

CITY OF ALBUQUERQUE

Albuquerque Police Department



Michael J. Geier, Chief of Police

September 19, 2019

Edward Harness
CPOA Director
CP-Civilian Police Oversight Department
Plaza Del Sol Bldg. 600 2nd NW Suite 813

Re: CPC #184-18

Dear Director Harness,

On November 1, 2018, APD Internal Affairs Investigation received a recommendation letter from the Civilian Police Oversight Agency/Police Oversight Board (CPOA/POB) regarding CPC #184-18. I do concur with the recommendation of the CPOA regarding 2-8-5B8i but do not concur with the recommendation and finding of SOP 1-4-3A1. I concur with both Deputy Chief Harold Medina and Commander Donovan Olvera's finding of EXONERATED for SOP 1-4-3A1.

400 Roma NW

SOP 1-4-2

1-4-2 Definitions

Albuquerque

A. Biased-Based Policing/Profiling

New Mexico 87102

The interdiction, detention, arrest or other nonconsensual treatment of an individual because of a characteristic or status, i.e., race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.

www.cabq.gov

SOP 1-4-3

1-4-3 Rules

A. General Procedures

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

2. Officers may take into account the reported race, ethnicity or national origin of a specific suspect or suspects in the same way they would use specific information regarding height, weight, hair color, etc.

3. 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.

Conclusion

Officer M.'s contact and enforcement action, based on my review with the information provided by both the CPOA and the chain of command, was not predicated based on an individual's race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status. As stated in 1-4-3A2. Officers may take into account the reported race, ethnicity or national origin of a specific suspect or suspects in the same way they would use specific information regarding height, weight, hair color, etc.

I do agree with Commander Olvera that Officer M. failed to do a proper assessment of the parking space and that she did fail to apologize for her mistake. Officer M. assessment failure was not based on the complainant's race.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Gonzalez', with a stylized flourish at the end.

Arturo E. Gonzalez
Deputy Chief on behalf of
Michael J. Geier
Chief of Police