

CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Chantal M. Galloway, Chair *Dr. William J. Kass*

Tara Armijo-Prewitt

Doug Mitchell

Eric Olivas

Cathryn Starr

Leonard Waites

Edward Harness, Executive Director

BOARD AGENDA

Thursday, February 13, 2020 – 5:00 PM

Vincent E. Griego Chambers

- I. Welcome and call to order.**
- II. Pledge of Allegiance – Eric Olivas**
- III. Mission Statement – *Chantal Galloway, Chair***

*“Advancing Constitutional policing and
accountability for APD and the Albuquerque
Community.”*
- IV. Approval of the Agenda**
- V. Public Comments**
- VI. Review and Approval of Minutes from January 9, 2020**
- VII. Reports from City Staff**
 - a. City Council
 - b. Mayor’s Office
 - c. City Attorney
 - d. CPC
 - e. APOA
 - f. APD
 1. Presentation by the Crimes Against Children Unit
 - g. CPOA – *Edward Harness, Executive Director*
- VIII. Meeting with Counsel re: Pending Litigation or Personnel Issues:**

Closed Discussion and Possible Action re: Personnel Issues

 - a. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)
 - i. Executive Director
- IX. Reports from Subcommittees**
 - a. Community Outreach Subcommittee – *Chantal Galloway*
 1. Met January 25, 2020 at 4:30pm
 2. Next meeting February 25, 2020 at 4:30pm
 - b. Policy and Procedure Review Subcommittee – *Dr. William Kass*
 1. Met February 6, 2020 at 4:30pm
 2. Next meeting March 5, 2020 at 4:30pm
 - c. Case Review Subcommittee – *Chantal Galloway*

1. Met January 27, 2020 at 4:30pm
2. Next meeting February 27, 2020 at 4:30pm
- d. Personnel Subcommittee – *Eric Olivas*
 1. Met January 30, 2020 at 9:00am
 2. Next meeting February 27, 2020 at 9:00am

- X. Discussion and possible action
- a. 2018 Semi-Annual Report January – June
 - b. 2018 Semi-Annual Report July – December
 - c. Board's Use of Legal Counsel
 - d. FY 2021 CPOA Budget
 - e. Update of Policy and Procedures: Deadlines for Agenda Submissions/Attachments and Draft Agenda from Chair
 - f. Jan 30, 2020 OMA Complaint
 - g. IMR Drafts Update & possible solutions
 - h. SOP's finding letters
 - i. City's Motion for Suspension of CASA Paragraphs
 - i. Hearing Scheduled for February 26, 2020 at 8:30am

- XI. Consent Agenda Cases:
- a. Administratively Closed Cases

001-20	006-20	012-20	015-20	021-20
023-20	032-20	038-20	136-19	251-19
 - b. Unfounded

005-20	011-20	013-20	014-20	019-20
020-20	025-20	031-20	175-19	243-19
 - c. Unfounded and Sustained
159-19

- XII. Non-Consent Agenda:
- a. Administratively Closed Cases
010-20
 - b. Exonerated
220-19

- XIII. Appeal
- a. 164-19

- XIV. Serious Use of Force Cases/OIS
- a. 19-0029519
 - b. 18-0110490

- XV. Other Business

ATTENTION: The CPOA Board will take a dinner break at approximately 6:00 p.m., unless otherwise decided by the Board.

- XVI. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on March 12, 2020 at 5:00 p.m. in the Vincent E. Griego Chambers.*

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Dr. William J. Kass

Eric Olivas

Tara Armijo-Prewitt

Leonard Waites

Edward Harness, Executive Director

Doug Mitchell

Cathryn Starr

February 14, 2020

Via Certified Mail

7017 2680 0000 5951 9198

Re: CPC 001-20

Dear Ms. A

On September 13, 2019, we received a complaint from you concerning an incident that occurred on September 5, 2019. You filed an addendum to your complaint with our office on November 4, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

You wrote in your complaint that on September 5, 2019 during the noon hour, you were walking in Nob Hill when an apparently inebriated, twenty something, woman dressed in red approached you. The woman snatched your walking stick from you and then pushed you to the ground. You hit your head on the hubcap area of a vehicle that was parked there. A man intervened and the woman walked away. You thought at the time it may have been just a random attack but in reflection you believe that it may have been a targeted attack. A call was placed to 911 and the police arrived in good time but the 2 officers who arrived never got out of their cars. They paused for a brief period of time and then drove away. You wanted an explanation as to the identity of the woman who assaulted and battered you and you believe the woman had an accomplice. You wrote in the addendum to your complaint that in reflection, you believe that the officers who arrived on scene and then left must have known the offender and her accomplice and that was why they drove away. You came to the conclusion that the woman who attacked you must have been an undercover police officer posing as a prostitute and the man who you thought initially helped you was also an undercover police officer on a bicycle. You felt that was the only explanation as to why the officers drove away.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint. The CPOA investigator pulled and reviewed the Computer Assisted Dispatch (CAD) report on the incident. The Investigator also conducted a telephone interview with you. In your telephone interview you repeated what you had written in your complaint. You told the Investigator that you did not get the car numbers of the APD cars that responded and then left.

The Computer Assisted Dispatch report showed that on September 5, 2019 at about 12:38 PM, you called the police from a borrowed cell phone to report that a female with two pony tails, wearing a red shirt and red shorts, did not like the way you were looking at her. You reported the female took your cane and pushed you and you fell to the ground. You reported that the female was last seen walking East on Central. Because the offender had left the area your call was classified as a priority three call which means that it would take longer to dispatch and longer for officers to arrive. At 12:52 PM, two APD officers were dispatched to your call. At 12:53 those two officers were preempted or re-routed from your call to a higher priority call of a hold up alarm that had been activated at a nearby business. When dispatch tried to call the business, the phone was not answered indicating there could have been a hold up in progress. At 1:14 PM, the officers who were originally dispatched to your call determined that the hold up alarm was a false alarm, activated accidentally by an employee. At 1:17 PM, those same officers were dispatched back to your call for service. At 1:21 PM, the officers were again preempted from your call and dispatched to a higher priority call. This time it was a woman who was armed with a gun attempting suicide. The officers didn't clear that call until 2:58 PM and they were not re-dispatched to your call. Instead, another officer was dispatched to your call at 1:35 PM. At 1:48 PM, that officer was preempted and dispatched to a higher priority call. It was an in-progress theft at Walgreens. An arrest was made there and so at 2:32 PM, yet another officer was dispatched to your call for service. He arrived on scene at 2:48 PM, but you were already gone. They tried to call you back but only had the number of the phone that you borrowed to call the police. The man who answered that phone told the police that you had borrowed his phone to call and he had left the location a few hours ago.

III. CONCLUSION

It appears from the information gathered by the CPOA Investigator that it is possible that the first two officers dispatched to your call for service did arrive and that was the two cars you saw pull up. It appears from the available evidence though that they were then pulled off your call to go to the possible hold up in progress. The evidence shows that APD tried several times to get an officer to respond to your call and one finally did arrive at 2:48 PM, but you were already gone. There is no evidence to support that the woman who assaulted you was an undercover APD Officer and there is no evidence to support that her alleged accomplice is an APD undercover officer either. The officers dispatched to your call for service were preempted to a higher priority call. They did not leave the location because they recognized the offender and her accomplice as you have alleged.

You never made contact with any APD officers on the day you were assaulted and battered. As another CPOA Investigator told you, it appears that the assault and battery was never documented by APD and you should contact the APD Telephone Reporting Unit (TRU) and report the incident or call 242-2677 and request that an officer be sent out to take your report on the September 5, 2019 incident. You need to tell the officer directly that you are requesting a police report be made on the incident. Ask the officer or the TRU operator for a CAD and Case Number. Unfortunately, we cannot file a report for you. Because you had no contact with any APD Officer on September 5, 2019 and because we are unable to minimally substantiate your allegation that the woman who assaulted you and her accomplice were undercover APD officers, we are ADMINISTRATIVELY CLOSING your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

You have the right to appeal this decision.

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

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

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

Sincerely,



Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

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Edward Harness, Executive Director

February 14, 2020

Via Certified Mail

7018 1130 0002 3429 0036

Re: CPC #006-20

Dear Mr. C

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on January 9, 2020, regarding an incident that occurred on or about August 15, 2015.

I. THE COMPLAINT

PO Box 1794

Mr. C submitted a written complaint regarding his allegations that Detective G threatened and coerced four witnesses, failed to investigate key facts, and misrepresented facts in affidavits in a particular homicide case. Mr. C alleged Detective G committed perjury. Mr. C

Albuquerque expressed dissatisfaction at Detective G's employment as a whole.

II. INVESTIGATION

NM 87103

The CPOA Investigator determined the complaints Mr. C submitted were duplicative of complaints already received and investigated by the CPOA in CPC 038-17. Mr. C may submit a request for a copy of the findings letter, which was approved by the Police Oversight Board at the July 13, 2017 meeting. The most efficient way to submit the request is by visiting

www.cabq.gov

<https://www.cabq.gov/clerk/public-records>.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the allegations are duplicative.

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

Letter to Mr. C
February 14, 2020
Page 2

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in blue ink, appearing to be 'EH' with a stylized flourish.

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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February 14, 2020

To File

Anonymous

Citizen Address

City, State Zip

Re: CPC #012-20

COMPLAINT

You report an Officer H. _____ pulled you over at Central and Tramway January 5, 2020 at 12:00 am called your wife you had been pulled over, which she already knew. You would prefer officers work on real crime and not discriminate against "lgbt"

PO Box 1293

EVIDENCE REVIEWED

Albuquerque

Video(s): # 1 Complainant Interviewed: **Yes/No** Witness(es) Interviewed: **Yes/No**

APD Report(s): **Yes/No** APD Employee(s) Interviewed: **Yes/No**

NM 87103

Computer Aided Dispatch Report: **Yes/No** IAPro: **Yes/No**

Other

www.cabq.gov

Materials: N/A

APD Employee(s) Involved: Unknown

Policies Reviewed: N/A

Date Investigation Completed: January 14, 2020

FINDINGS

1. **Administratively Closed** There was not enough information to find the alleged traffic stop or an APD officer involved.

You have the right to appeal this decision.

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

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

- A) a policy was misapplied in the evaluation of the complaint (i.e. the APD policy of policies that were considered by the Board were the wrong policies or they were used in the wrong way);
- B) the findings or recommendations were arbitrary, capricious, or constituted an abuse of discretion (i.e. the APD policy or APD policies considered by the Board were chosen randomly, they do not address the issues in the complaint, or the findings of the Board had no explanation that would lead to the conclusions made by the Board); or,
- C) the findings of the Board had no explanation that would lead to the conclusion made by the Board findings and recommendations were not consistent with the record evidence (i.e. the findings were not supported by the evidence that was available to the Board at the time of the investigation).

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

Administratively closed complaints may be re-opened if additional information becomes available.

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,



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

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



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Edward Harness, Executive Director

February 14, 2020

Via Certified Mail

7018 1130 0002 3429 0050

Re: CPC 015-20

Dear Mr. [REDACTED]

On October 11, 2019, we received a complaint from you via US Mail. The incidents you complained of allegedly happened on September 30, 2019, October 1, 2019, and October 7, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

You complained that on September 30, 2019 at 10:00 PM, the police came to your front door and banged on it. When you opened the door two officers grabbed you by your shirt, threw you on the ground, twisted both of your hands behind your back and you were handcuffed. When you tried to communicate that were deaf, one officer put his knee on the side of your face. The officer also put a knee in your back to keep you from moving. One officer searched your apartment apparently looking for someone and when they could not locate that person, they let you go. The officers simply walked away without telling you anything except they were sorry. You wrote that the same thing happened to you again on October 1, 2019 at 1:00 PM but this time different officers were involved. This time though the handcuffs were applied too tightly. The officers again just let you go. You wrote that on October 7th, 2019 at about 3:30 AM it happened again. This time you had a sign to hold up to show the officers that you were deaf. The officers ignored the sign and tasered you without warning. They searched your apartment looking for a lady. One officer picked up the sign, read it, and mouthed an explicative. The officers removed the handcuffs and removed the taser wires. The officers refused to provide their identifying information when asked. You wrote that you believed that an ex-girlfriend may be providing the police with false information and you are being caused stress and duress.

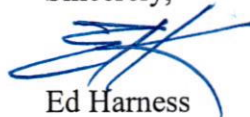
II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint. The CPOA looked for records to try to find out what occurred at your apartment on those three dates. There were no calls for service to your apartment on the dates you listed. There were no dispatch logs, no Computer Assisted Dispatch (CAD) reports, and there were no police reports or records documenting what you said occurred. The CPOA looked through all of the incidents documented with the APD that contained your identifying information all the way back to 2009 but none of the records indicate that any APD Officers were involved in any similar incidents with you as you described them to have happened. There was one report located that was dated October 24, 2019 where you reported to APD officers that someone used a pick to enter your apartment. That person was supposedly inside your apartment when officers arrived but when they checked it no one was located. You said this person had come from Florida to collect a 320.00 debt. You said that the man struck you on the knee several times with the butt of a gun. You were then struck on the back of the neck and passed out. Although you went to the hospital to be treated, no one saw any redness or bruising on your knee or your neck. That report was turned over to a Detective for follow up. The detective noted in his report that you have been receiving treatment and medication due to mental health concerns and that you had not been taking your medications at the time these incidents took place.

III. CONCLUSION

We were unable to minimally substantiate your allegations contained in your complaint. There is no evidence that could be located that would assist the CPOA Investigator in identifying if these incidents ever took place or if APD personnel were involved. Because of that, we are ADMINISTRATIVELY CLOSING your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed Harness', with a stylized flourish extending from the end.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



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Doug Mitchell

Cathryn Starr

February 14, 2020

Via Certified Mail

7018 1130 0002 3429 0067

Re: CPC 021-20

Dear Ms. C

On November 8, 2019, we received a complaint from you via e-mail. The incident you complained of occurred on June 25, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

You wrote in your complaint that an incident occurred at your work and you gave the address as that of the Albuquerque Police Department. You wrote that after work, you went home and called the police to report the incident. Officer A. arrived and took a report from you. When you got the report, you felt that it did not accurately reflect what happened and you stated that not everyone involved in the incident was listed on the report. You believed that SOP requires that everyone involved in an incident be listed. You wanted an additional report written to add all persons involved in the incident and your statement to be included via e-mail.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint. The CPOA reviewed the police report that was made by Officer A.. The report indicated that you were called into the office by your supervisor to discuss being put on a Performance Improvement Plan. You stated that the Supervisor stood in front of the door and the Supervisor was aggressive with you. You reported that you were allowed to leave the room and you told your Supervisor you were uncomfortable. Officer A. determined this was a work-related incident and there was no criminal activity. Officer A. believed this to be an internal work place issue. The CPOA Investigator contacted your former Supervisor and learned that the incident was investigated fully by a contract investigator for the City of Albuquerque. The case has been closed.

III. CONCLUSION

Our agency is prohibited from conducting investigations into APD employment related matters. You were an APD employee at the time and your complaint concerned an APD Civilian Supervisor. APD Internal Affairs had a City of Albuquerque contract investigator conduct an investigation into your complaint. That investigation has been completed. This was an employment related matter and not a criminal one. For us to conduct another investigation would be duplicative and prohibited. Because of that, we are ADMINISTRATIVELY CLOSING your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

You have the right to appeal this decision.

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

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

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

Sincerely,



Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



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Cathryn Starr

February 14, 2020

Via Certified Mail

7018 1130 0002 3429 0074

Re: CPC 023-20

Dear Ms. R -C:

On August 3, 2019, we received a complaint from you concerning an incident that occurred on May 23, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

You wrote in your complaint that May 23, 2019 at about 1:00 AM, you were involved in a hit and run accident at the corner of Wyoming and San Mateo. You wrote that the APD Officer who responded to the wreck, Officer L., was awesome in her response and her handling of the accident. A few weeks passed and you called APD and spoke to an unnamed Sergeant who told you the case had been closed. You were upset that the case had been closed. You went on to state that over the past year, the FBI has been following you around and harassing you and those actions have caused you to become homeless. You believe you are on an FBI watch list and your phone and e-mails are tapped by the FBI. You requested that the damage to your car be fixed and the person who hit you be charged with a crime and held accountable.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint and was unable to determine what APD Sergeant told you the case had been closed. Hit and run investigations are referred to a Hit and Run Unit within APD to conduct follow up investigations. Those investigations sometimes take a very long time to complete as there is only one detective assigned to that unit. We have no way to verify whether or not the FBI has you on a watch list or if they are slandering you. We have no jurisdiction to investigate the actions of the FBI.

III. CONCLUSION

Because we were unable to determine what Sergeant told you the case had been closed and because we have no jurisdiction to investigate the actions of the FBI, we are ADMINISTRATIVELY CLOSING your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

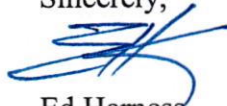
You have the right to appeal this decision.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed Harness', with a stylized flourish at the end.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



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February 14, 2020

Via Certified Mail

0718 1130 0002 3429 0081

Re: CPC 032-20

Dear Ms. S

On December 7, 2019, we received a complaint from you against APD Detective M. of the Albuquerque Police Department concerning an incident that occurred seven and a half years earlier on June 13, 2012. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

You wrote in your complaint that on June 13, 2012 Detective M. came to your home looking for your adult son. Your son refused to speak with the detective and told Detective M. to contact his attorney. On June 23, 2012, the Detective again came by your home looking for your son. He was not home. You told the Detective to contact your son's attorney. Around July 2012, Detective M. pulled up on your son and some of his friends and accused your son of selling drugs. Your son denied he was selling drugs and you allege the Detective called your son a liar. The Detective let your son and his friend go. About 2 months later you went to your son's attorney to file harassment on Detective M.. Your son's attorney made some phone calls and told Detective M. to stop harassing your son. About three months after that (no date given) Detective M. pulled your son over and asked your son about another man. Your son said he didn't know the other man. The passenger in the car, (no name given) was arrested and taken to jail on a warrant. Five months after that, the detective allegedly went by your other son's place of employment where your son's car was parked and allegedly the detective was outside the business asking people about your son's car. You alleged that the detective then went inside the store and arrested your son on an outstanding warrant and took him to jail. Your son was placed on probation and after that the detective contacted your son and told him he had violated his probation. Your son told his probation officer that the detective has been harassing him. You wrote that you feel the detective is trying to harm your son and that he has a vendetta against him and the detective will not stop until your son's life is ruined.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint. The investigator pulled all the associated records on your son from 2012 and 2013. None of the reports filed on your son in 2012 and 2013 indicate that Detective M. was involved in those incidents. There are no records available that reflect any contact with you or your son on the dates you provided to our office. One record was found where your son was arrested in February of 2012 for trafficking drugs but there is nothing in the records to show Detective M. was involved in that case. The charging officer in that case was a different detective. In April of 2013 someone accused your son of stealing some wheels and tires and officers went to your home looking for the stolen items but none were found. Again, there is nothing in those records to indicate that Detective M. was there. On that same date, your son was a passenger in a car that was stopped by the police. A handgun was seized from the car and a passenger in the car had a warrant out for his arrest and he was arrested. Again, that was a different Detective and a different set of officers. There are no documents to indicate that Detective M. was a part of that investigation.

III. CONCLUSION

The CPOA Investigator was unable to corroborate any of the information you set forth in your complaint. Of course, the incidents took place almost 8 years ago and your complaint did not allege any recent activity by Detective M.. There just isn't enough information in your complaint for us to move forward with any further investigation into the matter. Your son has filed a complaint with this agency before in 2010. Your son was 24 years old in 2012. Perhaps he may have better information as to the harassment he is alleged to have endured by Detective M. during that time frame. Because we were unable minimally substantiate your allegations and because we don't have enough information to proceed with further investigation, we are ADMINISTRATIVELY CLOSING your complaint and no further investigation by our office will occur. Administratively closed complaints may be re-opened if additional information becomes available.

You have the right to appeal this decision.

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

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- C) The findings of the Board had no explanation that would lead to the conclusion made by the Board; or,
- D) The findings by the Board were not supported by evidence that was available to the Board at the time of the investigation.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Ed Harness', with a stylized flourish extending from the end.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Dr. William J. Kass

Eric Olivas

Tara Armijo-Prewitt

Leonard Waites

Edward Harness, Executive Director

Doug Mitchell

Cathryn Starr

February 14, 2020

Via Certified Mail

7018 1130 0002 3429 0098

Re: **CPC 038-20**

Dear Mr. A:

On September 30, 2019, we received a complaint from you against an officer who was later identified as a Bernalillo County Sheriff's Deputy. The incident you complained of happened on May 11, 2018.

I. THE COMPLAINT

You wrote in your complaint that on May 11, 2018 you were arrested for DWI. You alleged the officer used excessive force during the arrest and you were injured. You provided a court case number and you stated the case was dismissed in July of 2019. You provided the name of the officer who arrested you.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint and determined that the officer you named does not work for the Albuquerque Police Department. The Court case filing reflects the officers who were involved in your arrest work for the Bernalillo County Sheriff's Department.

III. CONCLUSION

We have no jurisdiction to investigate the Bernalillo County Sheriff's Department and because of that we are ADMINISTRATIVELY CLOSING your complaint and no further investigation by our office will occur.

You need to file your complaint with the BCSO Internal Affairs Division. Their mailing address is:

Bernalillo County Sheriff's Department
Attn: Internal Affairs Unit
P.O. Box 25927
Albuquerque, NM 87125-5927

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed Harness', with a stylized flourish extending from the end.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Dr. William J. Kass

Eric Olivas

Tara Armijo-Prewitt

Doug Mitchell

Cathryn Starr

Leonard Waites

Edward Harness, Executive Director

February 14, 2020

Via Certified Mail

7018 1130 0002 3429 0111

Re: CPC #136-19

Dear Mrs. C

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on June 4, 2019, regarding an incident that occurred on or about March 18, 2019.

I. THE COMPLAINT

PO Box 1297 NM C submitted an online complaint regarding her allegation that the department did not follow up on her stolen credit card. She tried to receive information several times, but did not get any information. She then received a message from someone at the department that the case was closed. She wanted to complain about the lack of information and the outcome of the case being closed.

II. INVESTIGATION

NM 87105 The CPOA Investigator reviewed the complaint, the police reports, and the lapel videos of the field officers' contacts with citizens. Officers responded to Mrs. C home and received information, which was documented on the report. The report said the case would be forwarded to the NE Impact team. A different officer responded to the property management company where the suspect used the stolen credit card to pay for rent. The officer obtained information, which was documented on the report. This report also said it would be forwarded to the NE Impact team.

The CPOA Investigator contacted Mrs. C and her husband to find out more information about what communication they had received. Unfortunately, both Mrs. C and her husband did not have names of individuals that contacted them. They did not know who told them the case had been closed or who denied information to them.

The CPOA Investigator contacted Sgt. S, who supervises the NE Impact team, regarding the case and the complaint. Sgt. S looked into the reports and determined there was enough information

to assign the case to a detective. Sgt. S explained the previous sergeant left and several acting sergeants rotated through supervising until he has been assigned. He asked detectives if they were familiar with the case and none of them were. There is not specific employee identified to be able to interview concerning the call that the case was closed or who made that decision. Sgt. S offered to contact Mrs. C and her husband to discuss the case and make sure they had a specific detective assigned as a point of contact moving forward.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, there is not enough information to target a specific employee and the outcome of what Mrs. C wanted which was for her case to move forward was being accomplished. The case was resolved by a supervisor.

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

A handwritten signature in blue ink, appearing to be 'EH' with a stylized flourish.

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



AGENCIA DE SUPERVISIÓN CIVIL DE LA POLICÍA

Junta de Supervisión de la Policía (Police Oversight Board)

Chantal M. Galloway, Presidenta

Dr. William J. Kass

Doug Mitchell

Eric Olivas

Tara Armijo-Prewitt

Cathryn Starr

Leonard Waites

Edward Harness, Director Ejecutivo

14 de febrero de 2020

Por correo certificado

7018 1130 0002 3429 0104

Asunto: CPC n.º 251-19

Estimada Sra. d

Un investigador de la Agencia de Supervisión Civil de la Policía (Civilian Police Oversight Agency, CPOA) fue asignado para investigar su reclamo contra los oficiales del Departamento de Policía de Albuquerque (Albuquerque Police Department, APD) el 2 de enero de 2020, sobre un incidente que ocurrió el 25 de septiembre de 2019.

PO Box 1293

I. RECLAMO

Albuquerque
L F d presentó un reclamo en línea en el que afirma que los oficiales ejecutaron una orden de allanamiento en su casa en busca de drogas y armas de fuego. La Sra. d escribió que los oficiales destruyeron su casa y la intimidaron a ella y a su familia. Resultó que estaban en la residencia equivocada.

II. INVESTIGACIÓN

NM 81193
www.ci.albuq.gov
El investigador de la CPOA buscó su dirección y se determinó que estaba en el condado, no en el área incorporada. Los registros confirmaron que el envío asistido por computadora (computer aided dispatch, CAD) era una llamada de la Oficina de Sheriff del Condado de Bernalillo (Bernalillo County Sheriff's Office, BCSO) y no involucraba a oficiales del APD. Se comunicaron con la Sra. d por teléfono para determinar si tenía información que confirmara la participación del APD. La Sra. d dijo que no sabía qué agencia estaba en su casa. Según la información disponible, le dijeron que debía presentar su reclamo ante la BCSO. El número de contacto de Asuntos Internos (Internal Affairs) que se le dio durante la conversación es 505-468-1394.

III. CONCLUSIÓN

La CPOA ha tomado la decisión de **CERRAR ADMINISTRATIVAMENTE** el reclamo, ya que la evidencia disponible demostró que en la situación participaron solo los oficiales de la BCSO y, por lo tanto, esto está fuera de la jurisdicción de la CPOA.

Carta para la Sra. d.
14 de febrero de 2020
Página 2

Gracias por participar en el proceso de supervisión civil de la policía, para garantizar que los oficiales y el personal del APD asuman su responsabilidad y para mejorar el proceso.

Atentamente.
Agencia de Supervisión Civil de la Policía por



Edward Harness, abogado
Director ejecutivo

cc: Jefe de policía del Departamento de Policía de Albuquerque

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Dr. William J. Kass

Eric Olivas

Tara Armijo-Prewitt

Leonard Waites

Edward Harness, Executive Director

Doug Mitchell

Cathryn Starr

February 14, 2020

Via Email

Re: CPC #005-20

Dear Ms. M

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on January 9, 2020, regarding an incident that occurred on or about September 18, 2019. 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.

NM 87103
Please be aware, the contract between the Albuquerque Police Officers' Association (APOA) and the City of Albuquerque requires that officers cooperate in the investigation; therefore, the officer's statements may not be made public. Below is a summary of the complaint, the CPOA's investigation, and findings.

www.cabq.gov

I. THE COMPLAINT AND INVESTIGATION

Ms. M submitted a picture of a woman's forearm with what appears to be a tattoo of smoking bullet casings. The woman in the picture is in shorts and a mid-riff top. The woman's face is not visible. The picture is labeled as coming from an Instagram account. Ms. M wrote as part of the email, I hope you all can foresee the problems that could arise from having this tattoo and being a uniformed officer." Ms. M identified the officer.

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs and the complaint. The officer's sergeant was also contacted.

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

A) The CPOA reviewed Standard Operating General Order 1-3-3D2 regarding Officer B's conduct, which states:

Tattoos that are deemed offensive will be covered while in the duty uniform.

Ms. M provided a picture of a person in plain clothes. The complaint as it stands is not a violation of SOP as the officer is not in uniform. However, further research was done to determine if the officer had a tattoo declaration form on file or if the officer regularly displayed the tattoo while in uniform. During the course of the research it was determined that the image pictured was in fact a temporary tattoo and not a permanent tattoo on the officer. Therefore, a tattoo declaration form was not necessary and it was confirmed the officer no longer has the temporary tattoo.

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

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

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

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

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

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Dr. William J. Kass

Eric Olivas

Tara Armijo-Prewitt

Leonard Waites

Edward Harness, Executive Director

Doug Mitchell

Cathryn Starr

February 14, 2020
Via Certified Mail
7017 2680 0000 5951 9112

Re: CPC 011-20

Dear Ms. J:

On October 8, 2019, we received a complaint you filed for an incident that took place on September 1, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293

I. THE COMPLAINT

Albuquerque

NM 87103

www.cabq.gov

You complained that Albuquerque Police Officer S. responded to a Domestic Violence call at your home and allegedly treated you cruelly and unfairly. You alleged that Officer S. accused you of hanging up your own call to 911 and that you had caused your own property damage. You alleged the officer refused to listen to you or write anything down. You went on to allege the officer sided with your boyfriend and did not bother to look up his information because if he did he would have seen that your boyfriend was out on bond. You stated that the officer allowed your boyfriend to leave on his word that he would not come back. You wanted the officer to charge your boyfriend with interfering with your communication and you wanted the officer held accountable for the way he treated you. You stated the officer needs additional training in Domestic Violence and dealing with women of color.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint and the investigator reviewed the police report on the incident. The Investigator also reviewed the lapel camera videos of Officer S. and another officer who was present with Officer S..

The lapel camera videos showed that when the officers arrived on scene you were not present. Officer S. asked your boyfriend where you were and he said that you had left but he did not

know where you went. Officer S. asked a neighbor where you were and he said that he did not know where you had gone either. Officer S. checked your apartment and you were not there. The officers interviewed your boyfriend and though he admitted to arguing with you over your cutting off his cell phone service, he said that the argument never turned physical. He indicated that he wanted to just get his stuff and leave. He said he would not be returning to the apartment. Officer S. did gather your boyfriend's information and he did check for warrants for his arrest and there were none. A return through an NCIC would not show if someone was out on bond. The lapel videos showed that the officers were on scene 25 minutes before you came out of a neighboring apartment to contact them. You came out as your boyfriend was leaving the scene. You wanted to know why he was not arrested. The officer told you that he did not have your side of what had occurred. You told the officer that you had been pushed down and that your boyfriend broke your phone. The officer told you that there was no way for him to know if the man broke your phone or if you broke the phone. The officers interviewed you in your apartment. You told them what had taken place that day and the officers listened to you. You showed him a small scrape you had on your arm. After the interview, the officer told you that he would be filing charges on your boyfriend. You wanted charges pressed for him damaging the phone but the officer told you again that he did not know how the phone was damaged and it was disputed who owned the phone, who paid for it, etc..

The police report documented what took place. It indicated that the officers spoke with your boyfriend because you were not around. You were in a neighboring apartment where you could see and hear what the officers were doing but you did not come out and contact the officers until your boyfriend was driving away. The officer noted in his report that you had small red marks and nicks on your wrist and that you had alleged that your boyfriend was charged with abusing a household member/battery.

III. CONCLUSION

We reviewed APD Standard Operating Procedure 4-25 Domestic Violence to see if Officer S. complied with its requirements.

It is unfortunate that you waited to contact the officers until after your boyfriend was driving away. Your neighbor wasn't helpful and provided little information to the officers. Had you contacted the officers before your boyfriend left the scene, he most likely would have been arrested on the spot. The officers did not refuse to listen to you as you alleged. Any additional charges that you desire, you should discuss with the Assistant District Attorney who will be prosecuting the case. Charges can be filed if probable cause exists to believe an offense has been committed.

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

You have the right to appeal this decision.

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

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed Harness', with a stylized flourish extending from the end.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Dr. William J. Kass

Eric Olivas

Tara Armijo-Prewitt

Leonard Waites

Edward Harness, Executive Director

Doug Mitchell

Cathryn Starr

February 14, 2020

Via email

Re: CPC #013-20

COMPLAINT

You report you felt threatened by your landlord and called police. An officer responded but many hours after your original call to police. You went to get a copy of the police report and a clerk told you there was no report. Also, the clerk told you the officer said you were mad because you were getting evicted.

PO Box 1293

EVIDENCE REVIEWED

Albuquerque

Video(s): # 1 Complainant Interviewed: Yes/No Witness(es) Interviewed: Yes/No

APD Report(s): Yes/No APD Employee(s) Interviewed: Yes/No

NM 87103

Computer Aided Dispatch Report: Yes/No IAPro: Yes/No

Other

www.cabq.gov

Materials: N/A

APD Employee(s) Involved: Officer M.

Policies Reviewed: 2-16 Reporting

Date Investigation Completed: January 23, 2020

FINDINGS

The CPOA finds Officer M's conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the alleged misconduct did not occur.

You have the right to appeal this decision.

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

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

- A) a policy was misapplied in the evaluation of the complaint (i.e. the APD policy of policies that were considered by the Board were the wrong policies or they were used in the wrong way);
- B) the findings or recommendations were arbitrary, capricious, or constituted an abuse of discretion (i.e. the APD policy or APD policies considered by the Board were chosen randomly, they do not address the issues in the complaint, or the findings of the Board had no explanation that would lead to the conclusions made by the Board); or,
- C) the findings of the Board had no explanation that would lead to the conclusion made by the Board findings and recommendations were not consistent with the record evidence (i.e. the findings were not supported by the evidence that was available to the Board at the time of the investigation).

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

Administratively closed complaints may be re-opened if additional information becomes available.

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,



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

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Dr. William J. Kass

Eric Olivas

Tara Armijo-Prewitt

Leonard Waites

Edward Harness, Executive Director

Doug Mitchell

Cathryn Starr

February 14, 2020

Via Certified Mail

7017 2680 0000 5951 9129

Re: CPC #014-20

COMPLAINT

You report that you were falsely arrested and accused of bombings by Saudi Arabian Nationals.

PO Box 1293

EVIDENCE REVIEWED

Albuquerque

Video(s): # 3 Complainant Interviewed: Yes/No Witness(es) Interviewed: Yes/No

APD Report(s): Yes/No APD Employee(s) Interviewed: Yes/No

NM 87103

Computer Aided Dispatch Report: Yes/No IAPro: Yes/No

Other

www.cabq.gov

Materials: N/A

APD Employee(s) Involved: Officer G. & Sgt. W.

Policies Reviewed: 2-8 Arrests

Date Investigation Completed: January 23, 2020

FINDINGS

The CPOA finds Officer G's conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the alleged misconduct did not occur.

The CPOA finds Sgt.W's conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the alleged misconduct did not occur.

You have the right to appeal this decision.

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

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

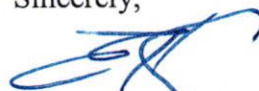
- A) a policy was misapplied in the evaluation of the complaint (i.e. the APD policy of policies that were considered by the Board were the wrong policies or they were used in the wrong way);
- B) the findings or recommendations were arbitrary, capricious, or constituted an abuse of discretion (i.e. the APD policy or APD policies considered by the Board were chosen randomly, they do not address the issues in the complaint, or the findings of the Board had no explanation that would lead to the conclusions made by the Board); or,
- C) the findings of the Board had no explanation that would lead to the conclusion made by the Board findings and recommendations were not consistent with the record evidence (i.e. the findings were not supported by the evidence that was available to the Board at the time of the investigation).

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

Administratively closed complaints may be re-opened if additional information becomes available.

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,



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

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Dr. William J. Kass

Eric Olivas

Tara Armijo-Prewitt

Leonard Waites

Edward Harness, Executive Director

Doug Mitchell

Cathryn Starr

February 14, 2020

Via Certified Mail

7017 2680 0000 5951 9136

Re: CPC 019-20

Dear Ms. A-F:

On October 25, 2019, we received a complaint you filed via e-mail for an incident that took place on October 6, 2020. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293

I. THE COMPLAINT

Albuquerque

NM 87103

www.cabq.gov

You wrote in your complaint that on October 6, 2019 at about 4:50 AM, you were on your way to work when another driver struck your vehicle. A witness to the accident saw the other driver get out of the car that hit you and the other driver threw some items over a nearby wall and then returned to the scene of the accident. You stated that the witness told the officers that the man who hit you was jittery and jumpy at the scene. On October 24, 2019, you obtained an attorney and the attorney told you that he had contacted the District Attorney's office and was informed that they were not prosecuting the other driver because they had a lack of evidence to do so. There were no witnesses, no blood work etc.. You stated that since the accident you have been in financial turmoil. You stated that you needed financial assistance to cover your loss of work and medical bills and you needed your car replaced.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint and the investigator reviewed the police reports on the incident as well as the associated lapel camera videos. The accident report indicated that the driver of the other vehicle was at fault. The car was insured and proof of registration and insurance was provided to the investigating officers. That information is noted on the accident report which you stated in your complaint that you have in your possession. The other report is numbered 19-0092135. That report showed that the investigating officer, Officer P., spoke to a witness at the scene. The witness's name is listed in that report and all of his contact information is there. The witness told the investigating officer

that the other driver dropped items behind a wall. When the officer looked behind the wall he found he found a small amount of methamphetamine, a pipe, and a scale. The officer obtained consent to search from the homeowner and he retrieved the items. They were placed in evidence. The other driver was arrested and charged with drug crimes. The investigating officer was told that the other driver may have been on something because the other driver was jumpy. The officer and his supervisor observed the other driver but they did not observe any signs of obvious impairment. In the lapel videos the man is not jumpy and he sat calmly on the sidewalk while the officers spoke with him. The man was responsive to questions and showed no obvious signs of impairment.

III. CONCLUSION

We reviewed APD Standard Operating Procedures 2-60 Preliminary Investigation, 2-71 Search and Seizure, and 2-73 Submission of evidence to see if Officer P. complied with requirements of those Standard Operating Procedures.

The preliminary investigation conducted by our office showed that Officer P. complied with all of those procedures. It appears that there is witness information, reports, lapel video evidence and physical evidence to prosecute the man who hit you. We do not know why the District Attorney would have told you something to the contrary. Perhaps, not enough time had elapsed or the DA didn't have everything needed at the time your attorney called. In any case, the officer did what he was required to do. Our office has no way of compensating you financially as you requested in your complaint.

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

You have the right to appeal this decision.

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

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

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

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

Sincerely,



Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Dr. William J. Kass

Eric Olivas

Tara Armijo-Prewitt

Leonard Waites

Edward Harness, Executive Director

Doug Mitchell

Cathryn Starr

February 14, 2020

Via Certified Mail

7017 2680 0000 5951 9143

Re: CPC 020-20

Dear Ms. G

On October 28, 2019, you filed a complaint over the phone with our office for an incident that took place on October 27, 2020. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

I. THE COMPLAINT

You told our office that on October 27, 2019 at about 1:30 PM, two APD officers responded to your home because you had called the police to report that you had been smelling strange chemical odors in your home. You suspected the odors were coming from the apartment above yours. You suspected the tenant in that apartment was manufacturing methamphetamine. Sgt. A. and Officer R. were the officers who handled your call. You stated that Officer R. stayed outside your home with you and was very rude to you. Sgt. A. went inside your home to check out your complaint. Sgt. A. then allegedly came out of your house and accused you and your daughter of smoking weed. You alleged that Sgt. A. then shared his thoughts with your landlord as a result of that your landlord gave you a verbal eviction notice. You felt the officer's actions were unprofessional and uncalled for. You want the officer to pay for the damage he has caused you and your daughter. You want compensation for any moving or housing expenses due to the officer lying to your landlord.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. When you called in your complaint you were given the number to risk management for the City of Albuquerque. The CPOA Investigator conducted a preliminary investigation into your complaint and the investigator reviewed the Computer Assisted Dispatch (CAD) report as well as three (3) associated lapel camera videos. The lapel camera video from Officer R. captured your entire

contact with the Officers. There was no evidence on the lapel camera recording to support your allegation that Officer. R. was rude with you. Sgt. A.'s lapel camera video showed that you gave him permission to enter your apartment. The lapel camera video showed him mentioning that he did not smell anything unusual. The video showed him contacting your teenage daughter who also confirmed that she wasn't smelling anything unusual either. Officer R. told you that they couldn't just go upstairs and look into the tenant's closet as you wanted them to do. They did say that they would check it out as far as they could. Sgt. A. came back out of your apartment and the lapel video showed that he asked you if it was a possibility that your daughter may be smoking marijuana. You became angry and stated that the Sergeant was accusing your daughter of smoking marijuana. He made it clear that he wasn't accusing her and was just asking if it was possible. You stated your daughter was a Christian and you believed your daughter had been suffering side effects of the chemotherapy treatments that you had when you had cancer. You then started yelling at the officers and they walked upstairs to see if they could confirm your suspicions that someone up there was cooking meth. One of the apartments was empty and they could not make contact with anyone at the other apartment. The videos showed the officers stating that they did not smell anything unusual. The videos also showed you yelling at the officers up until the time they left the premises. You yelled things such as "You think you're all bad because you carry a badge. You think you can talk to people the way you want to." There is no available evidence to support your claim that you were given an eviction notice because you believe Sergeant A. shared his thoughts with your landlord. There is no available evidence to show Sergeant A. even contacted your landlord.

III. CONCLUSION

We reviewed APD Standard Operating Procedure 1-1-4 B 7 Conduct to see if Sgt. A and Officer R. complied with requirements of that Standard Operating Procedure.

The preliminary investigation conducted by our office showed that Sergeant A. and Officer R. complied with the requirements of that Standard Operating Procedure. The officers did what they were required to do. Our office has no way of compensating you financially as you requested in your complaint.

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

You have the right to appeal this decision.

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

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

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed Harness', is written over the word 'Sincerely,'.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Dr. William J. Kass

Eric Olivas

Tara Armijo-Prewitt

Leonard Waites

Edward Harness, Executive Director

Doug Mitchell

Cathryn Starr

February 14, 2020

Via Certified Mail

7017 2680 0000 5951 9150

Re: CPC 025-20

Dear Ms. N -L

On November 1, 2019, we received a complaint you filed for an incident that took place on October 9, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293

I. THE COMPLAINT

Albuquerque

NM 87103

www.cabq.gov

You wrote in your complaint that on October 9, 2019 you went to the APD Valley Substation to report an assault and an attempt to steal your phone. You are a PERA Board Member and in a closed meeting of the Board on October 8, 2019, you alleged that you were assaulted by another Board Member. You stated that you had to bring your arm up to protect yourself during the assault that was witnessed by others. On October 9, 2019 you went to the Valley Substation to report the incident and there you met with Officer S. and Lt. W.. You alleged that the Officer and the Lieutenant treated you as if you were inferior to them. You alleged the Lieutenant patronized you as he interrogated you. You wrote in your complaint that you wanted the police report to reflect that you were assaulted and that the other Board Member attempted to rob you of your phone.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint. The investigator reviewed the police report on the incident as well as three associated lapel camera videos. Two of the videos were recorded by Officer S. and one of the videos was recorded by Lt. W..

The lapel videos from Officer S. show that you reported that during the closed meeting your phone rang. When you went to shut it off, you were angrily approached from the side by another Board Member. You reported that the Board member tried reaching over you to get at

your phone because he thought you were recording the meeting on your phone. He accused you of doing so. You said that you believed you were going to be hit and had to raise your arm to protect yourself. You were not hit and the Board Member never touched your phone. You told Officer S. that you wanted a police report on the matter and you demanded that the officer investigate the matter and interview everyone who was in the closed session. The officer explained to you that he would write a report on the incident but that he would not be interviewing everyone as what you reported to him was at best a misdemeanor that was committed outside of his presence. He said he wasn't even sure if what occurred was a crime. He explained that in depth investigations such as the one you were requesting are usually reserved for felony crimes and your reported incident did not rise to the level of a felony. You again stated that you wanted everyone interviewed. The officer again explained to you that he would file a report on the matter and he agreed that the other Board Member's actions were unreasonable. He suggested you file a complaint with the Board as the incident occurred in a closed session. At that point you requested to speak with a Supervisor.

Lt. W. met with you. You told him everything you told the officer and you told him that the other Board Member attempting to get at your phone was an attempted robbery. The Lieutenant asked you numerous questions all of which were pertinent to the investigation. After listening to all you had to say, he told you that they would complete a report on the matter but based on what you were saying, they would not be able to file any charges as they have to be able to prove beyond a reasonable doubt that a crime occurred. You reported that you knew the man's actions were criminal because at a previous meeting the man gave you dirty looks. The Lieutenant told you that the man's actions were inappropriate for a meeting but they did not rise to the level of a crime. He also suggested you file a complaint with the Board as they may have some sort of a Censure process they can utilize there. You stated you were a minority on the Board and doing that would be useless. While you alleged that you felt the man was trying to rob you of your phone you admitted that he never got to or touched your phone. During the discussion you accused the Lieutenant of trying to downplay what you were telling him. You then accused him of not respecting you. You claimed on the video that both the Officer and the Lieutenant had an attitude. You then went on to complain to the Lieutenant about the long wait time you had at the police station waiting to see an officer and you accused them of providing "poor service". You said that you would fire all of them for making you wait and you had already called Mayor Keller's office to demand an investigation into the entire Valley Substation. The Lieutenant provided you with a complaint form. Officer S. met with you after that and finished gathering the necessary information for the report.

The police report was reviewed and it accurately reflects what you told the officers. Original police reports by law and by APD Standard Operating Procedure cannot be altered. Supplemental reports can be filed but that is the only remedy and that is something our office cannot do.

III. CONCLUSION

We reviewed APD Standard Operating Procedures 2-60 Preliminary Investigation, and 1-1-4 B7 Conduct, to see if Officer S. and Lt. W. complied with requirements of those Standard Operating Procedures.

The preliminary investigation conducted by our office showed that Officer S. and Lt. W. complied with all of those procedures. The videos showed that the officers did not treat you as if you were inferior, nor did Lt. W. "patronize" you or downplay what you were reporting. As stated above, the police report accurately reflects what you told the officers and that report cannot be altered.

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

You have the right to appeal this decision.

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

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

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

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

Sincerely,



Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Dr. William J. Kass

Eric Olivas

Tara Armijo-Prewitt

Leonard Waites

Edward Harness, Executive Director

Doug Mitchell

Cathryn Starr

February 14, 2020

Via Certified Mail

7017 2680 0000 5951 9167

Re: **CPC 031-20**

Dear Mr. N.

On November 12, 2019, we received a complaint you filed for an incident that took place on November 8, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293

I. THE COMPLAINT

Albuquerque

NM 87103

www.cabq.gov

You wrote in your complaint that on November 8, 2019 while you were in a grocery store when someone stole a bag full of your items. You had the manager of the store call the police to report the theft. Lt. G. of the APD responded to the call. Lt. G. looked at the surveillance video captured by the store. The Lt. gathered your information. You asked him why a criminal report was not being done and he allegedly told you he did not have time and you could purchase your own report. You told him you wanted a report at that moment. You felt that the Lt. not giving you a report at that moment was unconstitutional and a violation of your rights. You wanted the Lt. criminally charged with Corruption, due to his withholding of the criminal report, not wanting to file a criminal report, solicitation of a criminal report, and withholding evidence of a crime.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint. The investigator determined that the Lieutenant did write a report on the incident as you requested. The report number is 19-0102705. The investigator reviewed the police report on the incident. It indicates that you demanded at the scene that the Lt. provide you with a copy of the report. The Lt. explained the process for you to obtain a copy of the report and you were not satisfied. You became belligerent with the Lieutenant and he again told you that the report

could be obtained by going to any substation in the next 5-10 days and a copy of the report would be printed out for you at a cost.

III. CONCLUSION

We reviewed APD Standard Operating Procedure 2-16 Records, to see if Lt. G. complied with requirements of that Standard Operating Procedure.

The preliminary investigation conducted by our office showed that Lt. G. complied with the procedure.

You can't demand and get a police report immediately from the officer in the field who takes the report. The procedure doesn't work that way. The report has to be written, approved by a Supervisor, submitted to Records, entered, and coded, and then it can be released to the public. The law allows a reasonable charge by the police department for those records. The Lieutenant didn't violate your Constitutional Rights, nor did he commit any criminal act when he told you he could give you a report right then and there. He followed policy by not providing you with an unapproved report in the field.

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

You have the right to appeal this decision.

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

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

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

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

Sincerely,



Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

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Eric Olivas

Tara Armijo-Prewitt

Leonard Waites

Edward Harness, Executive Director

Doug Mitchell

Cathryn Starr

February 14, 2020

Via Certified Mail

7017 2680 0000 5951 9174

Re: **CPC 175-19**

Dear Mr. B

On August 27, 2019, we received a complaint you filed for an incident that took place on July 15, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to review your complaint.

PO Box 1293

I. THE COMPLAINT

Albuquerque

NM 87103

www.cabq.gov

You wrote in your complaint that on July 15, 2019, Lt. T. told you your vehicle was being towed because they could not locate proof of temporary ownership. When you later talked to a Commander you were told that your car was towed because you were driving on a suspended license. When dealing with the Lieutenant you asked for another Supervisor and she informed you she was the only Supervisor on duty and there was no higher-ranking Supervisor on duty at the time. You wrote the contact occurred between 6:00 AM and 7:00 AM. The Lieutenant took a firearm from your possession due to previous actions by you. The Lieutenant told you that she had contacted the District Attorney's office and they authorized the taking of your firearm. Your firearm was later returned to your wife.

II. THE INVESTIGATION

In an effort to assist you, a CPOA Investigator reviewed your complaint. The CPOA Investigator conducted a preliminary investigation into your complaint. The investigator reviewed the associated police reports on the matter, The Computer Assisted Dispatch (CAD) report, and the associated officer lapel camera videos.

The police report indicated that you were cited by another APD Officer for careless Driving, Driving on a Suspended or Revoked License, and Improper Display of a License Plate. The reports indicate that the officers were out on an unrelated shooting call when they observed you driving up in a white Kia with dealership plates at a high rate of speed. The manner in

which you were driving forced the officers to step up on the sidewalk to avoid possibly being struck. You then proceeded past another vehicle, driving your car into an oncoming lane at a very high rate of speed. Not knowing if you were involved in the shooting and having observed your driving behavior, officers looked for your car initially but they were unable to locate you. About a half hour later, officers again observed you driving nearby and they stopped you. The lapel camera videos showed that you were dressed in a Security Guard Uniform and your handgun was in the car. The lapel camera videos showed that you became argumentative with the officers and the videos showed you were very angry. You admitted you were driving the Kia and had committed the violations. You were issued three citations. The officers were aware that Crisis Intervention Team bulletins had been issued by APD on you before. A check revealed you were driving on a suspended license. The car you were driving had dealer demonstration tags on it and the dealership was closed at that time. You kept insisting that you had rental paperwork for it in the car but at least two searches that you consented to revealed there was no rental paperwork in the car. An officer at the scene contacted the on-call Assistant District Attorney who told the officer that your firearm could be tagged into evidence for safekeeping. The Lieutenant told you that they were going to tag your firearm into evidence for safekeeping because you were clearly agitated at the time. Furthermore, you wanted to take a bus from the scene and the Lieutenant told you that it was illegal to ride a bus while armed with a firearm. You told her that was not correct and that you knew the law. At one point you yelled that you wanted the Commander of the Southeast Area Command to come to the scene. The Lieutenant told you that the Commander was not available and she was the highest-ranking person on duty at the time. You demanded everyone's information which you were given and you were told how to file a complaint. You stated at that time that you did not want to file a complaint. Because you are a Security Guard and you need your firearm for work, the Lieutenant made the decision to release the firearm to your wife at your home.

III. CONCLUSION

We reviewed APD Standard Operating Procedures 2-71 Search and Seizure Without a Warrant, and 2-48-2 C Towing, to see if Lt. T. complied with requirements of those Standard Operating Procedures.

The preliminary investigation conducted by our office showed that Lt. t. complied with the procedures.

You were driving a vehicle with a Dealer Demonstration plate on it. You claimed you had rental paperwork for it but you couldn't produce any. You were driving on a Suspended/Revoked License. City Ordinance 8-5-2-4 and SOP 2-48-2 C, allows for summary impoundment of a vehicle when there is no proof of insurance, no proof of ownership, or if it is being driven by someone who has a suspended or revoked license. The towing of your car was proper and within policy.

The temporary seizure of your firearm was also within policy. You were extremely agitated at the time and there were prior Crisis Intervention Bulletins issued to officers indicating that you may become violent. It is against the law to ride a bus while armed. In your agitated state, handing you a loaded firearm could have resulted in an unsafe outcome. But, APD didn't just

seize your firearm on a whim. They contacted the Assistant District Attorney who said the temporary seizure was proper and the officers could indeed temporarily seize your firearm. We recommend a finding of **UNFOUNDED**, where the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

You have the right to appeal this decision.

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

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed Harness', with a stylized flourish at the end.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Dr. William J. Kass

Eric Olivas

Tara Armijo-Prewitt

Leonard Waites

Edward Harness, Executive Director

Doug Mitchell

Cathryn Starr

February 14, 2020

Via Certified Mail

7017 2680 0000 5951 9181

Re: CPC #243-19

Dear Ms. C

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on December 11, 2019, regarding an incident that occurred on September 9, 2019. 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.

NM 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. C wrote she received word from her son that their home had been broken into. She was on her way to meet officers when Officer M stopped her for not making a complete stop at the stop sign. Ms. C wrote she apologized and asked Officer M for help at her home. Ms. C claimed Officer M told her, "Not my problem." Ms. C said she handed over her documentation and Officer M rudely told her to take things out of the folder. Ms. C wrote Officer M again told her, "Not my problem" when Ms. C said she was in a hurry. Ms. C claimed Officer M snatched the documentation out of her hand. She claimed that the officer told her she was being rude. Ms. C said Officer M spent about fifteen minutes in her car and when she returned she had a ticket instead of a warning. Ms. C complained about the ticket and the claimed Officer M told her that

she could give her \$80 and she would make it go away. Ms. C wrote she asked for clarification and the officer said it would go away if she gave her 80 dollars. She signed the ticket for going to court instead. Ms. C then wrote she asked for Officer M's help at her home and Officer M said she was on traffic patrol. Ms. C wrote she asked for her to check if officers had been dispatched and claimed the officer refused. She then claimed Officer M questioned her even living in the neighborhood.

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), and the lapel video. A statement was not obtained from Ms. C because the lapel video covered the officer's contact from beginning to end and showed the allegations of misconduct were not at all supported by the evidence.

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

A) The CPOA reviewed Standard Operating General Order 1-1-4D15 regarding Officer M's conduct, which states:

Personnel will treat the public with respect, courtesy, and professionalism at all times.

Ms. C alleged that Officer M was dismissive to her situation by saying at least twice the burglary of her home was, "not my problem." Ms. C alleged Officer M was rude, unprofessional, snatched things from her hand, and unnecessarily delayed her. Officer M refused her requests for assistance and questioned whether she actually lived in the neighborhood despite having seen her license.

The lapel video showed Officer M introduced herself and advised the reason for the stop. Ms. C suggested that Officer M follow her to her home. Officer M explained that she would not be doing that, but could check her address for a dispatch. The lapel video showed Ms. C was upset, swearing, slamming her door and when Officer M told her to settle down Ms. C angrily raised her voice, said she was shaking, upset, and yelled at the officer that she was not yelling. The lapel video showed Officer M did not snatch or grab the documentation despite Ms. C scolding the officer for doing so. The lapel video showed Ms. C told the officer she needed to "chill out" despite the excessive reaction coming from her and not the officer. The lapel video showed Officer M was in her car for about four minutes thirty seconds writing the citation, not the fifteen minutes Ms. C claimed. The total length of the traffic stop was about eight minutes. The lapel video showed Officer M never said, "Not my problem." The lapel video showed Officer M never refused to look up to see if someone was dispatched to her burglary call and never questioned her residency. The lapel video showed Officer M was professional with Ms. C.

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

B) The CPOA reviewed Standard Operating General Order 1-1-4K1 regarding Officer M's conduct, which states:

Personnel will not solicit or accept gifts, gratuities, or compensation either for themselves or for other personnel for services performed in the line of duty, other than that which is paid by the City of Albuquerque or is allowed by the City Merit System Ordinance, unless authorized by the Chief of Police.

The lapel video showed Officer M returned with the citation and informed her when her court date was. Ms. C asked why she was going to court because she had no other tickets. Officer M asked if she wanted to pay the \$82 fine and indicated the area on the ticket for penalty assessment. Ms. C asked again why she was going to court and Officer M explained because she was issuing a citation, but could pay the fine; Ms. C angrily interrupted and said she had to go. Officer M pointed to where she would sign for the traffic arraignment. The lapel video showed Officer M never said or implied that she would make the ticket "go away" for the payment of eighty dollars to her directly.

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

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

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

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

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

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

cc: Albuquerque Police Department Chief of Police



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Dr. William J. Kass

Eric Olivas

Tara Armijo-Prewitt

Leonard Waites

Edward Harness, Executive Director

Doug Mitchell

Cathryn Starr

February 14, 2020

To File

Re: CPC 159-19

Dear Anonymous:

Our office received a complaint on May 14, 2019, against Albuquerque Police Department (APD) Sergeant (Sgt.) S. and Telecommunications Operator (T.O.) G. regarding an incident which allegedly occurred on May 13, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate the complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

I. THE COMPLAINT

A woman who wished to remain Anonymous called Albuquerque Police Department (APD) 911 alleging they witnessed an APD Sergeant throwing out empty miniature fire ball shots from his driver window as she drove behind him. After reporting this to APD 911, Anonymous posted this same information on Facebook (FB), a social media platform; however, added that the operator to whom she spoke doubted and double questioned her about her observations and sounded nervous and afraid because Anonymous was telling on someone in a high position.

Anonymous never reached out to the CPOA to file a complaint; however, a third party, Ms. E. saw Anonymous' aforementioned post on FB and contacted a news reporter, who in turn contacted the CPOA to find out if the CPOA was aware of the post. As a result of Ms. E. bringing the post to the attention of the CPOA, she was identified as the complainant; however, when contacted by the CPOA Investigator, Ms. E. said she didn't want to file a complaint but wanted to make sure APD was aware of the alleged incident and did something about it. She heard that APD took care of the situation so she was satisfied with that outcome.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP, the Complaint, the CADS report, FaceBook (FB) posts, and interviews with APD personnel.

A) The CPOA reviewed APD SOP 2-5-3(K)(15) Use of Police Vehicles

After a review of the evidence and this SOP, the CPOA was unable to find any violation of the SOP; therefore, the CPOA finds Sgt. S.'s conduct **UNFOUNDED** regarding allegations of violations 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 officers.

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOP, the Complaint, the CADS report, FaceBook (FB) posts, and interviews with APD personnel.

A) The CPOA reviewed APD Special Order (S.O.) 17-38 (Amended)

After a review of the evidence and this S.O., the CPOA found that T.O. G. failed to adhere to the steps required by the S.O.; therefore, the CPOA finds T.O. G.'s conduct **SUSTAINED** regarding allegations of violations of this S.O., which means the investigation determines, by a preponderance of the evidence that the alleged misconduct did occur.

The complaint and these findings are made part of Sgt. S.'s Internal Affairs record and T.O. G.'s personnel 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.

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

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

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

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

A handwritten signature in blue ink, appearing to read 'EH', is positioned above the printed name of the signatory.

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair Dr. William J. Kass

Eric Olivas

Tara Armijo-Prewitt

Leonard Waites

Edward Harness, Executive Director

Doug Mitchell

Cathryn Starr

February 14, 2020

Via Certified Mail

7018 1130 0002 3429 0043

Re: CPC #010-20

Dear Mr. U.

On October 2, 2019 we received a complaint from you concerning Officer P. of the Albuquerque Police Department (APD). The incident you complained of has been ongoing since November of 2018. You had filed a previous complaint CPC 009-19 with our office concerning the same officer and you complained of many of the same incidents. Officer P. is your neighbor and you are involved in a civil dispute with him. You complained that Officer P. is harassing you and your family members and you want him fired.

I. THE COMPLAINT

In your previous complaint you said you were paying a plumbing contractor for services to be completed at your residence, when Officer P., who is your neighbor, arrived home. You said Officer P. made a verbal threat towards you when he asked you if there was a problem. You alleged Officer P. kept his hand close to his duty weapon when he asked you the question, which made you feel extremely threatened. Officer P. was on his driveway when he asked you again if there was a problem, to which your contractor replied by asking Officer P. if he had a problem. Allegedly, Officer P. told the contractor he was addressing you and not the contractor and you told the contractor to ignore Officer P. as you felt Officer P. was just trying to provoke an argument. Officer P. didn't say anything more, nor did you, however the behavior made you feel uncomfortable.

You complained that Officer P. used his badge to threaten you and make you feel unsafe at your own residence. You said you were filing a lawsuit against Officer P. and his wife and father-in-law for stalking, harassment, and defamation of character. You wanted to be filed against Officer P.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint and attempted to contact you for a telephone interview; however, after several email exchanges between you and the Investigator attempting to schedule a phone interview, the exchanges stopped and there was no further communication from you. The Investigator briefly spoke with Officer P. regarding the situation and learned that you two are neighbors in a community in the City of Rio Rancho and your neighborhood is governed by a Home Owner's Association (HOA). Officer P. said there is an on-going feud between your family and his regarding construction at your home. He said there have been police reports filed regarding this on-going feud. This investigation is based on your complaint and on the limited contact the Investigator had with Officer P.

The limited information shows that this is a neighbor dispute occurring outside the City of Albuquerque, and one in which your neighborhood HOA governs. Had this occurred in the City of Albuquerque, our office would recommend you and Officer P. participated in community mediation; however, that is not applicable in this case as you are residents of the City of Rio Rancho. Without impartial video or audio evidence, we would be unable to substantiate your allegations that Officer P. used his badge to threaten and intimidate you. Additionally, you stated you have already filed a lawsuit against Officer P. and his wife and father-in-law; therefore it appears you are in the process of remedying this situation over which our office has no jurisdiction.

You were sent a letter from our agency advising you that your previous complaint had been administratively closed and the complaint would only be reopened if additional new information became available.

In your new complaint you detailed your history from the time you moved into the house next door to Officer P. until the time you have considered moving away. You wrote about your starting construction on a pool and the officer's wife complained to the HOA about that. You wrote that they made it difficult for you to proceed with the construction. They complained about your firepit blowing embers into their yard. They complained your gazebo was too large. They complained about dirt on a retaining wall. They complained the contractors damaged their front yard. You complained that Officer P. did yardwork in his back yard while armed with 4 guns. 2 were in a shoulder harness and two were attached to his waist. The officer parked his police car in front of your house. The Rio Rancho police were contacted and Officer P. refused to move his police car as the car was alleged to have been legally parked. You claim that his refusal to move the car and his doing yardwork while armed is not appropriate behavior for an officer. The Officer later complained about security cameras you had installed. The Rio Rancho Police told you to move your cameras. You claimed a family member of Officer P. called your boss and told your boss you had been charged with a misdemeanor. You provided no proof of this in your complaint. In your second complaint you complained about the plumber situation as well. You complained that Officer P. called the Rio Rancho Police to complain of a loud party that your daughter was having. You stated the music was not too loud. The police came and told you to turn down the music. You complained that all of this discourse has caused you to consider selling your home and when you did, Officer P. interfered with your contract and right to sell or lease your home, but your complaint contained no details of how Officer P. did that or how his working for the APD had

anything to do with that. You claimed that this caused your wife's clinical depression to return.

II. CONCLUSION

We previously advised you that this is a civil matter between you and Officer P., his wife, and family. You indicated that you were going to sue the officer civilly. Even with all of the new information you provided, the officer has the right to complain about your actions as a neighbor if the officer believes his property is being harmed, his privacy invaded by your cameras, the loud music caused by the DJ and he can park his car on a public street. Rio Rancho PD responded to the camera incident and told you to point the cameras away from the Officer's house and windows, They told you the music at your daughter's party was too loud, and they did not make Officer P. move his police car. All of this, and all of what you cited amounts to a neighbor dispute between you and Officer P. You have not provided any information that would allow us to open a misconduct investigation and we are unable to minimally substantiate that allegations you have made. Because your complaint is duplicative, and because there is no new information that can be minimally substantiated, and because this is a neighbor dispute in which we have no jurisdiction, we are administratively closing your complaint and no further investigation will occur.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed Harness', with a stylized flourish extending from the end.

Ed Harness
Executive Director
(505) 924-3774

CC: Albuquerque Police Department, Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Chantal M. Galloway, Chair *Dr. William J. Kass*

Tara Armijo-Prewitt

Eric Olivas

Douglas Mitchell

Cathryn Starr

Leonard Waites

Edward Harness, Executive Director

February 18, 2020

Re: CPC #164-19

Dear Mr. B

The Board may grant an Appeal only upon the complainant offering proof that:

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

On February 13, 2020 the Board considered your submission for Appeal and request for hearing. The Board deemed your request did not meet the standards set forth in City of Albuquerque' Oversight Ordinance. Therefore, your request for hearing in front of the Board has been denied.

Sincerely,

The Civilian Police Oversight Agency by

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

cc: Albuquerque Police Department Chief of Police