

CIVILIAN POLICE OVERSIGHT AGENCY BOARD

Dr. William J. Kass, Chair *Eric Olivas, Vice Chair* *Tara Armijo-Prewitt*
Chantal M. Galloway *Doug Mitchell* *Eric Nixon*
Cathryn Starr *Leonard Waites*
Edward Harness, Executive Director

BOARD AGENDA

Thursday, June 11, 2020 – 5:00 PM

Attendance: In response to the Governor’s declaration of a Public Health Emergency and ban on large public gatherings, the Civilian Police Oversight (CPOA) Board meeting on Thursday, June 11, 2020 at 5:00 pm will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at: <https://www.cabq.gov/culturalservices/govtv>, or on YouTube at: https://www.cabq.gov/cpoa/events/copy5_of_cpoa-board-meeting. (Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the CPOA Board will also remain available for viewing at any time on the CPOA’s website. CPOA Staff is available to help members of the public access pre-recorded CPOA meetings on-line at any time during normal business hours. Please email CPOA@cabq.gov for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 pm, Monday, June 8, 2020 at www.cabq.gov/cpoa.

The CPOA Board will take general public comment and comment on the meeting’s specific agenda items in written form via email through 4:00 pm on Thursday, June 11, 2020. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

- I. Welcome and call to order**
- II. Mission Statement – *Dr. William Kass, Chair***

*“Advancing Constitutional policing and
accountability for APD and the Albuquerque
Community.”*
- III. Approval of the Agenda**
- IV. Public Comments**
- V. Review and Approval of Minutes from May 21, 2020**

VI. Reports from City Staff

- a. Mayor's Office
- b. City Attorney
- c. APD
 - 1. Overtime Policy Update
 - 2. Field Officer Training
- d. City Council
- e. CPC
- f. APOA
- g. Public Safety Committee
- h. CPOA – *Edward Harness, Executive Director*
 - 1. Filing a Citizens Complaint

VII. Reports from Subcommittees

- a. Community Outreach Subcommittee – *Chantal Galloway*
 - 1. Met May 26, 2020 (video conference)
 - 2. Next meeting June 23, 2020 at 3:00 pm
- b. Policy and Procedure Review Subcommittee – *Dr. William Kass*
 - 1. Met June 4, 2020 (video conference)
 - 2. Next meeting July 2, 2020 at 4:30 pm
- c. Case Review Subcommittee – *Chantal Galloway*
 - 1. Met May 26, 2020 (video conference)
 - 2. Next meeting July 28, 2020 at 4:30 pm
- d. Personnel Subcommittee – *Eric Olivas*
 - 1. Met May 28, 2020 (video conference)
 - 2. Next meeting June 29, 2020 at 8:00 am

VIII. Discussion and Possible Action

- a. Board Conduct and Ethics Policy
- b. Executive Director Evaluation Outline Proposal
- c. CPOA Complaint Process Timeline
- d. Review and Approval 2019 Semi-Annual Report January - June

IX. Cases Reviewed:

- a. Administratively Closed Cases
 - 087-20 089-20 103-20 129-20 130-20
- b. Unfounded
 - 040-20 104-20

**X. Review of Appeal:
236-19**

**XI. Appeal Hearing:
046-20**

i. Closed discussion for deliberations by the CPOA Board in connection with an administrative adjudicatory proceeding pursuant to NMSA 1978, Section 10-15-1(H)(3)

**XII. Serious Use of Force Cases/OIS
a. Update on non-disclosure agreement**

XIII. Other Business

XIV. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on July 9, 2020 at 5:00 p.m. in the Vincent E. Griego Chambers.*

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair *Eric Olivas, Vice Chair*

Tara Armijo-Prewitt *Chantal M. Galloway*

Eric Nixon *Cathryn Starr*

Edward Harness, Executive Director

Doug Mitchell

Leonard Waites

June 12, 2020

Via Certified Mail

7017 2680 0000 5951 9600

Re: CPC #087-20

Dear Mr. V _____ :

Our office received the complaint you filed on January 22, 2020, against Albuquerque Police Department (APD) Officer D., for a traffic stop, which occurred on January 10, 2020. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The CPOA thoroughly and impartially investigated the complaint. Below is a summary of the complaint, and the CPOA's investigation and findings.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. THE COMPLAINT

Mr. V _____ said he pulled into a parking lot to get off of Menaul Blvd and Officer D. came to his door so he asked, "May I help you? For what reason was I stopped?" Officer D. told him that his license registration had expired. He asked how Officer D. knew and Officer D. stated he ran his plate. Mr. V _____ complained there was no legitimate reason for Officer D. to have stopped him. Officer D. then asked Mr. V _____ for his license and registration which he said he had to get out of the back of his truck and both of those were okay. Mr. V _____ complained the stop was unjustified as his MVD records have been up to date since about October. He, again, complained Officer D. had no legitimate reason for the stop and he considers what has been done as harassment because his truck has a lot of stickers.

II. THE INVESTIGATION

The CPOA Investigator reviewed your complaint, the CADS report and Officer D.'s lapel camera video recording.

Lapel video showed Officer D. stopped you, contacted you at the driver's window, introduced himself, asked you how you were doing, and told you he stopped you because when he ran your plate, the registration came back as suspended. You asked him why it would say that and he said they don't have access to that information and it could be one of many

Letter to Mr. V

June 12, 2020

Page 2

things. He asked for your vehicle information and license, which you were not able to provide at the time of the stop. You apologized to Officer D. for not finding your registration and insurance paperwork and Officer D. only issued you a written warning. The evidence showed that Officer D. had a lawful reason to stop you and the evidence does not support your claim that he targeted and harassed you because you had a lot of stickers on your truck, as you have alleged.

III. CONCLUSION

Based on the aforementioned information, the CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint because the evidence shows that Officer D. didn't violate any APD SOPS in making the traffic stop.

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,
The Civilian Police Oversight Agency by



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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair *Eric Olivas, Vice Chair*

Tara Armijo-Prewitt *Chantal M. Galloway*

Eric Nixon *Cathryn Starr*

Edward Harness, Executive Director

Doug Mitchell

Leonard Waites

June 12, 2020

Via Certified Mail

7017 2680 0000 5951 9587

Re: CPC #089-20

Dear Ms. G

Our office received the complaint you filed on January 22, 2020, against an unknown officer, regarding an incident which appears to have occurred on August 8, 2019. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and learned via www.nmcourts.gov that you were issued a citation on August 8, 2019 for failure to maintain a traffic lane by Officer C. Officer C. is not an Albuquerque Police Department (APD) Officer and it is unclear for which department he works. Therefore, we have no jurisdiction in this matter, and are administratively closing your complaint.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Sincerely,

The Civilian Police Oversight Agency by

Edward Harness, Esq.

Executive Director

(505) 924-3770

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair *Eric Olivas, Vice-Chair*

Tara Armijo-Prewitt *Chantal M. Galloway*

Eric Nixon *Cathryn Starr*

Edward Harness, Executive Director

Doug Mitchell

Leonard Waites

June 12, 2020

Via Certified Mail

7017 2680 0000 5951 9570

Kevin Arthun

4401 San Pedro NE

Albuquerque, NM 87109

Re: CPC #103-20

Dear Mr. A:

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on April 16, 2020, regarding an incident that occurred on or about December 10, 2019.

I. THE COMPLAINT

PO Box 129
Albuquerque, NM 87103
www.cabq.gov

Mr. A submitted an online complaint on behalf of his client and what he overheard while she was on the phone with him. Mr. A works for the NM Coalition to End Homelessness as a Housing Navigator. Mr. A was on the phone with one of his clients when an APD officer approached her and yelled at her to get off the property she was at currently. The officer accused her of being told to vacate the premises before. Mr. A asked his client to put the officer on the phone so he could explain the situation, but the officer refused to talk to him. Mr. A advised her to request his name and man number, but the officer claimed he did not have to give that information. He yelled some more and then left. Mr. A client was very upset at this encounter. Mr. A went to the scene and talked to the property manager who said he had not called police.

II. INVESTIGATION

The CPOA Investigator had CADs attempt to locate any calls for service in the area or for this specific incident. No call was located for the date, time, and location provided. The complaint had no identifying information such as a car number or plate.

The CPOA Investigator spoke to Mr. A via email to see if he or his client had more information. Mr. A stated he called the Valley Area Command right after the incident for assistance to identify the officer. The physical description was too vague to identify the officer and the area command front desk staff did not know the officer's identity. The CPOA Investigator explained to Mr. A the limitations of finding information, especially in that area as officers from other area commands travel that corridor for court and to APD main. The CPOA Investigator and Mr. A discussed other avenues that his organization and APD could

Letter to Mr. A
June 12, 2020
Page 2

work together for the betterment of Mr. A's clientele. Mr. A was disappointed with the fact the officer could not be identified, but appreciative of the attempt.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as there was not enough information to identify the officer or locate the incident.

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

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

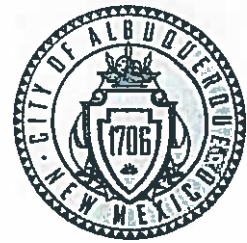
Sincerely,
The Civilian Police Oversight Agency by



Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair *Eric Olivas, Vice Chair*

Tara Armijo-Prewitt *Chantal M. Galloway*

Eric Nixon *Cathryn Starr*

Edward Harness, Executive Director

Doug Mitchell

Leonard Waites

June 12, 2020

Via Certified Mail

7018 1130 0002 3429 0852

Re: CPC #129-20

Dear Mr. G

Our office received the three complaints you filed on February 5, 2020, one complaint you filed on February 20, 2020 and one you filed on March 4, 2020 against the Albuquerque Police Department (APD). Your complaints are essentially the same, wherein you have alleged that since 2016 there are numerous businesses (ie. grocery stores, cannabis stores, restaurants, etc.) that have conspired and continue to conspire to commit murder against you by injecting illegal drugs into assorted meats, olives and spaghetti dinners, to highlight specific examples given in your complaints. You have also alleged that APD and City of Albuquerque Mayor Tim Keller are witnesses to such conspiracies. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint and was unable to locate any reports, CADs or dispatch calls related to your allegations; therefore, we are **ADMINISTRATIVELY CLOSING** your complaint due to a lack of information. Feel free to contact our office, again, should you be able to provide us with more specific information.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Sincerely,

The Civilian Police Oversight Agency by

Edward Harness, Esq.

Executive Director

(505) 924-3770

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair *Eric Olivas, Vice-Chair*

Tara Armijo-Prewitt

Chantal M. Galloway

Eric Nixon

Cathryn Starr

Doug Mitchell

Leonard Waites

Edward Harness, Executive Director

June 12, 2020

To File

Re: CPC #130-20

Dear E,

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on May 21, 2020, regarding an incident that occurred on March 3, 2020.

I. THE COMPLAINT

The written complaint said, "I need to know if my husband is safe."

II. INVESTIGATION

PO Box 17100
Albuquerque, NM 87107
www.cabq.gov

The CPOA Investigator reviewed the CAD, police report, and videos to determine the nature of the police contact. Mr. A was at an event with his girlfriend. He became very intoxicated and there were possibly other substances affecting him. Mr. A became combative with security to the point they had to struggle and restrain him on the ground. He sustained an abrasion on his arm from the struggle. APD officers arrived when security had him restrained. Officers took over, handcuffed him, and put him in the back of a police car. Mr. A was verbally combative. Officers had some difficulty with him because he was so intoxicated, but no force was necessary. The decision was made to transport him to the hospital since he had no ability to care for himself. Security declined to press charges despite Mr. A actions.

The CPOA Investigator spoke to E on the phone to determine what her complaint was if any against the Albuquerque Police Department. E stated she wished to withdraw the complaint and there were no issues, she just did not receive information that night from the hospital concerning Mr. A status.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as the available evidence showed there were no violations of policy and the complainant wished to withdraw the complaint. Her concern was more with the hospital and not APD.

Letter to E.
June 12, 2020
Page 2

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

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

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair *Eric Olivas, Vice Chair*

Tara Armijo-Prewitt *Chantal M. Galloway*

Eric Nixon *Cathryn Starr*

Edward Harness, Executive Director

Doug Mitchell
Leonard Waites

June 12, 2020
Via Certified Mail
7018 1130 0002 3429 0142

Re: CPC 236-19

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.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

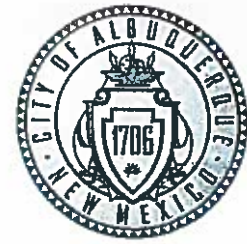
On June 11, 2020 the Board considered your submission for Appeal and request for hearing. The Board deemed your request did not meet the standards set forth in City of Albuquerque' Oversight Ordinance. Therefore, your request for hearing in front of the Board has been denied.

Sincerely,

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

Dr. William J. Kass, Chair *Eric Olivas, Vice-Chair*

Tara Armijo-Prewitt *Chantal M. Galloway*

Eric Nixon *Cathryn Starr*

Edward Harness, Executive Director

Doug Mitchell

Leonard Waites

June 12, 2020

Via Certified Mail

7017 2680 0000 5951 9594

Re: CPC #040-20

Dear Ms. D

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on January 24, 2020, regarding an incident that occurred on October 26, 2019. The CPOA thoroughly and impartially investigated the complaint.

PO Box 1293

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

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

I. THE COMPLAINT AND INVESTIGATION

Ms. D wrote that her son, A D and his friend, A G had guns put to their heads by officers. The officers laughed and called them hoodlums. She claimed her son was handcuffed so tightly that his hands turned blue. Ms. D wrote neighbors harassed them because they were outside when the officers were there for a different call entirely.

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 Dispatches (CAD), the police reports, and the lapel videos from all the officers present. Ms. D declined to be interviewed, her son, A D declined to be interviewed. A message was left offering Ms. V G an opportunity for her and her son A G to participate in the investigative process,

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair *Eric Olivas, Vice-Chair*

Tara Armijo-Prewitt *Chantal M. Galloway*

Eric Nixon *Cathryn Starr*

Edward Harness, Executive Director

Doug Mitchell

Leonard Waites

June 12, 2020

To file

Re: CPC #104-20

Dear Mr. K.

A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint against Officers of the Albuquerque Police Department (APD) on March 10, 2020, regarding an incident that occurred on December 19, 2019. The CPOA thoroughly and impartially investigated the complaint.

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

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

I. THE COMPLAINT AND INVESTIGATION

www.abq-gt.com
Mr. K. wrote he told the police officer that he was being harassed by his landlord and he felt threatened. Mr. K. claimed the officer did not think it was an issue and was not concerned. Mr. K. also claimed he discussed a previous event of sexual harassment and that APD failed to investigate the complaint. He believed APD should enforce the law.

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 videos from all the officers present. Mr. K. was not interviewed as the lapel videos provided sufficient evidence to reach an appropriate finding. Calls to Mr. K. in the past generally result in agitating him and do not provide further information that aid in the investigation. Officers were not interviewed as the lapel videos provided sufficient evidence to make an appropriate finding.

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

A) The CPOA reviewed Standard Operating General Order 3-13-3B3a regarding Officer E's conduct, which states:

Officers shall abide by the following principles: Take appropriate action and render assistance in any instance that comes to their attention, whether on duty or off duty.

Mr. K wrote he told officers that his landlord harassed him and he felt threatened. Mr. K claimed the officers were not concerned and told him the landlord had the right to harass him. Mr. K wrote the officers did not do their job and also brought up an incident of sexual harassment that was not investigated.

Mr. K's call to police was that the landlord took pictures of him while he was outside of his apartment. He was very agitated and unclear while talking to the Operator. Officers arrived and spoke to Mr. K. The lapel videos showed Officer E asked Mr. K about his concerns and offered to listen to his list. Mr. K jumped from topic to topic. Mr. K mentioned men looked at him in a certain way while he was at Walgreens and they needed to be arrested because it was sexual harassment since it made him uncomfortable. He said he called police that day and they responded. He expected police to find the men since they left. Officer E explained if other officers responded those officers would be handling that issue. She asked about his concerns that day with his landlord. Mr. K mentioned something about his cat so Officer E asked him a simple question of how long he had his car. The lapel videos showed Mr. K became suspicious of her question even after she explained she was just making small talk while she jotted down notes of what he said. Mr. K talked about his phone being hacked. Mr. K then got to the issue with his landlord and said the landlord walked by him and stared at him, which Mr. K did not know why the landlord did that. Mr. K said the landlord took pictures while he was outside his apartment, which he felt was harassing. Officers explained when pictures could and could not be taken. Mr. K said other random things such as being accused of sexual assault every time he had a bowel movement. The officers patiently listened to him and explained things as much as they could to respond to his concerns. Mr. K did not bring forth any information concerning criminal activity that the officers could act upon.

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

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

A) The CPOA reviewed Standard Operating General Order 3-13-3B3a regarding Officer R's conduct, which states:

Officers shall abide by the following principles: Take appropriate action and render assistance in any instance that comes to their attention, whether on duty or off duty.

Mr. K wrote he told officers that his landlord harassed him and he felt threatened. Mr. K claimed the officers were not concerned and told him the landlord had the right to harass him. Mr.

K wrote the officers did not do their job and also brought up an incident of sexual harassment that was not investigated.

Mr. K call to police was that the landlord took pictures of him while he was outside of his apartment. He was very agitated and unclear while talking to the Operator. Officers arrived and spoke to Mr. K. The lapel videos showed Officer E asked Mr. K about his concerns and offered to listen to his list. Mr. K jumped from topic to topic. Mr. K mentioned men looked at him in a certain way while he was at Walgreens and they needed to be arrested because it was sexual harassment since it made him uncomfortable. He said he called police that day and they responded. He expected police to find the men since they left. Officer E explained if other officers responded those officers would be handling that issue. She asked about his concerns that day with his landlord. Mr. K talked about his phone being hacked. Mr. K then got to the issue with his landlord and said the landlord walked by him and stared at him, which Mr. K did not know why the landlord did that. Mr. K said the landlord took pictures while he was outside his apartment, which he felt was harassing. Officer R explained in detail when pictures could and could not be taken. Mr. K said other random things such as being accused of sexual assault every time he had a bowel movement. The officers patiently listened to him and explained things as much as they could to respond to his concerns. Mr. K did not bring forth any information concerning criminal activity that the officers could act upon.

The CPOA finds Officer R'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 Civilian Police Oversight 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.

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

Letter to Mr. KJ
June 12, 2020
Page 4

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

Sincerely,
The Civilian Police Oversight Agency by

A handwritten signature in blue ink, appearing to read 'EH', is written over the printed name 'Ed Harness'.

Ed Harness
Executive Director

cc: Albuquerque Police Department Chief of Police

but they did not respond. The officers were not interviewed because the lapel videos were sufficient to make a finding.

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

A) The CPOA reviewed Standard Operating Procedural Order 2-54-4B2c regarding Officer N's conduct, which states:

Drawing a tool from a duty belt, retrieving a weapon from a department vehicle, or displaying a weapon at the low ready do not require a show of force data report.

Ms. D wrote that officers pointed weapons at her son's head and the head of her son's friend. Neither she nor any of the other parties participated in the investigation.

The review of the videos showed no officer put weapons to anyone's head. The videos showed officers approached with weapons drawn, but the weapons were kept at the low ready and not pointed at the individuals. Per the policy at the time this was not considered a reportable show of force.

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

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

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

Ms. D wrote the officers called her son and his friend hoodlums and laughed at them. Ms. D wrote her son and his friend were harassed just because they were outside when the officers were there for a different incident.

The videos showed officers never called Mr. D or his friends hoodlums and never laughed at them. The officers were there because Ms. G called police saying individuals broke into her son's apartment and threatened her with a gun. Ms. G reported that her son was not home and it was a male and a female. When officers arrived, they observed two males and a female in the courtyard. Upon detaining them one of the males had a firearm in his possession. Additional calls came into police saying that two males and a female were causing a disturbance in the courtyard so their detainment was not due to unrelated calls.

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

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

A) The CPOA reviewed Standard Operating Procedural Order 2-54-4B2c regarding Officer T's conduct, which states:

Drawing a tool from a duty belt, retrieving a weapon from a department vehicle, or displaying a weapon at the low ready do not require a show of force data report.

Ms. D wrote that officers pointed weapons at her son's head and the head of her son's friend. Neither she nor any of the other parties participated in the investigation.

The review of the videos showed no officer put weapons to anyone's head. The videos showed officers approached with weapons drawn, but the weapons were kept at the low ready and not pointed at the individuals. Per the policy at the time this was not considered a reportable show of force.

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

B) The CPOA reviewed Standard Operating General Order 1-1-4D14 regarding Officer T's conduct, which states:

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

Ms. D wrote the officers called her son and his friend hoodlums and laughed at them. Ms. D wrote her son and his friend were harassed just because they were outside when the officers were there for a different incident.

The videos showed officers never called Mr. D or his friends hoodlums and never laughed at them. The officers were there because Ms. G called police saying individuals broke into her son's apartment and threatened her with a gun. Ms. G reported that her son was not home and it was a male and a female. When officers arrived, they observed two males and a female in the courtyard. Upon detaining them one of the males had a firearm in his possession. Additional calls came into police saying that two males and a female were causing a disturbance in the courtyard so their detainment was not due to unrelated calls.

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

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

A) The CPOA reviewed Standard Operating Procedural Order 2-52-4I1d regarding Officer G's conduct, which states:

Officers shall consider the level of resistance, whether passive or active, presented by the subject when determining their use of an appropriate level of force. Officers must be able to articulate an objectively reasonable basis to justify the level of force used. 1d. Application of handcuffs or other APD approved restraint devices to a compliant person.

Ms. D wrote that officers handcuffed her son so tightly that his hands turned blue.

The review of the videos showed Mr. D was not in handcuffs for a time. He was verbally aggressive with officers. At one point he was placed in handcuffs, but was compliant so no force was necessary to place him in handcuffs. The video showed Officer G placed than handcuffs on Mr. D in the normal manner. Mr. D did not make any complaint about his handcuff tightness during the situation.

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

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

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

Ms. D wrote the officers called her son and his friend hoodlums and laughed at them. Ms. D wrote her son and his friend were harassed just because they were outside when the officers were there for a different incident.

The videos showed officers never called Mr. D or his friends hoodlums and never laughed at them. The officers were there because Ms. G called police saying individuals broke into her son's apartment and threatened her with a gun. Ms. G reported that her son was not home and it was a male and a female. When officers arrived, they observed two males and a female in the courtyard. Upon detaining them one of the males had a firearm in his possession. Additional calls came into police saying that two males and a female were causing a disturbance in the courtyard so their detainment was not due to unrelated calls.

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

Additional Issues:

Reviews of all the videos showed that none of the other officers laughed at or called the individuals names in the manner that Ms. D described. All officers' actions were reviewed for potential policy issues. The show of force reporting policy is different now than when this incident occurred, but the

policy in use at the time is what the situation must be evaluated against. Mr. D was arrested due to an outstanding warrant. Mr. G was to receive a summons for carrying the concealed firearm. Ms. D. G was released since Ms. V. G determined she was not the female that threatened her. Ms. D. stated to the CPOA Investigator that her knowledge of the incident came from Ms. V. G

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 Civilian Police Oversight 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.

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.

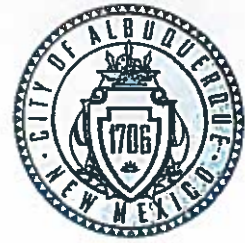
Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

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

Dr. William J. Kass, Chair *Eric Olivas, Vice Chair*

Tara Armijo-Prewitt *Chantal M. Galloway*

Eric Nixon *Cathryn Starr*

Edward Harness, Executive Director

Doug Mitchell
Leonard Waites

June 12, 2020
Via Certified Mail
7018 1130 0002 3429 0142

Re: CPC 236-19

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.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On June 11, 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,

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

cc: Albuquerque Police Department Chief of Police