) in reference to Officer W.'s conduct, which states:

*Make only those arrests, searches and seizures which they know or should know are legal and in accordance with departmental procedures.*

Ms. [redacted] complained that Officer W. and Officer M. demanded to see Ms. [redacted] s phone and the texts. Officer W. informed Ms. [redacted] why they were there letting Ms. [redacted] know that her ex-boyfriend had called the police stating he had gotten texts from Ms. [redacted] in which she had indicated she wanted to commit suicide. Officer W. asked Ms. [redacted] if she would like to show them the texts, Ms. [redacted] voluntarily retrieved her phone and offered it to the Officers. Officer W. never demanded to see Ms. [redacted] s phone.

The CPOA finds Officer W.'s conduct **UNFOUNDED**, where the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

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

(A) The CPOA reviewed Standard Operating General Order 1-04-1 (F) in reference to Officer M.'s conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.*

[redacted] complained that Officer W. and Officer M. were kicking and banging on her door. Ms. [redacted] also complained that Officer W. and Officer M. were rude and inappropriate. Ms. [redacted] also stated in her complaint that the officers undressed her with their eyes.

Officer W. and Officer M. arrived to a dispatched call for service in which Ms. [redacted] s ex-boyfriend had called police informing them Ms. [redacted] wanted to kill herself and she was no longer answering the phone. Upon arrival at Ms. [redacted] s apartment, lapel video showed Officer M. knocked on the door and Officer W. noticed through the balcony window, Ms. [redacted] lying on the bed unresponsive. Officer W. knocked on the window and called Ms. [redacted] s name. After a few attempts Ms. [redacted] began moving and Officer W. identified himself as Albuquerque Police and asked Ms. [redacted] to come to the front door. Officer M. knocked on the door and Officer W. knocked on the window, but there was no excessive banging or kicking.

Officer W. and Officer M. informed Ms. [redacted] why they were there and that they had to check on her welfare. Ms. [redacted] told the officers "you guys don't need to respond to every cry wolf call" and became upset at the officers when Officer W. asked if Ms. [redacted] had a medical marijuana card because the smell of marijuana coming from her apartment was profuse. Ms. [redacted] told the officer's "you're not here on a weed call".

The lapel video recorded the full contact with Ms. [redacted] and at no point was there any inappropriate behavior by either officer in reference to undressing Ms. [redacted] with their eyeballs and the investigation determined Officer M. was not rude or inappropriate.

The CPOA finds Officer M.'s conduct **UNFOUNDED**, where the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

(B) The CPOA reviewed Standard Operating General Order 1-02-2 (B-2) in reference to Officer M.'s conduct, which states:

*Make only those arrests, searches and seizures which they know or should know are legal and in accordance with departmental procedures.*

Ms. [redacted] complained that Officer W. and Officer M. demanded to see Ms. [redacted] s phone and the texts. Officer W. informed Ms. [redacted] why they were there, letting Ms. [redacted] know that her ex-boyfriend had called the police stating he had gotten texts from Ms. [redacted] in which she had indicated she wanted to commit suicide. Officer W. asked Ms. [redacted] if she would like to show them the texts. Ms. [redacted] voluntarily retrieved her phone and offered it to the Officers M. Officer M. never demanded to see Ms. [redacted] 's phone.

The CPOA finds Officer M.'s conduct **UNFOUNDED**, where the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*

*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*

*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*

*Rev. Dr. David Z. Ring III*

Edward Harness, Esq., Executive Director

May 18, 2016

Via Certified Mail

~

**Re: CPC #003-16**

Dear Ms.

Our office received the complaint you filed against Officer L. of the Albuquerque Police Department (APD) on December 23, 2015, regarding an incident that occurred on December 9, 2015. Your complaint contained allegations of criminal misconduct by Officer L. Because of those allegations, the CPOA was prohibited from investigating your complaint as the CPOA has no authority to conduct criminal investigations. Your complaint was forwarded to the APD Internal Affairs Commander on January 7, 2016. The IA Commander assigned your complaint to an APD Internal Affairs (IA) Investigator. The IA Investigator conducted an Administrative Investigation into your complaint while an APD Criminal Investigator conducted a preliminary criminal investigation into your complaint. The APD criminal investigation determined that there was no criminal misconduct by Officer L. The CPOA thoroughly and impartially reviewed the Internal Affairs Administrative Investigation of your complaint.

PO Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

Upon completion of the review 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.

Below is a summary of the complaint, the CPOA's review of the investigation, and the CPOA's findings.

### I. THE COMPLAINT

The Civilian Police Oversight Agency received a citizen complaint from a female, identified as \_\_\_\_\_, on December 23rd, 2015. The complaint concerned a call-for-service which had occurred at her residence on December 10th, 2015. Joanne spoke to Diane McDermott, an investigator with the CPOA, and alleged that property had been stolen from her purse by the primary officer, Officer L. \_\_\_\_\_ stated that a friend/witness, \_\_\_\_\_ had witnessed the officer holding \_\_\_\_\_ purse and searching through it. \_\_\_\_\_ had also told \_\_\_\_\_ that the officer had taken items from her purse and moved them into a separate bag. The complaint alleged that the items included cash, medication, and a "rare gem" which were not found after \_\_\_\_\_ returned home from the hospital.

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

The Executive Director of the CPOA reviewed the investigation conducted by the Internal Affairs Investigator, which included a review of the applicable SOPs, the Citizen Police Complaint, Officer L.'s lapel video recording of the contact.

A) The CPOA reviewed Standard Operating Procedure Order 1-04-1(A) regarding Officer L.'s conduct, which states:

*Personnel shall obey all laws, rules and regulations and to the best of their abilities, protect the rights of the provided in the Constitution of the United States.*

After reviewing the facts of this case, it was determined by clear and convincing evidence that the alleged misconduct did not occur. Officer L. utilized her Taser camera while handling the call-for-service. I was able to review the lapel video and determine that Officer L. never stole items from \_\_\_\_\_ purse. The bag, which \_\_\_\_\_ alleged Officer L. had used to transfer items, was found to be a plastic grocery bag. The grocery bag was used to gather \_\_\_\_\_ prescription medication for rescue personnel. Both the purse and the grocery bag were handed off to paramedics prior to \_\_\_\_\_ being transported to the hospital.

This issue is **UNFOUNDED**, which means the investigation determines, by clear and convincing evidence, the alleged misconduct did not occur.

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

**You have the right to appeal this decision.**

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 notice. Include your CPC number.

Letter to Ms. ; CPC 003-16  
May 18, 2016  
Page 3

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 Albuquerque'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/iro/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

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*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #004-16**

Dear Ms.

Our office received the complaint you filed against Officer S. of the Albuquerque Police Department (APD) on December 23, 2015, regarding an incident that occurred on January 3, 2015. Your complaint contained allegations of criminal misconduct by Officer s. Because of those allegations, the CPOA was prohibited from investigating your complaint as the CPOA has no authority to conduct criminal investigations. Your complaint was forwarded to the APD Internal Affairs Commander on January 7, 2016. The IA Commander assigned your complaint to an APD Internal Affairs (IA) Investigator. The IA Investigator conducted an Administrative Investigation into your complaint while an APD Criminal Investigator conducted a preliminary criminal investigation into your complaint. The APD criminal investigation determined that there was no criminal misconduct by Officer S. The CPOA thoroughly and impartially reviewed the Internal Affairs Administrative Investigation of your complaint.

Upon completion of the review 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.

Below is a summary of the complaint, the CPOA's review of the investigation, and the CPOA's findings.

PO Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)



## I. THE COMPLAINT

Ms. alleged that while officers of the Albuquerque Police Department were in her home, one of them stole her rubillite, diamond set in rose gold ring.

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

The Executive Director of the CPOA reviewed the investigation conducted by the IA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Computer Assisted Dispatch (CAD) report, the police report, the CPOA Investigator interview with Ms. , and Officer S. and Officer B's lapel camera videos.

A) The CPOA reviewed Standard Operating Procedure 1-04-1 (A) and (E) regarding Officer A.'s conduct, which states:

*Personnel shall obey all laws, rules and regulations, and to the best of their abilities, protect the rights of the people as provided in the Constitution of the United States. Personnel shall not commit or omit any acts which constitute a violation of any rules, regulations directives or orders of the department.*

On January 3, 2015 Officers S & A were dispatched to the home of the complainant. Upon arrival the officers attempted to make contact with the complainant. Dispatch informed the officers they were still on the phone with complainant and that she wanted the police to shoot her.

Eventually, complainant came to the door and allowed the officers to enter the home. Officers called Rescue to respond to the scene. While waiting for Rescue Officer S performed a safety sweep of the home. During that sweep Officer S discovered a dog needing care. Officer S called for Animal Control to respond.

Rescue personnel determined the complainant should be transported to the hospital for a mental health evaluation. The complainant passively resisted Rescues attempts to place her on a stretcher. Officers assisted in placing the complainant on a stretcher and removed her from the home. Officer S took a plastic shopping bag and gathered all the complaints medications located throughout the home. Officer S placed the bag of medications along with the complainant's purse on the stretcher before rescue took her to the hospital.

The entire incident is recoded on Officer S's body worn camera. At no time does Officer S pick up any rings or jewelry and place them in her possession. Officer S waited for Animal Control to come take possession of the dog; then locked the home and left the scene.

The CPOA finds Officer S's conduct to be **UNFOUNDED** regarding the allegation of a violation of SOP, which means the alleged misconduct did not occur.

Letter to Ms.  
May 18, 2016  
Page 3

CPC 004-16

The CPOA finds Officer A's conduct to be **UNFOUNDED** regarding the allegation of a violation of SOP, which means the alleged misconduct did not occur.

**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque'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/iro/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    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*

*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*

*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*

*Rev. Dr. David Z. Ring III*

Edward Harness, Esq., Executive Director

May 18, 2016

Via Certified Mail

**Re: CPC # 008-16**

Dear Mr.

Our office received the complaint you filed on January 3, 2016 against Officer S. of the Albuquerque Police Department (APD) regarding an incident that occurred on January 3, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### **I. THE COMPLAINT**

Mr.                      complained that on January 3, 2016 at approximately 6:30 PM, he observed Officer S. and another APD Officer stop at the intersection of Lomas Boulevard and 2<sup>nd</sup> Street NW and then drive through the red light. Mr.                      said the officers were not in pursuit and the action was just arrogant and intentional.

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

A Civilian Police Oversight Agency (CPOA) Investigator reviewed your complaint and researched the matter so that we could obtain more information about the incident you complained of. The CPOA Investigator obtained the Computer Assisted Dispatch (CAD)

report pertaining to the call to which Officer S. was responding. The CPOA Investigator learned that Officer S. was responding to a Priority 1 Suspicious Person/Vehicle call at the Family Dollar Store located at 2001 2<sup>nd</sup> Street NW when Mr. observed him at the intersection of Lomas Boulevard and 2<sup>nd</sup> Street NW. According to Officer S., he was on a Priority 2 Disturbance call at 415 Fruit Avenue NE when he was dispatched to the Priority 1 call at the Family Dollar Store. He said he left the Fruit Street address and was traveling Westbound on Lomas Boulevard and when he got to 2<sup>nd</sup> Street NW he stopped at the red light and when it was safe to do so, made a right hand onto 2<sup>nd</sup> Street NW and headed Northbound to the Family Dollar Store located at 2001 2<sup>nd</sup> Street NW. It is legal to make a right hand turn on a red light at the intersection of Lomas Boulevard and 2<sup>nd</sup> Street NW, so Officer S. did not illegally run a red light as alleged in Mr. 's written complaint. The CPOA Investigator obtained a map of the two locations, which verified Officer S.'s route of travel was the most direct way to get to the Priority 1 call at the Family Dollar Store.

The CPOA Investigator contacted you on January 20, 2016 and explained the situation to you. You told the CPOA Investigator that you were satisfied with the explanation and our investigation into the matter and that no further investigation would be necessary into the incident.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because Officer S.'s actions were not in violation of APD's Standard Operating Procedures.

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/iro/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*

Edward Harness, Esq., Executive Director

May 18, 2016

Via Certified Mail

**Re: CPC # 009-16**

Dear Ms.

Our office received the complaint you filed on January 3, 2016 against Officer D. and Officer E. of the Albuquerque Police Department (APD) regarding an incident that occurred on January 2, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

www.cabq.gov

### **I. THE COMPLAINT**

Ms. \_\_\_\_\_ said she called Albuquerque Police Department (APD) on January 2, 2016, to ask for help to get her 2-year-old son, Z., and her property from her mother and step-father's home, located at \_\_\_\_\_ Ms. \_\_\_\_\_' mother is \_\_\_\_\_ and her step-father is \_\_\_\_\_ APD Officers D. and E. responded to the call and contacted Ms. \_\_\_\_\_ and her uncle, \_\_\_\_\_ Ms. \_\_\_\_\_ complained the officers wouldn't allow her to remove Z. from the residence and threatened to arrest her and Mr. \_\_\_\_\_ if they didn't leave the residence. Ms. \_\_\_\_\_ said she is the legal guardian of Z. and there aren't any court documents stating Mrs. and Mr. \_\_\_\_\_ are Z.'s legal guardians; however the officers still wouldn't allow her to take Z.. She said she asked for a Sergeant (Sgt.) to respond and Sgt. W. responded. She complained Sgt. W. wouldn't allow her to take Z. out of the home either and

instead told her to call Children, Youth and Family Department (CYFD). She said CYFD told her APD should have helped her get Z.. She complained she was discriminated against because her mom told officers she was pregnant “by a black man” and also because of her age.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER D.'S AND OFFICER E.'S CONDUCT**

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 CADs report, Officer E.'s report, Officer D.'s and Sgt. W.'s lapel videos and interviews with Ms. \_\_\_\_\_ and Sgt. W..

A) The CPOA reviewed APD SOP 1-02-2 (B)(1), which states:

### ***1-02-2 Enforcement of laws, ordinances, and police regulations***

***B. Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall:***

***1. Take appropriate action and render assistance in any instance coming to their attention whether on or off duty.***

Ms. \_\_\_\_\_ complained that she called APD for help retrieving her 2-year-old son, Z., and her belongings from her mother, \_\_\_\_\_'s residence and responding Officers D. and E. helped her retrieve her belongings but did not help her get her son even though she is his legal guardian.

A review of the lapel videos, the CADS and written report, and interview with Sgt. W., who is Officer D.'s and Officer E.'s supervisor, revealed Officers D. and E. did not have the authority to remove Z. from the \_\_\_\_\_'s home and it was Sgt. W.'s decision to keep Z. in the \_\_\_\_\_'s home for the night because it was his established residence. The investigation revealed Sgt. W. told Ms. \_\_\_\_\_ Children, Youth and Families Department (CYFD) and the courts would ultimately determine who would have custody of Z..

The CPOA finds Officer D.'s and Officer E.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

B) The CPOA reviewed APD SOP 1-3-3 (A)(3), which states:

**1-3-3 RULES**

**A. General Procedures**

- 1. Department personnel will provide the same level of police service to every citizen regardless of their race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.**

Ms. \_\_\_\_\_ complained that Officers D. and E. discriminated against her because of her age and because she was “pregnant with a black man’s child.”

A review of the lapel videos, the CADS and written report, and interview with Sgt. W., who is Officer D.’s and Officer E.’s supervisor. revealed Officers D. and E. did not discriminate against Ms. \_\_\_\_\_ : because of her age, or because she was carrying “a black man’s child”. The investigation revealed Officers D. and E. were simply doing their job to stand by and keep the peace and allowed Ms. \_\_\_\_\_ to collect her personal belongings.

The CPOA finds Officer D.’s and Officer E.’s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

Your complaint and these findings are made part of Officer D.’s and Officer E.’s Internal Affairs records.

You have the right to appeal this decision. The Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of their respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. 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/iro/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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*Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #013-16**

Dear Ms.

Our office received the complaint you filed on January 18, 2016 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on December 8, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on January 20, 2016. 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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT AND INVESTIGATION

Ms. [redacted] called police to help her since she was in a dispute with her boyfriend. Ms. [redacted] reported her boyfriend would not allow her to leave. Ms. [redacted] boyfriend called police claiming that Ms. [redacted] struck him. Police arrived and listened to both parties. Ms. [redacted] boyfriend recorded a video of what transpired before police arrived, which he showed to the officers. After an investigation, Officer T decided Ms. [redacted] was the primary aggressor and arrested Ms. [redacted]. Ms. [redacted] and Officer T started communicating, mostly through texts, on a personal level. This continued for a couple of months.



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 computer aided dispatch (CAD), the police report, a log of texts, a working hours report, screen shots of texts from various parties, additional information from APD such as lapel camera information and previous case information, the citizen interview, Officer T's interview, Officer H's interview, Sgt. F's interview and Sgt. R's interview, and lapel recordings from Officer H and Sgt. F.

## II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER T'S CONDUCT

A) The CPOA reviewed Standard Operating Field Services Order 3-12-3G9c regarding Officer T's conduct, which states:

*It is incumbent upon the officers at the scene of a domestic violence incident to determine the predominant aggressor and then affect an arrest (or issue a summons if appropriate) for the applicable party.*

Ms. [redacted] felt the arrest was improper. Ms. [redacted] admitted she hit her boyfriend, but only after he dug his nails into her breast. Ms. [redacted] claimed her boyfriend made a misleading video that he showed to the officers. Ms. [redacted] stated Officer T. told her the only reason he arrested her was that Officer T's supervisor was present, which further contributed to her opinion about the arrest. She repeatedly asked Officer T the reason for her arrest and the elements of the alleged crime. Officer T did not explain things in a manner she understood. Officer T. told her no matter what he said to her that she would not be satisfied. She agreed because the situation was not right. She did not understand how she was to be arrested when she asked for help.

Ms. [redacted] boyfriend called police first and reported he was hit in the face. Ms. [redacted] called second and did not mention injury, but said her boyfriend kept her from leaving. Once the officers arrived, the lapel video showed Ms. [redacted] argued that the officers were messing up her life by arresting her. During the portions that were recorded there was no mention of arrest being due to the supervisor. Officer T denied he said anything about the supervisor influencing his decision. Ms. [redacted] expressed she could have left and avoided arrest. Ms. [redacted] did not understand that a summons would have been issued for her actions even if she had left. Officer T arrested Ms. [redacted] based on the video evidence provided by Ms. [redacted] boyfriend and the obvious facial swelling that Officer H observed. The arrest was based on the probable cause that Ms. [redacted] was the primary aggressor and committed a battery.

The CPOA finds Officer T's conduct to be **Exonerated** where the investigation determined the alleged conduct occurred, but did not violate APD policies, procedures or training.

B) The CPOA reviewed Standard Operating General Order 1-04-6C regarding Officer T's conduct, which states:

*Personnel shall avoid regular or continuous associations or dealings with persons whom they know are under active criminal investigation or indictment, or who have a reputation in the community of the department for present involvement in felonious or criminal behavior, except as necessary in the performance of official duties, or where unavoidable because of other personal relationships.*

Ms. stated Officer T started texting her almost every day. She was not interested in pursuing a relationship with Officer T, but admitted she would string him along to get the help he promised. Ms. also claimed she was scared and compelled to continue the conversation with Officer T.

Officer T explained he continued conversations with Ms. because he was nice guy and had no intention in dating Ms. it was just flirting.

Officer T met Ms. through the course of law enforcement duties. Officer T was the arresting officer of Ms. for a domestic violence case. The texts between Ms. and Officer T were extensive. Both talked about dating, such as movies and dinners. There was also discussion about Officer T specifically going to where Ms. worked as an adult entertainer or Ms. coming to visit Officer T while he was on overtime assignments. In his interview, Officer T acknowledged on some level he knew the communication was improper.

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

C) The CPOA reviewed Standard Operating General Order 1-04-1G1-3 regarding Officer T's conduct, which states:

*Conduct unbecoming an officer or employee shall include: 1. That which could bring the department into disrepute. 2. That which interferes or compromises the efficiency of personnel. 3. That which impairs the operation or efficiency of the department.*

Ms. stated within moments at the scene Officer T asked her out on a date and complimented her several times. Ms. stated Officer T asked questions about her relationship with her boyfriend, which were clearly not for investigative purposes while she was vulnerable. Officer T's entire contact with her at the scene was at minimal flirtatious and later overt when Officer T said he wanted to "eat her out" and be her first black guy. Officer T gave Ms. his phone number and later put it in her phone. Ms. stated Officer T offered to help her, but Officer T did not specify how. Officer T implied he would not show up to court, thereby having the case against her dismissed. Officer T offered to photograph her breast in the back of the police car when she complained pictures not being taken. Instead, Ms. claimed Officer T allowed her to take her own photo of her exposed breast while Officer T watched. Officer T sent her texts over the course of the next couple of months. Ms. described many of his texts as "passive aggressive." Ms.

stated Officer T expressed annoyance in texts over when Officer T went to see Ms. s at her work when she was not there. Ms. stated she felt pressured into responding to Officer T, especially about where she lived. According to Ms. Officer T dangled promises of not showing up to court to help her. Officer T acted jealous at times over possible other boyfriends. It was obvious to Ms. that Officer T wanted to have sex with her and promised to help her in her court case to get it although Officer T never blatantly said that.

Officer T denied many of Ms. allegations about their conversations. Officer T suspected Ms. filed her complaint because he was unwilling to dismiss her case.

There was no lapel video between Officer T and Ms. when they were alone at the scene to know what statements he made. While the other officers were around, Officer T did not say anything out of the ordinary. Ms. picture that she took of her breast looked like she was in the back of the patrol car, but it was inconclusive. In one of the texts, Ms. talked about tan lines on her breasts and Officer T responded he would not know since he had not seen them. She responded, "Lol of course." This conversation line could indicate Officer T was not present if in fact she exposed herself in his patrol car, but is also inconclusive. Ms. did not have a complete record of texts between her and Officer T, but she had a significant portion. Some of the texts automatically deleted out of Ms. phone. Ms. provided her cell phone for data extraction, but APD could not get the data because either her phone was too old or because it was on a prepaid plan. Officer T shared a much smaller number of texts and what he provided was heavily edited. The texts between Ms. and Officer T showed on several occasions inappropriate comments by Officer T given the nature of their relationship. Officer T, as examples, offered Ms. a hug, a kiss, to give her loving, or stated that he was sexually frustrated. The texts showed Officer T specifically asked for photos of her and appreciated when the pictures were sexier. The texts showed Officer T at times expressed jealousy about other men or disappointment about Ms. lack of response at times. Officer T during one conversation said he would help her out, but the conversation moved to being roommates; the tone was likely in jest. In another text, Officer T offered to escort Ms. to her apartment to get property. Texts from both parties indicated interest in a relationship or at least dating. Officer T called her "Hun" several times and Ms. called him "lovely." They talked often about going out, but both agreed they never did. Ms. claim of pressure or intimidation did not appear to be substantiated by the nature of the texts, but regardless Officer T's interaction with Ms. was inappropriate considering the circumstances and brought the department into disrepute. Officer T's actions likely compromised the case against Ms. although the case is still pending in court.

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

D) The CPOA reviewed Standard Operating General Order 1-04-4B regarding Officer T's conduct, which states:

*Personnel shall not engage in any activity or personal business that may cause them to neglect or be inattentive to duty.*

A review of the text log obtained by Ms. [REDACTED] cell provider and Officer T's paid work activities show Officer T engaged in personal conversations with Ms. [REDACTED] nineteen workdays of the thirty-four days they exchanged texts. The span of time was forty-four days total. The information gathered showed there were 638 texts between them of which 384 occurred while Officer T was on paid hours. On some of the working days, there was an almost constant string of texts back and forth lasting for hours. Officer T claimed he responded to his work in a timely fashion. Officer T's sergeant did not notice any productivity issues during this time, but given the amount of working time spent in personal conversation, proactive policing at minimum would suffer.

The CPOA finds Officer T's conduct to be a **Sustained violation not based on the original complaint** where the investigation determined that misconduct occurred that was not alleged in the original complaint, but was discovered during the investigation.

E) The CPOA reviewed Standard Operating Procedural Order 2-19-3B1 regarding Officer T's conduct, which states:

*All prisoners will be handcuffed behind their backs and remain so restrained while being transported to a detention or medical facility.*

Ms. [REDACTED] stated she was able to slip in and out of her handcuffs, which Officer T allowed. When others were around, Officer T told her to make sure she slipped back in her cuffs for appearances.

Ms. [REDACTED] said she slipped in and out of her cuffs the whole time she was with Officer T during transports. Officer T stated she moved them to the front on her own, but he corrected the issue once they arrived at their destination.

The CPOA finds Officer T's conduct to be **Not Sustained** where the investigation was unable to determine whether the alleged misconduct occurred.

F) The CPOA reviewed Standard Operating Procedural Order 2-19-3F1 regarding Officer T's conduct, which states:

*When it is necessary for an officer to transport a prisoner of the opposite sex, the officer will notify the dispatcher of his/her location, destination, starting mileage at the scene, and ending mileage upon arrival at the destination either by verbal communication over the air, using the Update Location (UL) function on the MDT, or adding remarks to the event on the MDT.*

Officer T believed he called out the mileage on both transports and assumed dispatch did not log his call out.

The CAD showed Officer T did not use the update location function or add remarks. A review of the radio traffic recording also showed Officer T did not call out with the information from the scene to the substation. Based on the CAD, Officer T cleared the scene about 1430 and did not transport Ms. to the PTC until 1620 with no mention of the substation location.

The CPOA finds Officer T's conduct to be a **Sustained violation not based on the original complaint** where the investigation determined that misconduct occurred that was not alleged in the original complaint, but was discovered during the investigation.

G) The CPOA reviewed Standard Operating General Order 1-39-2B regarding Officer T's conduct, which states:

*All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service, or traffic stop. Personnel will activate the recorder prior to arriving at the call or prior to citizen contact on non-dispatched events (within the safety parameters of 1-39-1B) and will record the entirety of the citizen contact. Uniformed civilian personnel issued digital records will also comply with this section. The recordings will be saved for no less than 120 days.*

Ms. stated Officer T specifically told her he turned off his camera while they were in his patrol car.

Officer T stated he had lapel camera problems and denied he told Ms. he turned off his camera.

Officer T's report indicated nothing about lapel camera problems. Neither Officer H nor Sgt. F knew there were problems with Officer T's camera until after the complaint was filed. According to the camera manufacturer, four beeps indicate a low battery and three meant the memory was full. According to the camera manufacturer, the camera will record on a low battery until it is completely drained.

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

H) The CPOA reviewed Standard Operating General Order 1-04-4W regarding Officer T's conduct, which states:

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

Officer T made untrue statements during the interview and was not forthright on many other answers.

- Officer T claimed he told Officer H about his lapel camera issues at the scene, but Officer H stated he knew nothing about it.
- Officer T denied he received a call from Ms. [REDACTED]; while she was in jail. Instead, Officer T mentioned Ms. [REDACTED] asked him to text her friend for bail, which he did when they traveled to the PTC. The evidence does not support this. The CAD showed Officer T transported Ms. [REDACTED] to the PTC at 1620 on 12/8/15. The texts provided from Ms. [REDACTED]' friend showed Officer T contacted Ms. [REDACTED] friend on 12/9/15 at 0114, after she was taken to jail.
- Officer T downplayed the nature of the texts between them significantly. Officer T characterized the conversation was Ms. [REDACTED] asking questions about her court case. When asked what additional contact he said there was some personal contact and that was it.
- Officer T only admitted to specifics in his interview when confronted with quotes from the texts or what was already revealed in the news story about this.
- Officer T presented a document with screen shots from his phone of their texts. Those screen shots were heavily edited. He eliminated most of his responses in between her statements, which if he had hers he would have had his too. The documents presented as a continuous string without his statements in between. Officer T's document was extremely misleading into the conversations that occurred between them.
- Officer T claimed he did not want to pursue a relationship, but the texts indicated otherwise.
- Officer T indicated he did not say he would visit her at work and that it was her request, but the texts indicated otherwise.
- Officer T only admitted he offered to meet Ms. [REDACTED] at his work when he was confronted with the information and then said it was only at his overtime assignments.
- Officer T claimed Ms. [REDACTED] was likely angry he did not volunteer to escort her to her apartment to get property, but the texts showed Officer T did offer to go with her.
- Officer T said Ms. [REDACTED] wanted to have her case dismissed, but at least in the texts provided, Ms. [REDACTED] never brought that up and instead he said he would help her out.
- Officer T's reasons for the continued contact were inconsistent.
- After Officer T was aware of the complaint, he researched recording with the camera manufacturer. He changed his explanation of why his camera did not record to one that would match why he had no recording. However, the number of beeps he claimed he heard matched his original explanation, which would have had at least some recording.
- Officer T was confident he called his mileage out when he transported Ms. [REDACTED] to the substation and blamed dispatch. A review of the radio traffic showed he only called his mileage out to the PTC and never mentioned going to the substation.

These examples demonstrate some outright untruthful statements and an overall evasiveness in answering the questions. Officer T often said he did not remember or conditionally admitted he said things when directly confronted with evidence. If Ms. [REDACTED] had not provided the number of texts she had to the CPOA, Officer T would not have revealed the information as evidenced by his initial statements when asked to provide a narrative. Then

Commander G highlighted an almost identical response pattern from Officer T in the investigation into I-125-12, which involved almost identical circumstances.

The CPOA finds Officer T's conduct to be a **Sustained violation not based on the original complaint** where the investigation determined that misconduct occurred that was not alleged in the original complaint, but was discovered during the investigation.

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

A) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Officer H's conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.*

Ms. [redacted] claimed Officer H unprofessionally and inaccurately described the videos from her boyfriend to Officer T. Officer H's description of the videos pushed for her arrest. Ms. [redacted] told the officers she wanted to see the videos on which the officers based their arrest decision. Ms. [redacted] felt it was very rude of Officer H to say he would provide the video, but then go home before she could have access to it.

The lapel video showed Officer T asked Officer H questions about what Officer H saw on the video such as how many times the video showed Ms. [redacted] striking her boyfriend. The lapel video showed Officer H stated the boyfriend's video did not support Ms. [redacted] version of what happened and described what he saw. That was when Ms. [redacted] said she wanted to see the video. Ms. [redacted] ability to see the video before she was arrested was not required and would not have changed her arrest. Court is the appropriate place for evidence to be shown.

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

B) The CPOA reviewed Standard Operating Field Services Order 3-12-3G14 regarding Officer H's conduct, which states:

*Any visible injuries relating to the battery shall be documented and photographed to be used as evidence for prosecution whenever possible.*

Ms. [redacted] stated Officer H asked if he could take pictures, but she did not want pictures taken right then by a male officer since she did not have a bra on and was not properly dressed. As soon as she indicated she did not want pictures, Officer H immediately walked away and did not explain anything or provide her alternatives.

Officer H explained if a sensitive area needed to be photographed alternative arrangements would be made and would not occur in the parking lot.

In her written complaint, Ms. [redacted] claimed Officer H attempted to take a picture of her injured breast in the parking lot and did not call for a female officer when she refused to let a male officer photograph her private part. In her interview, she admitted Officer H did not specifically request to photograph her breast. The lapel video showed Officer H explained he needed to take photos. Ms. [redacted] asked if the pictures were only of her face. The only injury she seemed to mention at that time was her finger. Officer H explained what he was going to photograph; he never specifically mentioned her breast. The lapel video showed Ms. [redacted] complained she did not have a bra on; Officer H pointed out she was wearing a shirt. Ms. [redacted] concerns seemed to be centered on her appearance. When Ms. [redacted] indicated she did not want photos taken, Officer H said ok. Ms. [redacted] did not want pictures and the necessity for the pictures did not warrant anyone forcing her.

The CPOA finds Officer H's conduct to be **Exonerated** where the investigation determined the alleged conduct occurred, but did not violate APD policies, procedures or training.

#### **IV. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SGT F'S CONDUCT**

A) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Sgt. F's conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.*

Ms. [redacted] claimed Sgt. F was a "total d [redacted]" when he told her she was being arrested. Her impression of his attitude was "shut up and go to jail," but he did not actually say that. Sgt. F did not provide an explanation for her arrest. She did not understand why she was being arrested when her boyfriend hit her first.

Sgt. F observed Ms. [redacted] was trying to talk her way out of going to jail so he stepped in and explained things to Ms. [redacted].

Ms. [redacted] acknowledged Sgt. F was decent when he advised her to put her property in her trunk. The lapel video showed Sgt. F explained to Ms. [redacted] that she was going to jail because she was the primary aggressor. Sgt. F informed her what he observed on the video that contributed to that decision. Sgt. F became sterner when she continued to argue, but the lapel video showed he was professional.

The CPOA finds Sgt. F's conduct to be **Unfounded** where the investigation determined that the alleged misconduct did not occur.



Letter to Ms.  
May 18, 2016  
Page 10

CPC 013-16

Your complaint and these findings are made part of Officer T's, Officer H's, and Sgt. F's Internal Affairs records.

You have the right to appeal this decision.

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.
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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*        *Eric H. Cruz*        *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Email

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-  
**Re: CPC #014-16**

Dear Mr. \_\_\_\_\_

Our office received the complaint you filed on January 21, 2016 against an Officer of the Albuquerque Police Department (APD), regarding an incident that occurred on January 21, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on January 25, 2016. 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

New Mexico 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.

www.cabq.gov

### **I. THE COMPLAINT**

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 citizen interview, the officer interview, and dash cam recording made by the citizen.

Mr. \_\_\_\_\_ filed the complaint after he witnessed what he described as poor driving behaviors by Officer B. Mr. \_\_\_\_\_ stated Officer B's driving endangered himself and others.

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

A) The CPOA reviewed Standard Operating General Order 1-04-6N regarding Officer B's conduct, which states:

*Personnel shall operate official vehicles in a careful and prudent manner and shall obey all laws and all department orders pertaining to such operation.*

Mr. stated he was in the right lane headed north on I-25 when Officer B approached him from behind at a high rate of speed. Mr. estimated his speed was just over 70 mph and that Officer B approached at about 90 mph. Mr. stated Officer B came closer than a vehicle length to the back of his vehicle and then quickly Officer B forced his way into the line of three cars in the left lane. Mr. thought the other cars traveled about ten miles per hour faster than he did. Both the space between his car and Officer B and the space between Officer B and the other cars in the left lane was unsafe according to Mr. Mr. noticed Officer B's left turn signal only after Officer B moved over because Officer B was so close. Mr. saw Officer B as Officer B passed and described the officer as definitely darker skinned.

Mr. provided a brief video from his front mounted camera. The speedometer was not captured on video so Mr.'s exact speed was unknown. Both Mr. and Officer B estimated traffic flowed about ten miles faster than Mr. traveled, however, Mr. thought he was traveling about the speed limit and Officer B believed Mr. traveled about ten miles under the speed limit. Mr. mentioned in his interview aside from the passing cars on his left there was a truck merging on his right. The video showed the truck on the right, but Mr. passed it before the truck's merge became a factor. On the video, Mr. made no mention to himself about a car approaching quickly behind him, however, later made an exclamatory statement to himself about Officer B as the police car passed. The video showed a pickup truck passed on Mr. left and approximately five seconds later Officer B passed. The car behind Officer B followed about six seconds later. There were no brake lights, swerves, or unsafe driving behaviors when Mr. exclaimed he could not believe Officer B's driving. The video captured smooth and natural passing by the vehicles and the distances between the cars were within safety limits. Mr. stated the poor driving occurred within seconds, but the video did not show dramatic actions. Mr.'s perception may have been off given that he was viewing things from his rear view mirror while paying attention to the road in front of him. Additional evidence that a misperception occurred was that Mr. stated Officer B was a darker skinned individual, but Officer B is very Caucasian in appearance.

The CPOA finds Officer B's conduct to be **Unfounded**, as the investigation determined that the alleged misconduct did not occur.

Your complaint and these findings are made part of Officer B's Internal Affairs record.

Letter to Mr. [REDACTED] ; CPC 014-16  
May 18, 2016  
Page 3

You have the right to appeal this decision.

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.
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/iro/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 Narness, Esq.  
Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC 015-16**

Dear Ms.

Your complaint against a temporary employee of the Albuquerque Police Department (APD) was received by our office on January 11, 2016 for an incident which occurred on an unknown date but after April 24, 2015. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Assistant Lead Investigator and a preliminary investigation was conducted.

PO Box 1293

### I. THE COMPLAINT

Albuquerque

New Mexico 87103

www.cabq.gov

You wrote in your complaint that APD IT Temporary Employee C. had used his position to obtain APD documents and that the employee then posted those documents on his Facebook page. In particular, the documents appeared to be screen shots of two people who were wanted by the APD for various crimes. One of the people whose mugshot was posted on Employee C.'s Facebook page, was a mugshot of your brother who has been missing for some time. You complained that Temporary Employee C. admitted on his Facebook Page to having obtained the pictures that were posted while he was working at APD. You found the behavior of Temporary Employee C. to be unprofessional.

### II. THE INVESTIGATION

In an effort to obtain more information concerning your complaint, a CPOA Investigator conducted a preliminary investigation. The investigator found that Temporary Employee C. works for an outside agency and is temporarily assigned to APD's Internet Technology Unit. Because he is actually employed by a Temporary Staffing Agency, our office has no jurisdiction to investigate the complaint. In an effort to assist you though, the CPOA Investigator contacted you and asked you for the screen shots that you had made of the temporary employee's Facebook page where he posted the pictures. You emailed those screen shots to the Investigator. The Investigator told you that even though we have no jurisdiction to investigate the matter that the screen shots and your complaint would be forwarded to the APD IT Supervisor, M. L. for follow up and possible disciplinary action by the

Letter to Ms. ; CPC 015-16  
May 18, 2016  
Page 2

employee's actual employer. The CPOA Investigator informed you that after that happened our office would be closing the complaint as we have no jurisdiction to investigate the person you complained on. On January 28, 2016, the screen shots and your complaint was provided to Mr. L who said that he would follow up on it and take whatever action was necessary to resolve your complaint.

### **III. CONCLUSION**

We have no jurisdiction to investigate your complaint. Your complaint and the screen shots you provided were turned over to the APD IT Unit Supervisor who informed our agency that he would follow up on your complaint and take whatever action was necessary to resolve it. It is our hope that your complaint is resolved to your satisfaction. At this time, I am administratively closing your complaint without further investigation.

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

Please contact me if you have any questions or concerns.

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 *Beth Mohr, Chair* *Leonard Waites, Vice Chair*

*Dr. Susanne Brown* *Eric H. Cruz* *Joanne Fine*

*Dr. Carlotta A. Garcia* *Dr. Lisa M. Orick-Martinez*

*Rev. Dr. David Z. Ring III*

Edward Harness, Esq., Executive Director

May 18, 2016

Via Certified Mail

Re: CPC # 016-16

Dear Mr.

Your complaint was received in our office on January 27, 2016. The circumstances of the incident and APD's response have been explained to you, and you are satisfied with their response. I am concluding that this has resulted in the successful mediation of your complaint; therefore, I am **ADMINISTRATIVELY CLOSING** your complaint without further investigation.

PO Box 1293

Please contact me if you have any questions or concerns.

Albuquerque

Sincerely,

Edward W. Harness, Esq.

Executive Director

(505) 924-3770

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

CC: Police Oversight Board  
(W/O names)

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC# 019-16**

Two complaints were filed against the Albuquerque Police Department (APD) and were received in our office on February 18 and March 9, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate the Complaint. The Administrative Office of the CPOA investigated the complaint. The CPOA made a finding, based on the information anonymously provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

PO Box 1293

Albuquerque

Below is a summary of the complaint, the CPOA's investigation and findings.

New Mexico 87103

### I. THE COMPLAINT

www.cabq.gov

submitted two complaints to our office. Ms. [redacted]'s complaint is very hard to read and understand. In complaint number one (1), Ms. [redacted] mentions being abused by [redacted]. In complaint number two (2) Ms. Ward again mentions [redacted] and also generalizes "people who answer the phone at dispatch".

### II. INVESTIGATION

The Investigator made numerous attempts to contact Ms. [redacted] to gain further information about her written complaints. In complaint one (1) Ms. [redacted] listed a phone number and in complaint two (2), the listed number had been changed. The investigator contacted both numbers and as of the writing of this document Ms. [redacted] has never been in contact with the CPOA office or the Investigator. The Investigator researched the name [redacted] and determined no person with that name or similar name works for the Albuquerque Police Department.



Letter to  
May 18, 2016  
Page 2

CPC 019-16

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** this complaint due to the lack of information in the complaint.

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

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC# 020-16**

A complaint was filed against the Albuquerque Police Department (APD) and was received in our office on February 18, 2016 regarding an alleged incident that occurred on December 8, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate the Complaint. The Administrative Office of the CPOA investigated the complaint. The CPOA made a finding, based on the information anonymously provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

PO Box 1293

Albuquerque

Below is a summary of the complaint, the CPOA's investigation and findings.

New Mexico 87103 **I. THE COMPLAINT**

www.cabq.gov

Mr.            stated on December 8, 2015 at approximately 1850 to 1910 hrs. a plain clothes officer in an unmarked vehicle turned his lights on and stopped Mr.            Mr.            stated the vehicle was tailgating him and he tapped on his brakes to remind the driver to back off from his vehicle. Mr.            stated he did not know it was a police officer until the lights came on. Mr.            stated the man went "berserk" on him, yelling, screaming and threatening to give him five tickets. Mr.            stated he was not able to sleep that night and was distressed by the incident.

## **II. INVESTIGATION**

The CPOA Investigator reviewed the complaint and interviewed Mr.            Mr.            was unable to provide a vehicle description, plate number or any identification given by the subject whom pulled him over. The Investigator asked Mr.            ; if the man ever identified himself as an Albuquerque Police Officer or gave his name and Mr.            stated he did not.

Letter to Mr. CPC 020-16  
May 18, 2016  
Page 2

The Investigator obtained Mr. [redacted]' license plate number, contacted the Albuquerque Police Research and Recording Department to obtain any information that may have been recorded if Mr. [redacted]' license plate had been called in or run through APD systems. The Research and Recording Department could not find any information regarding Mr. [redacted]' plate or any type of call in for pulling someone over in that area on that evening in question. The Investigator informed Mr. [redacted], that it is possible it may have been another law enforcement agency and without vehicle information or a name it would be very difficult to conduct any further investigation into the complaint.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** this complaint due to a lack of information in the complaint.

Administratively closed complaints may be re-opened if additional information becomes available. Please contact the CPOA in regard 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/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC 022-16**

Dear Ms.

Our office received the complaint you filed on February 5, 2016 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on October 16, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on February 17, 2016.

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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

Ms. [redacted] reported in her written complaint that an officer came to her door and demanded her ID. Ms. [redacted] wrote that the officer accused her of taking something from her neighbor, breaking windows, and acting crazy.

### II. INVESTIGATION

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the Complaint and a Computer Aided Dispatch (CAD) search.

The CPOA Investigator reviewed the complaint Ms. [redacted] submitted.

The Investigator requested a CAD search for the date and location. There were three calls involving Ms. . The first was the neighbor who accused Ms. of taking her keys. An officer responded and tried to contact Ms. , but she was not home at the time. Another call involved a different neighbor who accused Ms. of banging on his windows. Two officers responded and contacted the neighbor and Ms. A third call was made by the same neighbor again reporting Ms. was banging on windows, but he said she calmed down and did not need police.

The Investigator interviewed Ms. on February 25, 2016. Ms. was unaware her neighbor accused her of taking her keys since she did not talk to the officer that responded to that incident. Ms. admitted she had a conversation about the gate clicker for her apartment complex with her neighbor on that day. Ms. acknowledged that she spoke to the two officers that responded about the windows. Ms. agreed she banged on the windows of her neighbor and broke the window to her car because she locked her keys inside. Ms. did not have an issue with those officers. Ms. said a different officer responded in the evening and that officer was unprofessional in his conduct because he made his allegations against her based on her neighbors' hearsay.

The Investigator had an additional CAD search conducted, expanding to the address, and not limited to the apartment. There were no additional related calls on that date or within a day.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to not being able to identify any Albuquerque Police Officer related to this incident and not having enough information to further the investigation.

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/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC #023-16**

Dear Ms.

Our office received the complaint you filed on February 5, 2016 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on October 16, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on February 17, 2016.

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

New Mexico 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.

www.cabq.gov

### I. THE COMPLAINT

Ms. [redacted] filed a complaint stating that on October 16, 2015 she was booked into jail on a warrant. Ms. [redacted] was in her cell and was in a lot of pain, so she asked APD for ibuprofen. She claimed officers removed her from the cell and maced her. Ms. [redacted] wrote that she was dragged from her cell and marched down a long hall. She said that one officer dropped her to the floor. Ms. [redacted] wrote a four-page statement, which she claimed APD changed.

### II. INVESTIGATION

The CPOA Investigator reviewed the complaint that Ms. [redacted] submitted. This was the second time she filed the same complaint. The complaint and the description Ms. [redacted] provided were events that occurred at Metropolitan Detention Center (MDC) and not with APD officers.

The CPOA Investigator interviewed Ms. [REDACTED] to confirm where this occurred. Ms. [REDACTED] stated the incident occurred when she was already booked into jail and dressed out. Ms. [REDACTED] confirmed this occurred with MDC officers. The CPOA Investigator informed Ms. [REDACTED] that she would have to file a complaint with MDC about the issues. Ms. [REDACTED] had mistakenly thought that APD officers ran the jail. The CPOA Investigator provided the MDC complaint form and contact information to Ms. [REDACTED]. Ms. [REDACTED] understood her complaint would be closed, as the CPOA Office did not have jurisdiction.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, because the complaint did not involve Albuquerque Police personnel.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC 024-16**

Dear Ms.

Our office received the complaint you filed on February 5, 2016 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on January 7, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on February 17, 2016.

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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### **I. THE COMPLAINT**

Ms.            reported in her written complaint that five officers tried to make contact with her at her residence on January 7, 2016. Ms.            did not know why these officers tried to contact her when she was not due in court until January 11, 2016.

### **II. INVESTIGATION**

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the Complaint and a Computer Aided Dispatch (CAD) search.

The CPOA Investigator reviewed the complaint Ms.            submitted.



Letter to Ms. ; CPC 024-16  
May 18, 2016  
Page 2

The Investigator requested a CAD search for the date and location. No Albuquerque Police officers were logged out at the location on that date and time.

The Investigator interviewed Ms. on February 25, 2016. Ms. did not see these officers herself or speak with anyone that day. Her neighbor, (last name unknown), told her about the officers stopping by. Ms. did not know which apartment number or have a contact number for this neighbor.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to not being able to identify any Albuquerque Police Officer related to this incident and not having enough information to further the investigation.

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/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC 026-16**

Dear Ms. [REDACTED]:

Our office received the complaint you filed on February 5, 2016 against Officers of the Albuquerque Police Department (APD), regarding an incident that occurred on September 23, 2013. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on February 17, 2016.

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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

Ms. [REDACTED] reported in her written complaint that two officers took her keys on September 23, 2013.

### II. INVESTIGATION

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the Complaint and a Computer Aided Dispatch (CAD) search.

The CPOA Investigator reviewed the complaint Ms. [REDACTED] submitted.

May 18, 2016

Page 2

The Investigator requested a CAD search for the date and location. No Albuquerque Police officers were logged out at the location on that date and time.

The Investigator interviewed Ms. [redacted] on February 25, 2016. Ms. [redacted] stated that two officers approached her because she was breaking into her own car. She had locked the keys in her car. Ms. [redacted] stated that after she got into the car she threw away some items in a nearby dumpster. When she turned back towards her car, the officers were leaving. Ms. [redacted] stated her keys were gone and the officers must have taken them. Ms. [redacted] did not know the officers' names or car numbers.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to not being able to identify any Albuquerque Police Officer related to this incident and not having enough information to further the investigation.

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/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

### Re: Citizen Police Complaint 033-16

Dear Mr.

Your complaint against an unknown person in the Telephone Reporting Unit of the Albuquerque Police Department (APD) was received by our office on February 3, 2016 for an incident which occurred on January 29, 2016. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Assistant Lead Investigator and a preliminary investigation was conducted.

PO Box 1293

#### I. THE COMPLAINT

You wrote in your complaint that you had called the telephone reporting unit to file a report with them on January 29, 2016. Your apartment had been broken into but you waited a day to report it to the police. You wrote in your complaint that the report was "rejected" by the person in the Telephone Reporting Unit and you were told to call 242-COPS. You alleged that you should have been referred to a Detective instead of 242-COPS because that would make you feel safer.

Albuquerque

New Mexico 87103

#### II. THE INVESTIGATION

In an effort to obtain more information concerning your complaint, a CPOA Investigator conducted a preliminary investigation. The investigator was able to determine that your report was not "rejected." The investigator was able to obtain a copy of the police report that was filed by the Telephone Reporting Unit and that report details the fact that you were in your apartment when you saw a woman run out. The only thing you found missing was a gray rock. You suspected another person was inside the apartment but you never saw him. Later you heard a man outside your apartment saying that the rock had gold in it and was worth money. You reported that you have been missing items every few days and that you do not know how the offenders are getting in.

www.cabq.gov

The CPOA Investigator tried contacting you by phone but your phone was not working. The CPOA Investigator contacted you by e-mail to schedule an appointment with you to discuss your complaint. You responded to that email that you would meet the Investigator in his

Letter to Mr. ; CPC 033-16  
May 18, 2016  
Page 2

office on March 1, 2016 at 4:00 PM. You did not show up for the interview and you did not contact the Investigator to re-schedule your appointment.

### **III. CONCLUSION**

You complained that your report was “rejected” and that you should have been referred to a Detective instead of 242-COPS. There is no indication that you were referred to 242-COPS and the evidence showed that there is a report on file with APD concerning the theft of your rock. The Investigator contacted you so an interview could be conducted with you but you did not keep the appointment for the interview. There does not appear, from the limited information you provided and from the investigation conducted, that there was a violation of Standard Operating Procedure by anyone from the APD. Even if it could be shown that there was a violation, the policy violation would be minor. Further investigation cannot be conducted because of the lack of information you provided in your written complaint.

Because the report was not rejected as you claimed, and because there does not appear to be any policy violation, we are administratively closing your complaint and no further investigation will be conducted.

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

Please contact me if you have any questions or concerns.

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    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*

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*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*

*Rev. Dr. David Z. Ring III*

Edward Harness, Esq., Executive Director

May 18, 2016

Via Certified Mail

### Re: Citizen Police Complaint 035-16

Dear Ms. :

Your complaint against Albuquerque Police Department (APD) Officer G. was received by our office on February 29, 2016 for an incident which occurred on February 23, 2016. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Director and you were asked to participate in mediation but at the time you did not want to do that. Your complaint was assigned to the CPOA Assistant Lead Investigator on March 22, 2016 for investigation.

PO Box 1293

#### I. THE COMPLAINT

You wrote in your complaint that last January, you and Officer G. separated. You and Officer G. had a car and credit card while you were together. Officer G. had agreed to pay the insurance on the car and \$100.00 of the car payment. When you split, Officer G. wanted the car back because you could not afford the car payment on your own. Officer G. took the car and you agreed to make the payments on the credit card. You complained that Officer G. has been constantly texting you and calling you even though you have asked him to stop doing so. You complained that on February 23, 2016, while Officer G. was on duty, he called you and told you that he was shaking because he was so angry. Officer G. allegedly told you that he was on a call at that time. You wrote in your complaint that you accidentally hung up on Officer G. after you told him to stop calling you. He called you back and asked you why you had hung up on him. You alleged that Officer G. was angry, demanding, and insulting. You wrote that if Officer G. did not leave you alone, you would be filing a restraining order against him.

Albuquerque

New Mexico 87103

www.cabq.gov

#### II. THE INVESTIGATION

In an effort to assist you and Officer G. in this matter, the Executive Director of the CPOA called you and asked you if you would be interested in attending mediation. You indicated that you did not want to participate in mediation. Before any formal investigation into your complaint could be conducted you phoned the CPOA Assistant Lead Investigator assigned to the complaint investigation. On April 4, 2016 you informed the Assistant Lead Investigator that you and Officer G. had been to Court Ordered Mediation the previous week and that you and Officer G. had reached an amicable resolution during the mediation session. You

Letter to Ms. \_\_\_\_\_, CPC 035-16

May 18, 2016

Page 2

informed the Investigator that you wished to withdraw your complaint and that you no longer wanted your complaint investigated. The CPOA Investigator asked if you were requesting that the complaint be dropped by your own free will. You said that you were. The Investigator asked you if anyone was pressuring you, intimidating you, or coercing you to withdraw the complaint and you said that no one was doing that and you restated that you were dropping the complaint because a solution had been reached in mediation. The CPOA Investigator assured you that a full investigation into your complaint would be done if you wished for that to happen. You said that any further investigation into your complaint was not necessary

### **III. CONCLUSION**

Because you told the CPOA Investigator that your complaint against Officer G. had been resolved in mediation and because you requested that the complaint be withdrawn, we are administratively closing your complaint and no further investigation will be conducted.

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

Please contact me if you have any questions or concerns.

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    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*

*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*

*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*

*Rev. Dr. David Z. Ring III*

Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

Re: CPC # 038-16

Dear Mr.

Your complaint was received in our office on January 28, 2016. The circumstances of the incident and APD's response have been explained to you and you are satisfied with their response. I am concluding that this has resulted in the successful mediation of your complaint; therefore, I am **ADMINISTRATIVELY CLOSING** your complaint without further investigation.

PO Box 1293

Please contact me if you have any questions or concerns.

Albuquerque

Sincerely,

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

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

CC: Police Oversight Board  
(W/O names)



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 047-16**

Dear Ms. \_\_\_\_\_

Our office received the complaint you filed on March 24, 2016 against Officers of the Albuquerque Police Department (APD) regarding an incident that occurred on February 25, 2016. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. 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

New Mexico 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.

[www.cabq.gov](http://www.cabq.gov)

### I. THE COMPLAINT

\_\_\_\_\_ wrote that while driving on I40 westbound she came upon a group of vehicles behind an unmarked police vehicle with Government plates. Ms. \_\_\_\_\_ stated the cars were all going 55 mph and as one car attempted to pass the government vehicle, the unmarked unit turned the emergency lights on and signaled the driver. Ms. \_\_\_\_\_ stated she thought it was ridiculous and set her cruise control to 65 mph and attempted to pass the vehicle. Ms. \_\_\_\_\_ stated the vehicle pulled to the right of her, flashed the emergency lights and blew his horn. Ms. \_\_\_\_\_ stated the individual made hostile gestures and shook his head. Ms. \_\_\_\_\_ complained that this was an abuse of authority and uncalled for. Ms. \_\_\_\_\_ added she felt the officer was on a power trip, that she abided by the laws and this officer signaled her out like she was a criminal.

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

The investigation included review of the Complaint, SOPs, and Interview of Officer O and Ms.

(A) The CPOA reviewed Standard Operating General Order 1-04-1 (F) in reference to Officer O.'s conduct, which states:

*Personnel shall conduct themselves both on and off duty in such a manner as to reflect most favorably on the department.*

Ms. complained that while driving on I40 she came upon several cars behind an unmarked cruiser with government plates. Ms. stated a vehicle tried to pass the officer and when they did the officer flashed his lights at them. Ms. stated she set her cruise control to 65 and passed the officer. Ms. complained that when she passed, the officer flashed his lights, blew his horn and made hostile gestures. Ms. complained he singled her out like she was a criminal.

The investigation showed that although Ms. felt she was being singled out, it is not uncommon for an officer to flash their lights or blow their air horn in attempt to slow down vehicles that may be exceeding the speed limit as a warning versus pulling a vehicle over to issue a citation. The investigation does show that Ms. was not singled out due to the officer having utilized his lights on a different vehicle in front of Ms. as she stated in her complaint. Based on evidence determined during the investigation, I do not believe Officer O. made a hostile gesture, only a gesture pointing down in an attempt to communicate the slowing of the vehicle.

The CPOA finds Officer O.'s conduct **EXONERATED** where the investigation determined by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures or training.

**You have the right to appeal this decision.**

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 notice. Include your CPC number.
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 Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

Letter to Ms.      CPC 047-16  
May 18, 2016  
Page 3

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/iro/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**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
*Dr. Susanne Brown*            *Eric H. Cruz*            *Joanne Fine*  
*Dr. Carlotta A. Garcia*        *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified Mail

**Re: CPC # 050-16**

Dear Mr.

Your complaint against various members of the Albuquerque Police Department (APD) was received by our office on February 27, 2016 for an incident beginning on or around June 29, 2015. You further state that it is an ongoing problem. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Executive Director and a preliminary investigation was conducted.

PO Box 1293

### I. THE COMPLAINT

Albuquerque

You wrote in your complaint that on June 29, 2015 a neighbor threatened violence against you, and this has led to an ongoing and persistent problem neighbor problem,. You have called the Albuquerque Police Department at least 12 times in the past year. APD refuses to help you with the situation because the neighbor is a fireman and APD is biased and helping a fellow city worker.

New Mexico 87103

### II. THE INVESTIGATION

www.cabq.gov

In an effort to obtain more information concerning your complaint, a CPOA Executive Director conducted a preliminary investigation. Shortly after receiving the complaint, I called and spoke with you on the telephone. The purpose for my call was to evaluate how the agency could best help you resolve the issues you describe in your complaint. From the very beginning of the phone call you were belligerent, uncooperative, and vulgar. I asked you several times to stop cursing at me, yelling at me, and calling me an idiot. It became apparent I was not going to get the information I needed from you during this phone call, so I hung up.

Letter to Mr.  
May 18, 2016  
Page 2

CPC 050-16

### III. CONCLUSION

In reviewing your complaint and the available evidence, there is not an identifiable police officer or policy violation; therefore I am **ADMINISTRATIVELY CLOSING** your complaint and no further investigation will be conducted.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/iro/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** *Beth Mohr, Chair* *Leonard Waites, Vice Chair*

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*Dr. Carlotta A. Garcia* *Dr. Lisa M. Orick-Martinez*

*Rev. Dr. David Z. Ring III*

Edward Harness, Esq., Executive Director

May 18, 2016

Anonymous

Re: CPC # 063-16

Dear: Anonymous

Your complaint against the Albuquerque Police Department was received in our office on March 11, 2016. After conducting a preliminary investigation, I determined that your complaint does not contain any violations of Standard Operating Procedures, which are the rules which Albuquerque Police Officers must follow. A review of court records shows Mr. F is not a Party to any civil cases that meet the timeline described in the complaint.

Therefore, I am **ADMINISTRATIVELY CLOSING** your complaint without further investigation.

PO Box 1293

Please contact me if you have any questions or concerns.

Albuquerque

Sincerely,

Edward W. Harness, Esq.  
Executive Director

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

CC: Police Oversight Board  
(w/o names)

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board** *Beth Mohr, Chair* *Leonard Waites, Vice Chair*

*Dr. Susanne Brown*

*Eric H. Cruz*

*Joanne Fine*

*Dr. Carlotta A. Garcia*

*Dr. Lisa M. Orick-Martinez*

*Rev. Dr. David Z. Ring III*

Edward Harness, Esq., Executive Director

May 18, 2016

Via Certified Mail

Re: **CPC # 064-16**

Dear: Mr.

Your complaint against the Albuquerque Police Department was received in our office on March 22, 2016. After conducting a preliminary investigation, I determined that your complaint does not contain any violations of Standard Operating Procedures, which are the rules which Albuquerque Police Officers must follow.

PO Box 1293

A review of CPOA records shows this complaint was previously investigated in March of 2014. This is a duplicative complaint.

Albuquerque

Therefore, I am **ADMINISTRATIVELY CLOSING** your complaint without further investigation.

New Mexico 87103

Please contact me if you have any questions or concerns.

[www.cabq.gov](http://www.cabq.gov)

Sincerely,

Edward W. Harness, Esq.  
Executive Director

CC: Police Oversight Board  
(w/o names)

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*

*Dr. Susanne Brown*                      *Eric H. Cruz*                      *Joanne Fine*

*Dr. Carlotta A. Garcia*                *Dr. Lisa M. Orick-Martinez*

*Rev. Dr. David Z. Ring III*

Edward Harness, Esq., Executive Director

May 18, 2016

Via certified mail

Re: CPC # 069-16

Dear: Ms.

Your complaint against the Albuquerque Police Department was received in our office on February 23, 2016. On March 1, 2016 and March 21, 2016, I left a voicemail message, on March 24, 2016 I sent you an email requesting more information about your complaint. To date, you have not responded. Your complaint from an incident on September 6, 13, or 20 of 2014 does not have enough detail to identify any particular officer.

PO Box 1293

Therefore, I am **ADMINISTRATIVELY CLOSING** your complaint without further investigation.

Albuquerque

Please contact me if you have any questions or concerns.

New Mexico 87103

Sincerely,

Edward W. Harness, Esq.  
Executive Director

[www.cabq.gov](http://www.cabq.gov)

CC: Police Oversight Board (w/o names)



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

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*Dr. Susanne Brown*    *Eric H. Cruz*    *Joanne Fine*  
*Dr. Carlotta A. Garcia*    *Dr. Lisa M. Orick-Martinez*  
*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via Certified mail

Re: CPC # 070-16

Dear: Mr.

Your complaint against the Albuquerque Police Department was received in our office on March 2, 2016. On March 4, 2016, March 14, 2016 I left a voicemail message, on March 24, 2016 I sent you an email requesting more information about your complaint. To date, you have not responded.

PO Box 1293

Therefore, I am **ADMINISTRATIVELY CLOSING** your complaint without further investigation.

Albuquerque

Please contact me if you have any questions or concerns.

New Mexico 87103

Sincerely,

Edward W. Harness, Esq.  
Executive Director

www.cabq.gov

CC: Police Oversight Board (w/o names)

Albuquerque  
2016, May 18

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**    *Beth Mohr, Chair*    *Leonard Waites, Vice Chair*  
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*Rev. Dr. David Z. Ring III*  
Edward Harness, Esq., Executive Director

May 18, 2016  
Via certified mail

Re: CPC # 071-16

Dear: Ms.

Your complaint against the Albuquerque Police Department was received in our office on March 10, 2016. After conducting a preliminary investigation and speaking with you via telephone, I determined that your complaint does not contain any violations of Standard Operating Procedures. During our telephone conversation you described paying a Family law Attorney \$20,000.00 per week to evaluate your case. Additionally, you refused to provide the attorney's name and the transcripts of the alleged perjury.

PO Box 1293

Albuquerque

This Agency does not have jurisdiction over BCSO or any Officers from the El Paso PD.

New Mexico 87103

Therefore, I am **ADMINISTRATIVELY CLOSING** your complaint without further investigation.

Please contact me if you have any questions or concerns.

[www.cabq.gov](http://www.cabq.gov)

Sincerely,

Edward W. Harness, Esq.  
Executive Director

CC: Police Oversight Board (w/o names)