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**Cc:** Bullock, Nicholas  
**Subject:** 2014 Annual and Semi Annual Reports; Police Oversight Ordinance and Draft Rules  
**Date:** Wednesday, March 11, 2015 2:13:38 PM  
**Attachments:** Police Oversight and Review Bodies.docx  
POC Ordinance Enacted -Word.docx  
Strikethrough.POC Rules and Regulations 2015.rtf

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Dear Board Members:

Attached is a link to the 2014 Semi-Annual and 2014 Annual Report from the Independent Review Office/POC/CPOA.

<https://www.dropbox.com/sh/8oj78vb3bpsp9bf/AABnFJoliWwOBMJToRXalwKXa?dl=0>

These Reports are also available on the CPOA's website ([www.cabq.gov/cpoa](http://www.cabq.gov/cpoa)), under the tab "Reports and Documents."

One Board Member had requested a listing of all the bodies which have some review or oversight responsibilities for APD. I prepared a summary of these agencies, which is attached.

A WORD version of the enacted Police Oversight Ordinance is attached, and is searchable through the Word Program.

- Section 9-4-1-4(A)(3), page 3, addresses Independent Legal Counsel.

- Section 9-4-1-7(B)(1-3), pages 11-12 address the Executive Director position.

A Strikethrough version of POC Rules, which are in the process of being revised to conform to the Amended Police Oversight Ordinance is attached. The Board may wish to consider forming a sub-committee to complete a draft of Rules which the entire body could adopt at a future meeting.

As a cost saving measure and for efficiency of staff time, the office has not provided copies of all of the documents for each meeting in the past and will not do so tomorrow. Typically, Board Members have either downloaded the documents to a laptop and reviewed the documents electronically and/or printed out their own copies as needed.

Tomorrow, please plan to arrive a few minutes early to City Council Chambers. Because it is televised, we try to begin the meetings on time at 4 pm. The Administrative Office validates parking for the parking garage under City Hall, so please bring in your parking ticket stub to be validated.

Please let me know if you have any questions.

All the best,  
Robin

**Robin S. Hammer, Esq.**

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## **Police Oversight and Review Bodies Overseeing Albuquerque Police Department**

March 11, 2015

### **CIVILIAN POLICE OVERSIGHT AGENCY** - Police Oversight Board staffed by volunteers & Administrative Office-staffed by paid City staff

- Exclusive jurisdiction to investigate and make findings in Civilian Police Complaints
- Concurrent jurisdiction to review Serious Use of Force incidents and administrative investigations of Officer Involved Shootings
- Engages in Community Outreach
- Reviews systemic issues of APD practices and procedures

### **APD INTERNAL AFFAIRS** - APD Sergeants investigators, a Lieutenant, and a Commander

- Exclusive jurisdiction to investigate misconduct reported by APD employees about APD employees (Internal cases)
- Conducts administrative investigation into Officer Involved Shootings and refers completed Administrative investigation to the CPOA for findings
- Reviews systemic issues of APD practices and procedures

### **APD POLICY AND PROCEDURE REVIEW BOARD**-Command Staff

- Exclusive jurisdiction to recommend revisions to APD Standard Operating Procedures

### **MULTI-JURISDICTIONAL POLICE SHOOTING INVESTIGATIVE TASK FORCE** - Criminal Violent Crime Detectives from several police agencies, including APD, BCSO, NMSP & the District Attorney (Has been in place for 14 years or so)

- Exclusive jurisdiction to conduct criminal investigation of Officer Involved Shootings

### **APD COMMUNITY POLICING COUNCILS**-6 Councils comprised of volunteers and APD Command Staff, one for each APD Area Command-Meet monthly

- Engages in Community Outreach
- Reviews systemic issues of APD practices and procedures by Area Command

### **MAYOR'S OFFICE POLICE & COMMUNITY RELATIONS COLLABORATIVE**- Series of facilitated meetings to obtain input from community members and practitioners

Began in October 2014. Three meetings remaining. Schedule listed at <http://www.cabq.gov/mayor/police-outreach/police-community-relations-collaborative/>

### **APD USE OF FORCE REVIEW PANEL** -Members of APD Command staff (Not yet implemented)

- Exclusive jurisdiction to review non-serious Use of Force incidents
- Concurrent jurisdiction to review Serious Use of Force incidents and administrative investigations of Officer Involved Shootings

### **FEDERAL COURT'S INDEPENDENT MONITOR AND MONITORING TEAM**, lead by Dr. Ginger, selected but not yet operational- scheduled to be in place for 4 years

- Exclusive jurisdiction to determine and report on compliance with all mandates enumerated in Federal Court Settlement Agreement between City of ABQ and DOJ

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**SPONSORED BY:      Rey Garduño & Brad Winter**

ORDINANCE

AMENDING CHAPTER 9, ARTICLE 4, PART 1 ROA 1994, THE POLICE OVERSIGHT ORDINANCE, TO ABOLISH THE POLICE OVERSIGHT COMMISSION AND ESTABLISH THE CIVILIAN POLICE OVERSIGHT AGENCY WITH NEW OR AMENDED DUTIES, QUALIFICATIONS AND RESPONSIBILITIES, AND ADOPTING RELATED AMENDMENTS DEALING WITH THE CIVILIAN POLICE OVERSIGHT AGENCY AND THE INTERNAL REVIEW OFFICE.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. SECTION 9-4-1 IS HEREBY AMENDED AS FOLLOWS:

“PART 1: CIVILIAN POLICE OVERSIGHT AGENCY

§ 9-4-1-1 SHORT TITLE.

Sections 9-4-1-1 through 9-4-1-14 may be cited as the Police Oversight Ordinance.

§ 9-4-1-2 PURPOSE.

The purpose of §§ 9-4-1-1 through 9-4-1-14 is to:

(A) Foster and perpetuate policing policies and practices that effectively maintain social order and which at the same time foster mutual trust and cooperation between police and civilians;

(B) Ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of government of the City of Albuquerque;

(C) Provide civilians and police officers a fair and impartial system for the investigations and determinations on civilian police complaints;

(D) Gather and analyze data on trends and potential issues

1 concerning police conduct and practices and the related impacts on the  
2 community and individuals; and

3 (E) Provide policy guidance to the City Council, the Mayor and the  
4 Chief of Police.

5 § 9-4-1-3 LEGISLATIVE FINDINGS.

6 (A) The City of Albuquerque deserves a highly professional well  
7 trained Police Department; however, an effective oversight function has not  
8 yet evolved to the satisfaction of the community's needs.

9 (B) In 1996 the City Council initiated a process to independently  
10 review the City's mechanisms of police oversight since the system had not  
11 been independently evaluated since 1988. As a result of that process, the City  
12 Council abolished the then existing Public Safety Advisory Board, and in lieu  
13 thereof established the current Police Oversight Commission (POC).

14 (C) In 2013 the City Council initiated a new process aimed at  
15 evaluating potential improvements to the POC and its processes by  
16 establishing an Ad Hoc Police Oversight Task Force (POTF). The POTF  
17 evaluated the City's current system, studied oversight options, held three  
18 Town Hall Meetings to receive input from the public, and presented their final  
19 recommendations.

20 (D) On April 10, 2014, the City also received findings from the  
21 United States Department of Justice that in part concluded that the City's  
22 external oversight system contributed to overall systemic problems with the  
23 Police Department's use of force in encounters with civilians.

24 (E) The Council understands that a properly conceived and  
25 functioning police oversight system is necessary to promote accountability of  
26 the police officers and protect the rights of civilians, and finds that adopting  
27 the recommendations of the POTF will advance these goals and will help  
28 respond to the shortcomings identified by the Department of Justice.

29 (F) The Council hereby abolishes the POC and replaces it with a  
30 Civilian Police Oversight Agency as prescribed by this Article.

31 § 9-4-1-4 ESTABLISHMENT OF A CIVILIAN POLICE OVERSIGHT AGENCY.

32 There is hereby created a Civilian Police Oversight Agency (the  
33 "CPOA") as an independent agency of City Government, not part of either the

1 City Administration or City Council that consists of a Police Oversight Board  
2 (the "POB") and an Administrative Office led by the CPOA Executive Director.  
3 In addition to any other duties, the Administrative Office, through the  
4 Executive Director and staff, shall investigate all civilian complaints relating to  
5 police conduct, monitor and report on police internal affairs matters, provide  
6 staffing to the POB, and manage the day to day operations of the CPOA. The  
7 POB shall provide policy guidance for, and civilian oversight of the  
8 Albuquerque Police Department and review and approve or amend the  
9 findings and conclusions of all investigations completed by the Administrative  
10 Office.

11 (A) Independence. The CPOA is independent of the Mayor's  
12 Office, the City Council, and the Albuquerque Police Department with respect  
13 to the performance of its oversight role and duties under this ordinance.

14 (1) Facility Location. The CPOA shall be housed in a facility  
15 that is separate from any police presence and is located outside of the  
16 Albuquerque/Bernalillo Government Center, the Police Department and/or all  
17 of the police substations.

18 (2) Budget. The CPOA shall have a dedicated and  
19 independent source of funding equal to, at a minimum, 1/2% of APD's annual  
20 operation budget, administer its own budget and supervise its own staff in  
21 compliance with the City's Merit Ordinance and contractual services policies  
22 and procedures. The CPOA shall recommend and propose its budget to the  
23 Mayor and City Council during the City's budget process to carry out the  
24 powers and duties under §§ 9-4-1-1 through 9-4-1-14, including the funding for  
25 staff, and all necessary operating expenses.

26 (3) Professional Legal Services. The CPOA may retain or  
27 employ independent legal counsel on a contractual basis to advise and  
28 represent the CPOA. If so retained, the CPOA's legal counsel shall represent  
29 the CPOA in the courts, and shall advise the CPOA as to any legal matters  
30 relating to this ordinance and the CPOA's duties, responsibilities, and  
31 procedures except for CPOA personnel matters which shall remain under the  
32 authority of the City Attorney's Office.

33 (4) Applicability of City Policies and Ordinances. The CPOA

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1 shall comply with all City ordinances and policies dealing with administrative  
2 functions including but not limited to those dealing with personnel, the merit  
3 system, and procurements.

4 (B) Staff. The CPOA shall employ such staff as necessary to carry  
5 out its functions as prescribed by this Article, including but not limited to an  
6 executive director, professional investigative staff and other staff as may be  
7 necessary, subject to budget sufficiency and City personnel policies and  
8 procedures.

9 (C) Responsibilities. The Civilian Police Oversight Agency is  
10 responsible for civilian police oversight and has the following powers and  
11 duties:

12 (1) Community Outreach. The CPOA shall develop,  
13 implement, and from time to time amend as necessary, a program of  
14 community outreach aimed at soliciting public input from the broadest  
15 segment of the community in terms of geography, culture, ethnicity, and  
16 socio-economics. The CPOA shall employ or designate a full time staff  
17 member within the Administrative Office dedicated to community outreach  
18 efforts. The CPOA shall report its community outreach efforts to the City  
19 Council on an annual basis.

20 (2) Promotion of Accountability. The CPOA shall promote a  
21 spirit of accountability and communication between the civilians and the  
22 Albuquerque Police Department while improving community relations and  
23 enhancing public confidence.

24 (3) Investigations. The Administrative Office shall  
25 independently investigate all civilian complaints; shall audit and monitor all  
26 incidences of use of force by police and all matters under investigation by  
27 APD's Internal Affairs (IA); and shall prepare proposed findings and  
28 recommendations on all officer involved shootings. All complaints filed by  
29 police officers will be investigated by Internal Affairs. Internal Affairs shall  
30 provide a weekly update to the Director on all open internal investigations. The  
31 Director's investigation report and findings shall indicate whether within the  
32 past year there were any IA investigations or supervisor generated complaints  
33 against the officer(s) involved in the incident being investigated or that are

1 otherwise relevant to the subject matter of the investigation, the general  
2 nature of the prior investigations or complaints, and whether they resulted in  
3 any discipline. Redacted personnel records including those of the Internal  
4 Affairs Unit shall be made available to the POB on demand. Access to  
5 information that could be construed to be covered by *Garrity* will be made  
6 available to the POB only by application in writing, and by majority vote by the  
7 POB.

8 (a) Mediation First. Whenever possible, and as  
9 further described in § 9-4-1-6(C)(3) of this ordinance, mediation should be the  
10 first option for resolution of civilian police complaints.

11 (b) POB Audits; Access to Files. The POB may,  
12 by majority vote, perform an annual audit, or direct that an audit be performed,  
13 on a random sample of up to 10% of individual civilian police complaint  
14 investigations involving allegations of use of force. For purposes of its audit  
15 function, the POB shall have full access to investigation files and may  
16 subpoena such documents and witnesses as relevant to its audit function. In  
17 its review of the investigation file, the POB may review *Garrity* material or  
18 confidential material only in a closed session as permitted under the New  
19 Mexico Open Meetings Act. The POB shall maintain the confidentiality of any  
20 *Garrity* material or records that are made confidential by law and is subject to  
21 the same penalties as the custodian of those records for violating  
22 confidentiality requirements. In addition to any other penalty, any POB  
23 member or other person who violates the confidentiality provisions of this  
24 section shall be removed from the POB, and shall be subject to prosecution  
25 for a misdemeanor subject to the penalty provisions set forth in § 1-1-99.  
26 Access to information that could be construed to be covered by *Garrity* will be  
27 made available to the POB only by application in writing, and by majority vote  
28 by the POB.

29 (c) Disciplinary Recommendations. The POB  
30 may, in its discretion, recommend officer discipline from the Chart of  
31 Sanctions for investigations that result in sustained civilian police complaints;  
32 and may also recommend discipline based on any findings that result from  
33 review of internal affairs investigations, including but not limited to officer

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involved shootings. Imposition of the recommended discipline is at the discretion of the Chief of Police, but if the Chief of Police does not follow the disciplinary recommendation of the POB, the Chief of Police shall respond in writing, within thirty (30) days, with the reason as to why the recommended discipline was not imposed.

(4) Reports to Mayor & Council. The CPOA shall submit a semi-annual written report to the Mayor and City Council according to § 9-4-1-10 herein. The CPOA Executive Director shall provide a quarterly oral report to the City Council at a regular or special meeting.

(5) CPOA Policy Recommendations. The CPOA shall engage in a long-term planning process through which it identifies major problems or trends, evaluates the efficacy of existing law enforcement practices in dealing with the same, and establishes a program of resulting policy suggestions and studies each year. The CPOA's policy recommendation process shall be as follows:

(a) The POB shall review and analyze policy suggestions, analysis, studies, and trend data collected or developed by the Administrative Office, and shall by majority vote recommend policies relating to training, programs and procedures or other matters relating to APD. The POB's policy recommendations shall be submitted to APD and to the City Council. The POB shall dedicate a majority (more than 50%) of its time to the functions described in this subsection.

(b) The Chief of Police shall respond in writing within forty-five (45) days to any such policy recommendations by the CPOA, and indicate whether they will be followed through standard operating procedures or should be adopted as policy by the City Council, or explain any reasons why such policy recommendations will not be followed or should not be adopted.

(c) Within six months of its appointment, the POB shall draft and approve policies, rules and procedures that ensure that the POB shall dedicate a majority of its time to the functions described in this subsection.

§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD

1 (A) Composition. The POB shall be composed of nine at-large  
2 members who broadly represent the diversity and demographics of the City by  
3 way of, including but not limited to, cultural, gender and geographic diversity;  
4 and who are representative of the stakeholders of the police oversight  
5 process, and who reside within the City of Albuquerque.

6 (B) Qualifications. In addition to the composition standards set  
7 forth above, the following are the minimum qualifications for members of the  
8 POB:

9 (1) Have not been employed by law enforcement for one  
10 year prior to appointment; and

11 (2) Successfully pass a background check; and

12 (3) Personal history lacking any pattern of unsubstantiated  
13 complaints against APD; and

14 (4) A demonstrated ability to engage in mature, impartial  
15 decision making; and

16 (5) A commitment to transparency and impartial decision  
17 making; and

18 (6) Residency within the City of Albuquerque.

19 (C) Appointment of Members. The City Council shall establish a  
20 well-publicized, fair and equitable application process for appointment to the  
21 POB. The City Council, through its staff, shall accept applications from  
22 prospective POB members. Staff shall formulate recommendations for  
23 appointments based on evaluation of the qualification criteria listed in  
24 subsections 'A' and 'B' above and submit recommendations for  
25 appointment(s) to the City Council for its approval. If a member is eligible for  
26 reappointment, staff may suggest reappointment of that member without a  
27 formal application process and the City Council may reappoint accordingly.

28 (D) Membership Term. POB members shall serve a maximum of  
29 two three-year terms on a staggered basis so that no more than five of the  
30 members are eligible for reappointment or replacement each year.

31 (E) Removal of Members. Any POB member may be removed for  
32 cause by a two-thirds majority vote of either the POB itself or the City Council.  
33 The appointment of any member who has been absent and not excused from

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1 three consecutive regular or special meetings shall automatically expire  
2 effective on the date the fact of such absence is reported by the POB to the  
3 City Clerk. The City Clerk shall notify any member whose appointment has  
4 automatically terminated and report to the City Council that a vacancy exists  
5 requiring an appointment for the length of the unexpired term.

6 (F) Orientation and Training. Upon appointment or reappointment  
7 POB members shall complete an orientation and training program consisting  
8 of the following:

9 (1) Required Orientation. Prior to participation in any  
10 meeting of the POB, a newly appointed member must first:

11 (a) Be trained by the CPOA staff or CPOA legal  
12 counsel on CPOA and APD rules, policies, and procedures; and

13 (b) Attend at least one POB meeting as an observer  
14 (except initial appointees).

15 (2) Required Training. Each POB member shall complete a  
16 training program within the first six months of the member's appointment that  
17 consists, at a minimum, of the following:

18 (a) Completion of the APD Civilian Police Academy;

19 (b) Civil Rights training;

20 (c) At least two (2) APD ride-alongs;

21 (d) Annual firearms simulation training;

22 (e) Internal Affairs training;

23 (f) Use of Force training, including a review and  
24 familiarization with the APD Use of Force Policy;

25 (g) Equity and Cultural Sensitivity training; and

26 (h) Periodic additional training on items (b) through  
27 (g) above, or other periodic training as determined by the Mayor, City Council  
28 or the CPOA.

29 (3) Recommended Training. POB members are encouraged  
30 to attend conferences and workshops relating to police oversight, such as the  
31 annual NACOLE conference at City expense depending on budget availability.

32 (G) Chair. The POB shall elect one of its members as the

33 Chairperson and one as Vice-Chairperson, who shall each hold office for one

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1 year and until their successors are elected. No officer shall be eligible to  
2 immediately succeed himself or herself in the same office. Officers shall be  
3 elected in the month of March of each calendar year or upon vacancy of an  
4 office to fill the remaining term.

5 (H) Subcommittees. The POB may appoint such subcommittees  
6 as are deemed necessary or desirable for the purposes of §§ 9-4-1-1 through  
7 9-4-1-14, provided that, membership on such subcommittees shall be limited  
8 to POB members.

9 (I) Meetings. The POB shall conduct regularly scheduled public  
10 meetings with a prepared agenda that is distributed in advance to the Mayor,  
11 City Council, Chief of Police, and City Attorney, and that complies with the  
12 New Mexico Open Meetings Act. Each POB meeting will begin with public  
13 comments and only the regularly scheduled monthly meetings and special  
14 meetings held pursuant to submission of petitions will be televised live on the  
15 appropriate government access channel. All other meetings of the POB will  
16 comply with the Open Meetings Act and shall be videotaped and aired on the  
17 appropriate government access channel; however, there is no requirement for  
18 providing live television coverage.

19 1. Public Comment. The POB shall allow general public  
20 comment at each of its meetings, and the POB shall also allow comment on  
21 each of its agenda items.

22 § 9-4-1-6 CPOA ADMINISTRATIVE OFFICE.

23 (A) The staff and administration of the CPOA shall be directed by  
24 the CPOA Executive Director (the "Director").

25 (B) In addition to any other duties expressed or implied by this  
26 ordinance the Director shall:

27 (1) Independently investigate, or cause to be investigated,  
28 all civilian police complaints and prepare findings and recommendations for  
29 review by the POB;

30 (2) Review and monitor all Internal Affairs investigations  
31 including but not limited to officer involved shooting investigations. The  
32 Director shall prepare and submit findings and recommendations to the POB  
33 relating to officer involved shootings, and shall report on general trends and

1 issues identified through monitoring or auditing of Internal Affairs;

2 (3) Provide staffing to the Police Oversight Board and  
3 ensure that the duties and responsibilities of the CPOA are executed in an  
4 efficient manner, and manage the day to day operations of the CPOA.

5 (C) The Administrative Office will receive and process all civilian  
6 complaints directed against the Albuquerque Police Department and any of its  
7 officers. The Director shall independently investigate and make findings and  
8 recommendations for review by the POB for such civilian complaints, or  
9 assign them for independent investigation by CPOA staff or an outside  
10 independent investigator. If assigned to staff or an outside investigator, the  
11 Director shall oversee, monitor and review all such investigations and findings  
12 for each. All findings relating to civilian complaints and police shootings shall  
13 be forwarded to the POB for its review and approval. For all investigations,  
14 the Director shall make recommendations and give advice regarding Police  
15 Department policies and procedures to the POB as the Director deems  
16 advisable.

17 (1) Investigation of all civilian complaints filed with the  
18 CPOA shall begin immediately after complaints are filed and proceed as  
19 expeditiously as possible, and if an investigation exceeds a timeframe of nine  
20 months the Director must report the reasons to the POB; and

21 (2) All civilian complaints filed with other offices within the  
22 City authorized to accept civilian complaints, including the Police Department,  
23 shall be immediately referred to the Director for investigation; and

24 (3) Mediation should be the first option for resolution of  
25 civilian police complaints. Mediators should be independent of the CPOA,  
26 APD, and the City, and should not be former officers or employees of APD. At  
27 the discretion of the Director an impartial system of mediation should be  
28 considered appropriate for certain complaints. If all parties involved reach an  
29 agreement, the mediation is considered successful and no investigation will  
30 occur; and

31 (4) The Director shall monitor all claims of excessive force  
32 and police shootings. No APD related settlements in excess of \$25,000 shall  
33 be made for claims without the knowledge of the Director. The Director shall

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1 be an ex-officio member of the Claims Review Board; and

2 (5) All investigations shall be thorough, objective, fair,  
3 impartial, and free from political influence; and

4 (6) The Director shall maintain and compile all information  
5 necessary to satisfy the CPOA's semi-annual written reporting requirements in  
6 § 9-4-1-10.

7 (D) The Director shall have access to any Police Department  
8 information or documents that are relevant to a civilian's complaint, or to an  
9 issue which is ongoing at the CPOA.

10 (E) The Administrative Office shall staff, coordinate and provide  
11 technical support for all scheduled POB meetings, publicize all findings and  
12 reports, recommendations, and/or suggested policy changes.

13 (F) The Director shall play an active public role in the community,  
14 and whenever possible, provide appropriate outreach to the community,  
15 publicize the civilian complaint process, and identify locations within the  
16 community that are suitable for civilians to file complaints in a non-police  
17 environment.

18 (G) The Director shall be provided the necessary professional  
19 and/or clerical employees for the effective staffing of the Administrative Office,  
20 and shall prescribe the duties of these staff members. Such professional and  
21 clerical employees will be classified City employees. All CPOA staff with  
22 investigative duties shall be professional investigators trained in professional  
23 investigation techniques and practices.

24 (H) The Director shall report directly to the POB and lead the  
25 Administrative Office; independently investigate or supervise all  
26 investigations of civilian complaints, audit all IA investigations of complaints,  
27 recommend and participate in mediation of certain complaints, and supervise  
28 all CPOA staff.

29 § 9-4-1-7 CPOA DIRECTOR QUALIFICATIONS AND SELECTION.

30 (A) Qualifications for the position of Director shall minimally  
31 include the requirement of a law degree and experience in criminal  
32 investigations.

33 (B) The Director will be a full-time contractual City employee to be

1 selected as follows:

2 (1) The POB, through CPOA staff, shall accept applications  
3 from candidates. The POB shall review the applications and interview  
4 candidates, and submit to the City Council a ranked list of the three  
5 candidates that it finds to be the best qualified to be the Director and the City  
6 Council shall appoint the Director from the three by majority vote. The POB's  
7 recommendation to Council shall be based on the candidates' integrity,  
8 capability for strong management and abilities in investigations, law,  
9 management analysis, public administration, criminal justice administration or  
10 other closely related fields.

11 (2) In lieu of recommending three candidates to the  
12 Council, the POB may recommend to the Council the reconfirmation of the  
13 incumbent Director. Should the Council decline to reconfirm the incumbent  
14 Director, the Council President shall notify the POB that it needs to provide  
15 the Council with three alternate candidates pursuant to the provisions of  
16 Subsection (B)(1). Should the Director not be reconfirmed, the current  
17 Director may continue to serve in the same capacity until a new Director is  
18 selected and approved by the City Council. If for some unforeseen reason  
19 there is a period of time during which there is no Director, the City Council  
20 may appoint a temporary Director of its choosing by a majority vote. A  
21 temporary Director shall serve in that capacity only for a period not to exceed  
22 six months.

23 (3) The term of the Director shall be for three (3) years.  
24 Once confirmed, the Director may be removed only upon: 1) a  
25 recommendation of removal to the City Council by the affirmative vote of two-  
26 thirds (2/3) of the members of the POB; and 2) acceptance of the POB's  
27 recommendation by a simple majority vote of the City Council.

28 § 9-4-1-8 CIVILIAN COMPLAINT PROCEDURES.

29 (A) Any person claiming to be aggrieved by actions of the Police  
30 may file a written complaint against the department or any of its officers. The  
31 POB shall submit rules and regulations governing civilian complaint  
32 procedures to the City Council for approval, including rules and regulations  
33 relative to time limits, notice and other measures to insure impartial review of

1 civilians' complaints against members of the police department. Anonymous  
2 complaints shall be accepted.

3 (B) In cooperation with the POB, the Mayor shall designate civilian  
4 City staff to receive written civilian complaints at various locations throughout  
5 the City. The Police Department may also receive written complaints. The  
6 party who receives the complaint shall immediately transmit all civilian  
7 complaints for further investigation to the Director.

8 (C) After the investigation of a civilian complaint is completed, the  
9 Director shall analyze all relevant and material circumstances, facts and  
10 evidence gathered under the investigation. For each investigation, the Director  
11 shall prepare investigation reports with proposed findings and  
12 recommendations and submit them to the POB for its review and  
13 consideration. The Director may share any disciplinary recommendations  
14 with the Chief of Police in advance of their submission to the POB only as  
15 necessary to help ensure timeliness pursuant to any applicable personnel or  
16 union contract requirements. The POB shall review the proposed findings and  
17 recommendations, and shall by majority vote of members present: 1) approve  
18 the findings and recommendations as proposed; 2) approve other findings  
19 and recommendations as determined by the POB and supported by the  
20 investigation file; or 3) defer action on the matter to allow for further  
21 investigation or analysis by the Director. As part of its review, the full  
22 investigation file shall be made available to the POB. In its review of the  
23 investigation file, the POB may review *Garrity* material or confidential material  
24 only in a closed session as permitted under the New Mexico Open Meetings  
25 Act. Access to information that could be construed to be covered by *Garrity*  
26 will be made available to the POB only by application in writing, and by  
27 majority vote by the POB. The POB shall maintain the confidentiality of any  
28 *Garrity* material or records that are made confidential by law and is subject to  
29 the same penalties as the custodian of those records for violating  
30 confidentiality requirements. In addition to any other penalty, any POB  
31 member or other person who violates the confidentiality provisions of this  
32 section shall be removed from the POB, and shall be subject to prosecution  
33 for a misdemeanor subject to the penalty provisions set forth in § 1-1-99. Upon

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1 approval of findings and recommendations by the POB, the Director shall  
2 prepare and submit a public record letter to the civilian complainant, with a  
3 copy to the Chief of Police, that outlines the findings and recommendations as  
4 approved. Unless a hearing is requested by the civilian complainant, within 30  
5 days of receipt of the decision of the POB, the Chief of Police shall notify the  
6 POB and the original civilian complainant of his or her final disciplinary  
7 decision in this matter in writing, by certified mail.

8 § 9-4-1-9 REQUESTS FOR HEARING; APPEALS OF DISCIPLINARY  
9 DECISIONS.

10 (A) Requests for Hearing. Any person who has filed a civilian  
11 complaint and who is dissatisfied with the findings and/or recommendations  
12 approved by the POB may request reconsideration by the POB within thirty  
13 days (inclusive of weekends and holidays) of receipt of the public record  
14 letter. The POB may grant a request for reconsideration only upon a showing  
15 by the complainant that: 1) a policy was misapplied in the evaluation of the  
16 complaint; 2) that the findings or recommendations were arbitrary, capricious  
17 or constituted an abuse of discretion, or 3) that the findings and  
18 recommendations were not consistent with the record evidence. The POB  
19 shall notify the Chief of Police of the request for hearing and hold a hearing on  
20 the matter at its next regularly scheduled meeting provided that there is a  
21 period of at least ten (10) days between the receipt of the request for hearing  
22 and the next POB meeting. Upon close of the hearing the POB may modify or  
23 change the findings and/or recommendations of the public record letter and  
24 may make further recommendations to the Chief of Police regarding the  
25 findings and/or recommendations and any discipline imposed by the Chief of  
26 Police or proposed by the Chief of Police. Within 20 days of receipt of the  
27 decision of the POB, the Chief of Police shall notify the POB and the original  
28 civilian complainant of his or her final disciplinary decision in this matter in  
29 writing, by certified mail.

30 (B) Appeals of the Disciplinary Decision. If any person who has  
31 filed a civilian complaint under this ordinance is not satisfied with the final  
32 disciplinary decision of the Chief of Police or any matter relating to the Chief  
33 of Police's handling of his or her complaint, he or she may request that the

1 Chief Administrative Officer review the complaint, the findings of the POB and  
2 the action of the Chief of Police by requesting such review in writing within  
3 thirty days (inclusive of weekends and holidays) of receipt of the Chief of  
4 Police's letter pursuant to § 9-4-1-9(A). Upon completion of his or her review,  
5 the Chief Administrative Officer shall take any action necessary, including  
6 overriding the decision of the Chief of Police regarding disciplinary action, to  
7 complete the disposition of the complaint. The Chief Administrative Officer  
8 shall notify in writing, by certified mail, the complainant, the individual against  
9 whom the complaint was filed, the Chief of Police and the Director, of the  
10 results of his or her review and any action taken.

11 § 9-4-1-10 REPORTS.

12 The CPOA shall be responsible for regularly informing the Mayor, the  
13 City Council, and the public by submitting semi-annual written reports that  
14 include but are not limited to the following information:

15 (A) Data relating to the number, kind and status of all complaints  
16 received including those complaints sent to mediation;

17 (B) Discussion of issues of interest undertaken by the POB which  
18 may include suggested policy and/or procedural changes, a listing of  
19 complaints and allegations by Council District, statistical ethnicity of subject  
20 officers, statistical ethnicity of complainants, and updates on prior issues  
21 and/or recommendations;

22 (C) The CPOA's findings and the Chief of Police's issuance of  
23 discipline on those findings and the ongoing disciplinary trends of the Police  
24 Department;

25 (D) Information on all public outreach initiatives undertaken by the  
26 POB or the Director such as speaking engagements, public safety  
27 announcements, and/or public information brochures on the oversight  
28 process;

29 (E) The status of the long-term planning process identifying major  
30 problems, policy suggestions, and studies as required by § 9-4-1-4(C)(5) of  
31 this ordinance;

32 (F) Identification of any matters that may necessitate the City  
33 Council's consideration of legislative amendments to this Police Oversight

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1 Ordinance; and

2 (G) The amount of time that the POB dedicated to the policy  
3 activities prescribed by § 9-4-1-4(C)(5) relative to its other activities over the  
4 past quarter.

5 § 9-4-1-11 EVALUATION.

6 Contingent upon funding, in the first six months of 2016 and at least  
7 every four years thereafter, from adoption of this ordinance, the City Council  
8 shall issue a Request for Proposal for an independent consultant to undertake  
9 a complete evaluation and analysis of the entire police oversight process, and  
10 recommend any necessary changes or amendments that would appropriately  
11 improve the process.

12 § 9-4-1-12 SPECIAL MEETINGS.

13 On the petition of 1,000 or more civilians in the City of Albuquerque  
14 filed in the Office of the City Clerk, the POB shall hold a special meeting for  
15 the purpose of responding to the petition and hearing and inquiring into  
16 matters identified therein as the concern of the petitioners. Copies of the  
17 petition shall be filed with the POB by the City Clerk. Notice of such meeting  
18 shall be given in the same manner as notice is given for other meetings of the  
19 POB and shall comply with the State Open Meetings Act.

20 § 9-4-1-13 CONFIDENTIALITY.

21 The POB hearing process shall be open to the public to the extent  
22 legally possible so that it does not conflict with state or federal law. However,  
23 upon the opinion of the CPOA Attorney, some of the details of the  
24 investigations of the Director, or the designated independent investigator,  
25 shall become privileged and confidential. The details of investigations should  
26 not be open to the public subject to the opinion of the CPOA Attorney and the  
27 Director. Compelled statements given to the Director, or the designated  
28 independent investigator, will not be made public. The Director may  
29 summarize conclusions reached from a compelled statement for the report to  
30 the POB and the Chief of Police, and in the public record letter sent to the  
31 complainant. Nothing in this ordinance affects the ability of APD to use a  
32 compelled statement in a disciplinary proceeding.

33 § 9-4-1-14 MANDATORY COOPERATION AGREEMENT.

1           The City Council believes that full participation and cooperation of all  
2 parties involved is essential to the success of the new police oversight  
3 process, and that APD hereby agrees and understands that its full cooperation  
4 is necessary, hereby agrees to mandate that its officers provide honest and  
5 truthful responses to all questions by the Director, CPOA staff or the  
6 designated independent investigator. If any officer refuses to answer the  
7 questions proposed to him or her by the Director, CPOA staff, or the  
8 independent investigator, he or she may be subject to termination or  
9 disciplinary action at the discretion of the Chief of Police. Compelled  
10 statements given to the Director, CPOA staff or the designated independent  
11 investigator, by a police officer will be used only for the Director's  
12 investigation and the closed session review of the investigation file by the  
13 POB, if any. The actual statement will remain confidential and will not be  
14 included in a final report. The Director may summarize conclusions reached  
15 from a compelled statement for the investigation report and in the public  
16 record letter to the complainant."

17       **SECTION 2. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,  
18 clause, word or phrase of this ordinance is for any reason held to be invalid or  
19 unenforceable by any court of competent jurisdiction, such decision shall not  
20 affect the validity of the remaining provisions of this ordinance. The Council  
21 hereby declares that it would have passed this ordinance and each section,  
22 paragraph, sentence, clause, word or phrase thereof irrespective of any  
23 provision being declared unconstitutional or otherwise invalid.

24       **SECTION 3. COMPILATION.** The ordinance amendment prescribed by  
25 SECTION 1 shall amend, be incorporated in and made part of the Revised  
26 ordinances of Albuquerque, New Mexico, 1994.

27       **SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect five days  
28 after publication by title and general summary.  
29  
30  
31

32       X:\CITY COUNCIL\SHARE\CL-Staff\_Legislative Staff\Legislation\21 Council\O-13fs3final.docx

**Police Oversight ~~Commission~~ Board**  
**Rules and Regulations ~~2015~~2012**

(amended 9/14/06, 3/8/07, 3/5/09,  
11/8/12, ~~and~~ 12/13/12, and 4/9/15)

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**Police Oversight ~~Commission~~Board**  
**For the**  
**City of Albuquerque**

**Rules and Regulations Governing the Police Oversight**  
**~~Commission~~Board**

**ARTICLE I-MEETINGS**

**Section 1. Regular Meetings.**

- A. The regular meetings of the Police Oversight ~~Commission~~Board (POCPOB) for the City of Albuquerque shall be held at 4:00 p.m. on the second Thursday of every month and at times consistent with resolutions adopted by the POCPOB. Meetings are normally held in the City Council/~~Commission~~Board Chambers, Albuquerque/Bernalillo County Government Center.
- B. In December or as early as possible each calendar year, the Chair of the POCPOB shall introduce a resolution in compliance with the Open Meetings Law specifying the date and time for the regular meetings of the POCPOB. If these meetings need to be changed, such action should be taken as soon as it becomes clear that a change is appropriate.
- C. Regularly scheduled public meetings will be conducted with a prepared agenda that is distributed in advance to the Mayor, City Council, Police Chief, and City Attorney and will comply with the New Mexico Open Meetings Law.
- D. Each POCPOB meeting will begin with public comment.
- E. The POB shall allow general public comment at each of its meetings, and the POB shall also allow comment on each of its agenda items.
- F. Regularly scheduled meetings will be televised live on the appropriate government access channel, if it is operating.
- G. If the POCPOB needs to consult with their attorney on an issue during the public meetings, the POCPOB will comply with the State Open Meetings Law, but may properly have privileged communications with their attorney. These closed consultations will be kept to a minimum.

**Section 2. Special Meetings.**

- A. Special meetings may be called by the Chair or by three ~~Commissioner~~Board Members provided that written notice of such meetings shall be given to each ~~commissioner~~Board Member at least 24 hours before the time set for the meeting.
- B. These meetings must comply with the Open Meetings Law and shall be videotaped and aired on the appropriate government access channel; however there is no requirement for providing live television coverage.
- C. Special meetings may also be required in accordance with §941 12 Revised Ordinances of Albuquerque 1994 (ROA 1994) upon petition of 1000 or more citizens in the City of Albuquerque and filed in the Office of the City Clerk.
- D. Notice of these meetings shall be given in the same manner and shall comply with the State Open Meetings Law. These meetings will be televised live on the appropriate government access channel, if operating.

- E. The POCPOB may have closed meetings for training purposes or any other purpose allowed by law. No business or other POCPOB issues may be discussed during these closed meetings unless otherwise allowed by Law.
- F. Closed meetings must be announced in advance and explained in public as to the reasons for a closed meeting (only for training). After the closed meeting and at the next regularly scheduled meeting, the Chair will announce what occurred at the closed meeting, if it is appropriate to do so.
- G. The New Mexico Open Meetings Act, §1 01 51, et seq., NMSA will be complied with for closed meetings. Nothing in this rule is meant to forbid CommissionerBoard Members from receiving training individually or in groups constituting less than a quorum.

### Section 3. Emergency Meetings.

- A. Notwithstanding any provision contained herein, the Chair of the POCPOB, may in the event of an emergency, call with whatever notice is possible under the circumstances, a meeting of the POCPOB to consider any matter. "Emergency" for the purpose of this section includes an unexpected occurrence or condition, or the state resulting there from, which may require immediate consideration or action by the POCPOB.
- B. These meetings will comply with the New Mexico Open Meetings Act and shall be videotaped and aired on the appropriate government access channel. There is no requirement for providing live television coverage.

### Section 4. Notice of Public Meetings.

- A. Notice to the public shall be given at least 24- 72 hours in advance of any regular meeting of a quorum of the members of the POCPOB. Such notice may be given:
  - 1. By posting a written notice in the lobby on the first floor of the Albuquerque/Bernalillo County Government Center, Albuquerque, New Mexico; or.
  - 2. By written notice published in a newspaper of general circulation in the City of Albuquerque.
- B. Notice to the public shall be given at least 24 hours in advance of any special meeting of a quorum of the members of the POCPOB. Such notice may be given in the same manner as set forth above.
- C. The foregoing notice is sufficient, as long as the date, time and -place of such meeting is given; but as to special matters, the POCPOB, in its sole discretion, additionally may include in such notice a brief description as to an item or items to be considered at such meeting, by reference to the general topic or by reference to all or a portion of the agenda.
- D. Except for emergency matters, the POCPOB shall take action only on items appearing on the agenda. For the purpose of this subsection, an "emergency matter" refers to unforeseen circumstances that if not addressed immediately by the POCPOB will likely result in injury or damage to persons or property or substantial financial loss to the City.

### Section 5. Compliance with City Ordinances and State Statutes.

- A. Substantial compliance with any one of the foregoing methods of giving notice shall constitute compliance with Ordinance No. 401974 and with Chapter 10, Article 15.NMSA, 1978, as amended.
- B. Nothing herein shall prevent the use of additional means or methods of giving notice of regular or special meetings; nothing herein shall require new notice for any public meeting for which notice has been given pursuant to these rules and which is recessed or adjourned, except an oral announcement of the date, time, and place shall be made by the Chair before such meeting is recessed or adjourned.
- C. The Chair of the POCPOB or anyone designated by the Chair is hereby authorized to give any such foregoing notice and the Chair of the POCPOB may establish additional means or methods of making known to the public the date, time, and place of any regular meeting of the POCPOB.

#### Section 6. Quorum.

- A. A majority of the ~~commissioner~~Board Members of the POCPOB shall constitute a quorum thereof. The majority of ~~commissioner~~Board Members shall be of those ~~commissioner~~Board Members who have been appointed and approved and have not resigned.
- B. For example, the current number of approved and serving ~~commissioner~~Board Members is eight, but the amended ordinance provided for a total of nine ~~commissioner~~Board Members. A quorum is five ~~commissioner~~Board Members, since only eight ~~commissioner~~Board Members are currently serving. If one ~~commissioner~~Board Member resigned before additional ~~commissioner~~Board Members were appointed, the quorum would be four of the seven ~~commissioner~~Board Members.

#### Section 7. Addressing Meetings.

- A. Public Comment. Members of the public may sign up for public comment before the meeting begins. Pursuant to §9415H, each POCPOB meeting will begin with public comments. Members of the public are limited to two minutes unless modified at the discretion of the Chair.
- B. Persons may be invited by the POCPOB to address it on a particular agenda item or for the purpose of a general address. These invitees may be given a time to be established by the Chair, but normally will be 10 minutes.
- C. The Mayor or the Mayor's designated representative may be invited to address the POCPOB or may request to speak before the POCPOB.
- D. The City Councilors or their designated representative may be invited to address the POCPOB or may request to speak before the POCPOB.
- E. The City Attorney or his/her designated representative may be invited to address the POCPOB or may request to speak before the POCPOB.
- F. The Chief of Police or his/her designated representative may be invited to address the POCPOB or may request to speak before the POCPOB.
- G. The Independent Review Officer or his/her designated representative may be invited to address the POCPOB or may request to speak before the POCPOB.



#### Section 8. Records.

Unless otherwise provided, the staff of the IRO shall serve as the clerk for the POCPOB. The clerk shall keep the minutes and records of all POCPOB proceedings. The proceedings are videotaped by Media Services.

#### Section 9. Attendance.

~~Commissioner~~Board Members shall attend all meetings of the POCPOB unless excused by the Chair. The appointment of any member of the POCPOB who has been absent and not excused from three consecutive regular or special meetings shall automatically expire effective on the date the fact of such absence is reported by the POCPOB to the City Clerk.

#### Section 10. Disturbing Meetings.

- A. It shall be unlawful to disturb any meeting of the POCPOB or any of its committees, or to behave in a disorderly manner at any such meeting.
- B. Any person who disturbs any meetings may be removed immediately at the request of any ~~Commissioner~~Board Member for the remainder of that meeting.

#### Section 11. Open Meetings.

All meetings of the POCPOB and its Committees shall be open to the public. The POCPOB may close such meetings upon proper notice and recording to the public or as otherwise allowed by law.

### **ARTICLE II-ORGANIZATION OF THE POLICE OVERSIGHT COMMISSIONBOARD**

#### Section 1. Election of Chair and Vice Chair.

- A. At the first meeting of the POCPOB in the month of March of each year, the POCPOB shall elect one of its members to act as Chair and another member to act as Vice Chair of the POCPOB. The Chair and Vice Chair shall serve at the pleasure of the POCPOB until March of the next year and until their successors are elected.
- B. No officers shall be eligible to succeed themselves in the same office.
- C. The POCPOB shall be the judge of the election and qualification of its members.

#### Section 2. Powers and Duties of the Chair and Vice Chair.

- A. The Chair shall call the ~~commissioner~~Board Members to order, and upon a quorum being present, shall proceed to business.
- B. The Chair shall possess the powers and perform the duties herein described, to wit the Chair:
  - 1. Shall preserve order and decorum and have general direction of the ~~commission~~Board/chambers or any location where the POCPOB holds its meetings.
  - 2. Shall assign agenda items and have the responsibility for preparation of the

- agenda and dissemination of the agenda with the public notice for the meeting.
3. Shall decide all questions of order, subject to a ~~Commissioner~~Board Members right to appeal to the ~~POCPOB~~ as a whole.
  4. Shall speak to points of order in preference to other ~~Commissioner~~Board Members.
  5. May speak, as other ~~Commissioner~~Board Members, on general questions.
  6. Shall vote upon all questions in the same manner as other ~~Commissioner~~Board Members.
  7. Shall announce the result promptly on the completion of every vote.
  8. Shall appoint all Committees whether standing, joint, or special, subject to the approval of the ~~POCPOB~~. Committees shall consist of any number of ~~Commissioner~~Board Members less than a quorum. The Chair shall designate the Chair for each committee, subject to the approval of the ~~POCPOB~~.
  9. Shall sign all letters in conjunction with the business of the ~~POCPOB~~.
  10. Shall receive all formal messages and communications from the Mayor, City Council, and others.
  11. Shall hold over or refer to the appropriate Committee any issues of interest to the ~~POCPOB~~.
- C. In the absence of the Chair, upon the Chair's inability to act, or upon request of the chair, the Vice Chair shall preside and shall have all the powers and authority of the Chair.

### Section 3. LTPC and Other Committees.

- A. The ~~JRO/POCPOB~~ budget shall be considered by ~~the~~ Long Term Planning Committee. In addition, the ~~POCPOB~~ Chair or the Chair's designee, may meet with the Mayor and City Council to review and make recommendations on the ~~IRO/POCPOB~~ budget.
- B. Membership on any committee shall be limited to ~~POCPOB~~ members.
- C. No Committee shall hold a hearing without a quorum of the Committee present. Any ~~Commissioner~~Board Member who is not a member of the Committee may be designated as an alternate for any Committee member who cannot be present at the meeting. The alternate shall be selected by the ~~Commissioner~~Board Member for whom the alternate is serving.
- D. The Chair of a Committee shall vote on all matters before the Committee as other members of the Committee, The chair may make motions and second motions.
- E. Every report of a Committee, upon matters referred to the Committee, shall be in writing and addressed to the Chair of the ~~POCPOB~~. Reports of a minority of a Committee may be submitted and included in the Committee report.
- F. The Committees shall report on all matters referred to them without unnecessary delay. If a Committee refuses or neglects to report on any matter referred to it, the Chair may take the matter from the Committee.
- ~~G.~~ G. The rules and orders of the ~~POCPOB~~ shall apply to all committees, except as otherwise provided and except that committees may establish their own time limitations for witnesses addressing the committee and for debate by members of the Committee, and except that notice to the public, including an agenda, shall be given of

- any regular or special meeting of a quorum of the members of any Committee.
- H. In order to maximize the time the POB spends analyzing policy, the LTPC shall hear minor traffic, speeding, and Conduct CPCs.
  - I. The LTPC will also hear CPCs that the Executive Director Proposes to administratively close.
  - J. Civilians will be notified one week prior to the LTPC hearing when their CPC will be heard.
  - K. At the request of any LTPC member, a CPC will instead be heard by the POB.
  - L. When the minor and administrative closing CPCs findings are approved by the LTPC, they will be placed on a consent agenda to go before the POB.
  - M. At the request of any Board Member, a CPC will be removed from the consent agenda and will be placed on the regular POB agenda.

## ARTICLE III- PROCEDURES

### Section 1. General Rules.

Any matter not covered by these rules shall be governed by Roberts' Rules of Order (latest edition), or by a decision of the Chair, subject to the right of appeal.

### Section 2. Motions by the Chair.

The Chair may make motions or second motions at the Chair's discretion.

### Section 3. Amendment of Rules.

These rules, or any part thereof, may be amended, repealed, altered or rescinded by a vote of a majority of all ~~Commissioner~~Board Members and after one week's notice of an intended motion.

Such notice shall be presented in writing at a regular meeting of the ~~POCPOB~~. This rule shall not be used to change the clear meaning of the Police Oversight Ordinance.

### Section 4. Suspension of the Rules.

Except for charter, statutory, or ordinance provisions, these rules, or any part thereof, may be temporarily suspended by a vote of two-thirds of the ~~Commissioner~~Board Members present. When the suspension of a rule is requested and no objection is offered, the Chair shall announce the rule is suspended and the ~~POCPOB~~ may proceed accordingly.

### Section 5. Order of Business.

A. The ~~POCPOB~~ shall consider business in the following order:

1. Welcome and Call to Order
2. Pledge of Allegiance
3. Public Comment
4. Review/Approval of Minutes
5. Citizen Appeals
6. Findings by ~~POCPOB~~
7. Non-concurrences
8. Issues from LTPC
9. Reports from City Staff, including the IRO, Mayor, City Council, City Attorney, and Albuquerque Police Department.
10. Reports from Committees
11. Other Business
12. Civil Rights Training (when scheduled)

B. The ~~POCPOB~~ may, upon the affirmative vote of a majority of the ~~Commissioner~~Board Members present, proceed out of order to any order of business or return to any prior order of business.

C. During the business for Findings by the ~~POCPOB~~, if any ~~Commissioner~~Board Member wishes to discuss a particular Finding (CPC or Police Shooting), the ~~Commissioner~~Board Member may have that Finding placed separately in that portion of the agenda. Those Findings will be handled individually from the remaining monthly ~~IRO~~Executive Director Findings.

- D. The public record letter will not be sent to the citizen until approved by the POCPOB. This approval may be delegated to the Long Term Planning Committee or other POCPOB committee.
- E. The public record letter will be mailed to the complainant the next business day after approval by the POCPOB. While the public record letter may be provided to the complainant immediately, the public record letter will not be provided to the public or the media until five days after approval by the POCPOB or upon receipt by the complainant. The delay is to provide the complainants a reasonable opportunity to receive the information before another member of the public or the media. This is an effort to notify the complainant about the decisions of the POCPOB before the citizen might be informed of them from another person or in the media. (Section E amended 9/ 14/06)
- F. ~~If the POC and Chief do not agree on their findings, the POC will wait until after the citizen has decided whether or not to appeal. If the citizen does not exercise the right to appeal, then the POC will decide whether to appeal their disagreement with the Chief to the CAO. Not all disagreements must be appealed. The POC may exercise its discretion and appeal or not as the POC decides. If the POC appeals to the CAO, upon completion of his/her review, the CAO shall take any action necessary, including overriding the decision of the Chief of Police regarding disciplinary action, to complete the disposition of the complaint. The CAO shall notify in writing and by certified mail, the complainant, the individual against whom the complaint was filed, the chief of Police, and the IRO of the results of his/her review and any action he/she has taken.~~

Section 6. Procedures for Investigation and Review of CPCs (added 4/9/15 per 9-4-1-8(A)(3))

- A. The CPOA shall accept all complaints regardless of when they are filed. The CPOA shall encourage civilians to promptly report police misconduct so that full investigations can be made expeditiously and the full range of disciplinary and corrective action be made available.
- B. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD) (Settlement Agreement Paragraph 172)
- C. Anonymous and complaints made on behalf of another person will be accepted
- D. Any Spanish-speaking individual with limited English proficiency who wishes to file a complaint about APD personnel shall be provided with a complaint form in Spanish to ensure that the individual is able to make a complaint.
- E. The misconduct complaint investigator shall interview each complainant in person, absent exceptional circumstances, and this interview shall be recorded in its entirety, absent specific, documented objection by the complainant.
- F. All officers in a position to observe an incident, or involved in any significant event before or after the original incident, shall provide a written statement regarding their observations, even to state that they did not observe anything.
- G. If at any time during misconduct complaint intake or investigation the investigator

determines that there may have been criminal conduct by any APD personnel, the investigator shall immediately notify the Internal Affairs Bureau commanding officer. If the complaint is being investigated by the Civilian Police Oversight Agency, the investigator shall transfer the administrative investigation to the Internal Affairs Bureau.

- H. After the investigation of a civilian complaint is completed, the Director shall analyze all relevant and material circumstances, facts and evidence gathered under the investigation.
- I. For each investigation, the Director shall prepare investigation reports with proposed findings and recommendations and submit them to the POB for its review and consideration.
- J. In each investigation, APD and the Civilian Police Oversight Agency shall consider all relevant evidence, including circumstantial, direct, and physical evidence.
- K. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will APD or the Civilian Police Oversight Agency disregard a witness's statement merely because the witness has some connection to the complainant or because of any criminal history.
- L. During their investigation, APD and the Civilian Police Oversight Agency shall take into account any convictions for crimes of dishonesty of the complainant or any witness.
- M. The Civilian Police Oversight Agency shall also take into account the record of any involved officers who have been determined to have been deceptive or untruthful in any legal proceeding, misconduct investigation, or other investigation.
- N. The Director's investigation report and findings shall indicate whether within the past year there were any IA investigations or supervisor generated complaints against the officer involved in the incident being investigated or that are otherwise relevant to the subject matter of the investigation, the general nature of the complaint, and whether they resulted in any discipline
- O. The Civilian Police Oversight Agency shall make efforts to resolve material inconsistencies between witness statements.
- P. All administrative investigations conducted by the Civilian Police Oversight Agency shall be completed within 90 days of the initiation of the complaint investigation.
- Q. The 90-day period shall not include time for review. An extension of the investigation of up to 30 days may be granted but only if the request for an extension is in writing and is approved by the Chief.
- R. Review and final approval of the investigation, and the determination and imposition of the appropriate discipline, shall be completed within 30 days of the completion of the investigation.
- S. If an investigation exceeds a timeframe of nine months the Director must report the reasons to the POB.
- T. Civilian Police Oversight Agency investigator shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation:
  - a) "Unfounded," where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer;
  - b) "Sustained," where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur;
  - c) "Not Sustained," where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred;
  - d) "Exonerated," where the investigation determines, by a preponderance of the

evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training;

e) "Sustained violation not based on original complaint," where the investigation determines, by a preponderance of the evidence, that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation; or

f) "Administratively closed," where the policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of the lack of information in the complaint.

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

V. In addition to determining whether APD personnel committed the alleged misconduct, administrative investigations shall assess and document whether the action was in compliance with training and legal standards and whether the incident suggests the need for a change in policy, procedure, or training. In reviewing completed administrative investigations

#### Section 7. Procedures for Review and Analysis of CPCs (added 4/9/15 per 9-4-1-8(A)(3))

A. The complainant or complainant's authorized representative in a Citizen Police Complaint will be provided with a minimum of five minutes to address the POB relating to the complaint and investigation.

B. The Civilian Police Oversight Agency will send a letter to the complainant one week before the CPC will be heard by the POC.

C. The Civilian Police Oversight Agency will reschedule the hearing of a CPC up to two times in order to accommodate the schedule of the complainant.

D. The Director may share any disciplinary recommendations with the Chief of Police in advance of their submission to the POB only as necessary to help ensure timeliness pursuant to any applicable personnel or union contract requirements.

E. The POB shall review the proposed findings and recommendations, and shall by majority vote of members present: 1) approve the findings and recommendations as proposed; 2) approve other findings and recommendations as determined by the POB and supported by the investigation file; or 3) defer action on the matter to allow for further investigation or analysis by the Director.

F. The POB may, by majority vote, perform an annual audit, or direct that an audit be performed, on a random sample of up to 10% of individual civilian police complaint investigations involving allegations of use of force, or in exceptional circumstances, for the purpose of promoting an enhanced measure of quality assurance in the most challenging cases the POB may, by a vote of two-thirds (2/3) of the members of the POB, perform an audit, or direct that an audit be performed, on any individual Citizen Police Complaint Investigation completed by the Administrative Office. For purposes of its audit function, the POB shall have full access to investigation files and may subpoena such documents and witnesses as relevant to its audit function.

G. The POB may recommend officer discipline based on any findings that result in sustained civilian police complaints. Imposition of the recommended discipline is at the discretion of the Chief of Police, but if the Chief of Police does not follow the disciplinary recommendation of the POB, the Chief of Police shall respond in writing, with in thirty days, with the reason as to why the recommended discipline was not imposed.

- H. The POB shall review and analyze policy suggestions, analysis, studies, and trend data collected or developed by the Administrative Office, and shall by majority vote recommend policies relating to training, programs and procedures or other matters relating to APD. The POB's policy recommendations shall be submitted to APD and to the City Council. The POB shall dedicate a majority (more than 50%) of its time to the policy analysis.
- I. The Chief of Police shall respond in writing within forty-five (45) days to any such policy recommendations by the CPOA, and indicate whether they will be followed through standard operating procedures or should be adopted as policy by the City Council, or explain any reasons why such policy recommendations will not be followed or should not be adopted.
- J. As part of its review, the full investigation file shall be made available to the POB. In its review of the investigation file, the POB may review *Garrity* material or confidential material only in a closed session as permitted under the New Mexico Open Meetings Act. Access to information that could be construed to be covered by *Garrity* will be made available to the POB only by application in writing, and by majority vote by the POB. The POB shall maintain the confidentiality of any *Garrity* material or records that are made confidential by law and is subject to the same penalties as the custodian of those records for violating confidentiality requirements.
- K. In addition to any other penalty, any POB member or other person who violates the confidentiality provisions of this section shall be removed from the POB, and shall be subject to prosecution for a misdemeanor subject to the penalty provisions set forth in § 1-1-99.
- A-L. Upon approval of findings and recommendations by the POB, the Director shall prepare and submit a public record letter to the civilian complainant, with a copy to the Chief of Police, that outlines the findings and recommendations as approved. Unless a hearing is requested by the civilian complainant, within 30 days of receipt of the decision of the POB, the Chief of Police shall notify the POB and the original civilian complainant of his or her final disciplinary decision in this matter in writing, by certified mail.

#### Section 8. Appeals to the POB.

- A. Any person who has filed a civilian complaint and who is dissatisfied with the findings and/or recommendations approved by the POB may request reconsideration by the POB within thirty days of receipt of the public record letter.
- B. The POB may grant a request for reconsideration only upon a showing by the complainant that: 1) a policy was misapplied in the evaluation of the complaint; 2) that the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion, or 3) that the findings and recommendations were not consistent with the record evidence.
- C. The POB shall notify the Chief of Police of the request for hearing and hold a hearing on the matter at its next regularly scheduled meeting provided that there is a period of at least ten (10) days between the receipt of the request for hearing and the next POB meeting. (revised 4/9/15 Ordinance 9-4-1-9)



D. The Complainant shall be notified one week prior to a hearing on their appeal.

~~A. Any person who has filed a citizen complaint and who is dissatisfied with the findings of the IRO or the Chief of Police may appeal that decision to the POC. Such persons must appeal in writing within ten business days of the receipt by the complainant of the public record letter from the IRO. If the US Postal Service is unable to deliver the public letter for reasons outside the IRO's control, the ten business days shall commence after the last attempted delivery date.~~

B.E. Notice for any appeal hearing shall be given in the agenda for the POC. The appellant shall also be notified by certified mail of the date of their appeal hearing. Appellants may request a delay in writing to a hearing date within the next two months. Failure to appear at the hearing or to request a delay in writing may result in the POC acting on the appeal without further input from the appellant.

C. Time allowed for appeals shall be as follows:

I. The preferred sequence and normal maximum times allowed shall be as follows:

- a. 15 minutes for the appellant
- b. 5 minutes for the police officer, if present
- c. 10 minutes for APO
- d. 10 minutes for the IRO
- e. 5 minutes for appellant rebuttal

2. The POC may combine separate appeals of the same action, in which case each appeal will receive an equal share of the appellant's time. The Chair shall indicate in advance the division of time. The parties shall decide on the speakers to use the time. This decision is not subject to further appeal.

D. Evidence:

1. The ~~POC~~POB will make its decision and findings exclusively on the record of the decision appealed supplemented by any evidence allowed to be presented and matters officially noted during the appeal hearing.

2. New evidence may be accepted by the ~~POC~~POB at the appeal hearing. Acceptance of new evidence is discretionary and the ~~POC~~POB may rely on the evidence on the record.

3. If the ~~POC~~POB decides that certain additional evidence is necessary and appropriate for the proper disposition of the appeal, it may accept the evidence offered during the hearing or require the IRO to obtain such evidence for them.

4. New evidence, which could have been put in the record during previous investigations or hearings, is not favored for introduction at ~~POC~~POB appeal hearings. New evidence, which clarifies evidence already in the record, may be allowed. New evidence, which is offered to contradict evidence in the record, may be allowed if such evidence appears convincing and is on an important matter.

5. ~~Commissioner~~Board Members may ask questions at any time of the appellants, the IRO, APO, witnesses, and/or, if present, the police officer. When a ~~Commissioner~~Board Member asks questions, the time limit is stayed until questioning is completed. (Amended 03/05/09)

E. With regard to any appeal that has been filed with and is pending before the ~~POC~~POB:

a. No ~~Commissioner~~Board Member shall communicate outside a hearing with the appellant or the appellant's representative.

- b. No ~~Commissioner~~Board Member shall knowingly communicate with a member of the public or an organization about the subject of the appeal. Information and correspondence -that is not in the record at the time the appeal is filed is not evidence and should not be considered in making a decision unless accepted as new evidence.
- c. No ~~commissioner~~Board Member shall conduct their own investigations or add their own evidence to the record regarding any appeals.
- d. Any correspondence regarding the subject of an appeal that is an *ex parte* communication and is inadvertently received by a ~~Commissioner~~Board Member shall be delivered to the Executive Director and be available for review by the appellant.
- e. Notwithstanding the above, the Executive Director and CPOA staff may, upon the request of a ~~Commissioner~~Board Member, communicate with that ~~Commissioner~~Board Member at any time and by any means. Copies of any written materials from the Executive Director shall be distributed to all parties.
- F. A ~~Commissioner~~Board Member shall withdraw from any proceeding in which he or she has a direct or indirect conflict of interest or the ~~commissioner~~Board Member does not believe he or she can provide a fair and impartial hearing.
  - a. ~~Commissioner~~Board Members should err on the side of caution and withdraw from any proceeding in which there is an appearance of a conflict of interest.
  - b. If the number of ~~commissioner~~Board Members drops below a quorum, appellants may waive the quorum and the remaining ~~commissioner~~Board Members may hear and vote on the appeal.
  - c. If the number of ~~commissioner~~Board Members drops below a quorum, the hearing may still be heard by the ~~POC~~POB without a vote and the entire appeal forwarded to the CAO for final decision.
- G. The ~~POC~~POB may affirm, modify or change their original findings
- H. The ~~POC~~POB may make further recommendations to the Chief regarding the findings and any discipline imposed or proposed by the Chief.
- J. Decisions on appeals shall be made by a majority of the ~~Commissioner~~Board Members present. If the ~~POC~~POB vote on the appeal ends in a tie, the ~~findings of the IRO remain~~original findings remain the final findings.

#### Section 97. Appeals to the CAO.

- A. Appeals of the Disciplinary Decision. If any person who has filed a civilian complaint under this ordinance is not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief of Police's handling of his or her complaint, he or she may request that the Chief Administrative Officer review the complaint, the findings of the POB and the action of the Chief of Police by requesting such review in writing within thirty days (inclusive of weekends and holidays) of receipt of the Chief of Police's letter pursuant to § 9-4-1-9(A).
- B. Upon completion of his or her review, the Chief Administrative Officer shall take any action necessary, including overriding the decision of the Chief of Police regarding disciplinary action, to complete the disposition of the complaint.
- C. The Chief Administrative Officer shall notify in writing, by certified mail, the complainant, the individual against whom the complaint was filed, the Chief of Police and the Director, of the results of his or her review and any action. (revised 4/9/15 Ordinance 9-4-1-9)

- ~~A. Any person who has filed a citizen complaint in accordance with the Police Oversight Ordinance and is not satisfied with the final decision of the Chief of Police or the POC on any matter relating to his/her complaint, may request that the CAO review the complaint, the findings of the IRO and POC, and the action of the Chief of Police by requesting such review in writing within ten business days of receipt of the Chiefs letter pursuant to §9419 (A).~~
- ~~B. The POC may appeal the findings of the Chief of Police to the CAO as soon as possible. As a general rule, the POC should wait until the citizen has failed to appeal before the POC appeals to the CAO.~~
- ~~C. The CAO shall take any action necessary, including overriding the decision of the Chief of Police regarding disciplinary action.~~
- ~~D. The CAO shall notify in writing, by certified mail, the complainant, the individual against whom the complaint was filed, the Chief of Police, the POC, and the IRO of the results of his/her review and any action he has taken. This completes the disposition of the complaint.~~

#### Section 108. Final Findings.

- A. The final findings of the POCPOB shall be placed with the Chiefs findings in the Internal Affairs Unit Discipline Status Sheet in the officer's Retention File.
- B. If the case is appealed to the CAO, then the CAO's findings shall be the final findings. The Chief's findings and the POCPOB's findings in APD's records shall be retained.

#### Section 119. Motions.

No motions shall be entertained or debated until announced by the Chair, and every motion shall be seconded. The Chair may make motions or second motions.

#### Section 120. Debate.

- A. Any ~~Commissioner~~Board Member wishing to speak, debate, make a motion, submit a report, or conduct other business shall address the Chair and shall not proceed further until recognized by the Chair.
- B. If two or more ~~Commissioner~~Board Members seek recognition at the same time, the Chair shall name the one who shall speak first.
- C. The ~~Commissioner~~Board Member who sponsors a motion shall have the privilege of opening and closing debate. A ~~Commissioner~~Board Member may direct an inquiry and receive a response without yielding the floor.
- D. No ~~Commissioner~~Board Member shall be permitted to speak more than once on any motion until every ~~Commissioner~~Board Member desiring to be heard has been allowed to speak. Nor shall any ~~Commissioner~~Board Member, except the sponsor of the motion speak more than a total of five minutes on any motion.
- E. No ~~Commissioner~~Board Member shall be interrupted when speaking, nor shall any motion be in order until the ~~Commissioner~~Board Member has concluded.
- F. No question shall be asked of the ~~Commissioner~~Board Member except those directed through the Chair with the consent of the ~~Commissioner~~Board Member.

#### Section 134. Voting.

- A. Voting shall be in the form of "Yes" or "No". Any action on a question is lost by a

tie vote. Every ~~Commissioner~~Board Member who is within the room shall vote upon each question, except those who have disqualified themselves due to a conflict of interest.

- B. A ~~Commissioner~~Board Member shall be allowed to change his/her or her vote but only before the result has been announced.
- C. A ~~Commissioner~~Board Member may request to vote by telephone or other similar device when a medical or emergency situation exists. Such voting can only take place upon the approval of the Chair and provided that the ~~Commissioner~~Board Member can be heard on a speaker to enable the ~~POC~~POB and the public to determine when the ~~Commissioner~~Board Member is speaking and casting a vote.
- D. Reconsideration. Any ~~Commissioner~~Board Member who voted with the prevailing side on any question may move at the same meeting to reconsider the question. A motion to reconsider shall require the affirmative vote of a majority of ~~Commissioner~~Board Members present.
- E. An appeal may be made on any decision of the Chair. The ~~Commissioner~~Board Member appealing the Chair's decision will speak and the Chair may respond. Such appeals shall be acted upon immediately and no other motions shall be entertained until the question has been decided. A vote of the majority of the ~~Commissioner~~Board Members present shall be required to sustain an appeal.
- F. Any ~~commissioner~~Board Member may move to end debate. A majority of the ~~commissioner~~Board Members present must agree to end the debate or it may continue.

#### Section 142. Decorum.

~~Commissioner~~Board Members or other speakers shall confine their remarks to the question under discussion or debate, avoiding personal attacks. No ~~Commissioner~~Board Member shall engage in private discourse or commit any other act tending to distract the attention of the ~~POC~~POB from the business before it.

#### Section 135. Early Departure.

Any ~~commissioner~~Board Member leaving a ~~POC~~POB meeting early shall make the Chair aware of such departure as early as possible, so that allowances in scheduling business can be made. Any ~~Commissioner~~Board Member leaving a Committee meeting when the departure will cause a loss of quorum shall make every effort to secure and alternate ~~Commissioner~~Board Member to sit on the Committee.

#### Section 156. Selection of the ~~Independent Review Officer~~-Executive Director

- A. Qualifications for the position of Director shall minimally include the requirement of a law degree and experience in criminal investigations.
- B. The Director will be a full-time contractual City employee to be selected as follows:
  - (a) The POB, through CPOA staff, shall accept applications from candidates. The POB shall review the applications and interview candidates, and submit to the City Council a ranked list of the three candidates that it finds to be the best qualified to be the Director and the City Council shall appoint the Director from the three by majority vote. The POB's recommendation to Council shall be based on the candidates' integrity, capability for strong management and abilities in investigations, law,

management analysis, public administration, criminal justice administration or other closely related fields.

(b) In lieu of recommending three candidates to the Council, the POB may recommend to the Council the reconfirmation of the incumbent Director.

(c) Should the Council decline to reconfirm the incumbent Director, the Council President shall notify the POB that it needs to provide the Council with three alternate candidates.

(d) Should the Director not be reconfirmed, the current Director may continue to serve in the same capacity until a new Director is selected and approved by the City Council. If for any reason there is a period of time during which there is no Director, the City Council may appoint a temporary Director of its choosing by a majority vote. A temporary Director shall serve in that capacity only for a period not to exceed six months.

(e) The term of the Director shall be for three (3) years. Once confirmed, the Director may be removed only upon: 1) a recommendation of removal to the City Council by the affirmative vote of two-thirds (2/3) of the members of the POB; and 2) acceptance of the POB's recommendation by a simple majority vote of the City. (Revised 4/9/15 Ordinance 9-4-1-7)

C. The POB shall annually review the performance of the Director taking into consideration the obligations and duties prescribed by the Police Oversight Ordinance and the performance of the Administrative Office.

- ~~A. When the IRO position becomes vacant or will become vacant in the near future, the POC will undertake a candidate search. The POC will screen, interview, and select three candidates to be considered by the Mayor. The interviews and selection of the three candidates will occur during regularly scheduled meetings and be televised to the public.~~
- ~~B. The IRO staff will assist the POC in the placement of the advertisements and any work with the Human Relations staff as required.~~
- ~~C. The qualifications for the IRO position will minimally include the requirement of a law degree and five years' experience in criminal investigations. The position of IRO will be a fulltime contractual city employee.~~
- ~~D. The Mayor will select one of the three candidates and forward the nomination to the City Council.~~
- ~~E. In the event the City Council rejects the nominee, the Mayor shall submit his/her second recommendation from the remaining two names submitted by the POC.~~
- ~~F. If the City Council rejects the second nominee, the process shall begin with a second candidate search by the POC.~~

#### Section 175. Time Computation.

In computing any period of time prescribed or allowed by these rules, by the Police Oversight Ordinance, or by any applicable statute or ordinance, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included. The requirement to file a complaint within 90 days of the incident is to be counted by calendar days, including weekends and holidays. If a complaint is filed on the 91st day, regardless of whether it is a weekend or holiday, the POC has no authority to investigate that complaint. (revised

## ARTICLE IV-POWERS AND DUTIES OF THE COMMISSIONBOARD

### Section 1. Source of Authority.

- A. The Police Oversight ~~CommissionBoard~~ and the Independent Review Office were established in 1998 by the City Council for the City of Albuquerque in the Police Oversight Ordinance, 3 11998, subsequently codified as Chapter 9 of the Albuquerque Code of Ordinances, §9411 et seq. ROA 1994.
- B. The ~~CommissionBoard~~ is the governing authority of the Independent Review Office and has the power to promulgate rules implementing the provisions of the Jaw upon City Council approval of these rules and regulations.

### Section 2. Purpose.

- A.—A properly conceived and functioning police oversight system is necessary to promote accountability of the police officers and protect the rights of civilians.
- B. The ~~commissionBoard~~ is to provide a means for prompt, impartial, and fair investigation of all citizen complaints brought by individuals against the Albuquerque Police Department.
- C. The commission is to foster and perpetuate policing policies and practices that effectively maintain social order and which at the same time foster mutual trust and cooperation between police and civilians.
- D. The commission is to ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of government of the City of Albuquerque.
- E. The commission is to gather and analyze data on trends and potential issues concerning police conduct and practices and the related impacts on the community and individuals.
- F. The commission is to provide policy guidance to the City Council, the Mayor and the Chief of Police. (revised 4/9/15 Ordinance 9-4-1-4)
- F.—~~The commission is to provide for community participation in recommending and reviewing police department policies, practices and procedures.~~
- G. ~~The commission is to promote a spirit of accountability and communication between the citizens and APO while improving community relations and enhancing public confidence.~~
- H. ~~The commissionBoard~~ will oversee the full investigation and/or mediation of all citizen complaints.
- I. Mediation should be the first option for resolution of Citizen Police Complaints. Mediators should be independent of the CPOA, APD, and the City, and should not be former officers or employees of APD (How do you reconcile this (F) Ordinance, with (G) which is from Settlement Agreement)
- H.J. Complaints other than misconduct that may be resolved informally or through mediation. Administrative closing or inactivation of a complaint investigation shall be used for the most minor policy violations that do not

constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct.

- K. ~~The commission~~Board will audit and monitor all investigations, incidences of use of force and/or police shootings under investigation by APD's Internal Affairs.
- L. ~~The commission~~Board will gain the cooperation of APD and solicit public input by holding regularly scheduled meetings.
- M. ~~The commission~~Board will engage in a long term planning process through which it identifies major problems and establishes a program of policy suggestions and studies each year.
- N. ~~The commission~~Board will recommend to the Mayor and City Council during the City's budget process, their proposed budget for provision of such staff as is necessary to carry out the powers and duties of the Police Oversight Ordinance, including the funding for the Independent Review Office, staff, and all necessary operating expenses.

### Section 3. Access to Documentation and Personnel/Subpoenas.

- A. The Police Oversight ~~Commission~~Board may issue subpoenas on its own initiative, in which case a showing of relevance is not required and an appeal need not be pending.
- B. The subpoena shall be issued by the City Clerk's Office and signed by the Chair of the Police Oversight ~~Commission~~Board or his/her designee.
- C. Any applicable witness and travel fees and costs associated with service of process shall be the responsibility of the Police Oversight ~~Commission~~Board.
- D. ~~Subpoenas will not be issued for Albuquerque Police Department officers to appear before the Police Oversight Commission or any of its committees. (revised 4/9/15 Ordinance 9-4-1-4~~
- E. The City shall ensure that the agency, including its investigative staff and the Executive Director, have access to all APD documents, reports, and other materials that are reasonably necessary for the agency to perform thorough, independent investigations of civilian complaints and reviews of serious uses of force and officer-involved shootings. At a minimum, the City shall provide the agency, its investigative staff, and the Executive Director access to:
  - a) all civilian complaints, including those submitted anonymously or by a third party;
  - b) the identities of officers involved in incidents under review;
  - c) the complete disciplinary history of the officers involved in incidents under review;
  - d) if requested, documents, reports, and other materials for incidents related to those under review, such as incidents involving the same officer(s);
  - e) all APD policies and training; and
  - f) if requested, documents, reports, and other materials for incidents that may evince an overall trend in APD's use of force, internal accountability, policies, or training.
- F. The City shall provide reasonable access to APD premises, files, documents, reports, and other materials for inspection by those appointed to the agency, its investigative staff, and the Executive Director upon reasonable notice. The City shall grant the

agency the authority to subpoena such documents and witnesses as may be necessary to carry out the agency functions identified in this Agreement. (revised 4/9/15 Settlement Agreement Paragraph 282 and 283)

#### Section 4. Burden of Proof.

- A. All findings will be made based on a preponderance of the evidence.
- B. The burden of proof is not on any particular party to the complaint.

#### Section 5. Inactivation /Dismissal of ~~Civilian~~Citizen Police Complaints.

- A. ~~The IRO Executive Director, with the approval of the POCPOB, may inactivate or dismiss~~administratively closed CPCs.

- B. Complaints may be ~~inactivated~~administratively closed for any one of the following reasons :

~~1. The complaint was not filed within 90 days of the incident. In counting the number of days, the day of the incident is not counted, regardless of the time of day. The day after the incident is the first day.~~

~~2.1. The officers complained about are not APD officers.~~

~~3.2. The officer is deployed for military duty for an extended period of time.~~

~~4.3. If, after thorough investigation, the officer involved in the alleged conduct cannot be identified.~~

~~5.4. The complaint was successfully mediated.~~

~~6.5. The citizen withdrew the complaint. If the Executive Director IRO determines the complaint is too serious to ignore, the complaint may be investigated even if the civilian~~citizen~~ attempts to withdraw it.~~

~~7.6. The complaint contains no allegations of violations of Standard Operating Procedures.~~

~~8.7. Allegations concern the perjury of officers during testimony in court. These are determinations to be made by the court or District Attorney.~~

~~8. Complaints of criminal action by the officers. Criminal cases may be investigated first as a criminal matter and after the criminal investigation is completed, the CPC may be reopened.~~

~~9. Administrative closing of a complaint investigation shall be used for the most minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct.~~

~~(revised 4/9/14 Settlement Agreement Paragraph 184)~~

~~10. The IRO/POC determines the complaint is frivolous on its face or is being brought for the purpose of harassment.~~

~~11. The IRO/POC determines that the complainant has mental health issues and is unable to comprehend the situation. In this case, CIT may be asked to evaluate the complainant prior to the complaint being fully investigated.~~

~~The IRO/POC may require the full investigation of a complaint before inactivating it. The complaint may also be referred to the Internal Affairs for them to conduct an Internal investigation. (Last sentence added and amended 9/14/06)~~

- C. ~~Dual CPC and Internal Administrative Investigations~~

~~1. If a citizen complaint is timely filed and directly related to an incident that is the subject of an Internal affairs administrative investigation that has not been completed, the investigation shall become a CPC.~~



~~2. If a citizen complaint is timely filed and directly related to an incident that is the subject of an Internal Affairs administrative investigation that has been completed, the investigation shall remain an internal administrative investigation except that the citizen shall have all the rights of appeal just as if it were a CPC.~~

~~3.1. Regardless of whether there have been dual CPC and Internal Affairs administrative investigations, only one entry shall be made into the officers' files.~~

~~4.-~~

Section 6. Attendance at the National Association of Civilian Oversight of Law Enforcement annual conferences.

- A. Attendance by all ~~commissioner~~Board Members is highly encouraged. The POB will The City of Albuquerque will pay the travel and attendance expenses of as many ~~commissioner~~Board Members each year as fiscally responsible. CommissionerBoard Members are also encouraged to attend at their own expense. (revised 4/9/15 Ordinance 9-4-15(F)(3))
- B. The Chair shall select which ~~commissioner~~Board Members may attend and in which priority order for funding. The Chair shall consider such factors as whether the ~~commissioner~~Board Member has attended previously and when the term of the ~~commissioner~~Board Member ends. The decision of the Chair is final.
- C. The Executive Director and CPOA staff~~IRO and IRO staff~~ should attend whenever financially feasible.

Section 7. Complaints about ~~POC~~POB CommissionerBoard Members.

- A. The Police Oversight ~~Commission~~Board will not address complaints against another ~~commissioner~~Board Member. All Complaints of this nature will be forwarded to the Mayor's liaison to the ~~POC~~POB.
- B. If the complaint relates to a possible conflict of interest, ~~commissioner~~Board Members will consider the complaint and decide whether an appearance of a conflict of interest exists and act accordingly.

Section 8. Complaints about the ~~IRO~~Executive Director.

- A. The ~~POC~~POB acts like the supervisor over the ~~IRO~~CPOA office. See §9415(B), 94 I 6(H), and 941 7(0).
- B. The ~~Executive Director~~IRO is a full-time contractual city employee governed by the contract with the City and the Police Oversight Ordinance.
- C. The Police Oversight ~~Commission~~Board reviews all complaints against the ~~Executive Director~~IRO and may take some actions or may recommend to the Mayor that certain supervisory actions be taken, including dismissing the complaint, conducting their own informal investigation into the complaint, recommending specific administrative action, requesting additional formal investigation, etc.
- D. To the fullest extent possible and in accordance with the Police Oversight Ordinance, this process will be made public.

Section 9. Complaints by the Executive Director, CPOA Staff~~IRO/POC~~POB against

~~APD-employees~~ officers.

- A. This section applies to complaints that the ~~IRO~~ Executive Director, CPOA Staff, or ~~POCPOB commissioner~~ Board Members may file as individuals based on incident they may have personally witnessed or where they are claiming to be aggrieved by actions of the ~~APD employees~~ Police.
- B. Complaint filed by a ~~commissioner~~ Board Member.
  - 1. The ~~Commissioner~~ Board Member will be excused from participating on any findings, votes, or recommendations concerning the complaint.
  - 2. ~~POCPOB commissioner~~ Board Members will decide individually whether or not they have an appearance of a conflict of interest. Any ~~POCPOB commissioner~~ Board Member may raise the possibility of a conflict of interest by another ~~POCPOB commissioner~~ Board Member.
  - 3. If there is not a quorum of ~~commissioner~~ Board Members available to make decisions, then the appeal may be heard by the ~~POCPOB~~ but no findings or recommendations will be made on the complaint and the appeal will be forwarded to the CAO for final decision.
- C. Complaints filed by the ~~IRO staff~~ CPOA Staff.
  - 1. The ~~IRO staff~~ CPOA staff will not investigate this complaint. It may be investigated by IA at the discretion of the ~~IRO~~. It may be investigated by an outside investigator at the discretion of the Executive Director
  - 2. ~~If the IRO decides it would be inappropriate for IA to investigate the complaint, the IRO may hire an independent investigator to investigate the complaint.~~
  - 3.2. The ~~IROPOB~~ will make findings unless there is a conflict of interest. These findings will be reviewed by the Chief of Police and finalized by the ~~POCPOB~~ in the same manner as other citizen complaints. (Amended and Section added 9/14/06)
- D. Complaint filed by the ~~Executive Director~~ IRO.
  - 1. The ~~IRO~~ Executive Director will be excused from participating on any findings or recommendations as the ~~Executive Director~~ IRO concerning the complaint, but may act and is entitled to the same rights as any person who filed a complaint.
  - 2. The ~~Executive Director~~ IRO will hire an independent investigator to investigate the complaint, make findings, and write the public record letter.
  - 3. The independent investigator will ~~act as the~~ Executive Director IRO.
    - a. Ensure the investigation is thorough, impartial, and free of political influences.
    - b. Write the public record letter, including therein the summary and conclusions from the officers' compelled statements.
    - c. Ensure the public record Letter is mailed to the IRO, who may appeal the findings to the ~~POCPOB~~.
    - d. The ~~POCPOB~~ will not make findings or recommendations on the Executive Director's IRO's complaint, but may hear the appeal.
    - e. The appeal will be sent to the CAO for final decision.

#### Section 10. ~~POCPOB and IRO~~ right to counsel.

- A. ~~The CPOA may retain or employ independent legal counsel on a contractual basis to advise and represent the CPOA. If so retained, the CPOA's legal counsel shall~~

represent the CPOA in the courts, and shall advise the CPOA as to any legal matters relating to this ordinance and the CPOA's duties, responsibilities, and procedures except for CPOA personnel matters which shall remain under the 31 authority of the City Attorney's Office. (revised 4/9/15 Ordinance 9-4-1-4(A)(3))~~The City Attorney has assigned the Assistant City Attorney for the Police Oversight Commission to be the Commission's and IRO's attorney with full rights to attorney-client privileges and attorney confidences. This privilege extends to the administrative staff for the Assistant City Attorney.~~

- B. ~~Should the Assistant City Attorney believe there is or may be a conflict among the Commissioners and IRO, then he/she will advise the commission and IRO of the possible conflict at the earliest opportunity. The commissioners and IRO may attempt to resolve the possible conflict. If it cannot be resolved, then the Assistant City Attorney will advise the City Attorney, who will make efforts to provide legal advice to all parties at no cost to the commissioners or IRO.~~

#### Section 11. Indemnification of CPOA staff ~~IRO~~ and POCPOB.

- A. In the event ~~the IRO~~ the Executive Director, CPOA staff, or POB members ~~is~~ are named as defendants in any lawsuit in connection with advice given or actions properly taken under the terms of the ~~IRO's~~ Executive Director's contract, the City will indemnify, provide representation, including outside counsel, if appropriate, and hold ~~the IRO and/or staff~~ Executive Director and/or CPOA staff harmless for any liability or claim which is or may be asserted in the capacity of ~~IRO~~ Executive Director or CPOA staff arising out of the Executive Director's ~~IRO's~~ agreement with the City and while acting on behalf of and in service to the city in an official capacity.

- B. The City shall provide POCPOB commissioner ~~Board Members~~ with legal representation including, if appropriate, outside counsel. The City will hold the POCPOB Commissioner ~~Board Members~~ harmless for any liability or claim which is or may be asserted while the Commissioner ~~Board Members~~ act on behalf of and in service to the city in their capacity of POCPOB Commissioner ~~Board Members~~. (revised 4/9/15)

### **ARTICLE V-PROCEDURES WHEN THE ~~IRO~~ EXECUTIVE DIRECTOR IS ABSENT OR THERE IS NO IRO**

(This article was added and amended on 3/8/07)

#### Section 1. The ~~Independent Review Officer~~ Executive Director Is Critical.

The Independent Review Officer is critical to successful civilian oversight of the police department. This is recognized by Section 9-4-1-7 ROA 1994 of the Police Oversight Ordinance which provides ~~the Director may continue to serve in the same capacity until a new Director is selected and approved by the City Council. If for any reason there is a period of time during which there is no Director, the City Council may appoint a temporary Director of its choosing by a majority vote. A temporary Director shall serve in that capacity only for a period not to exceed six months. for the IRO's contract to continue until a new IRO is selected and approved by the City Council. It also provides for the temporary appointment of an IRO to serve no more than six months until a new IRO is~~

Section 2. Prolonged or Temporary Absence of ~~IRO~~Executive Director.

In the event of prolonged, temporary absence of the ~~Independent Review Officer~~Executive Director or during a period after an ~~IRO~~Executive Director has ended contractual obligations with the City and a temporary appointment has not yet been completed, the following procedures will be used to process Citizen Police Complaints (CPCs).

- A. All Citizen Police Complaints will be assigned to the investigators in the ~~Independent Review Office~~Civilian Police Oversight Agency Administrative Office until the Chair of the Police Oversight ~~Commission~~Board or his/her ~~commissioner~~Board Member designee determines that the investigators workload is too large and some complaints should be assigned to ~~the APD's Internal Affairs Office for investigation outside independent investigators.~~
- B. The Civilian Police Oversight Agency Administrative Office ~~IRO Office~~ investigators will continue recommending findings on allegations of violations of Standard Operating Procedures.
- C. ~~If the Chief of Police non-concurs with an IRO investigator's findings, the Chief or his/her designee will contact the IRO investigator and discuss the disagreement. The IRO investigator will consult with the other IRO investigators.~~
- D. If the investigators agree with the Chief, then the investigator will change the recommended findings to concur with the Chiefs findings in that investigation. Those findings will be entered into the Officers' Retention File and on the Internal Affairs Unit Disciplinary Status Sheet.
- E. If the investigators still disagree with the Chief then the Chief or his/her designee will address the Police Oversight ~~Commission~~Board to support his/her findings. The ~~POCPOB~~ will vote on the findings for which there are non-concurrences. The findings of the ~~POCPOB~~ will be entered into the officers' records as required above.
- F. There will be no public record letter containing the IRO summary of the investigation and findings, since there is no person serving as IRO. Therefore, the Chief will submit his/her complainant letters to the Police Oversight ~~Commission~~Board at its monthly meetings.
  1. If the ~~POCPOB~~ approves the findings concurrently agreed by the Chief and the IRO investigators, then the Chair or his/her designee will send a letter to the citizen complainant indicating the ~~POCPOB's~~ approval.
  2. If the ~~POCPOB~~ has a non-concurrence with the Chief, then the Chair or his/her designee will send a letter to the citizen complainant indicating both the ~~POCPOB's~~ and the Chiefs findings.
- H.G. All investigations into the citizen police complaints conducted by the Internal Affairs during this time period will be reviewed by the Independent Review Officer as soon as practicable upon return or appointment. The IRO will advise the ~~POCPOB~~ of his/her conclusions.

HISTORY: On November 8, 2012, the ~~POCPOB~~ deleted former Article II, Sections 3(H) and 3(1), of the Police Oversight ~~Commission~~Board Rules and Regulations 2009, which stated: 3(H). Complaints in which the mo and Chief of Police disagree or non-concur

will be reviewed by the Long Term Planning Committee. Their recommendations will be addressed by the Police Oversight ~~Commission~~Board; and 3(1). The IRO's findings of police shootings will be reviewed by the LTTPC and presented to the ~~POCPOB~~ at the next regular meeting.

On December 13, 2012, the ~~POCPOB~~ deleted former Article III, Section 5(F), which stated: If the Chief and the IRO disagree on the findings of any citizen police complaint or police shooting, the LTTPC will review the findings and make recommendations to the ~~POCPOB~~. All proposed recommendations will be presented to the ~~POCPOB~~ for its consideration at the next regular meeting.

On September 18, 2014, the City Council substantively amended the Police Oversight Ordinance. The April 9, 2015 Rule Amendments are intended to reflect those amendments in the Police Oversight process regarding appeals, Board Member appointments, right to counsel,

**From:** Hammer, Robin  
**To:** Davila, Natalie Z; Funes, Ana R.; Gonzalez, Arturo E.; Medrano, Michael V.; Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Maira Amado-McCoy; Scott S. Wilson  
**Subject:** Agenda for April 9, 2015 Police Oversight Commission Meeting  
**Date:** Monday, April 06, 2015 3:32:03 PM  
**Attachments:** 3 12 15 POB Agenda-PDF.pdf

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Dear POB Members:

Attached is the Agenda for Thursday's meeting. Please remember we meet at 5 pm this month, due to a scheduling conflict with City Council Chambers.

We will be providing trays of fruits, veggies, and sandwich making meats and cheeses to the POB Members and CPOA Staff at this meeting to eat during a dinner break, if one is taken. We will also provide bottled water.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy    Dr. Jeannette Baca    Eric H. Cruz*  
*Joanne Fine    Beth Mohr    Rev. Dr. David Z. Ring III*  
*Eva P. Sandoval    Leonard Waites    Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

### **POLICE OVERSIGHT BOARD AGENDA**

**Thursday, March 12, 2014 – 4:00 PM**  
**Vincent E. Griego Chambers**

- I. Welcome and Call to Order:** *J. Scott Wilson*
- II. Pledge of Allegiance:** *Leonard Waites*
- III. Election of POB Chair and Vice Chair**
- IV. Approval of the Agenda**
- V. Public Comments**
- VI. Discussion of Role of CPOA and POB**  
*Receipt of CPOA Administrative Office's Officer Involved Shooting Statistical Report*
- VII. Draft CPOA Rules**
- VIII. Discussion of Process to Retain Independent Legal Counsel**
- IX. Citizen Police Complaint Findings by CPOA :**

CPC 186-14	CPC 196-14	CPC 198-14	CPC 209-14	CPC 230-14
CPC 233-14	CPC 001-15	CPC 010-15	CPC 018-15	
- X. Police Shooting Case:** *I-49-14, Shooting of dog on February 24, 2014*
- XI. Process and Selection of CPOA Executive Director**
- XII. Reports from City Staff:**
  - A. Executive Director** *Report by Acting Executive Director Robin Hammer*
  - B. SOP Update** – *Report by Assistant Lead Investigator Paul Skotchdopole*
  - C. Mayor's Staff** – *Report*
  - D. City Council Staff**– *Report*
  - E. City Attorney's Staff** – *Report*
  - F. APD**– *Report*
- XIII. Other Business**
- XIV. Adjournment** - *Next POB meeting will be on Thursday, April 9, 2015 at 5:00 PM in the Vincent E. Griego Chambers. Please note a change in the time to 5 pm.*

**From:** Hammer, Robin  
**To:** Mark T. Baker; Davila, Natalee Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Molra Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** Agenda for Wednesday's Special POB Meeting, July 29, 2015 at 5:30pm  
**Date:** Friday, July 24, 2015 4:05:24 PM  
**Attachments:** 7-29-2015 POB Agenda-Final.pdf

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POB Members:

Attached is the Agenda for Wednesday's Special POB Meeting, which has been posted.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
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<http://www.cabq.gov/cpoa>



**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*

*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Susanne Brown*

*Eric H. Cruz*

*Joanne Fine*

*Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

**SPECIAL MEETING OF THE POLICE OVERSIGHT BOARD**  
**AGENDA**

**Wednesday, July 29, 2015 – 5:30 PM**

**Vincent E. Griego Chambers**

- I. Welcome & Call to Order ~ Leonard Waites, Chair**
- II. Pledge of Allegiance ~ Jeffery Scott Wilson**
- III. Approval of the Agenda**
- IV. Approval of Minutes**
- V. Public Comments**
- VI. Interview of Candidates for Executive Director Position**
- VII. Meeting with Counsel re: Personnel Issues ~Mark T. Baker**  
Closed Discussion and Possible Action re: Personnel Issues  
  
Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)
- VIII. Selection of three names of Candidates to forward to City Council for their review and approval**
- IX. Other Business**
- X. Adjournment ~Next Regularly Scheduled POB meeting will be on Thursday, August 13, 2015 at 4:00 PM in the Vincent E. Griego Chambers**

*(Dinner break will be taken by POB at ~7:00 pm, during a natural break in the agenda)*

**From:** Hammer, Robin  
**To:** Davila, Natalie Z; Eunes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Bullock, Nicholas; Mark T. Baker; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moirá Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** Agenda for July 9, 2015 Police Oversight Board Meeting  
**Date:** Monday, July 06, 2015 1:15:00 PM  
**Attachments:** 7-9-2015 POB Agenda-FINAL.pdf

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POB Board Members:

Attached is the Agenda for Thursday's POB Meeting, which has been posted.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
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## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*

*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Susanne Brown*

*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

## **POLICE OVERSIGHT BOARD AGENDA**

**Thursday, July 9, 2015 – 4:00 PM**

**Vincent E. Griego Chambers**

- I. Welcome & Call to Order ~ Leonard Waites, Chair**
- II. Pledge of Allegiance ~ Jeffery Scott Wilson**
- III. Approval of the Agenda**
- IV. Approval of Minutes**
- V. Public Comments**
- VI. Discussion & Possible Action of IPRA and OMA Resolution ~ Mark T. Baker, Independent Counsel to POB**
- VII. Discussion & Possible Action regarding Mark Baker's Contract as Independent Council for FY 16**
- VIII. Reports from City Staff**
  - A. Executive Director – Report by Acting Executive Director Robin Hammer**
  - B. SOP Update – Report by Assistant Lead Investigator Paul Skotchdopole**
  - C. Mayor's Staff – Report**
  - D. City Council Staff– Report by Council Staff Julian Moya**
  - E. City Attorney's Staff – Report by Assistant City Attorney Nicholas Bullock**
  - F. APD– Report by Lt. Jennifer Garcia**
- IX. Report from the Subcommittees:**
  - A. Complaint Review Subcommittee- Dr. Moira Amado-McCoy, Subcommittee Chair**
  - B. Outreach Subcommittee- Dr. Jeannette Baca, Subcommittee Chair**
  - C. Rules and Regulations Subcommittee**
  - D. Personnel Subcommittee- Beth Mohr, Subcommittee Chair**  
*Discussion and Possible Action re: Process to Select Executive Director*
  - E. Policy and Procedure Review Subcommittee**
- X. POB Training ~ Internal Affairs Process, APD Staff**
- XI. Meeting with Counsel re: Pending Litigation & Personnel Issues ~Mark T. Baker**  
Closed Discussion and Possible Action re: Pending Litigation & Personnel Issues
  - A. Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7); and**
  - B. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)**

**XII. Other Business**

- XIII. Adjournment ~ *Special Meeting set for July 29, 2015 at 5:30 pm to interview candidates for Executive Director Positon at 5:30 PM in the Vincent E. Griego Chambers.***

***Next Regularly Scheduled POB meeting will be on Thursday, August 13, 2015 at 4:00 PM in the Vincent E. Griego Chambers***

*(Dinner break will be taken by POB at ~6:00 pm, during a natural break in the agenda)*

**From:** Beth Mohr  
**To:** Hammer, Robin; Macias, Janie; Mark T. Baker; Zaman, Jon K.; POB; Scott, Mary L.; Yermal, Vincent A.; Hernandez, Jessica M.; Cash, Paul; Contreras, Michelle; Skotchdopole, Paul A.; McDermott, Diane L.; O'Neil, Erin; Davidson, Christopher; agreeen@cabq.gov  
**Subject:** Approved process and timeline for hiring of CPOA Director  
**Date:** Friday, June 12, 2015 11:28:38 AM  
**Attachments:** CPOA Director - Approved Hiring Process Timelines.pdf

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All: Please find the enclosed document which is the hiring process and timeline for the selection and hire of the permanent Executive Director of the CPOA Office. This was approved in the POB meeting last evening.

Please note that this plan requires successful coordination between the POB, CPOA, City HR and City Council. The first step of the process, the initial posting of the job description, took much longer than expected, which is to say 20 days, rather than the anticipated 2 days. Please assist me in planning ahead to ensure we do not have similar issues as we move forward.

We need to have Council Chambers reserved, with live Gov-TV broadcast, for a Special POB meeting on July 29, 2015, preferably at 5:30 pm. Mr. Moya, if you could assist Ms. Hammer with this process. Please let everyone know as soon as this room is reserved, along with the appropriate additional functions. If such reservations are not confirmed by Tuesday, June 16th, I am happy to assist with moving that process forward.

We will also have a Personnel Subcommittee meeting on July 24th, and we will need a public meeting room reserved for that day, as well as for the already-scheduled Personnel Subcommittee meeting on June 25th at 1:30. Again, please communicate that these rooms are reserved, as well as the specific information about locations and times.

If you have questions, please feel free to contact me directly. This entire process is my responsibility, as Chair of the Personnel Subcommittee, and I am pleased to help ensure the Board's success in this area. I anticipate the effective communication and cooperation from all parties involved.

Thanks in advance,

Beth A. Mohr  
Albuquerque Police Oversight Board

*The only thing necessary for the triumph of evil is for good men to do nothing. ~  
Edmund Burke*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

Schedule to Select an Executive Director for the CPOA  
Approved by POB - 6/11/2015

Date	Day	Description	Tasks	People	Public Meeting Required	Comments	Number of Days
5/19/2015	Tuesday	Regular POB Meeting	Approve Director job description & posting	POB - Approved	Yes	Completed	
6/8/2015	Monday	Job Posted by City HR	Job posted online, advertised in NM Bar Bulletin, NACOLE, NM Municipal League, etc.	City HR/Allen Green & Vince Yermal	No	Completed	20
6/11/2015	Thursday	Regular POB Meeting	POB approves process, schedule & writing assignment/questionnaire	POB	Yes	Completed	3
7/17/2015	Friday	HR collects applications & writing assignment/questionnaires	All applicants will get writing assignment/questionnaire at the time of their application or immediately thereafter; assignment is due on closing date	City HR/Allen Green & Vince Yermal	No	In Process	36
7/17/2015	Friday	Closing date of job posting	Applications available to POB "within a short time"	City HR/Personnel Subcommittee	No		0
7/21/2015	Tuesday	Receive applications	Pick up/receive applications from City HR.	City HR/Personnel Subcommittee	No	Requires quick turnaround from City HR	4
7/24/2015	Friday	Review applications - first cut	Personnel Subcommittee takes first cut at applications, divides into "Yes, Maybe and No" groups, based on applications, CVs and writing assignment/questionnaire	Personnel Subcommittee, Independent Counsel	Yes, not televised		3
7/29/2015	Wednesday	Special POB Meeting	Special Meeting - Applicants are interviewed	POB, Applicants	Yes, in Council Chambers	Requires reservation of Council Chambers, pay for TV, CCTV, advance public meeting requirements.	5
7/30/2015	Thursday	Personnel Subcommittee working independently	Background checks and reference checks completed before Council meeting	Personnel Subcommittee, Independent Counsel	No		1
8/3/2015	Monday	City Council Meeting	Council could move for immediate action to appoint Director	City Council	Council Meeting	Council will select among the three candidates selected and ranked by the POB.	4
8/10/2015	Monday	New Director reports to work.	New Director's first day at CPOA	Newly appointed Director	No	Dependent upon notice requirements for new Director to previous obligations.	7
Total days to hire from approval of job description							83
Number of days to hire from POB approval of timeline							60

**From:** Hammer, Robin  
**To:** Davila, Natalee Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Mojra Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** April POB Meeting Minutes  
**Date:** Wednesday, May 13, 2015 9:41:37 AM  
**Attachments:** Minutes CPOA April 2015- DRAFT.doc

---

POB Members:

Attached is a draft of the Minutes from last Month's POB meeting for your review.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
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# **CIVILIAN POLICE OVERSIGHT AGENCY**

**Thursday, April 9, 2015**

**Vincent E. Griego Chambers, Basement Level  
City/County Government Center - One Civic Plaza NW  
Albuquerque, New Mexico**

## **Members Present:**

Leonard Waites (By Phone)  
Beth Mohr (Acting Chair)  
Jeffrey Scott Wilson (Co-Vice Chair)  
Dr. Moira Amado-McCoy  
Dr. Jeanette Baca  
Eric Cruz  
Joanne Fine  
Rev. David Ring III

## **Others Present:**

Robin Hammer  
Paul Skotchdopole  
Diane McDermott  
Chris Davidson  
Erin O'Neil  
Paul Cash  
Michelle Contreras  
Lt. Garcia, APD Internal Affairs  
Sgt Mike Medrano, APD Internal Affairs  
Nicholas Bullock, City Attorney  
Julian Moya, City Council

## **MINUTES**

**I. WELCOME AND CALL TO ORDER:** Acting Chair Beth Mohr called the meeting to order at 5:01 p.m.

**II. PLEDGE OF ALLEGIANCE:** Board Member Ring led the Board in the Pledge.

**III. APPROVAL OF AGENDA** - Acting Chair Mohr requested that a dinner break be added to the Agenda. Board Member Baca suggested the dinner break and Executive Session be combined. Acting Chair Mohr requested that discussion on process of how complaints will be handled to be put back on the agenda, as well as Item VII(C), training of board, and VII(D), discussion of subcommittees by Board Member Baca. Acting Chair Mohr also requested that discussion be held regarding the City Council Resolution to hold part of the Board's duties in abeyance. Board Member Fine moved the motion. Co-Chair Wilson seconded the motion. Passed.

For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring

**IV. APPROVAL OF MINUTES** – Acting Chair Mohr noted that the March minutes should reflect that the meeting adjourned at 8:55 p.m. Board Member Ring moved for the approval of the minutes. Board Member Baca seconded the motion. Passed.

For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring



## **V. PUBLIC COMMENTS –**

**CHARLES ARASIM** – Mr. Arasim informed the Board that he has been addressing the POC for many years. He also stated that if the Subcommittee to select the new Executive Director conducts interviews in executive session, then that would constitute a violation of the Open Meetings Act. Mr. Arasim requested that the Board reject the application of Acting Executive Director Hammer as the permanent Executive Director, stating that when he previously filed a complaint, Acting Executive Director Hammer sat on the complaint for over a year.

**TAD NIEMYJSKI** – Mr. Niemyjski stated that he is from Poland, and was originally living in Chicago before coming to Albuquerque. He stated that he is familiar with the POC process and wanted to know if the Board is for the people. Mr. Wynosky felt that the Board should be comprised of real citizens free from politics.

**DON SCHRADER** - Mr. Schrader stated that all police should be tested for unhealed PTSD, and that if officers have unhealed PTSD, they should have desk jobs or work outside APD. Mr. Schrader stated that all officers should be trained to resolve situations in a non-violent manner, and that officers who have never shot or beaten a citizen should be given a special honor. Mr. Schrader stated that drug tests should be given to officers to test for drugs or steroids after being involved in any incident. Mr. Schrader stated that officers should not stalk protestors or victims' families, and that police should be respected and not feared by citizens.

**ANDRES VALDEZ** - Mr. Valdez stated that he is associated with an organization by the name of Vecinos United. Mr. Valdez stated that he has sued the former POC for meetings held behind closed doors, and that the Board will be in violation of the Open Meetings Act if they select the new Executive Director in a closed meeting.

## **VI. SETTLEMENT AGREEMENT DISCUSSION/TRAINING**

Acting Executive Director Hammer spoke about events leading up to the DOJ investigation of APD and their use of force. The DOJ, after completing their investigation, came out with a findings letter in April of 2014. The DOJ and the City of Albuquerque signed a Settlement Agreement in November 2014. Acting Executive Director Hammer and the Board discussed items set forth by the DOJ in the Settlement Agreement. Acting Executive Director Hammer told the Board that the Settlement Agreement is not yet an enforceable court order, but should be treated as enforceable at the present time. Acting Executive Director Hammer told the Board that Mr. Ginger requested that the Board receive training before hearing any future complaints. Board Member Amado-McCoy stated that the Board was not asked for their input. Acting Chair Mohr stated that some Board Members were scheduled to meet with the federal monitor, Mr. Ginger, but that meeting did not take place. Acting Chair Mohr commented that the Board was qualified last month, but was found to be not qualified this month. Acting

Executive Director Hammer informed the Board that Mr. Ginger, or his designee, would like to appear at the May 2015 POB meeting.

The Board discussed that there will be a backlog of cases. Acting Executive Director Hammer indicated there are CPCs ready to present, and there needs to be a game plan once the Board is up and running. The Board requested that an ongoing state-of-the-agency report be sent to the Case Review Subcommittee, to include a summary of where the CPCs (including Officer-Involved Shootings) are in the process, what information the CPCs are waiting on, and a breakdown of SOP violations. Board Member Fine made a motion that an ongoing report be made to the Case Review Subcommittee. Co-Chair Wilson seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring.

## **VII. DISCUSSION OF ROLE OF CPOA AND POB**

(A) The Board and Acting Executive Director Hammer discussed the City Council Resolution to hold in abeyance POB review of CPC and Officer Involved Shooting cases until mandated training is completed. Acting Executive Director Hammer discussed training that the Board needs to complete to be in compliance with the Settlement Agreement and Ordinance, which included training in civil rights issues, citizen police academy training, ride-alongs and use of force training. Board Member Amado-McCoy stated that some Board Members are waiting on APD to schedule ride-alongs. Board Member Amado-McCoy felt the Board was comprised of civilians for a reason, that the Board was not comprised of experts, and that the Board should be neutral. Board Member Amado-McCoy suggested that building a relationship with APD may not be appropriate. Board Member Ring seconded the comments of Board Member Amado-McCoy and felt the Board should function as independently as possible. The Board expressed concerns that waiting to complete training will result in a backlog of complaints to be heard. Co-Vice Chair Wilson suggested that the first meeting of the Board may have upset some people. Board Member Amado-McCoy suggested that the Board should appear before the City Council.

Board Member Amado-McCoy made a motion that Mr. Moya arrange a meeting between Board Members and the City Council. Board Member Cruz seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring

Acting Chair Mohr spoke about an ABA Webinar being presented on April 16, 2015, on Strategies for Success: Implementing and Improving Citizen Police Oversight of Law Enforcement.” Acting Executive Director Hammer suggested the Webinar would be helpful to the Board. Acting Chair Mohr spoke about training called Foundation on Open Government being held on April 29, 2015. The City Attorney will observe the training and will provide further details on the time and location. Board Member Amado-McCoy requested that Acting Executive Director Hammer inquire of APD about special training events, and that should be a priority.

Board Member Baca spoke regarding a Policy and Procedure Subcommittee, and made a motion that the discussion be held open to the next meeting. Co-Chair Wilson seconded the motion. Discussion was had and the Board discussed creating a Policy and Procedure

Subcommittee. Members will be Co-Chair Wilson, Co-Chair Mohr, and Board Member Amado-McCoy. Board Member Baca made a motion to create the Policy and Procedure Subcommittee. Co-Chair Wilson seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring.

### **VIII. REPORTS FROM SUBCOMMITTEES**

**A. Outreach Subcommittee** Acting Executive Director Hammer requested that guest speaker Adrian Carver be heard out of order before the dinner break. Mr. Carver made a presentation on behalf of the New Mexico Forum for Youth. Mr. Carver felt that young people should be involved with the policy-making process at many levels of government, and that young people have voices and need to be heard. Mr. Carver felt that the Youth Alliance could provide data to the Board regarding young people. He also discussed that the Youth Alliance could act in an advisory capacity to the Board, and work with the Outreach Subcommittee. The Board indicated that it would welcome input from the Youth Alliance, which will continue to work with Board Member Ring and the Outreach Subcommittee.

Board Member Fine made a motion to break for dinner. Co-Chair Wilson seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring. The Board was in recess at 7:15 p.m.

The Board reconvened at 7:49 p.m.

### **VIII. REPORTS FROM SUBCOMMITTEES**

**A. Outreach Subcommittee** – Board Member Baca reported on the Outreach Subcommittee. Board Member Baca was selected to Chair the Subcommittee. Chair Waites and Board Member Ring also sit on the Subcommittee. Board Member Baca discussed the New Mexico Forum for Youth, the Outreach Coordinator position, and neighborhood associations. Board Member Baca explained how she has approached the neighborhood associations, and that the Board should become active with the neighborhood associations.

**B. Personnel Subcommittee** – Acting Chair Mohr discussed the search process to select the new Executive Director. The Board is bound by a Court Order to conduct interviews in an open meeting. The Board will select three names to be sent to the City Council and a CPOA staff member will assist the Board in delivery of the names to the City Council. The City Council will make the decision on who becomes the Executive Director.

Board Member Ring made a motion to accept this process to select the Executive Director as outlined. Board Member Fine seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring.

Acting Chair Mohr further discussed the task of the Personnel Subcommittee to select the Executive Director.

Board Member Amado-McCoy made a motion that the Personnel Subcommittee should begin their work. Board Member Baca seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring.

At 8:20 p.m., the Board and Assistant City Attorney Bullock met in Executive Session.

#### **IX. DISCUSSION OF CONTRACT FOR INDEPENDENT LEGAL COUNSEL**

The Board reconvened at 8:47 p.m. to discuss the contract for the Independent Legal Counsel position. There are funds available until end of fiscal year 2015. The Personnel Subcommittee should fast track the search for Independent Legal Counsel. Funds are also available beginning fiscal year 2016 for Independent Legal Counsel. Acting Chair Mohr placed an ad for the April 22, 2015, Bar Journal.

Co-Chair Wilson made a motion that the search for Independent Legal Counsel should move forward expeditiously. Board Member Amado-McCoy seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring.

The next meeting of the Personnel Subcommittee and the Outreach Subcommittee would be on April 27, 2015.

**X. DISCUSSION OF CITY COUNCIL'S BUDGET QUESTIONS POSED TO CPOA** – Acting Executive Director Hammer presented general questions from the City Council, and provided a flow chart. Acting Executive Director Hammer discussed the process of selecting the Executive Director, the Independent Legal Counsel, and the Outreach Coordinator. Contract service for a paralegal position was also discussed. Training and Travel was also discussed.

**XI. DISCUSSION OF DRAFT CPOA RULES** – Co-Chair Wilson made a motion to defer this item to a future date. Board Member Amado-McCoy seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Cruz, Fine, Ring.

#### **XII. REPORTS FROM CITY STAFF:**

**A. Acting Executive Director Hammer** – Acting Executive Director Hammer reported March 2015 statistics as follows:

**March 2015:**

- 17 new Citizen Police Complaints
- 16 Job Well Done Letters
- 14 Cases Resolved

A bid was placed to have the fall 2016 NACOLE conference in Albuquerque. A decision should be made in May 2015. Acting Executive Director Hammer discussed the Talk-to-a-Cop program which brings citizens and officers together. A new database being worked on, IA-PRO, will help to identify officers who may have issues.

**B. SOP Update** – CPOA Lead Investigator Paul Skotchdopole had nothing to report and has not attended any APD meetings as there have been no meetings of the Policy and Procedure Committee. It was discussed that Chief Eden will place Mr. Skotchdopole on the attendee list for future meetings. Board Member Amado-McCoy indicated that the Board would like the staff's input regarding the SOPs.

**C. Mayor's Staff** – No one was present to report.

**D. City Council Staff** – Mr. Moya stated that on April 20, 2015, the City Council will appoint Sue Ann Brown to serve on the Board.

**E. City Attorney's Staff** – City Attorney Bullock had nothing to report.

**F. APD** – Lt. Garcia from APD Internal Affairs presented the report for March 2015.

APD Calls for Service: 40,663

Internal Affair cases for March 2015

Received - 21

Inactivated - 0

Completed -12

Mediated - 0

Pending - 16

Discipline imposed in March 2015

3 verbal reprimands

5 letters of reprimands

1 32-hour suspension

1 40-hour suspension

1 160-hour suspension

0 termination

**XIII. OTHER BUSINESS** – No other business.

**XIV. ADJOURNMENT** - *Next POB meeting will be on Tuesday, May 19, 2015, at 4:00 PM in the Vincent E. Griego Chambers. Note the change from Thursday to Tuesday for next month's meeting.* The meeting adjourned at 9:19 p.m.

**APPROVED:**

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**Beth Mohr, Acting Chair**  
**Civilian Police Oversight Agency**

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**DATE**

CC: Julian Moya, City Council  
Trina Gurule, Acting City Clerk  
Rey Garduno, City Council President

**From:** Beth Mohr  
**To:** Zaman, Jon K.; Macias, Janie  
**Subject:** Can we chat?  
**Date:** Sunday, April 26, 2015 5:35:29 PM

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Jon – Can we chat when you have a few minutes? Call my cell, which is below, and Julian is welcome to join us, too. I have some good stuff to make you aware of, when you can. Thanks, -B

Beth A. Mohr, CFE, CAMS, MPA, PI  
Managing Partner  
McHard Accounting Consulting LLC  
933 San Mateo Blvd, NE 500-151  
Albuquerque, NM 87108  
[REDACTED] cell  
505-554-2968 office  
877-279-2942 fax  
NM-PI License #2503  
AZ-PI License #1639940  
CA-PI License #28441  
[bmohr@themchardfirm.com](mailto:bmohr@themchardfirm.com)

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*The greatest obstacle to discovery is not ignorance - it is the illusion of knowledge. ~ Daniel Boorstin*

M000370

**From:** Hammer, Robin  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** Case Status Sheet in Excel  
**Date:** Wednesday, May 13, 2015 2:42:26 PM  
**Attachments:** CPOA Status Report to POB 5-13-15.xlsx

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POB Members:

Attached is an Excel sheet prepared by CPOA Analyst Paul Cash, pursuant to Board Member Fine and Amado-McCoy's directions.

Sheet 1 contains the pending cases (and the cases reviewed by the POB in March).

Sheet 2 contains the fully investigated and resolved cases (no inactivations/administrative closings) received after June 1, 2012.

**Key**

Rec. Date=the date the complaint was received by the City of Albuquerque

Assigned=the date the case was given to the investigator

Due Date=90 days from date of receipt (unless there was an extension for an additional 30 days)

Inv. To ED=the date the investigator gave the case to Robin

ED to APD=the date Robin gave the file to APD

Date to POB=the date the case was heard by the POC/POB

Paul chose to include these additional columns:

Days from Rec. to ED= the amount of days between when we got the case and when it was turned into Robin

Days from ED to APD=the amount of days between when Robin got the case and when the case was given to APD for review

Days from Rec. to APD= total amount of days between receipt of the case and when the case went to APD for review

Days from Rec. to Ltr.=total days between receipt of the case and when the letter was sent to the citizen

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293

M000371

Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>



Case #	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen
12-106	6/11/2012	6/12/2012	9/9/2012		11/13/2012	4/2/2013	8/8/2013	8/9/2013
12-110	6/14/2012	6/15/2012	9/12/2012		3/10/2014	3/18/2014	5/13/2014	5/14/2014
12-118	7/7/2012	7/9/2012	10/5/2012		10/31/2012	5/13/2013	6/13/2014	6/14/2013
12-122	7/10/2012	7/10/2012	10/8/2012		10/9/2012	10/16/2013	11/14/2013	11/15/2013
12-125	7/13/2012	7/16/2012	10/11/2012		9/7/2012	11/16/2012	5/13/2014	5/14/2014
12-126	7/15/2012	7/16/2012	10/13/2012		12/6/2012	5/13/2013	6/14/2013	6/15/2013
12-129	7/17/2012	7/17/2012	11/15/2012	Y	1/2/2013	5/13/2013	6/13/2013	6/14/2013
12-132	7/17/2012	12/12/2012	11/15/2012	Y	12/4/2013	1/15/2014	3/13/2014	9/24/2014
12-137	7/18/2012	7/23/2012	10/16/2012		12/20/2012	5/15/2013	7/11/2013	7/12/2013
12-138	7/19/2012	7/23/2012	11/17/2012	Y	5/2/2013	5/13/2013	7/11/2013	7/12/2013
12-142	7/24/2012	7/26/2012	10/22/2012		11/7/2012	5/13/2013	7/11/2013	7/12/2013
12-144	7/25/2012	7/27/2014	10/23/2012		10/10/2012	8/16/2013	10/10/2013	10/11/2013
12-147	7/27/2012	7/30/2012	11/25/2012	Y	4/22/2013	7/1/2013	8/8/2013	8/9/2013
12-150	7/30/2012	7/31/2012	10/28/2012		1/6/2013	3/26/2013	4/11/2013	4/15/2013
12-151	7/31/2012	7/31/2012	11/29/2012	Y	11/21/2012	3/25/2013	2/13/2014	2/14/2014
12-157	8/6/2012	8/7/2012	11/4/2012		4/22/2013	8/19/2013	9/12/2013	9/13/2013
12-159	8/6/2012	8/7/2012	11/4/2012		5/28/2014	8/28/2014	no review	9/22/2014
12-160	8/7/2012	8/7/2012	12/5/2012	Y	4/28/2014	6/23/2014	no review	9/11/2014
12-165	8/13/2012	8/14/2012	11/11/2012		5/14/2013	5/23/2013	7/11/2013	7/12/2013
12-171	8/21/2012	8/22/2012	12/19/2012	Y	2/21/2014	6/25/2014	no review	9/11/2014
12-176	8/28/2012	8/29/2012	11/26/2012		6/20/2014	6/24/2014	no review	9/11/2014
12-181	8/20/2012	8/21/2012	11/18/2012		3/27/2014	6/23/2014	no review	9/29/2014
12-183	9/5/2012	9/7/2012	1/4/2013	Y	12/17/2013	1/14/2014	3/13/2014	3/14/2014
12-184	9/7/2012	12/12/2012	1/6/2013	Y	12/3/2013	2/18/2014	no review	9/11/2014
12-185	9/12/2012	9/13/2012	12/11/2012		3/18/2014	6/24/2014	7/10/2014	7/11/2014
12-186	9/12/2012	9/17/2012	1/10/2013	Y	10/22/2013	2/18/2014	4/10/2014	4/11/2014
12-189	9/18/2012	9/19/2012	1/17/2013	Y	5/31/2013	10/16/2013	1/9/2014	1/10/2014
12-190	9/19/2012	9/24/2012	12/17/2012		2/19/2014	2/20/2014	4/10/2014	4/11/2014
12-198	10/3/2012	10/3/2012	12/1/2013		5/22/2013	5/28/2013	7/11/2013	7/12/2013
12-201	10/16/2012	10/22/2012	2/14/2013	Y	3/4/2014	6/23/2014	no review	9/12/2014
12-202	10/15/2012	12/12/2012	2/13/2013	Y	10/14/2013	1/2/2014	2/13/2014	2/14/2014
12-203	10/16/2012	12/12/2012	1/14/2013		3/20/2014	6/23/2014	8/14/2014	8/15/2014
12-204	10/16/2012	10/19/2012	1/14/2013		4/4/2013	9/26/2013	11/14/2013	11/15/2013
12-207	10/23/2012	10/24/2012	2/21/2013	Y	3/4/2013	10/6/2014	no review	10/6/2014
12-210	10/29/2012	10/30/2012	1/27/2013		3/18/2013	8/21/2013	12/12/2013	12/13/2013

Case #	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen
12-214	11/2/2012	11/5/2012	1/31/2013		3/21/2014	3/26/2014	5/13/2014	5/14/2014
12-216	11/5/2012	11/6/2012	3/3/2013	Y	6/2/2014	6/24/2014	no review	12/19/2014
12-222	11/13/2012	11/14/2012	3/11/2013	Y	12/30/2013	2/18/2014	4/10/2014	4/11/2014
12-227	11/15/2012	11/16/2012	2/13/2013		12/12/2013	1/14/2014	3/13/2014	3/14/2014
12-229	11/26/2012	12/3/2012	2/24/2013		4/1/2014	6/23/2014	no review	9/29/2014
12-230	11/27/2012	12/3/2012	2/25/2013		2/26/2014	6/24/2014	no review	9/11/2014
12-233	11/29/2012	12/4/2012	2/27/2013		3/18/2014	7/22/2014	no review	9/12/2014
12-237	12/3/2012	12/7/2012	3/3/2013		10/25/2013	1/15/2014	no review	9/24/2014
12-243	12/11/2012	12/12/2012	3/11/2013		2/7/2013	5/13/2013	6/13/2013	6/14/2013
12-247	12/12/2012	12/13/2012	3/12/2013		4/17/2013	5/23/2013	7/11/2013	7/12/2013
12-249	12/17/2012	12/20/2012	3/17/2013		3/10/2014	6/23/2014	no review	9/11/2014
12-251	12/17/2012	1/4/2013	3/17/2013		6/12/2013	7/1/2013	9/12/2013	9/13/2013
12-258	12/27/2012	12/28/2012	3/27/2013		3/21/2013	7/25/2014	no review	9/22/2014
12-259	11/26/2012	3/6/2013	2/24/2013		4/2/2013	10/15/2013	11/14/2013	11/15/2013
13-008	1/17/2013	1/18/2013	4/17/2013		5/24/2013	5/28/2013	8/8/2013	8/9/2013
13-010	1/23/2013	1/25/2013	5/23/2013	Y	6/13/2013	6/24/2013	8/8/2013	8/9/2013
13-017	2/4/2013	2/5/2013	5/5/2013		6/27/2013	8/6/2014	no review	9/11/2014
13-019	2/6/2013	2/8/2013	6/7/2013	Y	6/18/2013	1/17/2014	2/13/2014	2/14/2014
13-022	2/11/2013	2/12/2013	5/12/2013		8/6/2013	2/18/2014	5/13/2014	5/14/2014
13-024	2/17/2013	2/20/2013	5/18/2013		7/1/2013	8/20/2013	10/10/2013	10/11/2013
13-029	2/21/2013	2/26/2013	6/22/2013	Y	6/28/2013	2/18/2014	6/12/2014	6/13/2014
13-030	2/22/2013	2/26/2013	5/23/2013		5/30/2013	8/16/2013	10/10/2013	10/11/2013
13-033	2/26/2013	3/1/2013	5/27/2013		7/7/2014	8/4/2014	no review	9/12/2014
13-035	2/28/2013	3/1/2013	5/29/2013		6/11/2013	7/1/2013	8/8/2013	8/9/2013
13-040	3/12/2013	3/18/2013	6/10/2013		6/20/2013	7/2/2013	9/12/2013	9/13/2013
13-041	3/13/2013	3/14/2013	6/11/2013		6/4/2014	7/11/2014	8/14/2014	8/15/2014
13-046	3/19/2013	3/20/2013	7/17/2013	Y	6/27/2013	6/28/2013	8/8/2013	8/9/2013
13-051	3/19/2013	3/26/2013	6/17/2013		8/16/2013	8/19/2013	10/10/2013	10/11/2013
13-052	3/25/2013	3/26/2013	6/23/2013		8/9/2013	8/16/2013	10/10/2013	10/11/2013
13-053	3/26/2013	3/29/2013	6/24/2013		7/8/2013	1/16/2014	2/13/2014	2/14/2014
13-055	3/24/2013	3/25/2013	6/22/2013		5/24/2013	5/31/2013	10/10/2013	10/11/2013
13-056	3/27/2013	4/3/2013	7/25/2013	Y	7/12/2013	1/17/2014	2/13/2014	2/14/2014
13-057	3/28/2013	4/3/2013	6/26/2013		10/18/2013	2/3/2014	3/13/2014	3/14/2014
13-058	4/1/2013	4/2/2013	6/30/2013		9/22/2014	10/10/2014	no review	10/3/2014
13-059	4/2/2013	4/3/2013	8/1/2013	Y	7/23/2013	7/31/2013	9/12/2013	9/13/2013

Case #	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen
13-061	4/3/2013	4/4/2013	7/2/2013		6/28/2013	6/28/2013	8/8/2013	8/9/2013
13-064	4/9/2013	4/10/2013	7/8/2013		1/12/2015	2/2/2015	no review	2/2/2015
13-066	4/10/2013	4/15/2013	7/9/2013		5/20/2013	2/3/2014	3/13/2014	3/14/2014
13-069	4/15/2013	6/17/2013	7/14/2013		8/7/2013	8/19/2013	10/10/2013	10/11/2013
13-070	4/15/2013	4/17/2013	7/14/2013		10/29/2013	1/28/2014	3/13/2014	3/14/2014
13-075	4/17/2013	4/18/2013	8/16/2013	Y	7/16/2013	2/3/2014	5/13/2014	5/14/2014
13-078	4/19/2013	4/24/2013	7/18/2013		6/24/2013	2/3/2014	3/13/2014	3/14/2014
13-079	4/22/2013	4/24/2013	7/21/2013		11/10/2014	11/26/2014	no review	11/26/2014
13-081	4/24/2013	5/1/2013	7/23/2013		2/3/2014	2/3/2014	3/13/2014	3/14/2014
13-084	4/30/2013	5/1/2013	7/29/2013		7/10/2013	2/3/2014	3/13/2014	3/14/2014
13-088	5/2/2013	5/3/2013	7/31/2013		5/28/2013	10/16/2013	11/14/2013	12/13/2013
13-092	5/6/2013	5/8/2013	8/4/2013		7/23/2013	8/13/2013	9/12/2013	9/13/2013
13-094	5/8/2013	5/9/2013	8/6/2013		11/12/2013	2/6/2014	3/13/2014	3/14/2014
13-096	5/12/2013	5/14/2013	8/10/2013		7/17/2013	2/3/2014	3/13/2014	3/14/2014
13-097	5/13/2013	5/14/2013	8/11/2013		8/6/2013	2/6/2014	3/13/2014	3/14/2014
13-099	5/17/2013	5/20/2013	8/15/2013		2/17/2015	3/2/2015	no review	3/2/2015
13-100	5/19/2013	5/21/2013	9/17/2013	Y	8/29/2013	9/23/2013	11/14/2013	11/15/2013
13-101	5/23/2013	5/28/2013	8/21/2013		8/13/2013	8/13/2013	9/12/2013	9/13/2013
13-102	5/24/2013	5/28/2013	8/22/2013		1/23/2015	3/2/2015	no review	3/2/2015
13-104	5/27/2013	5/28/2013	9/25/2013	Y	9/4/2013	2/18/2014	4/10/2014	4/11/2014
13-106	5/28/2013	5/28/2013	8/26/2013		8/13/2013	8/15/2013	10/10/2013	10/11/2013
13-107	5/28/2013	6/5/2013	8/26/2013		2/25/2015	3/2/2015	no review	3/2/2015
13-109	5/31/2013	6/6/2013	8/29/2013		8/20/2013	8/29/2013	10/10/2013	10/11/2013
13-112	6/5/2013	6/6/2013	10/3/2013	Y	9/13/2013	9/25/2014	no review	9/24/2014
13-116	6/9/2013	6/11/2013	9/7/2013		8/28/2013	1/16/2014	2/13/2014	2/14/2014
13-120	6/14/2013	6/17/2013	9/12/2013		8/19/2013	6/23/2014	8/14/2014	8/15/2014
13-135	7/1/2013	7/1/2013	9/29/2013		10/7/2013	2/3/2014	3/13/2014	3/14/2014
13-137	7/4/2013	7/8/2013	10/2/2013		7/10/2013	8/6/2014	no review	9/11/2014
13-143	7/17/2013	7/19/2013	10/15/2013		8/14/2013	8/15/2013	9/12/2013	9/13/2013
13-145	7/17/2013	7/19/2013	10/15/2013		8/26/2013	6/19/2014	7/10/2014	7/11/2014
13-147	7/19/2013	7/25/2013	10/17/2013		10/28/2013	2/18/2014	7/10/2014	7/11/2014
13-148	7/19/2013	7/25/2013	10/17/2013		6/24/2014	7/7/2014	8/14/2014	8/15/2014
13-149	7/22/2013	7/26/2013	10/20/2013		7/10/2014	8/6/2014	no review	9/11/2014
13-150	7/22/2013	7/26/2013	11/20/2013	Y	11/1/2013	2/18/2014	4/10/2014	4/11/2014
13-151	7/22/2013	7/29/2013	10/20/2013		10/30/2013	2/18/2014	4/10/2014	4/11/2014

Case #	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen
13-157	8/1/2013	8/2/2013	10/30/2013		10/7/2013	2/18/2014	4/10/2014	4/11/2014
13-164	8/8/2013	8/13/2013	11/6/2013		11/7/2014	11/25/2014	no review	11/26/2014
13-165	8/9/2013	8/13/2013	11/7/2013		10/17/2013	2/3/2014	3/13/2014	3/14/2014
13-168	8/12/2013	8/13/2013	11/10/2013		12/6/2013	12/17/2013	2/13/2014	2/14/2014
13-172	8/14/2013	8/16/2013	12/12/2013	Y	11/22/2013	1/16/2014	5/13/2014	5/14/2014
13-174	8/15/2013	8/16/2013	11/13/2013		11/18/2013	12/9/2013	1/9/2014	1/10/2014
13-178	8/19/2013	8/20/2013	12/17/2013	Y	11/26/2013	3/6/2014	5/13/2014	5/14/2014
13-184	8/26/2013	8/30/2013	11/24/2013		11/5/2013	2/18/2014	3/13/2014	3/14/2014
13-192	9/5/2013	9/10/2013	12/4/2013		11/13/2013	2/18/2014	no review	11/20/2014
13-198	9/16/2013	9/18/2013	12/15/2013		8/28/2014	9/24/2014	no review	9/24/2014
13-201	9/19/2013	9/30/2013	12/18/2013		12/16/2013	12/19/2013	2/13/2014	2/14/2014
13-207	9/30/2013	10/1/2013	12/29/2013		6/28/2014	9/22/2014	no review	9/22/2014
13-209	9/30/2013	10/7/2013	12/29/2013		10/30/2014	11/15/2014	no review	11/26/2014
13-217	10/22/2013	10/23/2013	1/20/2014		4/23/2014	8/29/2014	no review	9/11/2014
13-223	10/31/2013	11/4/2013	1/29/2014		2/20/2014	2/24/2014	4/10/2014	4/11/2014
13-224	11/1/2013	11/4/2013	1/30/2014		2/13/2014	3/6/2014	4/10/2014	4/11/2014
13-232	11/14/2013	11/19/2013	3/13/2014	Y	2/13/2014	6/26/2014	no review	9/22/2014
13-236	11/19/2013	11/20/2013	2/17/2014		2/25/2014	2/26/2014	6/12/2014	6/13/2014
13-242	12/4/2013	12/5/2013	3/4/2014		1/27/2014	6/23/2014	7/10/2014	7/11/2014
13-243	12/4/2013	12/5/2013	3/4/2014		2/25/2014	3/14/2014	5/13/2014	5/14/2014
13-246	12/12/2013	12/16/2013	3/12/2014		2/6/2015	3/2/2015	no review	3/2/2015
13-247	12/15/2013	12/17/2013	3/15/2014		2/18/2014	6/23/2014	7/10/2014	7/11/2014
13-248	12/16/2013	12/17/2013	3/16/2014		1/14/2014	1/14/2014	2/13/2014	2/14/2014
13-250	12/17/2013	12/18/2013	4/17/2014	Y	3/26/2014	6/2/2014	7/10/2014	7/11/2014
13-251	12/10/2013	12/20/2013	3/10/2014		3/25/2014	3/26/2014	5/13/2014	5/14/2014
13-254	12/24/2013	1/3/2014	4/22/2014	Y	4/11/2014	6/2/2014	no review	9/12/2014
13-258	12/30/2013	1/7/2014	4/28/2014	Y	4/16/2014	6/25/2014	no review	9/12/2014
13-259	12/31/2013	1/7/2014	3/31/2014		3/31/2014	6/25/2014	7/10/2014	7/11/2014
14-003	1/6/2014	1/6/2014	4/6/2014		4/15/2014	9/24/2014	no review	9/24/2014
14-004	1/6/2014	1/6/2014	4/6/2014		4/15/2014	9/22/2014	no review	9/24/2014
14-005	1/8/2014	1/9/2014	4/8/2014		3/19/2014	3/26/2014	5/13/2014	5/14/2014
14-010	1/13/2014	1/15/2014	4/13/2014		2/21/2014	8/26/2014	no review	9/22/2014
14-016	1/21/2014	1/23/2014	4/21/2014		4/2/2014	6/26/2014	no review	9/12/2014
14-017	1/21/2014	1/23/2014	4/21/2014		3/25/2014	6/25/2014	no review	9/11/2014
14-019	1/23/2014	1/27/2014	5/22/2014	Y	5/8/2014	8/26/2014	no review	9/24/2014

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Case #	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen
14-025	1/31/2014	2/5/2014	5/30/2014	Y	6/17/2014	6/20/2014	no review	9/22/2014
14-028	2/6/2014	2/7/2014	6/5/2014	Y	6/17/2014	6/20/2014	no review	9/22/2014
14-030	2/11/2014	2/13/2014	5/12/2014		5/13/2014	6/19/2014	no review	9/22/2014
14-036	2/23/2014	2/25/2014	6/22/2014	Y	7/25/2014	8/6/2014	no review	9/11/2014
14-037	2/3/2014	2/25/2014	5/4/2014		5/22/2014	6/19/2014	8/14/2015	8/15/2015
14-040	2/24/2014	2/25/2014	6/23/2014	Y	9/4/2014	9/9/2014	no review	10/7/2014
14-042	2/26/2014	2/26/2014	5/27/2014		3/25/2014	3/25/2014	4/10/2014	4/11/2014
14-043	2/28/2014	2/28/2014	5/29/2014		6/17/2014	6/20/2014	no review	9/11/2014
14-048	3/10/2014	3/10/2014	6/8/2014		6/25/2014	9/24/2014	no review	9/24/2014
14-051	3/12/2014	3/12/2014	6/10/2014		6/11/2014	6/13/2014	no review	9/12/2014
14-053	3/11/2014	3/17/2014	6/9/2014		6/28/2014	8/4/2014	no review	9/11/2014
14-057	3/17/2014	3/19/2014	6/15/2014		7/10/2014	8/5/2014	no review	9/22/2014
14-059	3/20/2014	3/21/2014	6/18/2014		3/28/2014	8/5/2014	8/14/2014	8/15/2014
14-064	3/24/2014	3/27/2014	6/22/2014		7/30/2014	9/24/2014	no review	9/24/2014
14-065	3/25/2014	3/25/2014	6/23/2014		6/18/2014	6/19/2014	8/14/2014	8/15/2014
14-067	3/31/2014	4/2/2014	7/29/2013	Y	12/12/2014	12/12/2014	no review	12/22/2014
14-068	3/28/2014	3/28/2014	6/26/2013		6/19/2014	6/20/2014	7/10/2014	7/11/2014
14-073	4/8/2014	4/8/2014	8/7/2014	Y	7/11/2014	7/21/2014	no review	10/3/2014
14-077	4/8/2014	4/11/2014	7/7/2014		10/23/2014	11/20/2014	no review	11/20/2014
14-084	4/19/2014	5/6/2014	7/18/2014		7/23/2014	7/24/2014	no review	9/22/2014
14-087	4/29/2014	5/1/2014	7/28/2014		5/14/2014	9/24/2014	no review	9/24/2014
14-089	5/2/2014	5/6/2014	7/31/2014		10/28/2014	11/18/2014	no review	11/20/2014
14-096	5/14/2014	5/20/2014	8/12/2014		8/12/2014	8/25/2014	no review	9/22/2014
14-097	5/19/2014	5/20/2014	8/17/2014		9/26/2014	9/29/2014	no review	9/29/2014
14-101	5/27/2014	5/27/2014	8/25/2014		7/17/2014	8/5/2014	no review	9/12/2014
14-102	5/27/2014	5/29/2014	8/25/2014		8/5/2014	8/28/2014	no review	9/22/2014
14-108	6/3/2014	6/3/2014	9/1/2014		7/22/2014	8/26/2014	no review	9/22/2014
14-109	5/31/2014	6/5/2014	8/29/2014		8/26/2014	9/9/2014	no review	10/7/2014
14-115	6/5/2014	6/10/2014	10/3/2014	Y	10/20/2014	11/18/2014	no review	11/20/2014
14-116	6/6/2014	6/6/2014	9/4/2014		8/27/2014	9/25/2014	no review	9/22/2014
14-119	6/10/2014	6/13/2014	9/8/2014		9/8/2014	9/9/2014	no review	9/30/2014
14-121	6/19/2014	6/20/2014	9/17/2014		9/11/2014	9/12/2014	no review	12/12/2014
14-123	6/13/2014	6/23/2014	10/11/2014	Y	12/31/2014	1/30/2015	no review	1/30/2015
14-127	6/23/2014	6/24/2014	10/21/2014	Y	12/4/2014	12/19/2014	no review	12/19/2014
14-139	7/14/2014	7/17/2014	10/12/2014		10/9/2014	11/17/2014	no review	11/20/2014

Case #	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen
14-140	7/18/2014	7/21/2014	10/16/2014		11/13/2014	11/26/2014	no review	11/26/2014
14-143	7/21/2014	7/22/2014	10/19/2014		9/26/2014	10/1/2014	no review	9/29/2014
14-144	7/21/2014	7/22/2014	10/19/2014		8/11/2014	8/25/2014	no review	11/20/2014
14-146	7/24/2014	7/25/2014	10/22/2014		11/25/2014	12/29/2014	no review	12/29/2014
14-148	7/28/2014	7/29/2014	10/26/2014		10/3/2014	10/6/2014	no review	10/6/2014
14-149	7/29/2014	7/30/2014	10/27/2014		1/8/2015	2/2/2015	no review	2/2/2015
14-153	8/4/2014	8/5/2014	11/2/2014		9/22/2014	9/29/2014	no review	9/29/2014
14-154	8/5/2014	8/5/2014	11/3/2014		11/10/2014	11/18/2014	no review	11/20/2014
14-156	8/14/2014	8/19/2014	11/12/2014		10/24/2014	11/19/2014	no review	11/20/2014
14-159	8/20/2014	8/21/2014	11/18/2014		11/19/2014	11/20/2014	no review	1/30/2015
14-160	8/20/2014	8/21/2014	11/18/2014		11/18/2014	11/26/2014	no review	11/26/2014
14-161	8/18/2014	8/27/2014	11/16/2014		10/1/2014	10/6/2014	no review	10/6/2014
14-164	8/26/2014	8/27/2014	11/24/2014		11/21/2014	2/2/2015	no review	2/2/2015
14-165	8/27/2014	8/28/2014	11/25/2014		10/2/2014	11/18/2014	no review	11/20/2014
14-166	8/29/2014	9/2/2014	11/27/2014		12/2/2014	12/29/2014	no review	12/19/2014
14-167	8/29/2014	9/3/2014	12/26/2014	Y	12/10/2014	12/22/2014	no review	12/22/2014
14-168	9/2/2014	9/3/2014	12/1/2014		11/13/2014	11/18/2014	no review	11/20/2014
14-169	9/5/2014	9/9/2014	12/4/2014		9/26/2014	10/1/2014	no review	9/29/2014
14-172	9/9/2014	9/10/2014	12/8/2014		1/27/2015	2/3/2015	no review	2/2/2015
14-173	9/11/2014	9/12/2014	12/10/2014		11/10/2014	12/29/2014	no review	12/29/2014
14-177	9/18/2014	9/25/2014	12/17/2014		11/14/2014	12/30/2014	no review	12/30/2014
14-178	9/16/2014	9/25/2014	12/15/2014		12/15/2014	12/20/2014	no review	12/22/2014
14-180	9/16/2014	9/25/2014	12/15/2014		12/18/2014	1/16/2015	no review	12/30/2014
14-181	9/19/2014	9/26/2014	12/18/2014		12/18/2014	1/9/2015	no review	12/22/2014
14-182	9/20/2014	9/30/2014	12/19/2014		11/20/2014	11/26/2014	no review	11/26/2014
14-183	9/25/2014	9/30/2014	12/24/2014		10/17/2014	11/17/2014	no review	11/20/2014
14-184	9/29/2014	9/30/2014	12/28/2014		12/23/2014	12/29/2014	no review	12/29/2014
14-186	10/1/2014	10/7/2014	1/28/2015	Y	3/3/2015	3/13/2015	no review	3/13/2015
14-187	10/2/2014	10/6/2014	12/31/2014		12/19/2014	1/8/2015	no review	12/30/2014
14-188	10/3/2014	10/7/2014	1/1/2015		12/11/2014	1/2/2015	no review	12/19/2014
14-189	10/3/2014	10/7/2014	1/30/2015	Y	1/30/2015	2/2/2015	no review	2/2/2015
14-190	10/3/2014	10/6/2014	1/1/2015		11/25/2014	12/3/2014	no review	12/4/2014
14-192	10/7/2014	10/10/2014	1/5/2015		1/6/2015	2/5/2015	no review	1/30/2015
14-194	10/15/2014	10/21/2014	1/13/2015		12/10/2014	2/2/2015	no review	2/2/2015
14-195	10/15/2014	10/21/2014	1/13/2015		1/12/2015	1/30/2015	no review	1/30/2015

Case #	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen
14-196	10/21/2014	10/23/2014	1/19/2015		2/2/2015	3/13/2015	3/12/2015	3/13/2015
14-197	10/24/2014	10/27/2014	1/22/2015		11/20/2014	2/2/2015	no review	2/2/2015
14-198	10/24/2014	10/27/2014	1/22/2015		2/25/2015	2/26/2015	no review	2/26/2015
14-200	10/28/2014	10/29/2014	1/26/2015		12/12/2014	1/13/2015	no review	12/29/2014
14-203	11/2/2014	11/3/2014	1/31/2015		12/8/2014	1/9/2015	no review	12/19/2014
14-206	11/4/2014	11/5/2014	2/2/2015		12/1/2014	12/19/2014	no review	12/19/2014
14-209	11/14/2014	12/22/2014	3/13/2015	Y	2/9/2015	3/13/2015	3/12/2015	3/13/2015
14-211	11/19/2014	11/21/2014	2/17/2015		1/30/2015	2/2/2015	no review	2/2/2015
14-212	11/20/2014	11/21/2014	2/18/2015		12/16/2014	1/15/2015	no review	12/30/2014
14-230	12/23/2014	12/30/2014	2/21/2015		2/9/2015	3/13/2015	3/12/2015	3/13/2015
14-233	12/30/2014	12/31/2014	3/28/2015	Y	2/26/2015	3/5/2015	3/12/2015	pending

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Inv.	Staff Recommends	POB Action	Case Summary	Days From Rec. to ED	Days From ED to APD	Days From Rec. to APD	Days From Rec. to Ltr.
PS	Sustained	Sustained		155	140	295	424
PS				634	8	642	699
DM	Sustained	Sustained		116	194	310	342
DM				91	372	463	493
PS				56	70	126	670
DM				144	158	302	335
DM	Sustained	Sustained		169	131	300	332
DM				505	42	547	799
PS	Sustained	Sustained		155	146	301	359
DM				287	11	298	358
DM				106	187	293	353
PS				77	310	387	443
DM				269	70	339	378
PS				160	79	239	259
DM	Sustained	Sustained		113	124	237	563
DM	Sustained	Sustained		259	119	378	403
PS				660	92	752	777
DM	Sustained	Sustained		629	56	685	765
DM				274	9	283	333
DM	Sustained	Sustained		549	124	673	751
PS	Sustained	Sustained		661	4	665	744
PS				584	88	672	770
DM	Sustained	Sustained		468	28	496	555
DM	Sustained	Sustained		452	77	529	734
PS	Sustained	Sustained		552	98	650	667
DM	Sustained	Sustained		405	119	524	576
DM				255	138	393	479
CD				518	1	519	569
PS				231	6	237	282
DM				504	111	615	696
DM	Sustained	Sustained		364	80	444	487
PS	Sustained	Sustained		520	95	615	668
PS				170	175	345	395
DM	Sustained	Sustained		132	581	713	713
PS				140	156	296	410



Inv.	Staff Recommends	POB Action	Case Summary	Days From Rec. to ED	Days From ED to APD	Days From Rec. to APD	Days From Rec. to Ltr.
PS				504	5	509	558
DM	Sustained	Sustained		574	22	596	774
DM				412	50	462	514
DM	Sustained	Sustained		392	33	425	484
PS	Sustained	Sustained		491	83	574	672
DM	Sustained	Sustained		456	118	574	653
DM	Sustained	Sustained		474	126	600	652
DM	Sustained	Sustained		326	82	408	660
DM	Sustained	Sustained		58	95	153	185
DM				126	36	162	212
DM	Sustained	Sustained		448	105	553	633
PS	Sustained	Sustained		177	19	196	270
PS	Sustained	Sustained		84	491	575	634
CD				127	196	323	354
PS	Sustained	Sustained		127	4	131	204
DM	Sustained	Sustained		141	11	152	198
CD				143	405	548	584
DM				132	213	345	373
CD	Sustained	Sustained		176	196	372	457
PS	Sustained	Sustained		134	50	184	236
DM	Sustained	Sustained		127	235	362	477
PS	Sustained	Sustained		97	78	175	231
DM	Sustained	Sustained		496	28	524	563
PS	Sustained	Sustained		103	20	123	162
CD	Sustained	Sustained		100	12	112	185
DM				448	37	485	520
DM	Sustained	Sustained		100	1	101	143
PS				150	3	153	206
CD				137	7	144	200
DM				104	192	296	325
CD	Sustained	Sustained		61	7	68	201
DM				107	189	296	324
PS				204	108	312	351
CD	Sustained	Sustained		539	18	557	550
DM	Sustained	Sustained		112	8	120	164

Inv.	Staff Recommends	POB Action	Case Summary	Days From Rec. to ED	Days From ED to APD	Days From Rec. to APD	Days From Rec. to Ltr.
PS	Sustained	Sustained		86	0	86	128
CD				643	21	664	664
DM				40	259	299	338
PS				114	12	126	179
CD				197	91	288	333
DM				90	202	292	392
PS				66	224	290	329
CD	Sustained	Sustained		567	16	583	583
PS				285	0	285	324
DM				71	208	279	318
DM				26	141	167	225
DM	Sustained	Sustained		78	21	99	130
CD				188	86	274	310
DM				66	201	267	306
PS				85	184	269	305
CD				641	13	654	654
DM	Sustained	Sustained		102	25	127	180
PS	Sustained	Sustained		82	0	82	113
CD	Sustained	Sustained		609	38	647	647
DM				100	167	267	319
PS	Sustained	Sustained		77	2	79	136
CD				638	5	643	643
PS	Sustained	Sustained		81	9	90	133
DM	Sustained	Sustained		100	377	477	476
PS				80	141	221	250
DM				66	308	374	427
PS				98	119	217	256
CD				6	392	398	434
DM	Sustained	Sustained		28	1	29	58
CD				40	297	337	359
PS				101	113	214	357
CD				340	13	353	392
CD				353	27	380	416
DM	Sustained	Sustained		102	109	211	263
PS				100	111	211	263

Inv.	Staff Recommends	POB Action	Case Summary	Days From Rec. to ED	Days From ED to APD	Days From Rec. to APD	Days From Rec. to Ltr.
DM				67	134	201	253
CD				456	18	474	475
DM				69	109	178	217
PS	Sustained	Sustained		116	11	127	186
DM	Sustained	Sustained		100	55	155	273
PS	Sustained	Sustained		95	21	116	148
DM	Sustained	Sustained		99	100	199	268
DM				71	105	176	200
DM				69	97	166	441
CD				346	27	373	373
PS	Sustained	Sustained		88	3	91	148
CD				271	86	357	357
CD				395	16	411	422
PS	Sustained	Sustained		183	128	311	324
PS	Sustained	Sustained		112	4	116	162
CD				104	21	125	161
DM	Sustained	Sustained		91	133	224	312
PS				98	1	99	206
DM				54	147	201	219
PS	Sustained	Sustained		83	17	100	161
CD				421	24	445	445
DM				65	125	190	208
PS	Sustained	Sustained		29	0	29	60
DM	Sustained	Sustained		99	68	167	206
PS				105	1	106	155
DM	Sustained	Sustained		108	52	160	262
DM	Sustained	Sustained		107	70	177	256
PS	Sustained	Sustained		90	86	176	192
CD				99	162	261	261
CD				99	160	259	261
DM	Sustained	Sustained		70	7	77	126
DM				39	186	225	252
DM	Sustained	Sustained		71	85	156	234
PS				63	92	155	233
DM				105	110	215	244

Inv.	Staff Recommends	POB Action	Case Summary	Days From Rec. to ED	Days From ED to APD	Days From Rec. to APD	Days From Rec. to Ltr.
DM	Sustained	Sustained		137	3	140	234
DM	Sustained	Sustained		131	3	134	228
PS				91	37	128	223
DM				152	12	164	200
PS	Sustained	Sustained		108	28	136	558
DM	Sustained	Sustained		192	5	197	225
PS				27	0	27	44
PS	Sustained	Sustained		109	3	112	195
CD				107	91	198	198
PS	Sustained	Sustained		91	2	93	184
CD				109	37	146	184
PS				115	26	141	189
DM				8	130	138	148
DM				128	56	184	184
PS				85	1	86	143
DM	Sustained	Sustained		256	0	256	266
PS	Sustained	Sustained		83	1	84	105
DM	Sustained	Sustained		94	10	104	178
DM				198	28	226	226
PS	Sustained	Sustained		95	1	96	156
CD				15	133	148	148
DM				179	21	200	202
DM	Sustained	Sustained		90	13	103	131
PS	Sustained	Sustained		130	3	133	133
PS				51	19	70	108
DM				70	23	93	118
CD	Sustained	Sustained		49	35	84	111
PS				87	14	101	129
DM	Sustained	Sustained		137	29	166	168
PS	Sustained	Sustained		82	29	111	108
DM	Sustained	Sustained		90	1	91	112
PS	Sustained	Sustained		84	1	85	176
DM	Sustained	Sustained		201	30	231	231
DM				164	15	179	179
PS				87	39	126	129

Inv.	Staff Recommends	POB Action	Case Summary	Days From Rec. to ED	Days From ED to APD	Days From Rec. to APD	Days From Rec. to Ltr.
DM				118	13	131	131
CD				67	5	72	70
PS	Sustained	Sustained		21	14	35	122
DM				124	34	158	158
PS				67	3	70	70
DM				163	25	188	188
CD	Sustained	Sustained		49	7	56	56
PS	Sustained	Sustained		97	8	105	107
CD				71	26	97	98
PS	Sustained	Sustained		91	1	92	163
DM				90	8	98	98
DM				44	5	49	49
PS				87	73	160	160
CD				36	47	83	85
PS				95	27	122	112
DM	Sustained	Sustained		103	12	115	115
CD				72	5	77	79
PS				21	5	26	24
DM				140	7	147	146
CD				60	49	109	109
CD	Sustained	Sustained		57	46	103	103
PS	Sustained	Sustained		90	5	95	97
CD	Sustained	Sustained		93	29	122	105
PS				90	22	112	94
DM				61	6	67	67
CD	Sustained	Sustained		22	31	53	56
PS	Sustained	Sustained		85	6	91	91
DM				153	10	163	163
CD				78	20	98	89
PS				69	22	91	77
DM				119	3	122	122
CD				53	8	61	62
PS				91	30	121	115
CD				56	54	110	110
PS				89	18	107	107

Inv.	Staff Recommends	POB Action	Case Summary	Days From Rec. to ED	Days From ED to APD	Days From Rec. to APD	Days From Rec. to Ltr.
DM	Sustained	Sustained		104	39	143	143
CD	Sustained	Sustained		27	74	101	101
PS	Sustained	Sustained		124	1	125	125
CD				45	32	77	62
CD	Sustained	Sustained		36	32	68	47
CD				27	18	45	45
DM	Sustained	Sustained		87	32	119	119
DM				72	3	75	75
CD				26	30	56	40
EO				48	32	80	80
EO	Sustained	Sustained		58	7	65	

**From:** [webmaster=cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org) on behalf of [webmaster@cabq.gov](mailto:webmaster@cabq.gov)  
**To:** [moiraamado@gmail.com](mailto:moiraamado@gmail.com)  
**Cc:** [Citizen's Police Academy](#); [Citizen's Police Academy](#); [Holquin, Arthur B.](#)  
**Subject:** Citizens Police Academy Application  
**Date:** Tuesday, February 24, 2015 6:15:21 AM

---

First Name

Moira

Middle Name

Last Name

Amado-McCoy

Date of Birth

Street Address

Apartment

City

State

NM

Zip Code

Home Telephone

Work Telephone

Other Telephone

Your E-Mail Address

Drivers License No.

Current Employment

Have you ever been convicted of a felony?

No

Have you been arrested for any misdemeanor, including DWI, within the last 3 years?

No

Is it ok to contact you for additional information?

Yes

If you are active with any neighborhood, community, or civic organizations, please list below:

POB

Do you live within Albuquerque city limits?

Yes

I fully understand that any intentional attempt on my part to provide INCORRECT or MISLEADING information would be just cause for rejection of my application.

**From:** [webmaster=cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org) on behalf of [webmaster@cabq.gov](mailto:webmaster@cabq.gov)  
**To:** [leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com)  
**Cc:** [Citizen's Police Academy](#); [Citizen's Police Academy](#); [Holquin, Arthur B.](#)  
**Subject:** Citizens Police Academy Application  
**Date:** Monday, February 23, 2015 8:38:00 AM

---

First Name

Leonard

Middle Name

Last Name

Waites

Date of Birth

[REDACTED]

Street Address

[REDACTED]

Apartment

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Home Telephone

[REDACTED]

Work Telephone

Other Telephone

[REDACTED]

Your E-Mail Address

[REDACTED]

Drivers License No.

[REDACTED]

Current Employment

retired

Have you ever been convicted of a felony?

Yes

Have you been arrested for any misdemeanor, including DWI, within the last 3 years?

No

Is it ok to contact you for additional information?

Yes

If you are active with any neighborhood, community, or civic organizations, please list below:

NAACP, POB,

Do you live within Albuquerque city limits?

Yes

I fully understand that any intentional attempt on my part to provide INCORRECT or MISLEADING information would be just cause for rejection of my application.

1

M000388



**From:** [webmaster=cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org) on behalf of [webmaster@cabq.gov](mailto:webmaster@cabq.gov)  
**To:** [jvbaca.poh@gmail.com](mailto:jvbaca.poh@gmail.com)  
**Cc:** [Citizen's Police Academy](#); [Citizen's Police Academy](#); [Holquin, Arthur B.](#)  
**Subject:** Citizens Police Academy Application  
**Date:** Saturday, February 21, 2015 7:55:35 PM

---

First Name

Jeannette

Middle Name

V

Last Name

Baca

Date of Birth

[REDACTED]

Street Address

[REDACTED]

Apartment

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Home Telephone

[REDACTED]

Work Telephone

Other Telephone

Your E-Mail Address

[REDACTED]

Drivers License No.

[REDACTED]

Current Employment

Self-employed

Have you ever been convicted of a felony?

No

Have you been arrested for any misdemeanor, including DWI, within the last 3 years?

No

Is it ok to contact you for additional information?

Yes

If you are active with any neighborhood, community, or civic organizations, please list below:

Police Oversight Board Member

Do you live within Albuquerque city limits?

Yes

I fully understand that any intentional attempt on my part to provide INCORRECT or MISLEADING information would be just cause for rejection of my application.

1

**From:** [webmaster=cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org) on behalf of [webmaster@cabq.gov](mailto:webmaster@cabq.gov)  
**To:** [jwilsonpqb@outlook.com](mailto:jwilsonpqb@outlook.com)  
**Cc:** [Citizen's Police Academy; Citizen's Police Academy; Holquin, Arthur B.](#)  
**Subject:** Citizens Police Academy Application  
**Date:** Friday, February 20, 2015 3:18:22 PM

---

First Name

Jeffrey

Middle Name

Scott

Last Name

Wilson

Date of Birth

[REDACTED]

Street Address

[REDACTED]

Apartment

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Home Telephone

[REDACTED]

Work Telephone

[REDACTED]

Other Telephone

Your E-Mail Address

[REDACTED]

Drivers License No.

[REDACTED]

Current Employment

[REDACTED]

Have you ever been convicted of a felony?

No

Have you been arrested for any misdemeanor, including DWI, within the last 3 years?

No

Is it ok to contact you for additional information?

Yes

If you are active with any neighborhood, community, or civic organizations, please list below:

Board Member, Police Oversight Board

Do you live within Albuquerque city limits?

Yes

I fully understand that any intentional attempt on my part to provide INCORRECT or MISLEADING information would be just cause for rejection of my application.

1

M000390

**From:** [webmaster@cabq.gov](mailto:webmaster@cabq.gov) on behalf of [webmaster@cabq.gov](mailto:webmaster@cabq.gov)  
**To:** [dzt3@juno.com](mailto:dzt3@juno.com)  
**Cc:** [Citizen's Police Academy](#); [Citizen's Police Academy](#); [Holquin, Arthur B.](#)  
**Subject:** Citizens Police Academy Application  
**Date:** Friday, February 20, 2015 2:37:35 PM

---

First Name

David

Middle Name

Zimmerman

Last Name

Ring

Date of Birth

[REDACTED]

Street Address

[REDACTED]

Apartment

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Home Telephone

[REDACTED]

Work Telephone

Other Telephone

[REDACTED]

Your E-Mail Address

[REDACTED]

Drivers License No.

[REDACTED]

Current Employment

Retired

Have you ever been convicted of a felony?

No

Have you been arrested for any misdemeanor, including DWI, within the last 3 years?

No

Is it ok to contact you for additional information?

Yes

If you are active with any neighborhood, community, or civic organizations, please list below:

Police Oversight Board

Do you live within Albuquerque city limits?

Yes

I fully understand that any intentional attempt on my part to provide INCORRECT or MISLEADING information would be just cause for rejection of my application.

1

M000391

**From:** [webmaster=cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org) on behalf of [webmaster@cabq.gov](mailto:webmaster@cabq.gov)  
**To:** [eric.huizar.cruz@gmail.com](mailto:eric.huizar.cruz@gmail.com)  
**Cc:** [Citizen's Police Academy; Citizen's Police Academy; Holguin, Arthur B.](#)  
**Subject:** Citizens Police Academy Application  
**Date:** Friday, February 20, 2015 2:05:42 PM

---

First Name

Eric

Middle Name

Huizar

Last Name

Cruz

Date of Birth

[REDACTED]

Street Address

[REDACTED]

Apartment

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Home Telephone

[REDACTED]

Work Telephone

[REDACTED]

Other Telephone

Your E-Mail Address

[REDACTED]

Drivers License No.

[REDACTED]

Current Employment

[REDACTED]

Have you ever been convicted of a felony?

No

Have you been arrested for any misdemeanor, including DWI, within the last 3 years?

No

Is it ok to contact you for additional information?

Yes

If you are active with any neighborhood, community, or civic organizations, please list below:

Police Oversight Board

Do you live within Albuquerque city limits?

Yes

I fully understand that any intentional attempt on my part to provide INCORRECT or MISLEADING information would be just cause for rejection of my application.

**From:** [webmaster=cahq.gov@mailgun.org](mailto:webmaster=cahq.gov@mailgun.org) on behalf of [webmaster@cahq.gov](mailto:webmaster@cahq.gov)  
**To:** [CABO.POB.Mohr@gmail.com](mailto:CABO.POB.Mohr@gmail.com)  
**Cc:** [Citizen's Police Academy; Citizen's Police Academy; Holguin, Arthur B.](#)  
**Subject:** Citizens Police Academy Application  
**Date:** Friday, February 20, 2015 1:31:41 PM

---

First Name

Beth

Middle Name

A

Last Name

Mohr

Date of Birth

[REDACTED]

Street Address

[REDACTED]

Apartment

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Home Telephone

[REDACTED]

Work Telephone

[REDACTED]

Other Telephone

Your E-Mail Address

[REDACTED]

Drivers License No.

[REDACTED]

Current Employment

[REDACTED]

Have you ever been convicted of a felony?

No

Have you been arrested for any misdemeanor, including DWI, within the last 3 years?

No

Is it ok to contact you for additional information?

Yes

If you are active with any neighborhood, community, or civic organizations, please list below:

Police Oversight Board Member

Do you live within Albuquerque city limits?

Yes

I fully understand that any intentional attempt on my part to provide INCORRECT or MISLEADING information would be just cause for rejection of my application.

1

M000393



**From:** [webmaster=cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org) on behalf of [webmaster@cabq.gov](mailto:webmaster@cabq.gov)  
**To:** [leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com)  
**Cc:** [Citizen's Police Academy](#); [Citizen's Police Academy](#); [Holguin, Arthur B.](#)  
**Subject:** Citizens Police Academy Application  
**Date:** Tuesday, February 24, 2015 8:47:42 AM

---

First Name

Leonard

Middle Name

Last Name

Waites

Date of Birth

[REDACTED]

Street Address

[REDACTED]

Apartment

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Home Telephone

[REDACTED]

Work Telephone

Other Telephone

[REDACTED]

Your E-Mail Address

[REDACTED]

Drivers License No.

[REDACTED]

Current Employment

Retired

Have you ever been convicted of a felony?

No

Have you been arrested for any misdemeanor, including DWI, within the last 3 years?

No

Is it ok to contact you for additional information?

Yes

If you are active with any neighborhood, community, or civic organizations, please list below:

NAACP, Police oversight board, Sickle Cell council of NM

Do you live within Albuquerque city limits?

Yes

I fully understand that any intentional attempt on my part to provide INCORRECT or MISLEADING information would be just cause for rejection of my application.

1

M000394

**From:** Hammer, Robin  
**To:** Beth A. Mohr (CABO.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Hammer, Robin; Jeannette Baca (jvbaca.pob@gmail.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (phamason.lw@gmail.com); Moira Amado-McCoy (moiraamado@gmail.com); Scott Wilson (jswilsonpob@outlook.com)  
**Cc:** Saavedra, Sharon L.; Archibeque, Michael E.; Roseman, William G.; Gonzalez, Arturo E.; Cash, Paul  
**Subject:** Citizens Police Academy Dates & Ride Along requests  
**Date:** Tuesday, March 03, 2015 9:03:34 AM  
**Attachments:** Copy of 47th CITIZENS POLICE ACADEMY ROSTER2.xls

---

Dear POB Members:

Attached is an Excel Sheet prepared by Officer Sharon Saavdra, the coordinator of the Citizens' Police Academy. APD has chosen not to video tape meetings of the CPA, but rather give the live presentations a second time for classes which POB Members miss. APD needs to know which meetings each POB Member will miss. I have marked the days which will be missed due to POB Meetings. If you are aware of other days which you will need to miss, please mark these and return the annotated sheet to Officer Saavedra as soon as possible, so that APD may begin to plan how to set make-up meeting dates.

As you know, each Board Member are required to complete two Ride-a-longs with APD Officers within six months of your appointment. When you wish to participate in a Ride-a-long, please email the date and shift, (**day** (8am-5pm-ish), **swing** (3pm-11pm-ish), or **graveyard** (11pm-7am-ish)), and the area of town you desire. I will coordinate scheduling your Ride-a-long with APD.

Once you have completed any Ride-a-long, please email me a second time, so we make keep a record of your completion of this portion of your required training.

Please let me know if you have any questions regarding training requirements. Later this week, I will send out a proposed Agenda and materials for next week's meeting.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

[illegible]





**From:** Hammer, Robin  
**To:** Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Eva P. Sandoval; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson  
**Cc:** Bullock, Nicholas  
**Subject:** Community Outreach Sub-Committee Meeting  
**Date:** Wednesday, March 25, 2015 11:23:08 AM

---

The Community Outreach sub-committee will meet on Monday, March 30, 2015 at 9:30 am.  
The meeting will be held in the hearing room 160, of Plaza del Sol, 600 Second Street NW.

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** [Janet McHard](#)  
**To:** [Janet McHard](#)  
**Cc:** [Beth Mohr](#)  
**Subject:** Congratulations to Beth Mohr on her appointment to the Police Oversight Board  
**Date:** Wednesday, February 04, 2015 1:21:32 PM

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Friends and Colleagues,

Please join me in congratulating Beth Mohr, CFE, CAMS, MPA, PI, on her appointment to the City of Albuquerque's new Police Oversight Board of the Civilian Police Oversight Agency. Beth, along with 8 other very qualified appointees will have the job of analyzing and recommending policy changes for the Albuquerque Police Department, as well as reviewing citizen complaints against the APD and hearing appeals of citizen complaints. This new Board is part of the solution crafted between the City of Albuquerque and the Department of Justice concerning allegations of civil rights violations by APD. The nine appointees were approved in a unanimous vote in the Albuquerque City Council meeting on Monday February 2, 2015.

Beth was one of 120 applicants who were considered for Board appointment and her experience will make her an excellent addition to the Board. Beth is Managing Partner of McHard Accounting Consulting LLC, a firm dedicated exclusively to forensic and investigative accounting. In addition to her experience with financial and white collar crime investigations, she has investigated death penalty mitigation cases, allegations of police misconduct and civil rights violations, allegations of discrimination in housing, and many other high-profile criminal and civil cases. Beth is retired from the San Diego Police Department.

Beth has a master's degree in Public Administration from the University of New Mexico, and is a Certified Fraud Examiner, Certified Anti-Money Laundering Specialist and private investigator licensed in three states, including New Mexico.

Congratulations, Beth, on your appointment and thank you for helping to improve Albuquerque.

Janet

Janet M. McHard, CPA, CFE, MAFF, CFF  
Founding Partner  
McHard Accounting Consulting LLC  
933 San Mateo Blvd, NE 500-151  
Albuquerque, NM 87108  
Email: [JMchard@TheMcHardFirm.com](mailto:JMchard@TheMcHardFirm.com)  
Web: [www.TheMcHardFirm.com](http://www.TheMcHardFirm.com)  
505-554-2968 office  
[REDACTED] cell  
877-279-2942 fax

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M000399

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*The miracle is this: the more we share the more we have.*

- Leonard Nimoy

*The winds of grace are always blowing; all we need to do is raise our sails.*

- Anonymous

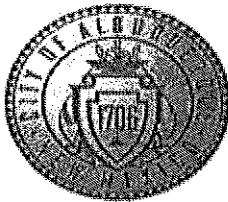
**From:** Alvarez, Giselle M., on behalf of Perry, Robert J.  
**To:** Leonard Waites; Beth Mohr  
**Cc:** Eden, Gordon; Hammer, Robin; Zaman, Jon K.  
**Subject:** CPOA  
**Date:** Wednesday, April 01, 2015 2:50:42 PM  
**Attachments:** SKMBT\_C55215040114310.pdf  
image001.png

---

Dear Chairman Waites and Vice Chair Mohr,

Attached please find Mr. Perry's response to Vice Chair Mohr's email to Mayor Berry dated March 16, 2015. Please let me know if you have any questions.

Thank you,



**GISELLE M. ALVAREZ**

*Executive Assistant to the Chief Administrative Officer*

**MAYOR RICHARD J. BERRY'S OFFICE**

One Civic Plaza NW | PO Box 1293 | Albuquerque, New Mexico 87113

Direct: 505-768-3000 | Fax: 505-768-3019

[galvarez@cabq.gov](mailto:galvarez@cabq.gov) | [cabq.gov](http://cabq.gov) | [Facebook](#) | [Twitter](#) | [Instagram](#)

# CITY OF ALBUQUERQUE

*Office of the Mayor/Chief Administrative Officer*



March 31, 2015

Dear CPOA Chairman Leonard Waites and Vice Chair Beth Mohr:

I am in receipt and thank you for the e-mail dated 3/13/15, from your Vice-Chairperson (attached hereto), directed to Mayor Berry regarding the Mayor's office presence at your first scheduled Police Oversight Board (POB) meeting on March 12, 2015. I think it is very important to address several points related to the Vice-Chairs comments that reflect a possible misunderstanding of several important points.

Firstly, the enabling legislation establishing the Civilian Police Oversight Agency (CPOA) and Police Oversight Board emphasizes the high degree of "Independence" that the Agency, its Board and its Director are to demonstrate. To this extent, the POB and its CPOA Independent Director's office, no longer administratively reports to the Office of the Chief Administrative Officer and otherwise are un-connected to either the executive or the legislative branch of City government. Both the Mayor and I entirely support this Independent structure. Although an agenda item entitled "City Staff Report" may have been on your agenda, to my knowledge, no one from the Mayoral administration, budget, or otherwise was contacted to attend the meeting.

The Albuquerque Police Department (APD) was present at the meeting including the attendance of several high level staff. During the past Police Oversight Commission (POC) meetings, the only representation from the Mayor's or CAO's Office was an assigned individual from constituent services.

My office made a thoughtful decision not to attend the meetings in order to provide your agency and its members an affirmation of its independence in City government. As you are aware, the scope and directive of the enabling legislation provides limited and specific authority for civilian oversight of citizen's complaints, a limited policy advisory role, and statistical analysis of certain police operations. In the past, the contour of this authority had been the subject of much debate, difference of opinion, and frankly disagreement of the role of the former Police Oversight Commission.

I certainly hope to support your agencies role, mission, and work. However, I am hopeful you and the entire board recognize and are able to navigate these previously challenging issues without interjection from the administration or city council. I do not think that interjecting the executive branch of City government through the Mayor's office would be productive or positive to that objective. To this extent, I am hopeful you can understand and appreciate our position of complete independence by the CPOA.

The correspondence reflects a misunderstanding of several matters related to the CPOA budget. Firstly, the Office of Management and Budget (OMB) did receive a budget requests from the Acting Director of CPOA on behalf of the POB and CPOA back in February 2015. The initial "Executive Budget Recommendation" typically begins using the past year's budget as a starting point and then submitting what are known as positive or negative "issue papers" to accommodate any significant structural, programmatic, or legislative changes to a department's budget. OMB and specifically their Budget analyst

*Albuquerque - Making History 1706-2006*

M000402

Page 2 of 2

Subject: Letter to Chairman Leonard Waites and Vice Chair Beth Mohr  
March 31, 2015

(the most experienced in the City), is including \$215,000 in additional funding in FY-16 for; 1) community outreach \$89,590, 2) Outside legal contract \$ 75,000, and 3) Operating needs; travel/training \$51,000. In addition, they added funding of \$34,981 for salary forecast adjustments and other necessary expense categories of \$16,787. These budget increases exceed the 1/2% of the Albuquerque Police Department's budget as required by the new CPOA ordinance. I am enclosing copies of the CAO summary, the issue papers, and the budget worksheet Line Item/Rollup (dated: February 11, 2015). The budget increase being proposed and evidenced by these submissions increase your total funding from FY/15 \$610,357 to a budget recommendation of \$877, 874 or a 44% increase, equaling \$267,517. I would appreciate it if you could share this information with each member of the POB in order to dispel any insinuation to the contrary.

Lastly, I called and left a message with a number I had for you on Friday afternoon March 13, 2015, to discuss several of these matters. I am unsure if you received my voice mail. I had later heard that you had a personal situation that has only recently allowed you to return to POB matters and I hope you are doing well. I look forward to further discussions and to outline our position supporting your board's independence and autonomy as well as supporting the objectivity and positive nature of your important work.

I appreciate the e-mail and think quite highly of the Vice-Chair, However, I thought it best to bring these matters to your attention. I think it is important that your entire board unambiguously recognize this administration's genuine support for CPOA but also understand our position related to independence.

Thank you for your attention to this matter.

Best regards,



Rob Perry  
Chief Administrative Officer

XC:

Chief Gorden Eden, Albuquerque, Police Department  
Robin Hammer, Police Oversight Agency  
Jon Zaman, Director of Council Services

M000403

**Alvarez, Giselle M.**

---

**From:** Woodward, Delaney  
**Sent:** Monday, March 16, 2015 2:55 PM  
**To:** Perry, Robert J.; Montano, Gilbert A.  
**Subject:** FW: Disappointed that the Mayor sent no City Staff to the first Police Oversight Board Meeting

Fyi.

**From:** Beth Mohr [<mailto:cabq.pob.mohr@gmail.com>]  
**Sent:** Friday, March 13, 2015 1:03 PM  
**To:** Mayor Berry  
**Subject:** Disappointed that the Mayor sent no City Staff to the first Police Oversight Board Meeting

Dear Mayor Berry,

It is difficult to express the depth of my disappointment in the fact that there was no representation from the Mayor's Office at the first Police Oversight Board (POB) meeting, which was publicly televised last night. Obviously I didn't expect you to attend, but someone from your office should have been there.

The message that the Administration appears to be sending is that the POB is not important enough to warrant any representative at all, despite the fact that there was an agenda item for City Staff to report. At the very least, there should have been someone from the Mayor's Office there to welcome the Board, thank them for their service, and stand for questions. What are your intentions with respect to the POB?

The question I would have asked City Staff, had they been present, is whether the administration plans to propose to Council a sufficiently adequate budget for the Civilian Police Oversight Agency (CPOA) and POB that will provide for both the DOJ mandated hire of a community outreach person, and the ability for the entire POB to attend the training provided for Board Members by the National Association of Civilian Oversight of Law Enforcement (NACOLE).

Currently, the Board is provided with no fewer than 72 hours of training by the APD, and a few hours of training from other City Staff, as well as ride-along assignments and tours. While I do appreciate the opportunity to receive this training from the APD, in my experience, the people responsible for causing the problem are generally not the most qualified to provide training regarding how to solve the problem. It is very important that all of the Board Members have the opportunity to receive additional training, such as the NACOLE training available this fall.

So far we have been told by the Acting CPOA Director, Robin Hammer, that due to budget constraints, we will not be provided with printed copies of any of the Board materials, we will not be provided with any food or water at the POB meetings regardless of length, there may not be money to hire independent counsel for the POB, and we will not have the opportunity for all of the Board Members and CPOA staff members to attend the NACOLE training conference.

If the Administration wants to "starve out" the POB, through lack of support and resources, this is a very good way to accomplish that goal. I am frankly disappointed that Ms. Hammer failed to submit a budget that included all of those elements, but I am requesting that your office add them through the budget hearing process.



Additionally, if your intention is to support the POB in our efforts, I would expect to see a City Staff person attending future POB meetings. The message sent by their absence at the first meeting was extremely disappointing, and is not what I've come to expect from your administration. Frankly, I assume that you were unaware that nobody had been assigned to attend, but the lack of attention is no less disappointing.

I look forward to your personal reply to this email. While I am sending this directly and solely to you at this time, I reserve the right to widen the distribution of this conversation if a reply is not forthcoming.

Respectfully yours,

Beth A. Mohr, Co-Vice Chair  
Albuquerque Police Oversight Board

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful when replying to or forwarding this email.

## D3922000 CA-Police Oversight

	FY14 Actual	FY15 Budget	FY16 Baseline	FY16 OMB Adjust	FY16 Dept Adjust	FY16 CAO Adjust	FY16 Council Adjust	Total
5001 Wages-Regular-Budget	321,488	400,344	426,108	0	0	0	0	426,108
5002 Wages-Temp-Budget	0	0	0	0	0	0	0	0
5003 Wages-Overtime-Budget	0	0	0	0	0	0	0	0
5144 PERA-Budget	61,052	77,712	82,704	0	0	0	0	82,704
5148 FICA-Budget	23,667	30,624	32,592	0	0	0	0	32,592
5156 Other Emp Benefits-Budget	44,714	52,452	67,044	0	0	0	0	67,044
5157 Retiree Hlth Care-Budget	6,422	8,004	8,520	0	0	0	0	8,520
5160 Educ Incentive-Budget	0	0	0	0	0	0	0	0
5162 Emp Incentive-Budget	0	0	0	0	0	0	0	0
5164 Clothing Allowance-Budget	0	0	0	0	0	0	0	0
5199 Fringe Recovery-Budget	0	0	0	0	0	0	0	0
TOTAL PERSONNEL	457,344	569,136	616,968	0	0	0	0	616,968
5205 Prof Services-Budget	0	14,500	14,500	0	0	0	0	14,500
5210 Other Services-Budget	0	2,000	2,000	0	0	0	0	2,000
5211 Electricity-Budget	0	0	0	0	0	0	0	0
5212 Natural Gas-Budget	0	0	0	0	0	0	0	0
5213 Refuse Removal-Budget	0	0	0	0	0	0	0	0
5214 Telephone-Budget	2,570	2,721	2,721	2,880	0	0	0	5,601
5215 Water & Sewer-Budget	0	0	0	0	0	0	0	0
5216 Utilities-Budget	0	0	0	0	0	0	0	0
5220 Supplies-Budget	13,238	17,500	17,500	0	0	0	0	17,500
5225 Travel-Budget	6,229	0	0	0	0	0	0	0
5230 Training-Budget	0	0	0	0	0	0	0	0
5234 Dues & Mbrships-Budget	0	500	500	0	0	0	0	500
5236 Fee Reim-Budget	0	0	0	0	0	0	0	0
5238 Repairs & Maint-Budget	1,200	0	0	0	0	0	0	0
5239 Vehicle Maint-Budget	0	0	0	0	0	0	0	0
5246 Fuels & Lub-Budget	0	0	0	0	0	0	0	0
5250 Tires & Tubes-Budget	0	0	0	0	0	0	0	0
5252 Taxes-Budget	0	0	0	0	0	0	0	0
5253 Interest on Cust Dep-Budget	0	0	0	0	0	0	0	0
5254 D/S Interest Exp-Budget	0	0	0	0	0	0	0	0
5255 D/S Agent Fees-Budget	0	0	0	0	0	0	0	0
5258 D/S Principal Repay-Budget	0	0	0	0	0	0	0	0
5262 Indemnity Cms&Judg-Budget	0	0	0	0	0	0	0	0
5263 Medical Cms&Judg-Budget	0	0	0	0	0	0	0	0
5271 Insurance-Budget	0	0	0	0	0	0	0	0
5275 Contractual Svcs-Budget	24,715	4,000	4,000	0	0	0	0	4,000
TOTAL OPERATING EXPENSES	47,953	41,221	41,221	2,880	0	0	0	44,101
5305 Captl-Land-Budget	0	0	0	0	0	0	0	0
5310 Captl-Bldgs&Struc-Budget	0	0	0	0	0	0	0	0
5315 Captl-Streets-Budget	0	0	0	0	0	0	0	0
5320 Captl-NonStruct Imp-Budget	0	0	0	0	0	0	0	0
5325 Captl-Auto/Buses-Budget	0	0	0	0	0	0	0	0
5330 Captl-Mach/Equip-Budget	0	0	0	0	0	0	0	0
5335 Captl-Office Furn-Budget	0	0	0	0	0	0	0	0
5338 Captl-Hardware/Software-Budget	0	0	0	0	0	0	0	0
5340 Captl-Museum Coll-Budget	0	0	0	0	0	0	0	0
5350 Captl-Police/Zoo-Budget	0	0	0	0	0	0	0	0
TOTAL CAPITAL	0	0	0	0	0	0	0	0
5910 Trfr Out-Other Funds-Budget	0	0	0	0	0	0	0	0
5920 Trfr Out-PILOT-Budget	0	0	0	0	0	0	0	0
5930 Trfr Out-IDOH-Budget	0	0	0	0	0	0	0	0
594031 Vehicle - Maintenance	0	0	0	0	0	0	0	0
594041 Vehicle - Fuel	0	0	0	0	0	0	0	0
594051 Network Charges-Expense	0	0	0	0	0	0	0	0
594061 Radio Maintenance	0	0	0	0	0	0	0	0
594071 Equipment Replacement	0	0	0	0	0	0	0	0
594105 Insurance - Workers Comp	0	0	0	0	0	0	0	0
594107 Insurance - Tort & Other Liab	0	0	0	0	0	0	0	0
594115 Insurance - Risk Recovery Plan	0	0	0	0	0	0	0	0
5950 Trfr Out-Debt Svc-Budget	0	0	0	0	0	0	0	0
5970 Trfr Out-CIP-Budget	0	0	0	0	0	0	0	0
TOTAL TRANSFERS	0	0	0	0	0	0	0	0
GRAND TOTALS	505,297	610,357	658,189	2,880	0	0	0	661,069

**CIVILIAN POLICE OVERSIGHT AGENCY  
GENERAL FUND - 110  
FY/16 PROPOSED BUDGET**

Date: 3/12/2015 Time: +

Page - 1 -

	POS.	PERSONNEL	EXPENSES	CAPITAL	TRANSFERS	TOTAL
<b>FY/15 APPROVED BUDGET</b>						0
<b>TECHNICAL ADJUSTMENTS:</b>						
Transfer in from the CAO Department	7	569,136	41,221	0	0	610,357
Salary Forecast Adjustments		34,981				34,981
OEB - Life, Unemp, Ins. Admin - .92%		5,236				5,236
Salary Accrual - 1 day		2,128				2,128
FY/15 Wage Adj. from Reserve		9,423				9,423
Telephone			159			159
Rounding						0
<b>SUBTOTAL</b>	<b>7</b>	<b>620,904</b>	<b>41,380</b>	<b>0</b>	<b>0</b>	<b>662,284</b>
<b>DEPARTMENT REQUEST</b>	<b>7</b>	<b>620,904</b>	<b>41,380</b>	<b>0</b>	<b>0</b>	<b>662,284</b>
<b>EXECUTIVE DECISIONS</b>						
<b>ISSUE PAPERS:</b>						
						0
						0
						0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CIP COMING-ON-LINE:</b>						
						0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL FY/16 PROPOSED BUDGET</b>	<b>7</b>	<b>620,904</b>	<b>41,380</b>	<b>0</b>	<b>0</b>	<b>662,284</b>
<b>NET / PERCENT CHANGE</b>	<b>7</b>	<b>9.1%</b>	<b>0.4%</b>	<b>n/a</b>	<b>n/a</b>	<b>8.5%</b>
<b>NONRECURRING APPROPRIATIONS - INFORMATION ONLY</b>						
						0
						0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ISSUE PAPERS (In Priority Order)</b>						
1 Community Outreach	1	80,890	8,700			89,590
2 Outside Legal Council			75,000			75,000
3 Operating Needs			51,000			51,000
<b>SUBTOTAL</b>	<b>1</b>	<b>80,890</b>	<b>134,700</b>	<b>0</b>	<b>0</b>	<b>215,590</b>
<b>CIP COMING-ON-LINE:</b>						
1						0
2						0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL DEPARTMENT REQUEST</b>	<b>8</b>	<b>701,794</b>	<b>176,080</b>	<b>0</b>	<b>0</b>	<b>877,874</b>

M000407

**FORM 1**  
**ISSUE PAPER COST WORKSHEET**  
**FY/16**

ISSUE TITLE: Community Outreach

TOTAL ISSUE COST:

89,590

EFFECTIVE DATE TO IMPLEMENT PROPOSAL:

GOAL:

2

- ☐ Public Safety Quarter Cent Issue  
☐ Neutral Issue  
☐ Reduce one service to increase another  
☐ Increase revenues to increase service  
☐ Reallocate resources within a service  
☐ Negative Issue  
☐ CIP Coming on Line

Program Strategy Name/Number: CPOA Administration -1500001  
 Department: Civilian Police Oversight Agency  
 Fund Name/Number: General Fund - 110  
 FY/15 or FY/16 Objective (this issue is linked to):

**PURPOSE AND EXPLANATION OF ISSUE:**

The DOJ Settlement Agreement and City ordinance require the Civilian Police Oversight Agency (CPOA) to create a Community Outreach program aimed at soliciting public input from broad segments of the community in terms of geography, race, ethnicity, and socio-economic status. The City Ordinance requires the CPOA to have a full-time employee dedicated to conducting Community Outreach.

**HOW WILL CUSTOMER OR COMMUNITY CONDITIONS CHANGE?**

By creating a CPOA Community Outreach program, the CPOA will assist in building relationship between community members and the Albuquerque Police Department. This Community Outreach would educate Albuquerque citizens on the avenues available to them to address their thoughts about APD, both positive and negative, and to provide a vehicle for input to APD for suggesting changes.

**REVENUE ENHANCEMENTS**

Revenue Source	Current Rate	Total Current Revenue	Proposed Rate	Total Proposed Revenue	Approval Authority for Rate Change
Subtotal:				0	

**PERSONNEL COSTS or (SAVINGS):**

Department ID #	Position Title	Grade	Full Time?	# of hours if not FT	# of Positions	Cost (Savings) including Fringe Benefits
1510000	Community Outreach administrator	Uncl	FT	2080	1	80,890
Subtotal:					1	80,890

**NON-PERSONNEL COSTS or (SAVINGS):**

Department ID #	Account Number	Non-personnel Items Requested/Changed/Eliminated	Cost (Savings)
1510000	522000	Supplies for meetings	5,000
1510000	533000	One-time computer, data line, office needs	3,700
Subtotal:			8,700

**FORM 1**  
**ISSUE PAPER COST WORKSHEET**  
**FY/16**

**ISSUE TITLE:** Outside Legal Council

**TOTAL ISSUE COST:**

**75,000**

**EFFECTIVE DATE TO IMPLEMENT PROPOSAL:**

**GOAL:**

**2**

☐ **Public Safety Quarter Cent Issue**

☐ **Neutral Issue**

☐ Reduce one service to increase another

☐ Increase revenues to increase service

☐ Reallocate resources within a service

☐ **Negative Issue**

☐ **CIP Coming on Line**

Program Strategy Name/Number: CPOA Administration -1500001

Department: Civilian Police Oversight Agency

Fund Name/Number: General Fund - 110

**FY/15 or FY/16 Objective (this issue is linked to):**

**PURPOSE AND EXPLANATION OF ISSUE:**

Both the DOJ Settlement Agreement and City Ordinance direct the City to fund the CPOA in order for the Agency to have the ability to retain outside contract legal council as necessary. This contract independent legal counsel would provide legal advice to the CPOA when the CPOA has legal questions or concerns which may be in conflict with the City government and/or the Albuquerque Police Department. One mission of the Civilian Police Oversight Agency is to "ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of government of the City of Albuquerque." Funding independent contract legal services conforms to this mission.

**HOW WILL CUSTOMER OR COMMUNITY CONDITIONS CHANGE?**

With the ability to retain independent contract legal services, the CPOA will accomplish its mission of autonomy and independence from the executive and legislative branches of City government.

**REVENUE ENHANCEMENTS**

Revenue Source	Current Rate	Total Current Revenue	Proposed Rate	Total Proposed Revenue	Approval Authority for Rate Change
<b>Subtotal:</b>				<b>0</b>	

**PERSONNEL COSTS or (SAVINGS):**

Department ID #	Position Title	Grade	Full Time?	# of hours if not FT	# of Positions	Cost (Savings) including Fringe Benefits
<b>Subtotal:</b>					<b>0</b>	<b>0</b>

**NON-PERSONNEL COSTS or (SAVINGS):**

Department ID #	Account Number	Non-personnel Items Requested/Changed/Eliminated	Cost (Savings)
1510000	520500	Contract Legal Staffing	75,000
<b>Subtotal:</b>			<b>75,000</b>

**FORM 1**  
**ISSUE PAPER COST WORKSHEET**  
**FY/16**

ISSUE TITLE: Operating Needs

TOTAL ISSUE COST:

51,000

EFFECTIVE DATE TO IMPLEMENT PROPOSAL:

GOAL:

2

☐ Public Safety Quarter Cent Issue

☐ Neutral Issue

☐ Reduce one service to increase another

☐ Increase revenues to increase service

☐ Reallocate resources within a service

☐ Negative Issue

☐ CIP Coming on Line

Program Strategy Name/Number: CPOA Administration -1500001

Department: Civilian Police Oversight Agency

Fund Name/Number: General Fund - 110

**FY/15 or FY/16 Objective (this issue is linked to):**

**PURPOSE AND EXPLANATION OF ISSUE:**

City Ordinance encourages Police Oversight Board (POB) members to attend conferences and workshops relating to police oversight, such as the annual National Association of Civilian Oversight of Law Enforcement (NACOLE) conference at City expense depending on budget availability. Request sufficient funding to send POB members and staff to an annual NACOLE conference. City Ordinance and DOJ require the CPOA to produce several reports. Request funding for contractual staff on an as needed basis to proof and review all required reports. Currently, there are no FTE's who can fulfill the proof-reading function needed at the CPOA.

**HOW WILL CUSTOMER OR COMMUNITY CONDITIONS CHANGE?**

Through attending conferences and workshops taught by recognized experts in the police oversight field, POB members and CPOA staff will increase their knowledge of nationally accepted practices and trends in police oversight. By providing funds for temporary proofing and reviewing services, the CPOA will be able to produce the legally-mandated reports and community outreach materials to the highest professional standard.

**REVENUE ENHANCEMENTS**

Revenue Source	Current Rate	Total Current Revenue	Proposed Rate	Total Proposed Revenue	Approval Authority for Rate Change
Subtotal:				0	

**PERSONNEL COSTS or (SAVINGS):**

Department ID #	Position Title	Grade	Full Time?	# of hours if not FT	# of Positions	Cost (Savings) including Fringe Benefits
Subtotal:					0	0

**NON-PERSONNEL COSTS or (SAVINGS):**

Department ID #	Account Number	Non-personnel Items Requested/Changed/Eliminated	Cost (Savings)
1510000	520500	Professional Services	(14,500)
1510000	522500	Supplies	(4,800)
1510000	522500	Travel - Nacole Conference - 15	25,500
1510000	523500	Repairs and Maintenance - copier	4,800
1510000	527500	Contract Staffing	40,000
Subtotal:			51,000

**From:** Hammer, Robin  
**To:** Davila, Natalee Z; Funes, Ana R.; Gonzalez, Arturo E.; Medrano, Michael V.; Norris, Scott; DuBois, John E.; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, Paul A.; Beth A. Mohr (CABO.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Jeannette Baca (jvbaca.pob@gmail.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (phamason.lw@gmail.com); Moira Amado-McCoy (moiraamado@gmail.com); Scott Wilson (jswilsonpob@outlook.com)  
**Subject:** dinner/snack break  
**Date:** Thursday, March 12, 2015 12:28:40 PM

---

Dear Board Members:

Please plan to bring a snack lunch/snack for dinner break, in case the Chair chooses to take a short dinner/snack break. Unlike City Council, we do not currently have the budget to provide a hot meal to the POB Members.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Beth Mohr  
**To:** Mayor Berry  
**Subject:** Disappointed that the Mayor sent no City Staff to the first Police Oversight Board Meeting  
**Date:** Friday, March 13, 2015 1:03:01 PM

---

Dear Mayor Berry,

It is difficult to express the depth of my disappointment in the fact that there was no representation from the Mayor's Office at the first Police Oversight Board (POB) meeting, which was publicly televised last night. Obviously I didn't expect you to attend, but someone from your office should have been there.

The message that the Administration appears to be sending is that the POB is not important enough to warrant any representative at all, despite the fact that there was an agenda item for City Staff to report. At the very least, there should have been someone from the Mayor's Office there to welcome the Board, thank them for their service, and stand for questions. What are your intentions with respect to the POB?

The question I would have asked City Staff, had they been present, is whether the administration plans to propose to Council a sufficiently adequate budget for the Civilian Police Oversight Agency (CPOA) and POB that will provide for both the DOJ mandated hire of a community outreach person, and the ability for the entire POB to attend the training provided for Board Members by the National Association of Civilian Oversight of Law Enforcement (NACOLE).

Currently, the Board is provided with no fewer than 72 hours of training by the APD, and a few hours of training from other City Staff, as well as ride-along assignments and tours. While I do appreciate the opportunity to receive this training from the APD, in my experience, the people responsible for causing the problem are generally not the most qualified to provide training regarding how to solve the problem. It is very important that all of the Board Members have the opportunity to receive additional training, such as the NACOLE training available this fall.

So far we have been told by the Acting CPOA Director, Robin Hammer, that due to budget constraints, we will not be provided with printed copies of any of the Board materials, we will not be provided with any food or water at the POB meetings regardless of length, there may not be money to hire independent counsel for the POB, and we will not have the opportunity for all of the Board Members and CPOA staff members to attend the NACOLE training conference.

If the Administration wants to "starve out" the POB, through lack of support and resources, this is a very good way to accomplish that goal. I am frankly disappointed that Ms. Hammer failed to submit a budget that included all of those elements, but I am requesting that your office add them through the budget hearing process.

Additionally, if your intention is to support the POB in our efforts, I would expect to see a City Staff person attending future POB meetings. The message sent by their absence at the first meeting was extremely disappointing, and is not what I've come to expect from your administration. Frankly, I assume that you were unaware that nobody had been assigned to attend, but the lack of attention is no less disappointing.



I look forward to your personal reply to this email. While I am sending this directly and solely to you at this time, I reserve the right to widen the distribution of this conversation if a reply is not forthcoming.

Respectfully yours,

Beth A. Mohr, Co-Vice Chair  
Albuquerque Police Oversight Board

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful when replying to or forwarding this email.

**From:** Hammer, Robin  
**To:** Jacobi, Jenica L; Eden, Gordon; Huntsman, Robert Y; "Jerry A Walz (jerryawalz@walzandassociates.com)"; "Killebrew, Paul (CRT) (Paul.Killebrew@usdoj.gov)"; "Sanders, Corey (CRT)"; "Fred Mowrer"; "Scott Greenwood" (law@scottgreenwood.com)"; "Elizabeth M. Martinez (elizabeth.martinez@usdoj.gov)"; Willoughby, Shaun T; Lopez, Stephanie K; "Luis E. Saucedo@usdoj.gov"  
**Cc:** Leonard Waites; Beth Mohr; "Scott West (Scott.west@oig.dhs.gov)"  
**Subject:** DOJ/COA/APOA Directives to CPOA and POB  
**Date:** Tuesday, March 24, 2015 3:17:35 PM

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Dear Colleagues:

I am writing to confirm the outcome of the meeting held on Friday, March 20, 2015 at the Albuquerque U.S. Attorney's Office between the parties in the matter United States of America v. City of Albuquerque, 1:14-cv-01205-RB-SMV, consisting of the City of Albuquerque, the Department of Justice (DOJ), and the intervener, Albuquerque Police Officers' Association (APOA), the Federal Independent Monitor, Dr. James Ginger, the two Vice-Co-Chairs of the Police Oversight Board (CPOA), and myself, the Acting Executive Director of the Civilian Police Oversight Agency (CPOA). It was my understanding that all parties of lawsuit agreed that the CPOA should be precluded from reviewing Officer-Involved Shooting cases until the members of the Police Oversight Board (POB) have completed their training required in the Settlement Agreement and the City's Police Oversight Ordinance. It was discussed that the POB Training is currently scheduled to be completed mid-June 2015. It was my understanding that Dr. Ginger, also agreed that the CPOA should cease reviewing Officer-Involved Shooting cases until the POB Members have completed their mandated training.

The parties to the lawsuit also agreed that the Police Oversight Board should discontinue its review of individual Citizen Police Complaint (CPC) cases until such time as the flow of CPC case review can be altered to meet the goals and objectives of DOJ, APD, APOA, the community, and the CPOA. The parties discussed that perhaps a legislative amendment to the City's Police Oversight Ordinance would be needed to obtain the best practices for administrative review of CPC cases. The parties also stipulated that the Administrative Office of the CPOA would continue to receive, investigate, and draft findings in CPC cases. The Administrative Office would continue to forward its completed cases to the Chief of Police for his review and to impose any appropriate discipline within the prescribed time limits, pending the parties' review of the process. It was discussed that there would need to be an amendment to the City's Police Oversight Ordinance if the parties wished to permit the Administrative Office to send out Finding Letters to complainants without POB review during this interim period. It was also my understanding that Dr. Ginger agreed that POB should cease their review of individual CPC cases until the process can be formally fine-tuned.

The two Vice-Co-Chairs, Beth Mohr and Scott Wilson, along with myself, were present at this meeting. The POB Chair, Leonard Waites, was unavailable to attend. None of us can implement these changes in practices on our own accord. While the POB Chair sets the POB Meeting Agenda, POB members must approve the Agenda, and may overrule the Chair. Therefore, in order to accomplish DOJ, the City, and APOA's directives to cease CPOA review of Officer-Involved Shootings until POB training is completed and POB review of individual CPC's until the process is modified, a majority of the POB members must consent at an open meeting. Or in the alternative, there needs to be some action from the parties and/or the Dr. Ginger and/or the Court formally directing the CPOA and POB to cease reviewing the cases as outlined above. It was discussed that perhaps Dr. Ginger or someone from his team could address the POB at their next meeting to discuss the Settlement Agreement and the requirements of the POB and CPOA's practices and procedures under the Settlement Agreement, as well.

I am writing to request that the parties determine how to accomplish their stipulated directives to

the CPOA and POB and then follow-through with the agreed upon action. The next POB meeting will be held in approximately two weeks on Thursday, April 9 in City Council Chambers at 5 pm. The POB Chair will send the proposed Agenda to the POB Members next Thursday, April 2, and will post it for the public on Monday, April 6. I am requesting that all three parties respond by Monday, March 30, 2015 with the agreed upon actions which the parties plan to take to accomplish these changes to the CPOA and POB practices and procedures.

Please also contact me if you have any questions or concerns.

All the best,  
Robin Hammer

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Beth Mohr  
**To:** Hammer, Robin; Hernandez, Jessica M.; Yermal, Vincent A.; Scott, Mary L.; Joanne Fine; Eric Cruz; Jacobi, Jenica L; Moira Amado-McCoy  
**Subject:** Draft Personnel Subcommittee meeting agenda  
**Date:** Wednesday, June 03, 2015 5:38:45 PM  
**Attachments:** June 9, 2015 Personnel Subcommittee Agenda.docx

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All - Please peruse this draft agenda for June 9th and modify or approve by tomorrow, June 4th. Sorry for the short notice.

It appears that the CPC committee has the whole CPC process well in hand, so I would propose that we confine our efforts to the Director search, and dealing with personnel matters, and leave the CPC process in the capable hands of that committee for now.

Ms. Hammer - Could you please ensure that Mr. Yermal and Ms. Hernandez or their respective designees are invited to the meeting? Perhaps Mary Scott would be available?

Unless there are changes, please post this in time to meet the deadline.

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing something you said couldn't be done. ~ Amelia Earhart*

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**CIVILIAN POLICE OVERSIGHT AGENCY  
POLICE OVERSIGHT BOARD  
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE**

*Dr. Moira Amado-McCoy*

*Beth Mohr*

*Susanne Brown*

*Scott Wilson*

Robin S. Hammer, Acting Executive Director

**POLICE OVERSIGHT BOARD  
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE**

**Friday, June 9, 2015 – 1:30 pm  
Plaza del Sol, 600 2nd Street NW –  
Basement, Hearing Room 160**

**A G E N D A**

- I. Welcome and Call to Order: *Beth Mohr***
- II. Approval of the Agenda**
- III. Approval of Minutes & Prior Minutes**
- IV. Public Comments**
- V. Discussion of Executive Director Search & Hiring Process**
  - A. Report from HR regarding job posting – Vince Yermal, or designee**
  - B. Discussion of hiring process**
  - C. Creation of hiring process timeline**
  - D. Creation of hiring process materials**
  - E. Assignments & action items list**
- VI. Discussion of CPOA Office Personnel Issue**
  - A. Report from City Attorney's Office – Jessica Hernandez, or designee**
  - B. Other HR reports or issues, as appropriate**
- VII. Other business**
- VIII. Next Meeting date to be determined at meeting**
- IX. Adjournment**

**From:** Hammer, Robin  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Eva P. Sandoval; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson  
**Cc:** Bullock, Nicholas; Davila, Natalie Z; Funes, Ana R.; Gonzalez, Arturo E.; Medrano, Michael V.; Cash, Paul; Contreras, Michelle; Davidson, Christopher; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, Paul A.  
**Subject:** Draft POB Agenda, Meeting Materials and Letter from CAO Perry  
**Date:** Thursday, April 02, 2015 1:39:17 PM  
**Attachments:** Draft 4 9 15 POB Agenda-v2.doc  
March 2015 CPOA Minutes- 4-1-15 Draft.doc  
CPOA ACTIONPLAN for DOJ Compliance-4-1-15.docx  
Contract Outside Counsel Contract.doc  
3-31-15 CAO Perry Letter to Waites and Mohr.pdf  
CPOA Amicus Brief CIV 14-1025 -.pdf

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Dear POB Board Members:

Attached is a letter from Chief Administrative Officer Robert Perry to Chair Waites and Co-Vice Chair Mohr.

The Draft Agenda for next week's meeting is attached. Please send any suggested changes to Leonard for his consideration by 5 pm tomorrow, Friday, April 3. A final Agenda will be published Monday afternoon. The Minutes from the last meeting are attached.

Regarding Item 6, Settlement Agreement Discussion and Training, I provided everyone a copy of the Settlement Agreement at our initial training. Attached are the Amicus Brief I filed in the DOJ Lawsuit and the Agency's plan to comply with the paragraphs which pertain the Agency.

Regarding Item 9, attached is a draft of the proposed Contract of an Independent Legal Counsel.

Regarding Item 10, I sent out a copy of the proposed Rules on March 26.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
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## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy    Dr. Jeannette Baca    Eric H. Cruz*  
*Joanne Fine    Beth Mohr    Rev. Dr. David Z. Ring III*  
*Leonard Waites    Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

## **POLICE OVERSIGHT BOARD AGENDA**

**Thursday, April 9, 2015 – 5:00 PM**  
**Vincent E. Griego Chambers**

- I. Welcome and Call to Order:** *Acting Chair Beth Mohr*
- II. Pledge of Allegiance:** *Dr. David Z. Ring III*
- III. Approval of the Agenda**
- IV. Approval of Minutes**
- V. Public Comments**
- VI. Settlement Agreement Discussion/Training**
- VII. Discussion of Role of CPOA and POB**
  - A) Discussion of proposed City Council Resolution to hold in abeyance POB review of Citizen Police Complaint and Officer Involved Shooting cases until mandated training is completed and Rules are adopted
- VIII. Reports from Subcommittees**
  - A. Outreach Subcommittee**

Presentation from New Mexico Forum for Youth for outreach involving youth
  - B. Personnel Subcommittee**
- IX. Discussion of Contract for Independent Legal Counsel**
- X. Discussion of Draft CPOA Rules**
- XI. Reports from City Staff:**
  - A. Executive Director** *Report by Acting Executive Director Robin Hammer*
  - B. SOP Update** – *Report by Assistant Lead Investigator Paul Skotchdopole*
  - C. Mayor's Staff** – *Report*
  - D. City Council Staff**– *Report*
  - E. City Attorney's Staff** – *Report*
  - F. APD**– *Report*
- XIII. Other Business**
- XIV. Adjournment - Next POB meeting will be on Thursday, May 14, 2015 at 4:00 PM in the Vincent E. Griego Chambers.**

# **CIVILIAN POLICE OVERSIGHT AGENCY**

**Thursday, March 12, 2015**

**Vincent E. Griego Chambers, Basement Level  
City/County Government Center - One Civic Plaza NW  
Albuquerque, New Mexico**

## **Members Present:**

Leonard Waites (Chair)  
Jeffrey Scott Wilson (Co-Vice Chair)  
Beth Mohr (Co-Vice Chair)  
Dr. Jeanette Baca  
Dr. Moira Amado-McCoy  
Rev. David Ring III  
Joanne Fine  
Eric Cruz (Via Phone)  
Eva Sandoval (Via Phone)

## **Others Present:**

Robin Hammer  
Paul Skotchdopole  
Chris Davidson  
Diane McDermott  
Erin O'Neil  
Paul Cash  
Michelle Contreras  
APD Lt. Jennifer Garcia  
APD Sgt. Mike Medrano  
Julian Moya, City Council  
Nicholas Bullock, Asst. City Attorney

## **MINUTES**

- I. WELCOME AND CALL TO ORDER** – Board Member Wilson called the meeting to order at 4:04 p.m.
- II. PLEDGE OF ALLEGIANCE** – Board Member Waites led the Pledge.
- III. ELECTION OF POB CHAIR AND VICE CHAIR** – Board Member Fine nominated Board Member Waites for the position of Chairman. Board Member Wilson seconded the motion. Passed.  
For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

Chairperson Waites nominated Board Member Wilson for the position of Vice Chair. Board Member Fine nominated Board Member McCoy for the position of Vice Chair. Board Member Baca nominated Board Member Mohr for the position of Vice Chair. Board Member McCoy indicated she could not serve at this time. There was a 4-4 vote for Board Member Wilson (Waites, Wilson, Sandoval, Ring, Board Member Cruz abstained.) There was a 4-4 vote for Mohr. (Mohr, Baca, McCoy, Fine). After discussion, Board Member McCoy suggested the Board have Co-Vice Chairs and made a motion to select Board Members Wilson and Mohr as Co-Vice Chairs. Board Member Ring seconded the motion. Passed.  
For: 7 - McCoy, Ring, Wilson, Fine, Baca, Waites, Mohr  
Against: 2 - Sandoval, Cruz



**IV. APPROVAL OF AGENDA** – Chairperson Waites moved to approve the agenda. Board Member McCoy requested that Item XI be moved up and discussed with Item VI. Passed.

For: 8 – McCoy, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Ring

Abstain: 1 – Cruz

Board Member Mohr moved to add a dinner break to the agenda. Board Member McCoy seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

Board Member Ring moved to approve the agenda as amended. Co-Vice Chair Wilson seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

**V. PUBLIC COMMENT –**

**Ben Lovato** – Mr. Lovato inquired if all Board Members had undergone a background check, if they had been arrested or incarcerated, or if they had previously filed a complaint against APD. Mr. Lovato asked if the SOPs would be available to the public in hard copy or only online.

**Bill Kass** – Mr. Kass congratulated the Board and stated that he had applied for a seat on the Board. Mr. Kass stated that there are so many laws that APD can pick and choose which laws they choose to enforce. Mr. Kass stated that there are problems at APD. Mr. Kass stated that the POB can create policy, and that is a good start, and that the POB should make recommendations.

**Don Schroeder** - Mr. Schroeder spoke about the James Boyd incident, persons who are mentally ill, and families who have lost their loved ones. Mr. Schroeder stated that we must demand police brutality be stopped now. Mr. Schroeder spoke about Sam Costales, a retired officer who spoke recently at UNM regarding problems in law enforcement.

**Dinah Vargas** – Ms. Vargas stated that she supported Robin Hammer, and requested that Ms. Hammer be retained as the Executive Director of the CPOA. Ms. Vargas stated that Ms. Hammer has been to many community events. Ms. Vargas stated that the District Attorney has been looked at, and that others need to be looked at.

**Ernest Sturdevant** - Mr. Sturdevant stated that he was one of those that petitioned DOJ to come to Albuquerque. Mr. Sturdevant said that APD thinks there is no problem with the Department, but there is a problem with the media. Mr. Sturdevant voiced that there is a need for fresh people, and that Ms. Hammer should not be retained.

- VI. DISCUSSION OF ROLE OF CPOA AND POB** – A discussion was had about the role of the CPOA and POB. The Ordinance provided direction as to what the Board is tasked with. The Board discussed that an outreach program was a top priority. Board Member Fine made a motion to create an Executive Outreach Committee. Co-Vice Chair Wilson seconded the motion. Passed.  
For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

Chair Waites appointed Board Members Waites, Baca, and Ring to the Outreach Committee.

The Board expressed their desire to form other subcommittees, such as a Personnel Committee, a committee to review Citizen Police Complaints, and a Policy and Procedures Committee.

Chair Waites appointed Board Members Waites, McCoy, and Wilson to the Committee on Citizen Police Complaints.

Chair Waites appointed Board Members Mohr, Fine, and Cruz to the Personnel Committee.

Board Member Baca made the motion to establish other subcommittees which the Board would be interesting in creating. Co-Vice Chair Wilson seconded the motion. Passed.

For: 8 – McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval  
Abstain: 1 – Cruz

Board Member Baca agreed to create a list of other subcommittees and make a presentation at the April Board meeting.

- VII. DRAFT CPOA RULES** – Discussion was had regarding the work that CPOA was doing to revamp the CPOA Rules. The Board agreed to work with the staff regarding the Rules. Board Member McCoy moved to allow the CPOA staff to continue their work on the Rules and that this matter be placed on the April agenda. Co-Vice Chair Mohr seconded the motion. Passed.  
For: 8 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval  
Abstain: 1 – Cruz

- VIII. DISCUSSION OF PROCESS TO RETAIN INDEPENDENT LEGAL COUNSEL** – A discussion was had regarding Independent Legal Counsel. Ms. Hammer explained there are no funds currently available for hiring Legal Counsel, but a request is contained in the 2016 budget. Julian Moya from City Council advised the Board that they can request funds from the City Council in order to hire Independent Legal Counsel for the next three months. Chairperson Waites made a motion that the Board request funds from the City Council. Board Member McCoy seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

- XI. PROCESS AND SELECTION OF CPOA EXECUTIVE DIRECTOR** – Mr. Bullock from the City Attorney's Office advised that the Board should go into Executive Session to discuss this matter. Co-Vice Chair Mohr made a motion that the Board go into Executive Session. Board Member McCoy seconded the motion. Passed.

For: 7 - McCoy, Mohr, Waites, Wilson, Fine, Baca, Sandoval

Opposed: 1 – Ring

Abstain: 1 - Cruz

After the Executive Session, the Board discussed that this issue should be deferred to the April 2015 Board meeting. Co-Vice Chair Mohr made a motion to defer this matter to the Personnel Committee. Board Member Ring seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

**IX. CITIZEN POLICE COMPLAINT FINDINGS BY CPOA:**

A discussion was had regarding CPC letters being accepted on a consent agenda. Co-Vice Chair Mohr made a motion to poll the Board to ascertain which CPCs the Board wanted to pull from the Consent Agenda. Co-Vice Chair Wilson seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

CPC 198-14 and CPC 233-14 were pulled from the Consent Agenda.

Board Member Ring made a motion that the Board accept the following CPCs on a consent agenda. Co-Vice Chair Wilson seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

**CONSENT AGENDA CASES:**

**CPC 186-14** – A citizen complained that during an encounter she had with her son, Officer S. was rude, inappropriate, told citizen to shut up, and citizen was afraid that Officer S. was going to attack her. Citizen alleged that Officer S. damaged her gate when he entered the back yard. The video recording showed that Officer S. was not inappropriate, never told citizen to shut up, and never approached citizen as if to attack her. The video also showed that Officer S. knocked on the gate, but not in a violent manner. The CPOA and the POB found the allegations of *Misconduct* and *Working Knowledge of Laws* to be EXONERATED against Officer S.

**CPC 196-14** – Citizen was involved in a motor vehicle accident. Citizen alleged that Officer S. was not shown proof of insurance by the other driver, and that the police report was inaccurate as to the location of the vehicles. Officer S.' police report does list the other driver's insurance information. The MVD computer does

not always depict that a driver's insurance is not valid. The officer is allowed discretion to rely on the information from the driver regarding insurance. The video recording indicated that citizen's version of where her vehicle was is accurately stated in the police report. However, the contact was not recorded in its entirety. The CPOA and the POB found the allegation of *Preliminary Investigations* and *Use of Discretion* to be EXONERATED, and *Failure to Record* to be SUSTAINED against Officer S.

**CPC 209-14** – Citizen was involved in a motor vehicle accident. PSA S. arrived on scene and citizen alleged that PSA S. was rude, and that the accident report was inaccurate. PSA S. did not record the incident. There is no way to prove or disprove the allegation that PSA S. was rude, or that the accident report was inaccurate. PSA S. disagreed with citizen's version of events. The CPOA and the POB found the allegations of *Preliminary Investigations* and *Misconduct* to be NOT SUSTAINED, and *Failure to Record* to be SUSTAINED against PSA S.

**CPC 230-14** – Citizen stated that she was stopped by Officer L. because she was driving with her turn signal on, but never turned. Citizen alleged that Officer L. harassed her, called her a criminal and tried to charge her with anything he could, that he did not return her driver's license, and threatened to arrest her. The video recording showed that Officer L. was professional, polite, and patient during the traffic stop, and that the stop was for driving with no headlights at night. Officer L. never called citizen a criminal. Citizen refused many times to sign the citation, which is an offense that Officer L. could have arrested her on. The video showed that Officer L. handed the driver's license to a supervisor on scene. The CPOA and the POB found the allegation of *Working Knowledge of Laws* to be EXONERATED, and *Misconduct* to be UNFOUNDED against Officer L.

**CPC 001-15** – Citizen stated that he filed a complaint because a financial institution stole money from him by not making a payment, and that APD would not handle the incident. Citizen contacted the CPOA and stated that he wanted to withdraw his complaint because the bank had settled the dispute. Therefore, the CPOA and the POB ADMINISTRATIVELY CLOSED this case.

**CPC 010-15** – A citizen stated that she came upon a rollover accident and discovered that she was in the wrong lane and could not go forward. Citizen alleged that Officer C. then hit her car with his fist and yelled at her. Citizen agreed that her complaint could be best handled informally. Officer C.'s supervisor spoke with Officer C. Citizen was satisfied with the informal resolution of this case. Therefore, the CPOA and the POB ADMINISTRATIVELY CLOSED this case.

**CPC 018-15** – A citizen complained that he was treated unfairly by Officer A. Citizen contacted the CPOA and stated that he wanted to withdraw his complaint

because Officer A. was probably having a bad day. Therefore, the CPOA and the POC ADMINISTRATIVELY CLOSED this case.

**NON-CONSENT AGENDA CASES:**

**CPC 233-14** – A citizen stated that she had a restraining order against her ex-husband. Citizen alleged that Officer S. obtained her current address and gave that information to the ex-husband, as well as information regarding her current boyfriend. The CPOA investigation determined that Officer S. did obtain such information from a secure database and did provide that information to the ex-husband. The CPOA and the POB found the allegations of *NCIC Access*, *Disseminating Computer Information*, and *Untruthfulness* to be SUSTAINED against Officer S.

The Board expressed their desire to have this letter contain language as to the severity of the infraction. The Board stated that they would like to be allowed to recommend disciplinary action in cases where they feel the discipline should be as severe as possible. Board Member Fine made a motion to revise the letter to include language regarding stringent discipline recommendations. Co-Vice Chair Wilson seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

Co-Vice Chair Mohr made a motion to accept the letter with the revisions discussed. Board Member McCoy seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

**CPC 198-14** – A citizen alleged that Officer P., Officer W., and Detective M. were unprofessional in their dealings with citizen, that they used profanity, used force, and took possession of his wallet and flash drive. Citizen claimed that when he was placed in handcuffs, officers used force which caused injury to his wrists. The video recording showed that citizen resisted being handcuffed, and any force used was necessary to gain control of citizen. The investigation showed that citizen's property and photos were not tagged into evidence. The video recording showed that Detective M. did use profane language, and that his conduct was inappropriate. Officer P. failed to record the incident in its entirety. The CPOA and the POB found the allegation of *Misconduct* and *Profane Language* to be NOT SUSTAINED, *Use of Force* to be EXONERATED, *Appearing for Court*, *Failure to Record*, and *Collecting Evidence* to be SUSTAINED against Officer P.

The CPOA and the POB found the allegation of *Use of Force* to be NOT SUSTAINED, and *Tagging Evidence* to be SUSTAINED against Officer W. The CPOA and the POB found the allegation of *Misconduct* and *Profane Language* to be SUSTAINED against Detective M.

The Board discussed contacting Chief Eden to request that photos taken in incidents should be tagged electronically into evidence using a CAD number or

police report number, and that if evidence is lost, significant discipline should be handed down. Ms. Hammer recommended revising the letter to address the Lost Evidence SOP as being Sustained. Board Member Ring made a motion to accept an amended letter. Board Member Baca seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

Co-Vice Chair Mohr made a motion that Ms. Hammer send a letter to Chief Eden requesting a change to the process of how photos are placed into evidence. Board Member McCoy seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

**X. POLICE SHOOTING CASE – I-49-14** – In February 2014, officers were dispatched regarding a dog that was biting students. One student had been bitten prior to the officer's arrival. When the officer arrived, the dog was misbehaving, and went after another student, biting the student and dragging her to the ground. The officer pepper-sprayed the dog, and the dog ran away. A third victim informed the officer that the dog had also bitten her. Officer J. arrived on scene. There were numerous students in the vicinity that were leaving school. Because of the seriousness of the situation, the officers could not wait for Animal Control to arrive. A sergeant then gave permission for Officer J. to take down the dog. Officer J. shot the dog two times, killing the dog. The dog was reportedly rabid, foaming at the mouth, and had not been registered or had the required shots. The Acting Executive Director found that Officer J. was justified in his Use of Deadly Force. Co-Vice Chair Wilson moved to accept the letter. Board Member Ring seconded the motion. Passed.

For: 9 - McCoy, Ring, Mohr, Waites, Wilson, Fine, Baca, Sandoval, Cruz

## **XII. REPORTS FROM CITY STAFF:**

**A. Executive Director** – Acting Executive Director Hammer reported 2015 statistics as follows:

### **January 2015:**

12 new Citizen Police Complaints

20 Job Well Done Letters

11 Cases Resolved

### **February 2015:**

15 new Citizen Police Complaints

13 Job Well Done Letters

16 Cases Resolved

### **2015 to date:**

32 Citizen Police Complaints received

36 Job Well Done Letters

27 Cases Resolved

Ms. Hammer submitted to the Board the 2014 Semi-Annual and Annual Reports. Ms. Hammer reported that she had appeared on TV and spoke to public groups in the City in 2014 and 2015.

**B. SOP Update** – CPOA Investigator Paul Skotchdopole reported that the CPOA staff has had no representation on the APD Policy and Procedure Review Board regarding SOPs. However, Chief Eden has informed the CPOA that the Executive Director will be placed back on the Policy and Procedure Review Board. The online version of the SOPs are the most current version.

**C. Mayor's Staff** – No one was present to report.

**D. City Council Staff** – Policy Analyst Julian Moya welcomed the new Board and gave handouts to the Board regarding amendments to the POB Ordinance. Mr. Moya also suggested that the City Council needs to hear from the Board regarding budget issues.

**E. City Attorney's Staff** – Nicholas Bullock was present, and stood for questions.

**F. Albuquerque Police Department Report –**

Acting Lt. Medrano presented the APD report for February 2015:

APD Calls for Service: 35, 257

Internal Affair cases for February 2015

Received 10	Inactivated 0	Completed 9	Mediated 0
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Discipline imposed in February 2015

2 verbal reprimands	2 letters of reprimands
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1 8-hour suspension	1 16-hour suspension
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1 24-hour suspension	1 160-hour suspension
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1 termination

**XIII. OTHER BUSINESS** – Board Member Sandoval will be resigning due to health issues. Sandoval expressed her serious concerns about police training, recruitment, and orientation, and requested that the Board oversee hiring procedures at APD. Chairperson Waites stated that the City Council will name a replacement for Board Member Sandoval.

**XIV. ADJOURNMENT** - The next Board meeting is scheduled for April 9, 2015, at 5:00 p.m. The meeting adjourned at 6: 25 p.m.

**APPROVED:**

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**Leonard Waites, Chair**  
**Civilian Police Oversight Agency**

---

DATE

CC:     Julian Moya, City Council  
          Trina Gurule, Acting City Clerk  
          Rey Garduno, City Council President



SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication

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PARAGRAPH: 162

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

162. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD and the Civilian Police Oversight Agency shall ensure that all allegations of officer misconduct are received and are fully and fairly investigated; that all findings in administrative investigations are supported by a preponderance of the evidence; and that all officers who commit misconduct are held accountable pursuant to a fair and consistent disciplinary system. To achieve these outcomes, APD and the Civilian Police Oversight Agency shall implement the requirements below.

CPOA Action Plan:

Date

Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures contained in the City's amended Police Oversight Ordinance (Ordinance) and the Settlement Agreement for the investigation of Civilian Police Complaints (CPC).
2. Report data of CPC cases reviewed and approved by Police Oversight Board.

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(B)

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PARAGRAPH: 164

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED: 1 new FTE

ESTIMATED COST: \$80,000

164. Within six months of the Effective Date, APD and the Civilian Police Oversight Agency shall develop and implement a program to ensure the Albuquerque community is aware of the Procedures to make civilian complaints against APD personnel and the availability of effective mechanisms for making civilian complaints. The requirements below shall be incorporated into this program.

CPOA Action Plan:  
Completed

Date

1. Secure funding from City Council to hire full-time Community Outreach employee and printing/design costs for Outreach materials for FY16;
2. Form an Outreach Committee of the Police Oversight Board (POB) to formulate plan to develop Outreach Programs;
3. Amend written CPOA Policies and Procedures to reflect Outreach Plan approved by POB;
4. Report Outreach efforts in required reports.

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(B)

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PARAGRAPH: 165

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED: 1 new FTE Outreach Coordinator

ESTIMATED COST:

165. APD and the Civilian Police Oversight Agency shall make complaint forms and informational materials, including brochures and posters, available at appropriate government properties, including APD headquarters, Area stations, APD and City websites, City Hall, public libraries, community centers, and the office of the Civilian Police Oversight Agency. Individuals shall be able to submit civilian complaints through the APD and City websites and these websites shall include, in an identifiable and accessible form, complaint forms and information regarding how to file civilian complaints. Complaint forms, informational materials, and the APD and City websites shall specify that complaints may be submitted anonymously or on behalf of another person. Nothing in this Agreement prohibits APD from soliciting officer commendations or other feedback through the same process and methods as above.

CPOA Action Plan:  
Completed

Date

1. Amend written CPOA Policies and Procedures to reflect the requirements that CPC's maybe filed anonymously or behalf of other persons ;
2. Amend written and electronic Civilian Police Complaint forms to specify that CPC's may be submitted anonymously or on behalf of another person;
3. CPOA Outreach Coordinator shall revise brochures and create posters regarding CPOA and Civilian Police Complaint process;
4. Coordinate with APD headquarters, APD Area stations, City Hall staff, public libraries, and community centers for the placement of created brochures, posters and CPC forms;
5. Report the number of anonymous or third party Complaints in required reports.

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(B)

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PARAGRAPH: 168

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

168. Complaint forms and related informational materials shall be made available and posted in English and Spanish.

CPOA Action Plan:  
Completed

Date

1. Revise City Website to include link to Spanish CPC form;
2. Translate amended Civilian Police Complaint into Spanish;
3. Provide both Spanish and English forms at locations described in Paragraph 165; and
4. Report the number of Spanish Complaints received in required reports.

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(C)

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PARAGRAPH: 170

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

170. APD shall accept complaints regardless of when they are filed. The City shall encourage civilians to promptly report police misconduct so that full investigations can be made expeditiously and the full range of disciplinary and corrective action be made available.

CPOA Action Plan:  
Completed

Date

1. Specify in Brochures/Posters that persons should make their complaints as quickly as possible after incident so that Officers may be disciplined and corrective actions be taken;
2. Amend written CPOA Policies and Procedures to reflect the requirements that CPC's maybe filed and investigated regardless of when they are filed;
3. Amend written and electronic Civilian Police Complaint forms to specify that CPC's may be maybe filed and investigated regardless of when they are filed; and
4. Report the time between complaint filed date and date of incident in required reports.

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

171. The refusal to accept a misconduct complaint, discouraging the filing of a misconduct complaint, or providing false or misleading information about filing a misconduct complaint shall be grounds for discipline.

CPOA Action Plan:  
Completed

Date

1. Amend written CPOA Policies and Procedures to reflect the requirements that the CPOA is required to accept all complaints;

2. Accept and investigate complaints in which persons allege that APD employees refused to accept a misconduct complaint, or discouraged the filing of complaint or provided false or misleading information about filing a misconduct complaint.

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(C)

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

172. APD and the Civilian Police Oversight Agency shall accept all misconduct complaints, including anonymous and third-party complaints, for review and investigation. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, or electronic mail. Any Spanish-speaking individual with limited English proficiency who wishes to file a complaint about APD personnel shall be provided with a complaint form in Spanish to ensure that the individual is able to make a complaint. Such complaints will be investigated in accordance with this Agreement.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements that the CPOA is required to accept all complaints
2. Specify on Complaints and Brochures/Posters that Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, or electronic mail;
3. Translate amended Civilian Police Complaint into Spanish;
4. Provide both Spanish and English forms at locations described in Paragraph 165

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

174. APD and the Civilian Police Oversight Agency shall develop a system to ensure that allegations by a judicial officer of officer misconduct made during a civil or criminal proceeding are identified and assessed for further investigation. Any decision to decline investigation shall be documented.

CPOA Action Plan:

Date Completed

1. Work with City Attorney's Office/APD Legal Counsel to compose letter to Metropolitan, Second Judicial District Court, NM Court of Appeals, NM Supreme Court and New Mexico Federal judges requesting that the court notify the CPOA of any allegations of officer misconduct during a civil or criminal proceeding.



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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

175. APD and the Civilian Police Oversight Agency shall track allegations regarding misconduct involving individuals who are known to be homeless or have a mental illness, even if the complainant does not specifically label the misconduct as such.

CPOA Action Plan:

Date Completed

1. Report homelessness and mental illness through the CPOA's current CIRIS database system;
2. Request IAPro programmers to modify that database to track allegations from individuals who are known to be homeless or have a mental illness for future reports.

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(C)

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PARAGRAPH: 176

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

176. Within six months of the Effective Date, the Internal Affairs Bureau, in coordination with the Civilian Police Oversight Agency, shall develop and implement centralized numbering and tracking system for all misconduct complaints. Upon the receipt of a complaint, the Internal Affairs Bureau shall promptly assign a unique numerical identifier to the complaint, which shall be provided to the complainant at the time the numerical identifier is assigned when contact information is available for the complainant.

CPOA Action Plan:

Date Completed: 11/20/14

1. Continue using the centralized numbering system in place for IA and CPC cases.

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

177. The Internal Affairs Bureau's tracking system shall maintain accurate and reliable data regarding the number, nature, and status of all misconduct complaints, from initial intake to final disposition, including investigation timeliness and notification to the complainant of the interim status and final disposition of the investigation. This system shall be used to determine the status of complaints and to confirm that a complaint was received, as well as for periodic assessment of compliance with APD policies and Procedures and this Agreement, including requirements on the timeliness of administrative investigations.

CPOA Action Plan:

Date Completed

1. Continue to use MIRIAD and CIRIS database systems to track this data.
2. Test and then implement IAPro database program to ensure that it accurately reports information using prior data and new data.

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

183. APD and the Civilian Police Oversight Agency shall ensure that investigations of officer misconduct complaints shall be as thorough as necessary to reach reliable and complete findings. The misconduct complaint investigator shall interview each complainant in person, absent exceptional circumstances, and this interview shall be recorded in its entirety, absent specific, documented objection by the complainant. All officers in a position to observe an incident, or involved in any significant event before or after the original incident, shall provide a written statement regarding their observations, even to state that they did not observe anything.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures the investigation of Civilian Police Complaints (CPC) to include that:

a. CPOA Investigator shall interview each complainant in person, absent exceptional circumstances, record the interview in its entirety, absent specific, documented objection by the complainant; and

b. CPOA Investigator shall obtain a written statement from all officers in a position to observe an incident, or involved in any significant event before or after the original incident, regarding their observations, even to state that they did not observe anything;

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

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ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

184. APD and the Civilian Police Oversight Agency shall investigate all misconduct complaints and document the investigation, its findings, and its conclusions in writing. APD and the Civilian Police Oversight Agency shall develop and implement a policy that specifies those complaints other than misconduct that may be resolved informally or through mediation. Administrative closing or inactivation of a complaint investigation shall be used for the most minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:

a. Complaints other than misconduct that may be resolved informally or through mediation;

b. The use of Administrative closing or inactivation of a complaint shall be for the most minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct.

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

185. APD shall require personnel to cooperate with Internal Affairs Bureau and Civilian Police Oversight Agency investigations, including appearing for an interview when requested by an APD or Civilian Police Oversight Agency investigator and providing all requested documents and evidence under the person's custody and control. Supervisors shall be notified when a person under their supervision is summoned as part of a misconduct complaint or internal investigation and shall facilitate the person's appearance, absent extraordinary and documented circumstances.

CPOA Action Plan:  
Completed

Date

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:

a. Notify supervisors when a person under their supervision is summoned as part of a misconduct complaint.

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PARAGRAPH: 186

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

186. APD and the City shall develop and implement protocols to ensure that criminal and administrative investigations of APD personnel are kept appropriately separate, to protect APD personnel's rights under the Fifth Amendment. When an APD employee affirmatively refuses to give a voluntary statement and APD has probable cause to believe the person has committed a crime, APD shall consult with the prosecuting agency (e.g., District Attorney's Office or USAO) and seek the approval of the Chief before taking a compelled statement.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include policies to ensure Fifth Amendment rights are given if appropriate and ensure the timely referral of potential criminal matters to IA.

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

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DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

187. Advisements by the Internal Affairs Bureau or the Civilian Police Oversight Agency to APD personnel of their Fifth Amendment rights shall only be given where there is a reasonable likelihood of a criminal investigation or prosecution of the subject employee.

CPOA Action Plan:  
Completed

Date

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:

CPOA Investigators shall give Fifth Amendment rights to subject employees only when there is a reasonable likelihood of a criminal investigation or prosecution of the subject employee.



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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

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DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

188. If at any time during misconduct complaint intake or investigation the investigator determines that there may have been criminal conduct by any APD personnel, the investigator shall immediately notify the Internal Affairs Bureau commanding officer. If the complaint is being investigated by the Civilian Police Oversight Agency, the investigator shall transfer the administrative investigation to the Internal Affairs Bureau.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:

- a. If at any time during misconduct complaint intake or investigation the investigator determines that there may have been criminal conduct by any APD personnel, the investigator shall immediately notify the Internal Affairs Bureau commanding officer. If the complaint is being investigated by the Civilian Police Oversight Agency, the investigator shall transfer the administrative investigation to the Internal Affairs Bureau.

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

190. In each investigation, APD and the Civilian Police Oversight Agency shall consider all relevant evidence, including circumstantial, direct, and physical evidence. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will APD or the Civilian Police Oversight Agency disregard a witness's statement merely because the witness has some connection to the complainant or because of any criminal history. During their investigation, APD and the Civilian Police Oversight Agency shall take into account any convictions for crimes of dishonesty of the complainant or any witness. APD and the Civilian Police Oversight Agency shall also take into account the record of any involved officers who have been determined to have been deceptive or untruthful in any legal proceeding, misconduct investigation, or other investigation. APD and the Civilian Police Oversight Agency shall make efforts to resolve material inconsistencies between witness statements.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:

- a. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will APD or the Civilian Police Oversight Agency disregard a witness's statement merely because the witness has some connection to the complainant or because of any criminal history;
- b. Investigators shall take into account any convictions for crimes of dishonesty of the complainant or any witness;
- c. Investigators shall also take into account the record of any involved officers who have been determined to have been deceptive or untruthful in any legal proceeding, misconduct investigation, or other investigation.
- d. The CPOA shall make efforts to resolve material inconsistencies between witness statements.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

191. All administrative investigations conducted by the Internal Affairs Bureau or the Civilian Police Oversight Agency shall be completed within 90 days of the initiation of the complaint investigation. The 90-day period shall not include time for review. An extension of the investigation of up to 30 days may be granted but only if the request for an extension is in writing and is approved by the Chief. Review and final approval of the investigation, and the determination and imposition of the appropriate discipline, shall be completed within 30 days of the completion of the investigation. To the extent permitted by state and city law, extensions may also be granted in extenuating circumstances, such as military deployments, hospitalizations of the officer, and extended absences.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:

- a. Investigations shall be completed within 90 days of the initiation of the complaint investigation. The 90-day period shall not include time for review.
- b. An extension of the investigation of up to 30 days may be granted but only if the request for an extension is in writing and is approved by the Chief.
- c. Review and final approval of the investigation, and the determination and imposition of the appropriate discipline, shall be completed within 30 days of the completion of the investigation.
- d. To the extent permitted by state and city law, extensions may also be granted in extenuating circumstances, such as military deployments, hospitalizations of the officer, and extended absences.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

192. The APD or Civilian Police Oversight Agency investigator shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation:

a) "Unfounded," where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer;

b) "Sustained," where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur;

c) "Not Sustained," where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred;

d) "Exonerated," where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, Procedures , or training;

e) "Sustained violation not based on original complaint," where the investigation determines, by a preponderance of the evidence, that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation; or

f) "Administratively closed," where the policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of the lack of information in the complaint.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review procedures for the investigation of Civilian Police Complaints (CPC) to include the above referenced Findings and Definitions.

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

193. Administratively closed complaints may be re-opened if additional information becomes available. The deadlines contained in Paragraph 191 shall run from when the complaint is re-opened.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review procedures for the investigation of Civilian Police Complaints (CPC) to include:

- a. Administratively closed complaints may be re-opened if additional information becomes available; and
- b. The enumerated deadlines shall run from when the complaint is re-opened.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(D)

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

194. In addition to determining whether APD personnel committed the alleged misconduct, administrative investigations shall assess and document whether the action was in compliance with training and legal standards and whether the incident suggests the need for a change in policy, procedure, or training. In reviewing completed administrative investigations, APD shall also assess and document whether: (a) the incident suggests that APD should revise strategies and tactics; and (b) the incident indicates a need for additional training, counseling, or other non-disciplinary corrective measures. This information shall be shared with the relevant commander(s).

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review procedures for the investigation of Civilian Police Complaints (CPC) to include:

- a. Investigations shall assess and document whether the subject employees' actions were in compliance with training and legal standards;
- b. Investigations shall assess and document whether the incident suggests the need for a change in policy, procedure, or training.

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation and Adjudication  
(E)

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

196. The Civilian Police Oversight Agency shall review APD's anti-retaliation policy and its implementation. This review shall consider the alleged incidents of retaliation that occurred or were investigated during the reporting period, the discipline imposed for retaliation, and supervisors' performance in addressing and preventing retaliation. Following such review, the City shall modify its policy and practice, as necessary, to protect individuals, including other APD personnel, from retaliation for reporting misconduct.

CPOA Action Plan:

Date Completed

1. The Civilian Police Oversight Agency Administrative Office shall review APD's anti-retaliation policy and its implementation, considering:

- a) the alleged incidents of retaliation that occurred
- b) or were investigated during the reporting period,
- c) the discipline imposed for retaliation, and
- d) supervisors' performance in addressing and preventing retaliation.

2. The Police Oversight Board shall review the CPOA's Administrative Office review regarding the retaliation policy and make any recommendations to APD for review of their retaliation policy.

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(E)

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PARAGRAPH: 197

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

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DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

197. Retaliation for reporting misconduct or for cooperating with an investigation of misconduct shall be grounds for discipline, up to and including termination of employment.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review procedures for the investigation of Civilian Police Complaints (CPC) that all CPC cases in which an allegation of retaliation for reporting misconduct or for cooperating with an investigation of misconduct was Sustained shall include a recommendation to the Chief that he should impose discipline in the case, up to and including termination of employment.



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(E)

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:\$\$\$

200. Investigators from the Civilian Police Oversight Agency shall receive at least 40 hours of initial training in conducting misconduct investigations within one year of the Effective Date, and shall receive at least eight hours of training each year. The training shall include instruction on APD's policies and protocols on taking compelled statements and conducting parallel administrative and criminal investigations.

CPOA Action Plan:

Date Completed

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review procedures for CPOA Investigators to be required to receive at least 40 hours of initial training in conducting misconduct investigations within one year of the Effective Date, and shall receive at least eight hours of training each year;

2. Require the training of the CPOA Investigators to include instruction on APD's policies and protocols on taking compelled statements and conducting parallel administrative and criminal investigations;

3. Locate training courses which

SUBSECTION: D. Civilian Police Oversight Agency

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

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DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

271. The City shall implement a civilian police oversight agency ("the agency") that provides meaningful, independent review of all citizen complaints, serious uses of force, and officer-involved shootings by APD. The agency shall also review and recommend changes to APD policy and monitor long-term trends in APD's use of force.

CPOA Action Plan:

Date Completed

1. Apply amended Police Oversight Ordinance (City Code Sections 9-4-1-1, *et seq*)
  - a. Ensure mission goals are satisfied through specific provisions delineated below.
  - b. Ensure use of force is sufficiently delineated to report on serious use of forces
  - c. Ensure use of force weapon/resistance, restraints, responses are individually classified.

SUBSECTION: D. Civilian Police Oversight Agency

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

271. The City shall ensure that the agency remains accountable to, but independent from, the Mayor, the City Attorney's Office, the City Council, and APD. None of these entities shall have the authority to alter the agency's findings, operations, or processes, except by amendment to the agency's enabling ordinance..

CPOA Action Plan:

Date Completed

1. Apply the provisions of the current Police Oversight Ordinance regarding independence of the Agency. Report to Monitor any violations of such.

SUBSECTION: D. Civilian Police Oversight Agency

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

274. Within six months of their appointment, the City shall provide 24 hours of training to each individual appointed to serve on the agency that covers, at a minimum, the following topics:

- a) this Agreement and the United States' Findings Letter of April 10, 2014;
- b) the City ordinance under which the agency is created;
- c) state and local laws regarding public meetings and the conduct of public officials;
- d) civil rights, including the Fourth Amendment right to be free from unreasonable searches and seizures, including unreasonable uses of force;
- e) all APD policies related to use of force, including policies related to APD's internal review of force incidents; and
- f) training provided to APD officers on use of force.

CPOA Action Plan:

Date Completed

1. Create plan to train POB Members on each of the required topics of training;
2. Track and document training compliance for each POB Member.

SUBSECTION: D. Civilian Police Oversight Agency

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DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

275. The City shall provide eight hours of training annually to those appointed to serve on the agency on any changes in law, policy, or training in the above areas, as well as developments in the implementation of this Agreement.

CPOA Action Plan:

Date Completed

1. Create plan to train POB Members on changes in law, policy and development in the implementation of this Agreement;
2. Track and document training compliance for each POB Member.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 84

PARAGRAPH: 276

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

276. The City shall require those appointed to the agency to perform at least two ride-a-longs with APD officers every six months.

CPOA Action Plan:

Date Completed

1. Assist POB Members to set up two ride-a-longs with APD every six months;
2. Track and document training compliance for each POB Member.

SUBSECTION: D. Civilian Police Oversight Agency

PAGE: 84

PARAGRAPH: 277

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

277. The City shall provide the agency sufficient resources and support to assess and make recommendations regarding APD's civilian complaints, serious uses of force, and officer involved shootings; and to review and make recommendations about changes to APD policy and long-term trends in APD's use of force.

CPOA Action Plan:

Date Completed

1. Request sufficient resources from City to accomplish required missions;
2. Notify Monitor if City Budget is inadequate.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 278

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

278. The City shall provide the agency a dedicated budget and grant the agency the authority to administer its budget in compliance with state and local laws. The agency shall have the authority to hire staff and retain independent legal counsel as necessary.

CPOA Action Plan:

Date Completed

a. Resources provided by Ordinance.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 279

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

279. The agency shall retain a full-time, qualified investigative staff to conduct thorough, independent investigations of APD's civilian complaints and review of serious uses of force and officer-involved shootings. The investigative staff shall be selected by and placed under the supervision of the Executive Director. The Executive Director will be selected by and work under the supervision of the agency. The City shall provide the agency with adequate funding to ensure that the agency's investigative staff is sufficient to investigate civilian complaints and review serious uses of force and officer-involved shootings in a timely manner.

CPOA Action Plan:

Date Completed

a. Resources provided by Ordinance.



SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 280

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

280. The Executive Director will receive all APD civilian complaints, reports of serious uses of force, and reports of officer-involved shootings. The Executive Director will review these materials and assign them for investigation or review to those on the investigative staff. The Executive Director will oversee, monitor, and review all such investigations or reviews and make findings for each. All findings will be forwarded to the agency through reports that will be made available to the public on the agency's website.

CPOA Action Plan:

Date Completed

- a. Place reports on CPOA website.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 281

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

281. Investigation of all civilian complaints shall begin as soon as possible after assignment to an investigator and shall proceed as expeditiously as possible.

CPOA Action Plan:

Date Completed

- a. Ensure process runs as quickly as possible.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 282

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

282. The City shall ensure that the agency, including its investigative staff and the Executive Director, have access to all APD documents, reports, and other materials that are reasonably necessary for the agency to perform thorough, independent investigations of civilian complaints and reviews of serious uses of force and officer-involved shootings. At a minimum, the City shall provide the agency, its investigative staff, and the Executive Director access to:

- a) all civilian complaints, including those submitted anonymously or by a third party;
- b) the identities of officers involved in incidents under review;
- c) the complete disciplinary history of the officers involved in incidents under review;
- d) if requested, documents, reports, and other materials for incidents related to those under review, such as incidents involving the same officer(s);
- e) all APD policies and training; and
- f) if requested, documents, reports, and other materials for incidents that may evince an overall trend in APD's use of force, internal accountability, policies, or training.

CPOA Action Plan:

Date Completed

- a. Ensure communication and cooperation with APD to obtain salient information regarding citizen complaints.

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PARAGRAPH: 283

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

283. The City shall provide reasonable access to APD premises, files, documents, reports, and other materials for inspection by those appointed to the agency, its investigative staff, and the Executive Director upon reasonable notice. The City shall grant the agency the authority to subpoena such documents and witnesses as may be necessary to carry out the agency functions identified in this Agreement.

CPOA Action Plan:

Date Completed

- a. Ensure communication and cooperation with APD to obtain salient information regarding citizen complaints.
- b. Set up a process for subpoena of documents and witnesses.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 284

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

284. The City, APD, and the agency shall develop protocols to ensure the confidentiality of internal investigation files and to ensure that materials protected from disclosure remain within the custody and control of APD at all times.

CPOA Action Plan:

Date Completed

- a. Develop policy with APD concerning obtaining confidential materials.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 285

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

285. The Executive Director, with approval of the agency, shall have the authority to recommend disciplinary action against officers involved in the incidents it reviews. The Chief shall retain discretion over whether to impose discipline and the level of discipline to be imposed. If the Chief decides to impose discipline other than what the agency recommends, the Chief must provide a written report to the agency articulating the reasons its recommendations were not followed.

CPOA Action Plan:

Date Completed

- a. Ensure recommendations and chief's response are properly recorded and reported.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 286

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

286. The findings of the Executive Director shall be documented by APD's Internal Affairs Bureau for tracking and analysis.

CPOA Action Plan:

Date Completed

- a. Report findings in IAPro.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 287

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

287. The City shall permit complainants a meaningful opportunity to appeal the Executive Director's findings to the agency.

CPOA Action Plan:

Date Completed

- a. Appeal process provided for in Ordinance.



SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 288

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

288. The agency shall make recommendations to the Chief regarding APD policy and training. APD shall submit all changes to policy related to this Agreement (i.e., use of force, specialized units, crisis intervention, civilian complaints, supervision, discipline, and community engagement) to the agency for review, and the agency shall report any concerns it may have to the Chief regarding policy changes.

CPOA Action Plan:

Date Completed

- a. Ensure recommendations and chief's response are properly recorded and reported.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 289

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

289. For any of the agency's policy recommendations that the Chief decides not to follow, or any concerns that the agency has regarding changes to policy that Chief finds unfounded, the Chief shall provide a written report to the agency explaining any reasons why such policy recommendations will not be followed or why the agency's concerns are unfounded.

CPOA Action Plan:

Date Completed

- a. Ensure recommendations and chief's response are properly recorded and reported.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 290

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

290. The agency shall conduct regular public meetings in compliance with state and local law. The City shall make agendas of these meetings available in advance on websites of the City, the City Council, the agency, and APD.

CPOA Action Plan:

Date Completed

- a. Conduct regular meetings and properly notice when meetings will take place.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 291

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

291. The City shall require the agency and the Executive Director to implement a program of community outreach aimed at soliciting public input from broad segments of the community in terms of geography, race, ethnicity, and socio-economic status.

CPOA Action Plan:

Date Completed

- a. Implement community outreach in conjunction with agreement and ordinance requirements.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 292

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

292. The City shall require the agency to submit semi-annual reports to the City Council on its activities, including:

- a) number and type of complaints received and considered, including any dispositions by the Executive Director, the agency, and the Chief;
- b) demographic category of complainants;
- c) number and type of serious force incidents received and considered, including any dispositions by the Executive Director, the agency, and the Chief;
- d) number of officer-involved shootings received and considered, including any dispositions by the Executive Director, the agency, and the Chief;
- e) policy changes submitted by APD, including any dispositions by the Executive Director, the agency, and the Chief;
- f) policy changes recommended by the agency, including any dispositions by the Chief;
- g) public outreach efforts undertaken by the agency and/or Executive Director; and
- h) trends or issues with APD's use of force, policies, or training

CPOA Action Plan:

Date Completed

- a. Ensure proper information is collected and reported.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 293

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

293. The City shall not, through the City Attorney's office or other means, interpret the originating ordinance of the agency in any way that contradicts the provisions of this Agreement.

CPOA Action Plan:

Date Completed

- a. Ensure the ordinance and settlement agreement are harmonized.

SUBSECTION: D. Civilian Police Oversight Agency

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PARAGRAPH: 298

DIVISION RESPONSIBLE: APD/CPOA

EXPECTED START DATE:

ESTIMATED COMPLETION DATE:

ACTUAL COMPLETION DATE:

DEADLINE:

PERSONNEL REQUIRED:

ESTIMATED COST:

298. In addition to compliance reviews and audits, the Monitor shall conduct qualitative and quantitative assessments to measure whether implementing this Agreement has resulted in the outcomes expressed in Paragraph 294. These outcome assessments shall include collecting and analyzing the following outcome data trends and patterns:

- a) use of force measurements including:
  - i. number of uses of force overall and by force type, area command, type of arrest, and demographic category;
  - ii. number of force complaints overall, disposition of complaints, force type, area command, and demographic category;
  - iii. number of uses of force that violate policy overall and by force type, area command, type of arrest, and demographic category;
  - iv. number of use of force administrative investigations supported by a preponderance of the evidence;
  - v. number of officers who are identified in the Early Intervention System for which use of force is a factor, or have more than one instance of force found to violate policy;
  - vi. number of injuries to officers and members of the public overall and by type, area command, and demographic category; and
  - vii. ratio of use of force compared per arrest, force complaints, calls for service, and other factors that the parties deem appropriate;
- b) Specialized Units:
  - i. number of activations and deployments of specialized tactical units; and
  - ii. number of uses of force used overall and by force type, area command, and demographic category;
- c) crisis intervention measures, including the information outlined in Paragraphs 129 and 137;
- d) recruitment measurements, including number of highly qualified recruit candidates;
  - i. detailed summary of recruitment activities, including development and leveraging community partnerships;
  - ii. the number of recruit applicants who failed to advance through the selection process after having been identified as well qualified, grouped by the reason for the failure to advance (this provision does not apply to those who fail to

- pre-qualify through APD's online recruiting or other pre-screening system);
- iii. the number of well-qualified recruit applicants who were granted any exceptions to the hiring standards, grouped by exceptions granted, and the reasons exceptions were granted;
- iv. the number of well-qualified recruit applicants with fluency in languages other than English, grouped by the specific languages spoken;
- v. the number of well-qualified recruit applicants with previous law enforcement experience, grouped by former agencies and years of service; and
- vi. the number of well-qualified recruit applicants grouped by educational level achieved or years of military service;
  - e) force investigations indicating a policy, training, or tactical deficiency;
  - f) training data, including:
    - i. number of officers trained pursuant to this Agreement, by the type of training provided; and
    - ii. training deficiencies identified through use of force investigations, the Force Review Board, civilian complaints, internal complaints, the disciplinary process, and the Civilian Police Oversight Agency;
  - g) officer assistance and support measurements, including:
    - i. availability and use of officer assistance and support services; and
    - ii. officer reports or surveys of adequacy of officer assistance and support;
  - h) supervision measurements, including initial identification of policy violations and performance problems by supervisors, and effective response by supervisors to identified problems; and
  - i) civilian complaints, internal investigations, and discipline, including:
    - i. the number of misconduct complaints, and whether any increase or decrease appears related to access to the complaint process;
    - ii. number of sustained, not sustained, exonerated, and unfounded misconduct complaints;
    - iii. number of misconduct complaint allegations supported by a preponderance of the evidence;
    - iv. number of officers who are subjects of repeated misconduct complaints, or have repeated instances of sustained misconduct complaints; and
    - v. number of criminal prosecutions of officers for on- or off-duty

CPOA Action Plan:

Date Completed

- a. Ensure proper information is collected and reported.



**Contract Tracking System****Type:** Professional/Technical Services**Subtype:****Date:****Vendor:****Originator:** Michelle Contreras**Department:** Civilian Police Oversight  
Agency**CIF #:****CN #:****Procurement #:****Requisition #:****Project #:****Amount:** \$15,000.00**AGREEMENT**

**THIS AGREEMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the Civilian Police Oversight Agency ("CPOA") of the City of Albuquerque, New Mexico, a municipal corporation ("City"), and \_\_\_\_\_ name & address \_\_\_\_\_ ("Contractor").

**RECITALS**

**WHEREAS**, the CPOA requires legal services to include research and reports on behalf of and in service to the Civilian Police Oversight Agency (hereinafter referred to as the "CPOA"), to the Police Oversight Board (Board), the Board Chairperson, and to the CPOA Administrative Office; and

**WHEREAS**, the Contractor has the requisite specialized skill, experience and education to provide these services; and

**WHEREAS**, the CPOA desires to engage the Contractor to render certain services in connection therewith and the Contractor is willing to provide such services.

**NOW THEREFORE**, in consideration of the premises and mutual obligations herein, the parties hereto do mutually agree as follows:

**1. Scope of Services.** The Contractor shall perform the following services (hereinafter referred to as the 'Services') for the CPOA:

A. Contractor shall attend all regular, special and emergency Board meetings unless otherwise directed or authorized by the Board Chairperson or Acting Chairperson.

B. Contractor shall provide legal advice to the CPOA as requested by the Board at Board meetings, and shall review Agendas, Minutes, and other documents, materials and resolutions for the Board's use.

C. Contractor shall represent the CPOA in the courts.

D. As Directed by the Board chairperson, Contractor shall advise the Board and/or CPOA Administrative Office as to any legal matters relating to this ordinance and the CPOA's duties, responsibilities, and procedures.

E. As directed by the Board chairperson or acting chairperson, after a majority vote of the Board, shall conduct legal research and submit a written or oral report to the Board regarding the results of the research and provide a copy to the CPOA Executive Director.

F. Perform all duties in the most cost effective manner possible.

G. Refrain from contact with news media unless approved in advance by the Board chairperson or Acting chairperson, and following notice to the CPOA Executive Director.

2. **Time of Performance.** Services of the Contractor shall commence April \_\_ 2015, and shall be undertaken and completed in such sequence as to assure their expeditious completion in light of the purposes of this Agreement; provided, however, that in any event, all of the Services required hereunder shall be completed June 30, 2015.

3. **Compensation and Method of Payment.**

A. **Compensation.** For performing the Services specified in Section 1 hereof, the CPOA agrees to pay the Contractor up to the amount of Fifteen Thousand and No/100 Dollars (\$15,000.00), including any applicable gross receipts taxes and reimbursable expenses. Such amount shall constitute full and complete compensation for the Contractor's Services under this Agreement, including all expenditures made and expenses incurred by the Contractor in performing the Services.

B. **Method of Payment.** Such amount shall be payable monthly at the rate of One Hundred Eighty and No/100 Dollars (\$180.00) per hour and any applicable gross receipts taxes will be computed and added as a separate item to the billing, upon completion of the Services and upon receipt by the CPOA of properly documented requisitions for payment as determined by the budgetary and fiscal guidelines of the CPOA and on the condition that the Contractor has accomplished the Services to the satisfaction of the CPOA.

C. **Reimbursement of Expenses.** The following necessary expenses incurred in connection with the Services provided hereunder shall be reimbursed monthly, if approved by the CPOA in advance and billed at actual cost: motel, hotel, car rental, taxi, or other accommodations or modes of transportation; computer research; expert witness fees; and long distance telephone calls. Copies shall be billed at \$0.15 per page and mileage for approved in-state travel shall be billed at the current IRS mileage rates. The Contractor shall attach copies of all receipts, bills, statements and charges for which reimbursement is requested to its billing. Any applicable gross receipts taxes will be computed and added as a separate item to the billing.

D. **Time Records.** The Contractor shall maintain detailed time records which set forth each Service rendered in each matter, the person rendering such Service, the

hourly rate, the time expended in rendering such Service, and the date such service was rendered. The CPOA has the right to audit billings both before and after payment, to contest any billing or portion thereof. When the Contractor submits billings for payment pursuant to this Agreement, each billing will specify the amount billed for that reporting period and will indicate the total amount billed to that date under the terms of this Agreement.

E. **Appropriations.** Notwithstanding any provision in this Agreement to the contrary, the terms of this Agreement are contingent upon the City Council of the City of Albuquerque making the appropriations necessary for the performance of this Agreement. If sufficient appropriations and authorizations are not made by the City Council, this Agreement may be terminated at the end of the City's then current fiscal year upon written notice given by the CPOA to the Contractor. Such event shall not constitute an event of default. All payment obligations of the CPOA and all of its interest in this Agreement will cease upon the date of termination. The CPOA's decision as to whether sufficient appropriations are available shall be accepted by Contractor and shall be final.

4. **Independent Contractor.** Neither the Contractor nor its employees are considered to be employees of the City of Albuquerque for any purpose whatsoever. The Contractor is considered as an independent contractor at all times in the performance of the Services described in Section 1. The Contractor further agrees that neither it nor its employees are entitled to any benefits from the City under the provisions of the Workers' Compensation Act of the State of New Mexico, or to any of the benefits granted to employees of the City under the provisions of the Merit System Ordinance as now enacted or hereafter amended.

5. **Personnel.**

A. The Contractor represents that it has, or will secure at its own expense, all personnel required in performing all of the Services required under this Agreement. Such personnel shall not be employees of or have any contractual relationships with the CPOA or City.

B. All the Services required hereunder will be performed by the Contractor or under its supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under state and local law to perform such Services.

C. None of the work or the Services covered by this Agreement shall be subcontracted without the prior written approval of the Board Chairperson or acting Board Chairperson. Any work or Services subcontracted hereunder shall be specified by written contract or Agreement and shall be subject to each provision of this Agreement.

6. **Indemnity.** The Contractor agrees to defend, indemnify and hold harmless the CPOA and the City and its officials, agents and employees from and against any and all claims, actions, suits or proceedings of any kind brought against said parties because of any injury or damage received or sustained by any person, persons or property arising out of or resulting from the Services performed by the Contractor under this Agreement or by reason of any asserted act

or omission, neglect or misconduct of the Contractor or Contractor's agents or employees or any subcontractor or its agents or employees. The indemnity required hereunder shall not be limited by reason of the specification of any particular insurance coverage in this Agreement.

7. **Insurance.** The Contractor shall procure and maintain at its expense until final payment by the CPOA and the City for Services covered by this Agreement, insurance in the kinds and amounts hereinafter provided with insurance companies authorized to do business in the State of New Mexico, covering all operations under this Agreement, whether performed by it or its agents. Before commencing the Services and on the renewal of all coverages, the Contractor shall furnish to the CPOA and the City a certificate or certificates in form satisfactory to the CPOA and the City showing that it has complied with this Section. All certificates of insurance shall provide that thirty (30) days' written notice be given to the Risk Manager, Department of Finance and Administrative Services, City of Albuquerque, P.O. Box 470, Albuquerque, New Mexico 87103, before a policy is canceled, materially changed, or not renewed. Various types of required insurance may be written in one or more policies. With respect to all coverages required other than professional liability or workers' compensation, the CPOA and the City shall be named an additional insured. All coverages afforded shall be primary with respect to operations provided. Kinds and amounts of insurance required are as follows:

A. **Commercial General Liability Insurance.** N/A

B. **Automobile Liability Insurance.** N/A

C. **Workers' Compensation Insurance.** Workers' Compensation Insurance for its employees in accordance with the provisions of the Workers' Compensations Act of the State of New Mexico.

D. **Increased Limits.** If, during the term of this Agreement, the City requires the Contractor to increase the maximum limits of any insurance required herein, an appropriate adjustment in the Contractor's compensation will be made.

8. **Discrimination Prohibited.** In performing the Services required hereunder, the Contractor shall not discriminate against any person on the basis of race, color, religion, gender, sexual preference, sexual orientation, national origin or ancestry, age, physical handicap, or disability as defined in the Americans With Disabilities Act of 1990, as now enacted or hereafter amended.

9. **ADA Compliance.** In performing the Services required hereunder, the Contractor agrees to meet all the requirements of the Americans With Disabilities Act of 1990, and all applicable rules and regulations (the 'ADA'), which are imposed directly on the Contractor or which would be imposed on the City as a public entity. The Contractor agrees to be responsible for knowing all applicable requirements of the ADA and to defend, indemnify and hold harmless the City, its officials, agents and employees from and against any and all claims, actions, suits or proceedings of any kind brought against said parties as a result of any acts or

omissions of the Contractor or its agents in violation of the ADA.

10. **Reports and Information.** At such times and in such forms as the City may require, there shall be furnished to the City such statements, records, reports, data and information, as the City may request pertaining to matters covered by this Agreement. Unless otherwise authorized by the City, the Contractor will not release any information concerning the work product including any reports or other documents prepared pursuant to this Agreement until the final product is submitted to the City.

11. **Open Meetings Requirements.** Any nonprofit organization in the City which receives funds appropriated by the City, or which has as a member of its governing body an elected official, or appointed administrative official, as a representative of the City, is subject to the requirements of § 2-5-1 et seq., R.O.A. 1994, Public Interest Organizations. The Contractor agrees to comply with all such requirements, if applicable.

12. **Establishment and Maintenance of Records.** Records shall be maintained by the Contractor in accordance with applicable law and requirements prescribed by the City with respect to all matters covered by this Agreement. Except as otherwise authorized by the City, such records shall be maintained for a period of three (3) years after receipt of final payment under this Agreement.

13. **Audits and Inspections.** At any time during normal business hours and as often as the City may deem necessary, there shall be made available to the City for examination all of the Contractor's records with respect to all matters covered by this Agreement. The Contractor shall permit the City to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement. The Contractor understands and will comply with the City's Accountability in Government Ordinance, §2-10-1 et seq. R.O.A. 1994, and also agrees to provide requested information and records and appear as a witness in hearings for the City's Board of Ethics and Campaign Practices pursuant to Article XII, Section 8 of the Albuquerque City Charter.

14. **Publication, Reproduction and Use of Material.** No material produced in whole or in part under this Agreement shall be subject to copyright in the United States or in any other country. The City shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared under this Agreement.

15. **Compliance With Laws.** In performing the Services required hereunder, the Contractor shall comply with all applicable laws, ordinances, and codes of the federal, state and local governments.

16. **Changes.** The City may, from time to time, request changes in the Services to be performed hereunder. Such changes, including any increase or decrease in the amount of the Contractor's compensation, which are mutually agreed upon by and between the City and the

Contractor, shall be incorporated in written amendments to this Agreement.

17. **Assignability.** The Contractor shall not assign any interest in this Agreement and shall not transfer any interest in this Agreement (whether by assignment or novation), without the prior written consent of the City thereto.

18. **Termination for Cause.** If, through any cause, the Contractor shall fail to fulfill in a timely and proper manner its obligations under this Agreement or if the Contractor shall violate any of the covenants, agreements, or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to the Contractor of such termination and specifying the effective date thereof at least five (5) days before the effective date of such termination. In such event, all finished or unfinished documents, data, maps, studies, surveys, drawings, models, photographs and reports prepared by the Contractor under this Agreement shall, at the option of the City, become its property, and the Contractor shall be entitled to receive just and equitable compensation for any work satisfactorily completed hereunder.

Notwithstanding the above, the Contractor shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of this Agreement by the Contractor, and the City may withhold any payments to the Contractor for the purposes of set-off until such time as the exact amount of damages due the City from the Contractor is determined.

19. **Termination for Convenience of City.** The City may terminate this Agreement at any time by giving at least fifteen (15) days' notice in writing to the Contractor. If the Contractor is terminated by the City as provided herein, the Contractor will be paid an amount which bears the same ratio to the total compensation as the Services actually performed bear to the total Services of the Contractor covered by this Agreement, less payments of compensation previously made. If this Agreement is terminated due to the fault of the Contractor, the preceding Section hereof relative to termination shall apply.

20. **Construction and Severability.** If any part of this Agreement is held to be invalid or unenforceable, such holding will not affect the validity or enforceability of any other part of this Agreement so long as the remainder of the Agreement is reasonably capable of completion.

21. **Enforcement.** The Contractor agrees to pay to the City all costs and expenses including reasonable attorney's fees incurred by the City in exercising any of its rights or remedies in connection with the enforcement of this Agreement.

22. **Entire Agreement.** This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

23. **Applicable Law.** This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of New Mexico, and the laws, rules and

regulations of the City of Albuquerque.

**24. Interest of Contractor.**

A. The Contractor agrees that it presently has no direct or indirect interest and shall not acquire any direct or indirect interest which conflicts in any manner or degree with the performance of the Services required to be performed under this Agreement. The Contractor further agrees that no person having any such conflict of interest will be employed to perform the Services.

B. The Contractor hereby agrees to report to the City in writing, any situation in which the Contractor or a member of the Contractor's firm may be asserting a position contrary to that of the City. Such situation includes but are not limited to instituting suit against the City, and of its employees or departments, regardless of whether a technical conflict exists under the Canons of Ethics or Disciplinary Rules or whether the subject matter of the litigation to be instituted is related to the Contractor's representation of the City under this Agreement.

(1) Upon notification of such a conflict, the City will inform the Contractor in writing within ten (10) days of receipt of the notification that the City will or declines to waive the potential conflict. If the conflict is waived, the Contractor or firm may proceed with representation in the conflict situation, informing the City should any relevant change of circumstances occur. If waiver of the conflict is denied, the Contractor is obligated under the provisions of this Agreement to cease its efforts in the conflict situation.

(2) If the Contractor refuses to cease representation, or if the Contractor fails to notify the City of potential conflict, the City may terminate this Agreement upon one (1) day's notice. The Contractor agrees to compensate the City for any costs incurred by the City to obtain alternate representation, including but not limited to, the cost of paying substitute counsel to become familiar with the case to a level at which the Contractor withdrew from representation and attorneys fees incurred by the City in obtaining the assistance of alternate counsel.

(3) The City is entitled to withhold payment of the final billing submitted by the Contractor to cover the cost of obtaining substitute representation, as provided above. After securing alternate counsel, the City will provide a summary of costs incurred by this counsel and will pay any applicable amounts remaining due to the Contractor.

**25. Records, Pleadings, and Case File.** Records, pleadings, legal research, and the case file shall be sent to the City at the conclusion of the case. Highly confidential documents such as attorney notes and client correspondence need not be returned.

**26. Reports required.** If requested, within thirty (30) days after entering into this Agreement, the Contractor will provide the CPOA with a brief analysis of the task to be undertaken and a plan for performing the tasks under this Agreement. With regard to any litigation, this will include an assessment of the relative merits of the parties' position, and a

litigation plan, including a proposed time schedule.

At the time of submission of any billing, the Contractor will also submit to the CPOA Executive Director a status report indicating the current status of the litigation or other project which is the subject of this Agreement, a summary of the activities undertaken for which the billing is being submitted, and a plan for future activities under the Agreement which the Contractor intends to perform during the next billing cycle.

**27. Pleadings.** All documents submitted to the Court or opposing counsel shall be copied to the CPOA Executive Director. Pleadings other than routine pleadings, such as briefs and motions, will be submitted to the CPOA Executive Director for review and approval prior to filing. Failure to submit the pleadings to the CPOA Executive Director in advance of filing may constitute grounds for termination of the Agreement or for refusal to compensate the contractor for all efforts expended in preparation of the pleading. A sample of the signature line for pleadings is:

Civilian Police Oversight Agency  
City of Albuquerque  
Robin S. Hammer, Acting Executive Director  
Post Office Box 1293  
Albuquerque, New Mexico 87103  
(505) 924-3770

Name of Contract Attorney  
Address of Contract Attorney  
Albuquerque, NM

**28. Renewals.** Any continuation or renewal of this Agreement shall be the subject of further negotiations between parties.

**29. Termination by Parties.** This Agreement may be terminated by either of the parties when required by law or upon fifteen (15) days' notice of termination, whichever occurs first, or substitution of counsel. Notice of termination does not nullify obligations already incurred on the part of either party for performance or failure to perform to the date of termination, subject to the limits on total payment to be made as set forth in Paragraph 3 of this Agreement and subject to the City's entry of substituted counsel as set forth in Paragraph 4.B.(3).

**30. Approval Required.** This Agreement shall not become effective or binding until approved by the City's Executive Director of the Civilian Police Oversight Agency.

THIS SPACE INTENTIONALLY LEFT BLANK



**IN WITNESS WHEREOF**, the City and the Contractor have executed this Agreement as of the date first above written.

**CITY OF ALBUQUERQUE**

**CONTRACTOR: (name)**\_\_\_\_\_

Approved By:

\_\_\_\_\_  
Robin Hammer  
Acting Executive Director

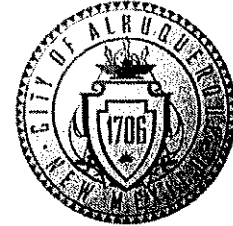
By:\_\_\_\_\_

Title:\_\_\_\_\_

Date: \_\_\_\_\_

# CITY OF ALBUQUERQUE

*Office of the Mayor/ Chief Administrative Officer*



March 31, 2015

Dear CPOA Chairman Leonard Waites and Vice Chair Beth Mohr:

I am in receipt and thank you for the e-mail dated 3/13/15, from your Vice-Chairperson (attached hereto), directed to Mayor Berry regarding the Mayor's office presence at your first scheduled Police Oversight Board (POB) meeting on March 12, 2015. I think it is very important to address several points related to the Vice-Chairs comments that reflect a possible misunderstanding of several important points.

Firstly, the enabling legislation establishing the Civilian Police Oversight Agency (CPOA) and Police Oversight Board emphasizes the high degree of "Independence" that the Agency, its Board and its Director are to demonstrate. To this extent, the POB and its CPOA Independent Director's office, no longer administratively reports to the Office of the Chief Administrative Officer and otherwise are un-connected to either the executive or the legislative branch of City government. Both the Mayor and I entirely support this Independent structure. Although an agenda item entitled "City Staff Report" may have been on your agenda, to my knowledge, no one from the Mayoral administration, budget, or otherwise was contacted to attend the meeting.

PO Box 1293

The Albuquerque Police Department (APD) was present at the meeting including the attendance of several high level staff. During the past Police Oversight Commission (POC) meetings, the only representation from the Mayor's or CAO's Office was an assigned individual from constituent services.

Albuquerque

New Mexico 87103

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

My office made a thoughtful decision not to attend the meetings in order to provide your agency and its members an affirmation of its independence in City government. As you are aware, the scope and directive of the enabling legislation provides limited and specific authority for civilian oversight of citizen's complaints, a limited policy advisory role, and statistical analysis of certain police operations. In the past, the contour of this authority had been the subject of much debate, difference of opinion, and frankly disagreement of the role of the former Police Oversight Commission.

I certainly hope to support your agencies role, mission, and work. However, I am hopeful you and the entire board recognize and are able to navigate these previously challenging issues without interjection from the administration or city council. I do not think that interjecting the executive branch of City government through the Mayor's office would be productive or positive to that objective. To this extent, I am hopeful you can understand and appreciate our position of complete independence by the CPOA.

The correspondence reflects a misunderstanding of several matters related to the CPOA budget. Firstly, the Office of Management and Budget (OMB) did receive a budget requests from the Acting Director of CPOA on behalf of the POB and CPOA back in February 2015. The initial "Executive Budget Recommendation" typically begins using the past year's budget as a starting point and then submitting what are known as positive or negative "issue papers" to accommodate any significant structural, programmatic, or legislative changes to a department's budget. OMB and specifically their Budget analyst

*Albuquerque - Making History 1706-2006*

M000486

Page 2 of 2

Subject: Letter to Chairman Leonard Waites and Vice Chair Beth Mohr  
March 31, 2015

(the most experienced in the City), is including \$215,000 in additional funding in FY-16 for; 1) community outreach \$89,590, 2) Outside legal contract \$ 75,000, and 3) Operating needs; travel/training \$51,000. In addition, they added funding of \$34,981 for salary forecast adjustments and other necessary expense categories of \$16,787. These budget increases exceed the 1/2% of the Albuquerque Police Department's budget as required by the new CPOA ordinance. I am enclosing copies of the CAO summary, the issue papers, and the budget worksheet Line Item/Rollup (dated: February 11, 2015). The budget increase being proposed and evidenced by these submissions increase your total funding from FY/15 \$610,357 to a budget recommendation of \$877, 874 or a 44% increase, equaling \$267,517. I would appreciate it if you could share this information with each member of the POB in order to dispel any insinuation to the contrary.

Lastly, I called and left a message with a number I had for you on Friday afternoon March 13, 2015, to discuss several of these matters. I am unsure if you received my voice mail. I had later heard that you had a personal situation that has only recently allowed you to return to POB matters and I hope you are doing well. I look forward to further discussions and to outline our position supporting your board's independence and autonomy as well as supporting the objectivity and positive nature of your important work.

I appreciate the e-mail and think quite highly of the Vice-Chair, However, I thought it best to bring these matters to your attention. I think it is important that your entire board unambiguously recognize this administration's genuine support for CPOA but also understand our position related to independence.

Thank you for your attention to this matter.

Best regards,



Rob Perry  
Chief Administrative Officer

XC:

Chief Gorden Eden, Albuquerque, Police Department  
Robin Hammer, Police Oversight Agency  
Jon Zaman, Director of Council Services

M000487

**Alvarez, Giselle M.**

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**From:** Woodward, Delaney  
**Sent:** Monday, March 16, 2015 2:55 PM  
**To:** Perry, Robert J.; Montano, Gilbert A.  
**Subject:** FW: Disappointed that the Mayor sent no City Staff to the first Police Oversight Board Meeting

Fyl.

**From:** Beth Mohr [<mailto:cabq.pob.mohr@gmail.com>]  
**Sent:** Friday, March 13, 2015 1:03 PM  
**To:** Mayor Berry  
**Subject:** Disappointed that the Mayor sent no City Staff to the first Police Oversight Board Meeting

Dear Mayor Berry,

It is difficult to express the depth of my disappointment in the fact that there was no representation from the Mayor's Office at the first Police Oversight Board (POB) meeting, which was publicly televised last night. Obviously I didn't expect you to attend, but someone from your office should have been there.

The message that the Administration appears to be sending is that the POB is not important enough to warrant any representative at all, despite the fact that there was an agenda item for City Staff to report. At the very least, there should have been someone from the Mayor's Office there to welcome the Board, thank them for their service, and stand for questions. What are your intentions with respect to the POB?

The question I would have asked City Staff, had they been present, is whether the administration plans to propose to Council a sufficiently adequate budget for the Civilian Police Oversight Agency (CPOA) and POB that will provide for both the DOJ mandated hire of a community outreach person, and the ability for the entire POB to attend the training provided for Board Members by the National Association of Civilian Oversight of Law Enforcement (NACOLE).

Currently, the Board is provided with no fewer than 72 hours of training by the APD, and a few hours of training from other City Staff, as well as ride-along assignments and tours. While I do appreciate the opportunity to receive this training from the APD, in my experience, the people responsible for causing the problem are generally not the most qualified to provide training regarding how to solve the problem. It is very important that all of the Board Members have the opportunity to receive additional training, such as the NACOLE training available this fall.

So far we have been told by the Acting CPOA Director, Robin Hammer, that due to budget constraints, we will not be provided with printed copies of any of the Board materials, we will not be provided with any food or water at the POB meetings regardless of length, there may not be money to hire independent counsel for the POB, and we will not have the opportunity for all of the Board Members and CPOA staff members to attend the NACOLE training conference.

If the Administration wants to "starve out" the POB, through lack of support and resources, this is a very good way to accomplish that goal. I am frankly disappointed that Ms. Hammer failed to submit a budget that included all of those elements, but I am requesting that your office add them through the budget hearing process.

Additionally, if your intention is to support the POB in our efforts, I would expect to see a City Staff person attending future POB meetings. The message sent by their absence at the first meeting was extremely disappointing, and is not what I've come to expect from your administration. Frankly, I assume that you were unaware that nobody had been assigned to attend, but the lack of attention is no less disappointing.

I look forward to your personal reply to this email. While I am sending this directly and solely to you at this time, I reserve the right to widen the distribution of this conversation if a reply is not forthcoming.

Respectfully yours,

Beth A. Mohr, Co-Vice Chair  
Albuquerque Police Oversight Board

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful when replying to or forwarding this email.

## D3922000 CA-Police Oversight

	FY14 Actual	FY15 Budget	FY16 Baseline	FY16 OMB Adjust	FY16 Dept Adjust	FY16 CAO Adjust	FY16 Council Adjust	Total
5001 Wages-Regular-Budget	321,488	400,344	426,108	0	0	0	0	426,108
5002 Wages-Temp-Budget	0	0	0	0	0	0	0	0
5003 Wages-Overtime-Budget	0	0	0	0	0	0	0	0
5144 PERA-Budget	61,052	77,712	82,704	0	0	0	0	82,704
5148 FICA-Budget	23,667	30,624	32,592	0	0	0	0	32,592
5156 Other Emp Benefits-Budget	44,714	52,452	67,044	0	0	0	0	67,044
5157 Retiree Hlth Care-Budget	6,422	8,004	8,520	0	0	0	0	8,520
5160 Educ Incentive-Budget	0	0	0	0	0	0	0	0
5162 Emp Incentive-Budget	0	0	0	0	0	0	0	0
5164 Clothing Allowance-Budget	0	0	0	0	0	0	0	0
5199 Fringe Recovery-Budget	0	0	0	0	0	0	0	0
TOTAL PERSONNEL	457,344	569,136	616,968	0	0	0	0	616,968
5205 Prof Services-Budget	0	14,500	14,500	0	0	0	0	14,500
5210 Other Services-Budget	0	2,000	2,000	0	0	0	0	2,000
5211 Electricity-Budget	0	0	0	0	0	0	0	0
5212 Natural Gas-Budget	0	0	0	0	0	0	0	0
5213 Refuse Removal-Budget	0	0	0	0	0	0	0	0
5214 Telephone-Budget	2,570	2,721	2,721	2,880	0	0	0	5,601
5215 Water & Sewer-Budget	0	0	0	0	0	0	0	0
5216 Utilities-Budget	0	0	0	0	0	0	0	0
5220 Supplies-Budget	13,238	17,500	17,500	0	0	0	0	17,500
5225 Travel-Budget	6,229	0	0	0	0	0	0	0
5230 Training-Budget	0	0	0	0	0	0	0	0
5234 Dues & Mbrships-Budget	0	500	500	0	0	0	0	500
5236 Fee Reim-Budget	0	0	0	0	0	0	0	0
5238 Repairs & Maint-Budget	1,200	0	0	0	0	0	0	0
5239 Vehicle Maint-Budget	0	0	0	0	0	0	0	0
5246 Fuels & Lub-Budget	0	0	0	0	0	0	0	0
5250 Tires & Tubes-Budget	0	0	0	0	0	0	0	0
5252 Taxes-Budget	0	0	0	0	0	0	0	0
5253 Interest on Cust Dep-Budget	0	0	0	0	0	0	0	0
5254 D/S Interest Exp-Budget	0	0	0	0	0	0	0	0
5255 D/S Agent Fees-Budget	0	0	0	0	0	0	0	0
5258 D/S Principal Repay-Budget	0	0	0	0	0	0	0	0
5262 Indemnity Clms&Judg-Budget	0	0	0	0	0	0	0	0
5263 Medical Clms&Judg-Budget	0	0	0	0	0	0	0	0
5271 Insurance-Budget	0	0	0	0	0	0	0	0
5275 Contractual Svcs-Budget	24,715	4,000	4,000	0	0	0	0	4,000
TOTAL OPERATING EXPENSES	47,953	41,221	41,221	2,880	0	0	0	44,101
5305 Captl-Land-Budget	0	0	0	0	0	0	0	0
5310 Captl-Bldgs&Struc-Budget	0	0	0	0	0	0	0	0
5315 Captl-Streets-Budget	0	0	0	0	0	0	0	0
5320 Captl-NonStruct Imp-Budget	0	0	0	0	0	0	0	0
5325 Captl-Auto/Buses-Budget	0	0	0	0	0	0	0	0
5330 Captl-Mach/Equip-Budget	0	0	0	0	0	0	0	0
5335 Captl-Office Furn-Budget	0	0	0	0	0	0	0	0
5338 Captl-Hardware/Software-Budget	0	0	0	0	0	0	0	0
5340 Captl-Museum Coll-Budget	0	0	0	0	0	0	0	0
5350 Captl-Police/Zoo-Budget	0	0	0	0	0	0	0	0
TOTAL CAPITAL	0	0	0	0	0	0	0	0
5910 Trfr Out-Other Funds-Budget	0	0	0	0	0	0	0	0
5920 Trfr Out-PILOT-Budget	0	0	0	0	0	0	0	0
5930 Trfr Out-IDOH-Budget	0	0	0	0	0	0	0	0
594031 Vehicle - Maintenance	0	0	0	0	0	0	0	0
594041 Vehicle - Fuel	0	0	0	0	0	0	0	0
594051 Network Charges-Expense	0	0	0	0	0	0	0	0
594061 Radio Maintenance	0	0	0	0	0	0	0	0
594071 Equipment Replacement	0	0	0	0	0	0	0	0
594105 Insurance - Workers Comp	0	0	0	0	0	0	0	0
594107 Insurance - Tort & Other Liab	0	0	0	0	0	0	0	0
594115 Insurance - Risk Recovery Plan	0	0	0	0	0	0	0	0
5950 Trfr Out-Debt Svc-Budget	0	0	0	0	0	0	0	0
5970 Trfr Out-CIP-Budget	0	0	0	0	0	0	0	0
TOTAL TRANSFERS	0	0	0	0	0	0	0	0
GRAND TOTALS	505,297	610,357	658,189	2,880	0	0	0	661,069

**CIVILIAN POLICE OVERSIGHT AGENCY  
GENERAL FUND - 110  
FY/16 PROPOSED BUDGET**

Date: 3/12/2015 Time: +

Page - 1 -

	<u>POS.</u>	<u>PERSONNEL</u>	<u>EXPENSES</u>	<u>CAPITAL</u>	<u>TRANSFERS</u>	<u>TOTAL</u>
<b>FY/15 APPROVED BUDGET</b>						0
<b>TECHNICAL ADJUSTMENTS:</b>						
Transfer in from the CAO Department	7	569,136	41,221	0	0	610,357
Salary Forecast Adjustments		34,981				34,981
OEB - Life, Unemp, Ins. Admin - .92%		5,236				5,236
Salary Accrual - 1 day		2,128				2,128
FY/15 Wage Adj. from Reserve		9,423				9,423
Telephone			159			159
Rounding						0
<b>SUBTOTAL</b>	<b>7</b>	<b>620,904</b>	<b>41,380</b>	<b>0</b>	<b>0</b>	<b>662,284</b>
<b>DEPARTMENT REQUEST</b>	<b>7</b>	<b>620,904</b>	<b>41,380</b>	<b>0</b>	<b>0</b>	<b>662,284</b>
<b>EXECUTIVE DECISIONS</b>						
<b>ISSUE PAPERS:</b>						
						0
						0
						0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CIP COMING-ON-LINE:</b>						
						0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL FY/16 PROPOSED BUDGET</b>	<b>7</b>	<b>620,904</b>	<b>41,380</b>	<b>0</b>	<b>0</b>	<b>662,284</b>
<b>NET / PERCENT CHANGE</b>	<b>7</b>	<b>9.1%</b>	<b>0.4%</b>	<b>n/a</b>	<b>n/a</b>	<b>8.5%</b>
<b>NONRECURRING APPROPRIATIONS - INFORMATION ONLY</b>						
						0
						0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ISSUE PAPERS (In Priority Order)</b>						
1 Community Outreach	1	80,890	8,700			89,590
2 Outside Legal Council			75,000			75,000
3 Operating Needs			51,000			51,000
<b>SUBTOTAL</b>	<b>1</b>	<b>80,890</b>	<b>134,700</b>	<b>0</b>	<b>0</b>	<b>215,590</b>
<b>CIP COMING-ON-LINE:</b>						
1						0
2						0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL DEPARTMENT REQUEST</b>	<b>8</b>	<b>701,794</b>	<b>176,080</b>	<b>0</b>	<b>0</b>	<b>877,874</b>

M000491

**FORM 1**  
**ISSUE PAPER COST WORKSHEET**  
**FY/16**

ISSUE TITLE: Community Outreach

TOTAL ISSUE COST:

89,590

EFFECTIVE DATE TO IMPLEMENT PROPOSAL:

GOAL:

2

- ☐ Public Safety Quarter Cent Issue  
☐ Neutral Issue  
☐ Reduce one service to increase another  
☐ Increase revenues to increase service  
☐ Reallocate resources within a service  
☐ Negative Issue  
☐ CIP Coming on Line

Program Strategy Name/Number: CPOA Administration -1500001  
 Department: Civilian Police Oversight Agency  
 Fund Name/Number: General Fund - 110  
 FY/15 or FY/16 Objective (this issue is linked to):

**PURPOSE AND EXPLANATION OF ISSUE:**

The DOJ Settlement Agreement and City ordinance require the Civilian Police Oversight Agency (CPOA) to create a Community Outreach program aimed at soliciting public input from broad segments of the community in terms of geography, race, ethnicity, and socio-economic status. The City Ordinance requires the CPOA to have a full-time employee dedicated to conducting Community Outreach.

**HOW WILL CUSTOMER OR COMMUNITY CONDITIONS CHANGE?**

By creating a CPOA Community Outreach program, the CPOA will assist in building relationship between community members and the Albuquerque Police Department. This Community Outreach would educate Albuquerque citizens on the avenues available to them to address their thoughts about APD, both positive and negative, and to provide a vehicle for input to APD for suggesting changes.

**REVENUE ENHANCEMENTS**

Revenue Source	Current Rate	Total Current Revenue	Proposed Rate	Total Proposed Revenue	Approval Authority for Rate Change
Subtotal:				0	

**PERSONNEL COSTS or (SAVINGS):**

Department ID #	Position Title	Grade	Full Time?	# of hours if not FT	# of Positions	Cost (Savings) including Fringe Benefits
1510000	Community Outreach administrator	Uncl	FT	2080	1	80,890
Subtotal:					1	80,890

**NON-PERSONNEL COSTS or (SAVINGS):**

Department ID #	Account Number	Non-personnel Items Requested/Changed/Eliminated	Cost (Savings)
1510000	522000	Supplies for meetings	5,000
1510000	533000	One-time computer, data line, office needs	3,700
Subtotal:			8,700



**FORM 1**  
**ISSUE PAPER COST WORKSHEET**  
**FY/16**

ISSUE TITLE: Outside Legal Council

TOTAL ISSUE COST:

75,000

EFFECTIVE DATE TO IMPLEMENT PROPOSAL:

GOAL:

2

- ☐ Public Safety Quarter Cent Issue
- ☐ Neutral Issue
- ☐ Reduce one service to increase another
- ☐ Increase revenues to increase service
- ☐ Reallocate resources within a service
- ☐ Negative Issue
- ☐ CIP Coming on Line

Program Strategy Name/Number: CPOA Administration -1500001

Department: Civilian Police Oversight Agency

Fund Name/Number: General Fund - 110

FY/15 or FY/16 Objective (this issue is linked to):

**PURPOSE AND EXPLANATION OF ISSUE:**

Both the DOJ Settlement Agreement and City Ordinance direct the City to fund the CPOA in order for the Agency to have the ability to retain outside contract legal council as necessary. This contract independent legal counsel would provide legal advice to the CPOA when the CPOA has legal questions or concerns which may be in conflict with the City government and/or the Albuquerque Police Department. One mission of the Civilian Police Oversight Agency is to "ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of government of the City of Albuquerque." Funding independent contract legal services conforms to this mission.

**HOW WILL CUSTOMER OR COMMUNITY CONDITIONS CHANGE?**

With the ability to retain independent contract legal services, the CPOA will accomplish its mission of autonomy and independence from the executive and legislative branches of City government.

**REVENUE ENHANCEMENTS**

Revenue Source	Current Rate	Total Current Revenue	Proposed Rate	Total Proposed Revenue	Approval Authority for Rate Change
Subtotal:				0	

**PERSONNEL COSTS or (SAVINGS):**

Department ID #	Position Title	Grade	Full Time?	# of hours if not FT	# of Positions	Cost (Savings) including Fringe Benefits
Subtotal:					0	0

**NON-PERSONNEL COSTS or (SAVINGS):**

Department ID #	Account Number	Non-personnel Items Requested/Changed/Eliminated	Cost (Savings)
1510000	520500	Contract Legal Staffing	75,000
Subtotal:			75,000

**FORM 1**  
**ISSUE PAPER COST WORKSHEET**  
**FY/16**

ISSUE TITLE: Operating Needs

TOTAL ISSUE COST:

51,000

EFFECTIVE DATE TO IMPLEMENT PROPOSAL:

GOAL:

2

- ☐ Public Safety Quarter Cent Issue  
☐ Neutral Issue  
☐ Reduce one service to increase another  
☐ Increase revenues to increase service  
☐ Reallocate resources within a service  
☐ Negative Issue  
☐ CIP Coming on Line

Program Strategy Name/Number: CPOA Administration -1500001

Department: Civilian Police Oversight Agency

Fund Name/Number: General Fund - 110

FY/15 or FY/16 Objective (this issue is linked to):

**PURPOSE AND EXPLANATION OF ISSUE:**

City Ordinance encourages Police Oversight Board (POB) members to attend conferences and workshops relating to police oversight, such as the annual National Association of Civilian Oversight of Law Enforcement (NACOLE) conference at City expense depending on budget availability. Request sufficient funding to send POB members and staff to an annual NACOLE conference. City Ordinance and DOJ require the CPOA to produce several reports. Request funding for contractual staff on an as needed basis to proof and review all required reports. Currently, there are no FTE's who can fulfill the proof-reading function needed at the CPOA.

**HOW WILL CUSTOMER OR COMMUNITY CONDITIONS CHANGE?**

Through attending conferences and workshops taught by recognized experts in the police oversight field, POB members and CPOA staff will increase their knowledge of nationally accepted practices and trends in police oversight. By providing funds for temporary proofing and reviewing services, the CPOA will be able to produce the legally-mandated reports and community outreach materials to the highest professional standard.

**REVENUE ENHANCEMENTS**

Revenue Source	Current Rate	Total Current Revenue	Proposed Rate	Total Proposed Revenue	Approval Authority for Rate Change
Subtotal:				0	

**PERSONNEL COSTS or (SAVINGS):**

Department ID #	Position Title	Grade	Full Time?	# of hours if not FT	# of Positions	Cost (Savings) including Fringe Benefits
Subtotal:						0

**NON-PERSONNEL COSTS or (SAVINGS):**

Department ID #	Account Number	Non-personnel Items Requested/Changed/Eliminated	Cost (Savings)
1510000	520500	Professional Services	(14,500)
1510000	522500	Supplies	(4,800)
1510000	522500	Travel - Nacole Conference - 15	25,500
1510000	523500	Repairs and Maintenance - copier	4,800
1510000	527500	Contract Staffing	40,000
Subtotal:			51,000

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIV 14-1025 RB/SMV

THE CITY OF ALBUQUERQUE,

Defendant.

**BRIEF OF *AMICUS CURIAE*  
ADMINISTRATIVE OFFICE OF THE CITY OF ALBUQUERQUE'S  
CIVILIAN POLICE OVERSIGHT AGENCY  
(FORMERLY THE INDEPENDENT REVIEW OFFICE)**

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## I. INTERESTS OF THE AMICUS

The Civilian Police Oversight Agency (“CPOA”) is an independent subdivision of the City of Albuquerque which is directly affected by the Settlement Agreement between the Department of Justice and the City of Albuquerque. On October 6, 2014, the City of Albuquerque amended its Police Oversight Ordinance, Albuquerque, NM Code §§ 9-4-1-1 (2014), *et seq.*, in an effort to address concerns about the ineffectiveness of the former Police Oversight Commission. The 2014 amendment combined the Police Oversight Commission and Independent Review Office into one body, the Civilian Police Oversight Agency (CPOA). The Police Oversight Ordinance provides that the City Attorney does not represent the CPOA, with the exception of personnel matters. Albuquerque, NM Code § 9-4-1-4 (2014).

Under this amended Police Oversight Ordinance, the CPOA has several missions: to foster and perpetuate policing policies and practices that effectively maintain social order and which at the same time foster mutual trust and cooperation between police and civilians; ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of government of the City of Albuquerque; provide civilians and police officers a fair and impartial system for the investigations and determinations on civilian police complaints; gather and analyze data on trends and potential issues concerning police conduct and practices and the related impacts on the community and individuals; and provide policy guidance to the City Council, the Mayor and the Chief of Police. Thus, the interests of the CPOA are inextricably intertwined with the issues addressed in the Settlement Agreement, and its interests were not necessarily represented by the City of Albuquerque during the negotiations of the Settlement Agreement. While the independent police oversight process was addressed in

the April 10, 2014 Findings Letter, the CPOA was not treated as an important stakeholder by either the Department of Justice or the attorney's hired by the City's administration to negotiate the Settlement Agreement, necessitating the filing of this brief.

## **II. SUMMARY OF ARGUMENT**

The Administrative Office of the CPOA has concerns about the mandates contained in the proposed Settlement Agreement (Settlement Agreement) concerning the CPOA's administrative investigation process into Civilian Police Complaints and Officer-Involved Shootings. The Settlement Agreement, for all intents and purposes, precludes mediation of Civilian Complaints. This is in direct contradiction of the City's Police Oversight Ordinance, which requires mediation to be considered as a means to resolve all Civilian Complaints. The 90-day deadline to complete all administrative investigations contained in the Settlement Agreement, fails to take into account the complex nature of Officer-Involved Shooting investigations. The Settlement Agreement requires the CPOA and APD to track whether a Civilian Complaint involves persons who have mental illness or are homeless. The CPOA frequently receives Civilian Complaints from persons who allege misconduct because APD officers said the civilian suffered from mental illness, thus making it a difficult subject to broach with many civilians. The Administrative Office of the CPOA will face great difficulty in investigating Civilian Complaints for events which took place greater than 120 days prior to the filing of the complaint. It will be also difficult to competently investigate anonymous and verbal complaints.

The CPOA currently conducts its administrative investigations in conformance with the City's Police Oversight Ordinance, APD's Standard Operating Procedures, and the City's contract with the Albuquerque Police Officer's Association ("APOA"). The Settlement Agreement is in direct contravention to the City of Albuquerque's contract with

the Albuquerque Police Officer's Association ("APOA"). The provisions of the Settlement Agreement which conflict with the APOA contract are unnecessary and will likely lead to protracted litigation. Additionally, provisions concerning the investigation of civilian complaints, including the collection of sensitive demographic information, mediation of complaints, case completion deadlines, and investigative step requirements, are at best unrealistic and at worst a thoughtlessly constructed recipe for failure. Again, these issues could have been addressed at the onset of the agreement had the CPOA been included in the negotiations.

### III. ARGUMENT

#### **A. The Settlement Agreement Creates Untenable Requirements and Deadlines for the CPOA Inhibiting Timely and Meaningful Civilian Police Oversight**

##### **1. The Settlement Agreement Precludes Mediation of Civilian Complaints.**

Mediation of Civilian Complaints would be precluded under the proposed Settlement Agreement. The Settlement Agreement states, "APD and the Civilian Police Oversight Agency shall develop and implement a policy that specifies those complaints other than misconduct that may be resolved informally or through mediation." Settlement Agreement at ¶ 184. The Settlement Agreement defines "misconduct" as:

a violation of departmental policies or procedures; violation of federal, state, or local criminal laws; constitutional violations, whether criminal or civil; violation of personnel rules; violation of the merit systems ordinance; violation of administrative rules; violation of regulations; and violation of the labor management relations laws.

Settlement Agreement at ¶ 12(dd). Under ¶184, Civilian Complaints could only be solved through mediation if the Civilian Complaints do not allege misconduct. The definition of misconduct contained in ¶12, nearly all Complaints filed would allege misconduct. This is in direct contradiction of the City's Police Oversight Ordinance §9-4-1-4(3)(a), which



requires mediation as a method to resolve Civilian Complaints to be considered first in every case. Mediation is a method in which a community member could resolve his or her dispute with an APD Officer and the Officer could better understand the civilian's concerns, creating better community/police relations, a primary goal of the Settlement Agreement.

2. Complex Officer-Involved Shooting Investigations Typically Take Much Longer Than 90 days to Complete.

The Settlement Agreement mandates that all administrative investigation must be completed within in 90 days:

All administrative investigations conducted by the Internal Affairs Bureau or the Civilian Police Oversight Agency shall be completed within 90 days of the initiation of the complaint investigation. The 90-day period shall not include time for review. An extension of the investigation of up to 30 days may be granted but only if the request for an extension is in writing and is approved by the Chief.

Settlement Agreement at ¶ 191. While this proposed deadline may be achievable for civilian complaints, the CPOA is also tasked with investigating Officer-Involved Shootings (OIS). There is no exception to this 90 day time limit for OIS investigations. These investigations involve many witnesses, expert testimony, forensic examinations and review of extensive amounts of evidence. Most, if not all, OIS Investigations could not be completed in the required time.

3. Inquiring Whether Someone Has Mental Illness From a Civilian Complainant May Further Alienate That Person From the Police

The Settlement Agreement requires APD and the CPOA to track "allegations regarding misconduct involving individuals who are known to be homeless or have a mental illness, even if the complainant does not specifically label the misconduct as such." Settlement Agreement at ¶175. The CPOA frequently receives Civilian Complaints from persons who allege misconduct because APD officers had indicated to the civilian that he

or she suffered from mental illness. Requiring APD and the CPOA to discuss this sensitive topic with persons who may or may not suffer mental illness could further victimize some persons and belay any confidence they may have in the CPOA. In addition, relying upon civilian to self-report a history of mental illness would lead to inconsistent and untrustworthy data.

4. It Will Be Difficult, and Many Times Impossible, for the CPOA to Make Any Meaningful Investigation into Anonymous, Verbal Complaints and Complaints Which Occurred Long Ago.

The Settlement Agreement requires APD to "accept complaints regardless of when they are filed." Settlement Agreement ¶ 170. Currently APD requires its officers to retain their lapel camera videos and other evidence in matters in which no criminal charges were filed for 120 days. Investigating complaints which allege misconduct greater occurring more than 120 days in the past, would be difficult to prove or disprove.

The Settlement Agreement permits the filing of verbal and anonymous complaints. Settlement Agreement ¶ 172 Anonymous complaints have not traditionally accepted: they are less reliable, with less information to conduct a meaningful investigation. This situation results in frustration for not only the civilian, but also the investigator and the Police Oversight Board, which will eventually hear the complaint and hear the findings related to those complaints. In many circumstances, verbal complaints are often angry person, who wish to vent their frustration, and do not wish a full investigation to the incident. Requiring persons to make their complaint in writing would distinguish someone who wants an investigation, versus someone who wants a sympathetic ear.

5. Requiring the CPOA to Review Criminal Histories of Complainants Could Discourage Persons From Filing Complaints Against APD

The Settlement Agreement requires the CPOA and APD to "take into account any

convictions for crimes of dishonesty of the complainant or any witness." Settlement Agreement at ¶190. Currently, the CPOA does not consider the criminal history of any complainant or witnesses, and does not typically run criminal background checks. If a civilian knew that their criminal history would be examined prior to the CPOA making a finding in their complaint, this could create a chilling effect and discourage persons from filing complaints against APD. The same paragraph also requires that an officer's prior history of truthfulness to be taken into account, which is less relevant, since all, if not nearly all, officers who have any history of dishonesty are terminated from APD.

**B. The Settlement Agreement Conflicts with the Albuquerque Police Officer's Association Contract, Making it Unclear How the CPOA Should Conduct Investigations.**

The CPOA conducts its administrative investigation into Civilian Complaints under the Police Oversight Ordinance, the APOA Contract, and will do so under the mandates of the Settlement Agreement. There are several provisions in the Settlement Agreement which conflict with the APOA Contract. The CPOA requires a finding from this Court whether these provision of the Settlement Agreement which conflict with the APOA Contract are lawful and therefore prevail as the guiding mandates for the CPOA's investigations.

The Contract Clause of the United States Constitution provides that "[n]o State shall ... pass any ... Law impairing the Obligation of Contracts." *Parella v. Retirement Bd. of Rhode Island Employees Retirement System*, 173 F.3d 46, 59 (1st Cir. 1999) citing U.S. Const. art. I, § 10, cl. 1; *See also AFSCME Council 18 v. State of N.M.*, 30,770 (N.M. Ct. App. 2013). Although the original intent of this language was to bar retroactive laws (particularly debtor relief laws) that would impair private contractual rights, the clause has long been interpreted to apply to public contracts as well. *Parella*,

173 F.3d at 59 citing *Fletcher v. Peck*, 10 U.S. 87, 137-39, 3 L.Ed. 162 (1810).

The same two-part test applies in both public and private contexts. *Parela*, 173 F.3d at 59 citing *Parker v. Wakein*, 123 F.3d 1, 4-5 (1st Cir.1997); *McGrath v. Rhode Island Retirement Bd.*, 88 F.3d 12, 16 (1st Cir.1996). A reviewing court must first decide whether a change in state law has resulted in the "substantial impairment of a contractual relationship." *Parela*, 173 F.3d at 59; see also *Parker*, 123 F.3d at 4-5. This question can be broken down into "three components: whether there is a contractual relationship, whether a change in law impairs that contractual relationship, and whether the impairment is substantial." *Parela*, 173 F.3d at 59 citing *Romein*, 503 U.S. at 196, 112 S.Ct. 1105; see also *Parker*, 123 F.3d at 5; *McGrath*, 88 F.3d at 16. If each of these three component questions is answered affirmatively, the court must determine whether the impairment is nonetheless justified as "reasonable and necessary to serve an important public purpose." *Parela*, 173 F.3d at 59. The height of the hurdles plaintiffs must overcome under each part of this test, however, depends on whether the context is public or private. *Parela*, 123 F.3d at 59. Where the state is alleged to have impaired private contractual rights, the hurdle for plaintiffs under the second part of the test will ordinarily be higher than in public contract cases, since states have broad discretion to determine whether an impairment of a private contract is reasonable or necessary. *Parela*, 173 F.3d at 59. Where the state is alleged to have impaired a public contract, at least where the impairment operates for the state's benefit, "less deference to a legislative determination of reasonableness and necessity is required, because 'the State's self-interest is at stake.'" *Parela*, 173 F.3d at 60 citing *Parker*, 123 F.3d at 5; see also *McGrath*, 88 F.3d at 16 ("[W]hen a state is itself a party to a contract, courts must scrutinize the state's asserted purpose with an extra measure of vigilance.") Under these legal standards the Settlement

Agreement violates the APOA Contract, resulting in a Contract Clause violation.

For example, the Settlement Agreement violates the APOA Contract in several areas. The APOA Contract states at §20.1.3.1: "An official complaint shall be defined as any complaint made by a citizen where the complainant provides his name, address, and telephone number and the complainant has completed a signed statement." The APOA Contract further states in §20.1.3.2 states that "unofficial complaints" are be defined as "any complaint of a non-criminal nature made by a citizen where the citizen refuses to complete a signed statement." The APOA Contract prohibits APD or the CPOA from conducting investigations into unofficial complaints of a non-criminal nature. Id. The APOA Contract requires that APD or the CPOA provided the name of the "charging officer, complainant, or citizen making the charge shall be disclosed if this information is known to the officer conducting the investigation."

As discussed above, the Settlement Agreement permits the filing of verbal and anonymous complaints. Settlement Agreement ¶ 172. The Settlement Agreement directly conflicts with the APOA Contract, which requires a civilian complainant to sign their complaint. Requiring a name for a complaint and requiring the person to be directly related to the incident are not unreasonable and serve to ensure accurate and meaningful investigations.

In a similar vein, the Settlement Agreement at ¶ 170 states: "APD shall accept complaints regardless of when they are filed." Civilian complaints can be filed even if the act complained about happened years before the complaint. This provision markedly impedes the above referenced provisions of the APOA contract by inhibiting the officer from receiving a fair investigation. Documents and video are disposed of, officer memories and witness recollections fade, and officers are left to fight allegations

with neither proof nor memory. Such an investigation bears no meaningful fruit for law enforcement improvement but instead leads to further dissatisfaction with the process from all sides. There also may be other mandates in the Settlement Agreement which conflict with the APOA Contract, those will be left to the APOA to address, if they so choose.

The first two prongs of the contracts violation test are met in this case. Thus, the question for this Court, whether at this point or in future litigation, will be to determine whether the impairment to the contract is substantial. That being said, the Administrative Office of the CPOA respectfully requests this Court to provide guidance as to which mandates when conducting administrative investigations to follow: those contained in the Settlement Agreement or those contained in the APOA contract.

## **V. CONCLUSION**

For the reasons stated above and the reasons advanced by the CPOA, the Court should consider revising the Settlement Agreement as outlined above.

Respectfully submitted,

By: s\ Robin S. Hammer (electronically filed)

Robin S. Hammer, Esq.

Administrative Office of the Civilian Police Oversight Agency

City of Albuquerque,

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3770

rhammer@cabq.gov

Fax: (505) 924-3775

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading was mailed this 14<sup>th</sup> day of January, 2014 to the following:

Jenica Jacobi

Acting City Attorney  
City of Albuquerque  
P.O. Box 2248  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775

Scott T. Greenwood

Special Counsel to the City of Albuquerque  
312 Walnut St., Suite 1600  
Cincinnati, OH 45202  
(513) 943-4200

Ruth F. Keegan

U.S. Attorney's Office  
District of New Mexico  
P.O. Box 607  
Albuquerque, NM 87103  
(505) 346-7274

By: \s\ Robin S. Hammer

Robin S. Hammer

**From:** Hammer, Robin  
**To:** Gonzalez, Arturo E.  
**Cc:** Gallegos, John C.; Jeannette V. Baca; David Ring; Leonard Waites  
**Subject:** Final materials for printing  
**Date:** Wednesday, April 29, 2015 10:10:46 AM  
**Attachments:** CPOA Brochure-color FINAL.pub  
CPOA Poster FINAL.pub  
CPOA Brochure B-W FINAL.pub

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Commander:

Attached are the final version of the CPOA Complaint Process Brochures. Please use these versions for printing.

We created a Black and White and color version of the brochure. The Black and White version would be suitable for inexpensive copying, ie Xerox machines at substations.

Please let me know if you have any questions,

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>



## THE CIVILIAN POLICE OVERSIGHT AGENCY

The Civilian Police Oversight Agency (CPOA) was established in 2014 after the City amended its Police Oversight Ordinance and replaced the former Police Oversight Commission and Independent Review Office. The CPOA provides citizens with an independent, impartial, investigatory body to investigate their complaints and compliments about Albuquerque Police Department employees.

This brochure will provide you with instructions on how to file your complaint or compliment with the CPOA and explain the investigatory process to you.

# The Civilian Police Oversight Agency

### Mailing Address:

CPOA, City of Albuquerque  
P.O. Box 1293, Albuquerque,  
NM 87103

### Physical Address:

600 2nd NW #813  
Albuquerque, NM, 87102  
(505) 924-3770

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

THE CITY OF  
ALBUQUERQUE

## Civilian Police Oversight Agency



An independent Agency of civilian professional investigators and community members who receive, investigate and review complaints, as well as compliments, about the Albuquerque Police Department. The Agency also reviews APD policies, practices, and procedures, making recommendations to the Chief of Police.

[www.cabq.gov/CPOA](http://www.cabq.gov/CPOA)  
505-924-3770

## Tell About Your Experience with the Albuquerque Police Department

**INPUT INFORMATION** There are many ways you can provide input; you can file a compliment (A Job Well Done Form) or a complaint (Citizen Police Complaint) about APD Employees. Complaints will be thoroughly investigated, findings made, and forwarded to the Chief of Police. You have the option of providing your input by several means:

- **Online**  
([www.cabq.gov/CPOA](http://www.cabq.gov/CPOA))
- **Written**  
(Mail or hand-deliver)
- **Fax** (505-924-3775)
- **Verbal**  
(to CPOA or APD employees)
- **Ask an APD supervisor, or**
- **TTY** (800-659-8331)

You can have someone else file a Complaint or Compliment for you and you can file on behalf of someone else. You may also file an anonymous Complaint or Compliment. Please keep in mind that anonymous Complaints are more difficult to investigate because we will not be able to contact you for more information.

Written complaint and compliment forms are located at the CPOA office, all APD facilities, public libraries, community centers, or by asking any uniformed APD Officer. You can also enter your input Compliment online at [www.cabq.gov/CPOA](http://www.cabq.gov/CPOA)

## INVESTIGATION PROCESS OF A COMPLAINT

You are encouraged to file complaints as soon as possible and with as much information in order to help make sure your allegations are thoroughly investigated and in a timely manner.

Regardless of how and when your complaint is received, it will be forwarded to the CPOA for investigation. Upon receipt of your complaint, the CPOA will notify you in writing, if you provided a contact address. APD Internal Affairs does not investigate citizen complaints. Complaints involving criminal allegations will be forwarded to the appropriate criminal agency to investigate the criminal allegation; however, the CPOA will still conduct an administrative investigation. Mediation may be encouraged, based on the nature of the allegation.

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The POB typically meets on the 2nd Thursday of each month. Meeting schedules and Agendas can be found at [www.cabq.gov/CPOA](http://www.cabq.gov/CPOA)

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THE CITY OF  
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---

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---

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**From:** Hammer, Robin  
**To:** Davila, Natalee Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** Final POB Agenda  
**Date:** Friday, May 15, 2015 3:56:09 PM  
**Attachments:** 05-12-2015 POB Agenda - FINAL.doc

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POB Members:

Attached is the final Agenda for the Tuesday, May 19, 2015 Police Oversight Board Meeting which begin at 4 pm.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
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Fax: (505) 924-3775  
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## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy    Dr. Jeannette Baca    Susanne Brown*  
*Eric H. Cruz    Joanne Fine    Beth Mohr*  
*Rev. Dr. David. Ring III    Leonard Waites    J. Scott Wilson*  
Robin S. Hammer, Acting Interim Executive Director

## **POLICE OVERSIGHT BOARD AGENDA**

**Tuesday, May 19, 2015 – 4:00 PM**  
**Vincent E. Griego Chambers**

- I. Welcome and Call to Order:** *Acting Chair, Beth A. Mohr*
- II. Pledge of Allegiance:** *Eric H. Cruz*
- III. Approval of the Agenda**
- IV. Approval of Minutes**
- V. Public Comments**
- VI. Report from the Subcommittees:**
  - A. Complaint Review Subcommittee**
    - Discussion of CPOA Citizen Complaint Process
    - Discussion of CPOA Status Report
    - Discussion of Selection of Complaints for POB Review
  - B. Outreach Subcommittee**
    - Discussion of Outreach Issues; business cards, email, and other communication
  - C. Personnel Subcommittee**
    - Discussion of Process to Select Executive Director
    - Discussion, Mark-up and Adoption of Job Description of CPOA Executive Director
    - Discussion of Personnel Issues – Acting Interim Executive Director
  - D. Consideration of Additional Subcommittees**
- VII. Civil Rights Training**
- VIII. Discussion of Contract to Retain Independent Legal Counsel**
- IX. Citizen Police Complaint Findings by CPOA:**

Consent agenda unless pulled by request of any single POB member:

CPC	12-173	CPC	14-221	CPC	15-019
CPC	13-025	CPC	14-223	CPC	15-022
CPC	13-065	CPC	14-229	CPC	15-033
CPC	13-132	CPC	15-003	CPC	15-034
CPC	13-182	CPC	15-006	CPC	15-038
CPC	14-014	CPC	15-013	CPC	15-042
CPC	14-098	CPC	15-014	CPC	15-048
CPC	14-216	CPC	15-017	CPC	15-052

- X. Discussion of letters from POB regarding CPCs from prior meetings**
- XI. Discussion of POB Ride-Along Protocols**
- XII. Reports from City Staff:**
  - A. Executive Director** – *Report by Acting Interim Executive Director Robin Hammer*
  - B. SOP Update** – *Report by Assistant Lead Investigator Paul Skotchdopole*
  - C. Mayor's Staff** – *Report*
  - D. City Council Staff**– *Report by Council Staff Julian Moya*
  - E. City Attorney's Staff** – *Report by Assistant City Attorney Nicholas Bullock*
  - F. APD**– *Report by APD Acting Lt. Michael Medrano*
    - 1. Monthly Report of Internal Affairs "I" Cases*
    - 2. Presentation and Discussion of "IA Complaints, Jan-June 2014"*
- XIII. Discussion to Consider Special Meeting**  
*Special Meeting – Training, Discussion of Mission Statement, CPC Process Work Flow*
- XIV. Other Business**
- XV. Adjournment - Next Regularly Scheduled POB meeting will be on**  
***Thursday, June 11, 2015 at 4:00 PM in the Vincent E. Griego Chambers***

*(Dinner break will be taken by POB at ~6:00 pm, during a natural break in the agenda)*

**From:** Hammer, Robin  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson  
**Cc:** Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, Paul A.; Davila, Natalee Z; Funes, Ana R.; Gonzalez, Arturo E.; Medrano, Michael V.  
**Subject:** Flow Charts  
**Date:** Sunday, April 26, 2015 1:59:43 PM  
**Attachments:** CPOA INITIAL OFFICE PROCESS OVERVIEW (PMC).docx  
CPOA PROCESS OVERVIEW.docx

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POB Members:

Attached are two flow chart. One reflects the initial review of Citizen Police Complaint (CPC) Cases through the CPOA Administrative Office. The second is a flow chart which you received at your February training which explains an overview of the CPOA process for Citizen Police Complaint Cases.

Please let me know if you have any questions.

Thanks,

Robin

**Robin S. Hammer, Esq.**

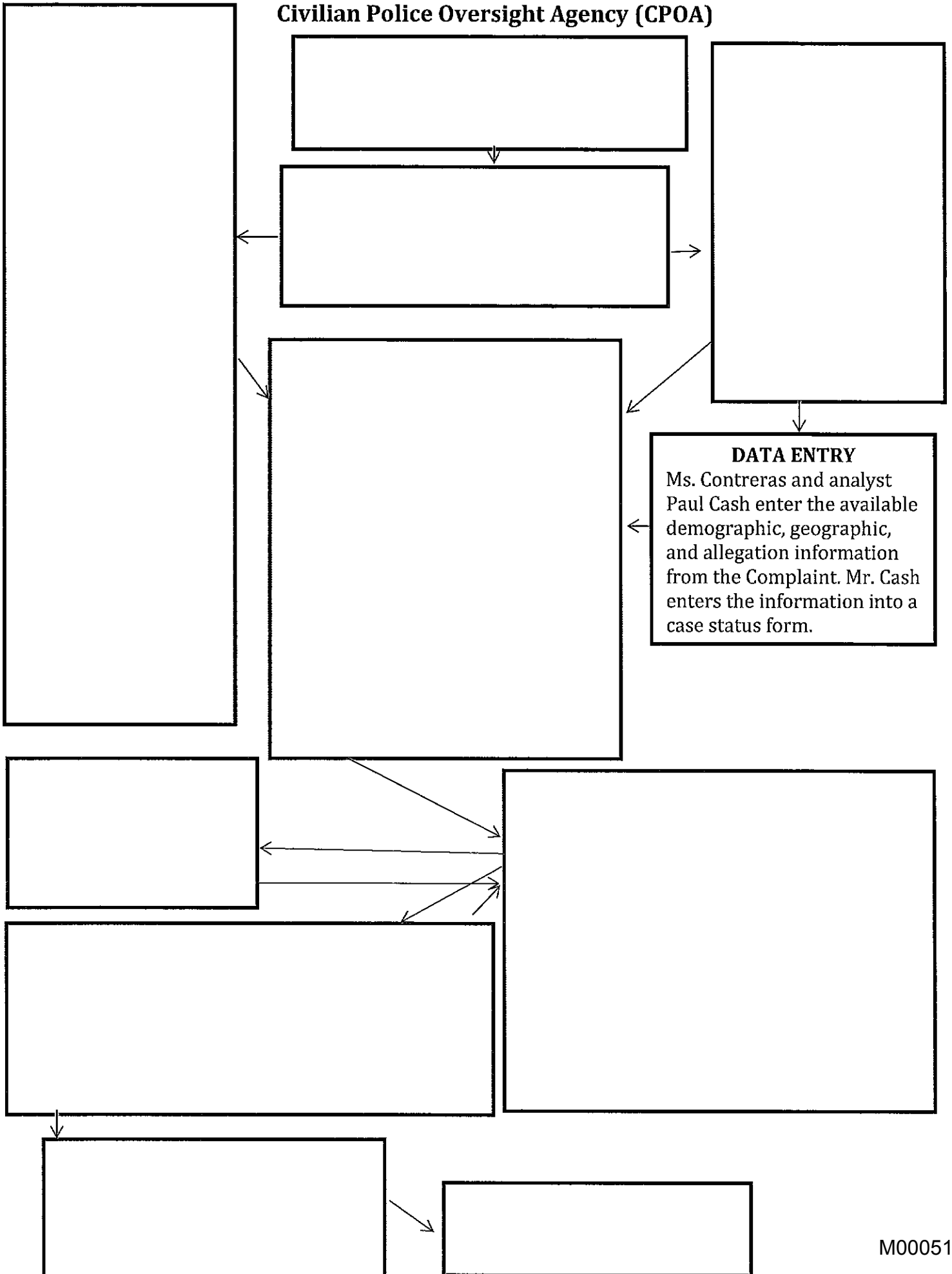
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

M000516

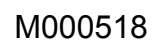


# OVERVIEW OF THE INITIAL OFFICE COMPLAINT PROCESS

## Civilian Police Oversight Agency (CPOA)



## Civilian Police Oversight Agency (CPOA)



**From:** Hammer, Robin  
**To:** Davila, Natalee Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Molra Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Cc:** "Mark T. Baker"; Perry, Robert J.  
**Subject:** FW: Albuquerque CVB - NACOLE 2016 Annual Conference Site Inspection  
**Date:** Thursday, June 11, 2015 12:28:53 PM

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POB Members:

As you may be aware, I have been an active member of National Association of Civilian Oversight of Law Enforcement (NACOLE)'s Training, Education, and Standards Committee for three years. I have gotten to know well NACOLE staff and several NACOLE Board Members through this committee work.

On Monday this week, I met with NACOLE's Director of Training, Cameron McElhiney, during her site visit to Albuquerque. NACOLE's Board met yesterday, June 10, 2015. Based upon the application I submitted to NACOLE, in conjunction with Albuquerque's Convention and Visitor's Bureau, NACOLE's Board has selected Albuquerque as the host city for next year's NACOLE Conference in September 2016.

At its next meeting, the POB should consider forming a NACOLE Conference Subcommittee to assist in preparing to host next year's NACOLE's conference.

Please let me know if you have any questions.

All the best,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

---

**From:** Jacob Quintana [mailto:quintana@visitabq.org]  
**Sent:** Thursday, June 11, 2015 12:10 PM  
**To:** Hammer, Robin  
**Subject:** Re: Albuquerque CVB - NACOLE 2016 Annual Conference Site Inspection

Hi Robin,

M000523

Yes, I meant to let you know earlier, but got side tracked. They have selected ABQ for 2016 and will go to Detroit in 2017.

I spoke with Cameron this morning and that's when Cameron told me. She has not decided on which hotel (Hyatt or DoubleTree) but should have a selection within the next few days. She recognises that she needs to be downtown.

I truly appreciate everything you have done and expressed your support to help make this happen for Albuquerque.

As I learn more, I'll be sure to keep you updated.

Thanks again  
Jacob

*Jacob B. Quintana  
National Sales Manager  
Albuquerque Conv & Visitors Bureau*

*Sent from my Verizon Wireless 4G LTE DROID*

"Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Jacob,

Have you heard anything from Cameron re: the NACOLE Board's decision?

We have our public meeting tonight and I'd like to up our Board, if possible.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
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P.O. Box 1293  
Albuquerque, NM 87103  
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Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Jacob Quintana [<mailto:quintana@visitabq.org>]  
**Sent:** Tuesday, June 02, 2015 3:06 PM  
**To:** Hammer, Robin

M000524

**Subject:** RE: Albuquerque CVB - NACOLE 2016 Annual Conference Site Inspection

Thank you Robin!

See you then.

Jacob

**JACOB QUINTANA**

*National Sales Manager*

ALBUQUERQUE CONVENTION AND VISITORS BUREAU

20 First Plaza NW, Suite 601 Albuquerque, New Mexico 87102

[quintana@VisitABQ.org](mailto:quintana@VisitABQ.org) | 505-222-4327 | 800.733.9918 x3327

[www.VisitABQ.org](http://www.VisitABQ.org) | [Facebook](#) | [Twitter](#) | [YouTube](#) | [Pinterest](#)

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**From:** Hammer, Robin [<mailto:rhammer@cabq.gov>]

**Sent:** Tuesday, June 02, 2015 1:00 PM

**To:** Jacob Quintana

**Subject:** RE: Albuquerque CVB - NACOLE 2016 Annual Conference Site Inspection

Jacob,

I will be available on Monday, June 8 at 11:30 am.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

---

**From:** Jacob Quintana [<mailto:quintana@visitabq.org>]

**Sent:** Tuesday, June 02, 2015 8:34 AM

**To:** [benjamin.hogge@hyatt.com](mailto:benjamin.hogge@hyatt.com); Stu Arledge; Misty Jester ([misty.jester@cpabq.com](mailto:misty.jester@cpabq.com)); Shana Walker ([shana.walker@jgh.com](mailto:shana.walker@jgh.com)); Esther Lovato ([elovato@thehotelcascada.com](mailto:elovato@thehotelcascada.com)); [Daniel.Cisneros@Hilton.com](mailto:Daniel.Cisneros@Hilton.com)

**Cc:** Maureen Chavez; Hammer, Robin

**Subject:** Albuquerque CVB - NACOLE 2016 Annual Conference Site Inspection

**Importance:** High

Hello everyone,

Attached is the site inspection form for the *National Association for Civilian Oversight of Law Enforcement (NACOLE) – 2016 Annual Conference*; scheduled for **Sunday, June 7<sup>th</sup> – Tuesday, June 8<sup>th</sup>**

M000525

9 , 2015. I will provide the meeting planner profile for Cameron once it is available.

As you are all aware, Cameron's main concern is that her attendance numbers may increase to 350 or more, and is wanting to see how your property can accommodate their meeting. We are competing with Detroit; VT has been eliminated.

I will do my best to stay on time with this schedule. If I see that we will be late or early for our scheduled appointment, I will call you to inform you an estimated time when we will arrive at your property. **Please confirm with me that you have received this itinerary and are able to accommodate your agreed upon time.**

Thank you for your partnership and let's win this business together!  
Jacob

JACOB QUINTANA  
*National Sales Manager*  
ALBUQUERQUE CONVENTION AND VISITORS BUREAU  
20 First Plaza NW, Suite 601 Albuquerque, New Mexico 87102  
[quintana@VisitABQ.org](mailto:quintana@VisitABQ.org) | 505-222-4327 | 800.733.9918 x3327  
[www.VisitABQ.org](http://www.VisitABQ.org) | [Facebook](#) | [Twitter](#) | [YouTube](#) | [Pinterest](#)



**From:** Hammer, Robin  
**To:** Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Hammer, Robin; Jeannette Baca (jvbaca.pob@gmail.com); Jeffrey Scott Wilson (jswilsonnm@live.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (leonard.waites@yahoo.com); Moira Amado-McCoy (moiraamado@gmail.com)  
**Cc:** Saavedra, Sharon L.; Roseman, William G.; Slauson, Bill R.; Gonzalez, Arturo E.; Archibeque, Michael E.; Saladin, David R.  
**Subject:** FW: Basic information about Citizen Police Academy for Police Oversight Board Members  
**Date:** Friday, February 20, 2015 10:22:50 AM

---

Dear Board Members:

Below is an email from Officer Sharon Saavedra regarding the Citizen's Police Academy (CPA), which is scheduled to begin March 3. The City's Police Oversight Ordinance mandates that POB Members complete the Citizen's Police Academy within the first six months after appointment. I waited a few days to forward this information regarding the CPA because a bill was pending before the City Council this week which would have required APD to offer a weekend version of the CPA to POB Members. The bill was amended to permit APD to offer a shortened CPA, but would not require APD to do so. It is my understanding that APD will not be offering a shortened version of the CPA to POB Members at this time.

Therefore, each of you need to apply on-line to Citizen's Police Academy. Here is the <http://www.cabq.gov/police/programs/citizen-police-academy>

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
City Cell: (505) 205-6169  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Saavedra, Sharon L.  
**Sent:** Tuesday, February 17, 2015 2:20 PM  
**To:** Hammer, Robin  
**Cc:** Archibeque, Michael E.; Saladin, David R.  
**Subject:** RE: Basic information about Citizen Police Academy

M000527

**Importance:** High

Ms Hammer,

I am glad to announce the official start date for the 47th Citizen's Police Academy, March 3, 2015. We will now be contacting applicants from applications already received and begin the background and seating process. In order to seat the Police Oversight Commission for the CPA, I will need their application. Could you please urge the POC to fill out their applications online at <http://www.cabq.gov/police/programs/citizen-police-academy> . Please ensure they put down the POC as their Neighborhood, community, or civic Organization so that I know they need to be in the first available class. Or have them email me when they do. Could you also please send me a list of names so that I can ensure they get in. It is also important I get these applications as soon as possible due to the high interest from the community for the CPA. I have received a large amount of applications to go through. If you have any questions please feel free to email or call me. Thank you.

Officer Sharon Saavedra  
Citizen Police Academy Coordinator  
Albuquerque Police Department  
Email: [ssaavedra@cabq.gov](mailto:ssaavedra@cabq.gov)  
Phone: (505) 224-6641

M000528



You are here: Home (<http://www.cabq.gov>) / Police (<http://www.cabq.gov/police>) / Programs (<http://www.cabq.gov/police/programs>) / Citizen's Police Academy

## Citizen's Police Academy

**The Citizen's Police Academy is a tuition free, twelve-week program designed to introduce members of the community to the Albuquerque Police Department.**

The Academy is designed to teach citizens about the philosophy, policies, and guiding principles of law enforcement and ethical conduct governing police services in our community.

Students will receive classroom instruction by personnel from many police department divisions including presentations and demonstrations from Homicide, Crime Lab, Narcotics, K-9, and SWAT.

Once training is completed, students are given the opportunity to complete an eight-hour ride-along with a police officer. This ride-along is usually an eye-opening experience for many students as they get to see the real day-to-day activities of the police.

### Student Requirements

- Applicants must be at least 18 years of age.
- Applicants can not have any felony convictions.
- Applicants can not have any misdemeanor or D.W.I.

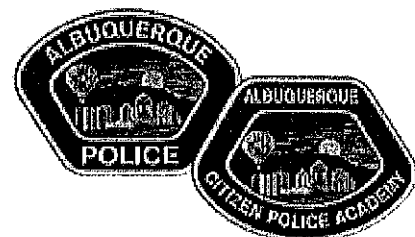
### Upcoming Academies

View upcoming Citizen's Police Academy classes.

### Apply Today

Apply online for the Citizen's Police Academy.

(<http://www.cabq.gov/police/programs/police-academy/citizens-police-academy-online-application>)



arrests within the last three years prior to application date.

- Applicants must pass a background check conducted by the Albuquerque Police Department.
- Applicant must be a resident of Albuquerque.

## Notice about Requirements

Please do not let these requirements keep you from applying.

## Apply Today

Apply online for the Citizen's Police Academy. (<http://www.cabq.gov/police/programs/citizen-police-academy/citizens-police-academy-online-application>)

## Graduation

Upon successful completion of the Citizen's Police Academy, participants attend a graduation ceremony and are awarded a certificate bearing a replica of the Citizen Police Academy patch.

Graduates may also elect to participate in the Albuquerque Police Department's Volunteers Services Program (<http://www.cabq.gov/police/programs/volunteer-services-program>).

## Next Session

(<http://www.cabq.gov/police/news/register-today-48th-citizens-police-academy>)



**Register Today: 48th Citizen's Police Academy**  
(<http://www.cabq.gov/police/news/register-today-48th-citizens-police-academy>)

Learn more about Albuquerque Police and help your community. The next session begins Sept. 1, 2015, at Albuquerque Police Academy, 5412 2nd NW. Classes are held from 6 p.m. to 9 p.m. every Tuesday and Wednesday.

Read More... (<http://www.cabq.gov/police/news/register-today-48th-citizens-police-academy>)

**Police Navigation** (<http://www.cabq.gov/sitemap>)

Police Upcoming Events (<http://www.cabq.gov/police/events>)

Traffic Citations (<http://www.cabq.gov/police/traffic-citations>)

Albuquerque Family Advocacy Center (<http://www.cabq.gov/police/albuquerque-family-advocacy-center>)

Online Services (<http://www.cabq.gov/police/online-services>)

File a Police Report Online (<http://www.cabq.gov/police/police-reports>)

Contact the Police (<http://www.cabq.gov/police/contact-the-police>)

Crime Prevention & Safety (<http://www.cabq.gov/police/crime-prevention-safety>)

Community Involvement & Education (<http://www.cabq.gov/police/community-involvement-education>)

Police Officer Recruiting (<http://www.cabq.gov/police/police-officer-recruiting>)

Programs (<http://www.cabq.gov/police/programs>)

Citizen's Police Academy (<http://www.cabq.gov/police/programs/citizen-police-academy>)

Citizen's Police Academy: Online Application (<http://www.cabq.gov/police/programs/citizen-police-academy/citizens-police-academy-online-application>)

Crimestoppers (<http://www.cabq.gov/police/programs/crimestoppers>)

Office of Emergency Management (<http://www.cabq.gov/police/programs/office-of-emergency-management>)

Crisis Intervention (<http://www.cabq.gov/police/programs/crisis-intervention>)

Disposal of Pharmaceuticals (<http://www.cabq.gov/police/programs/pharmaceuticals>)

Gun Disposal Program (<http://www.cabq.gov/police/programs/gun-disposal-program>)

Property Crime (<http://www.cabq.gov/police/programs/property-crime>)

False Alarms Reduction Program (<http://www.cabq.gov/police/programs/false-alarms>)

Junior Police Academy (<http://www.cabq.gov/police/programs/junior-police-academy>)

Reserve Officer Program (<http://www.cabq.gov/police/programs/reserve-officer-program>)

Safe City Project (<http://www.cabq.gov/police/programs/safe-city-project>)

Silver Alert Program (<http://www.cabq.gov/police/programs/silver-alert-program>)

Volunteer Services Program (<http://www.cabq.gov/police/programs/volunteer-services-program>)

Women Against Crime (<http://www.cabq.gov/police/programs/women-against-crime>)

News (<http://www.cabq.gov/police/news>)

Public Reports (<http://www.cabq.gov/police/internal-reports>)

Crime Mapping & Statistics (<http://www.cabq.gov/police/crime-statistics>)

Our Department (<http://www.cabq.gov/police/our-department>)

Internal Affairs (<http://www.cabq.gov/police/internal-affairs>)

Community Policing Council (<http://www.cabq.gov/police/community-policing-council>)

## Latest from Twitter (<http://twitter.com/@AbqPolice>)

### Tweets

[Follow](#)

**Mandsmind** @mandsmind

13h

#NationalNightOut neighbors, food truck, good weather, climbing wall #StoryRockRocks thanks @Associa @cabq @ABQPOLICE  
[pic.twitter.com/WMzwYbLSq6](http://pic.twitter.com/WMzwYbLSq6)

Retweeted by Albuquerque Police



## Most Popular Pages

- Online Services (<https://www.cabq.gov/police/online-services>)
- Sex Offender Lookup (<https://www.cabq.gov/police/online-services/sex-offender-lookup>)

M000532

- Police Officer Recruiting (<https://www.cabq.gov/police/police-officer-recruiting>)
- Contact the Police (<https://www.cabq.gov/police/contact-the-police>)

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## Contact Information (<http://www.cabq.gov/police/programs/citizen-police-academy/contact>)

---

Officer Sharon Saavedra

Citizen's Police Academy Coordinator

Police

(505) 224-6641

[ssaavedra@cabq.gov](mailto:ssaavedra@cabq.gov) (<mailto:ssaavedra@cabq.gov>)

---

Full contact information (<http://www.cabq.gov/police/programs/citizen-police-academy/contact>)

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## Tweets

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Albuquerque**  
@cabq

19h



Sorry to bother you  
@Taylor\_Dayne but we just  
have to tell you, we love  
your voice. Can't wait for  
#ABQ #Summerfest  
[now by/OTTPc](#)

Tweet to @cabq

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**From:** Hammer, Robin  
**To:** Rodgers, Shane  
**Cc:** Joanne Fine; Gonzalez, Arturo E.  
**Subject:** FW: Next ride along  
**Date:** Monday, July 06, 2015 8:57:01 AM

---

Lt. Rodgers:

Police Oversight Board Member Joanne Fine would like to schedule her next DOJ-required Ride-Along in the NE Area Command during the Swing Shift. Joanne's email is above. Her phone number is (505) 350-2531. Please contact Joanne to coordinate this Ride-Along.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

---

**From:** fine.joanne [mailto:fine.joanne@yahoo.com]  
**Sent:** Friday, July 03, 2015 9:44 AM  
**To:** Hammer, Robin  
**Subject:** Next ride along

I would like to schedule my last ride along to be during the swing shift in the NE area Command. What is the best way to complete that task?

Sent from my Verizon Wireless 4G LTE smartphone

**From:** Hammer, Robin  
**To:** Rodgers, Shane  
**Cc:** Roseman, William G.; "David Z. Ring (dzc3@tuno.com)"  
**Subject:** FW: Ride-Alongs for POB Member Dave Ring  
**Date:** Tuesday, March 03, 2015 10:47:35 AM  
**Attachments:** POB Contact Info 3-3-15.doc

---

Lt. Rodgers:

POB Member Dave Ring wrote me in an email that he still hasn't heard from APD regarding the Ride-Along he requested on February 19. Dave wrote today that he would still prefer day to spend about 4 hours with an officer in the NE Area Command, either Day or Swing Shift.

Please contact POB Member Ring to set up his first of many Ride-Alongs. I have attached the POB Contact Sheet, for your future reference in setting the DOJ/City Ordinance mandated Ride-Alongs for POB Members.

Please let me know if you have any questions.

Thanks,  
Robin  
City Cell: 205-6169

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

---

**From:** Hammer, Robin  
**Sent:** Thursday, February 19, 2015 11:18 AM  
**To:** Rodgers, Shane  
**Subject:** FW: Ride-Alongs for POB Member Dave Ring

Lt. Rodgers:

Below is an email from one of the new POB Members, Dave Ring, requesting a Ride-A-Long. Dave lives in the NE Area Command and would like to ride in the NE. He is retired, so I assume graveyard shift is not his first choice. Dave's cell phone is [REDACTED]

Also attached is a list of all of the APD who have pending Officer-Involved Shooting cases to be heard by the new Board members. It would be our preference that no Board Member

M000556



ride along with any of these officers.

Please call me if you have any questions. My City Cell is 505-205-6169. I look forward to working with you.

Thanks again,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
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Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

---

**From:** Dave Ring III [<mailto:davering@davering.net>]  
**Sent:** Wednesday, February 18, 2015 11:53 AM  
**To:** Hammer, Robin  
**Subject:** Ride-Alongs for POB Member Dave Ring

Robin, At last Friday's training, I mentioned to you that I was ready to schedule one or more ride-alongs with an APD officer. Since the proposed amendments to the POB ordinance don't eliminate ride-along requirements, could you have someone from APD contact me so that I can begin to take care of this particular training? Thanks! -- Dave Ring



***City of Albuquerque  
Civilian Police Oversight Agency***

Richard J. Berry, Mayor

**Memorandum**

**August 5, 2015**

---

**To: Police Oversight Agency Board  
Police Oversight Personnel Board**

**From: Christopher Davidson, CPOA Investigator, Employee ID# 33168**

**Subject: Grievance filing by Christopher Davidson, CPOA Investigator, Employee ID# 33168  
&**

**Request for Full Investigation of Independent Review Officer Robin Hammer to  
include but not limited to: Hostile Work Environment, Retaliation, Discrimination,  
City of Albuquerque Contract Violations, misuse of Government funds, etc.**

POB Board Members,

I respectfully submit this request for a full investigation be conducted into the Personnel matters affecting the Civilian Police Oversight Agency, myself and its employee's. I have followed all the proper process steps of including the City of Albuquerque Human Resources Department. I was informed by Bobby Griego, Senior Employee Relations Coordinator, City of Albuquerque Human Resources, after bringing this same grievance and issues of concern to their attention, that Ms. Hammer does not fall under the City Employee guidelines due to the restructure of our department and newly formed Board you serve. I was instructed by Mr. Griego that if an investigation were deemed necessary it would have to be brought upon by the decision of the Police Oversight Board. I have briefly outlined several concerns of not only myself but the vast majority of the employees in this office. Some information below concerns a grievance filed with the City of Albuquerque as per City guidelines and are currently being placed in review by the Grievance Resolution Committee. The other serious concerns require a full investigation as per you, the Police Oversight Board may deem necessary.

I am submitting my official grievance in regards to disciplinary action, in the form of a written reprimand, issued to me by Robin Hammer, ACTING Executive Director CPOA on March 24, 2015. This written reprimand was witnessed by Paul Skotchdopole, Senior Investigator. I am also requesting a full investigation be conducted into, but not limited to: Robin Hammer- Independent Review Officer for hostile work environment, retaliation, discrimination, contract violations, ordinance violations, misuse of government funds and all other violations determined through the course of an investigation.

On March 24, 2015 at approximately 10:00am, I was called into the office of Ms. Hammer by Mr. Skotchdopole. Upon entering the office I was immediately informed by Ms. Hammer that she wanted to discuss the Pre-Determination Disciplinary hearing which had taken place on January 9, 2015. Ms.

M000567

Hammer informed me Mr. Skotchdopole would be sitting in on the matter since she has deemed him part of the management staff. Ms. Hammer also informed me that the meeting would be recorded, therefore the contents of my grievance should and could be proven through the recording Ms. Hammer has in her possession.

Ms. Hammer then informed me she was giving me a written reprimand. I asked Ms. Hammer what the Pre-Determination Board had concluded and Ms. Hammer stated the board found no reason for discipline, however she has the final say and could issue any discipline to me she wanted. In that written reprimand, I was once again accused of committing felonious and misdemeanor acts, insubordination and accepting funds for work not completed. As I had expressed in the pre-determination hearing, accusations such as these are hostile, completely false and as determined by the board, were completely unfounded. Having an entire board determine I was not guilty of any of the accusations Ms. Hammer falsely made against me should stand on its own merit. Ms. Hammer's response of issuing a written reprimand is complete retaliation for the dishonest acts and violations I brought up in that same Pre-Determination hearing of Ms. Hammer. Ms. Hammer continuously harasses me by making false statements about me being a criminal, attempting to pressure me into signing documents with these false statements, Robin Hammer and Paul Skotchdopole discuss my personal information and make these accusations to the other employees in the office not related to any portion of private employee information concerning me, has spent excessive amounts of money for an investigation and a transcription of that investigation for the sole purpose of attempting to make the issues of this office appear to be the employee's fault so Ms. Hammer can deceive the new Police Oversight Board and remove the employees that have knowledge of Ms. Hammer's lack of duties as per her EXPIRED contract in an attempt to be rehired.

Ms. Hammer and Mr. Skotchdopole violated Human Resources Code 902.2 in reference to issuing the written reprimand, which reads:

**Disciplinary Procedures**

*Before discipline is imposed, the employee shall be notified of the reasons for which discipline is contemplated, a summary of the evidence against the employee, and the employee's right to respond to the proposed action. After giving the employee the notice of contemplated action and before the employee makes any written or oral response, the supervisor contemplating the discipline shall request review by the City Employee Mediation Program Coordinator of the circumstances on which the contemplated action is based in an effort to avoid the discipline. Mediation shall occur if it is deemed appropriate by the Coordinator. After this review or if mediation is unsuccessful, the supervisor may continue with the contemplated disciplinary procedure by giving the employee the right to respond to the notice of contemplated action.*

I brought up numerous concerns, numerous lies, numerous ordinance violations and contract violations Ms. Hammer has committed during term as Independent Review Officer. Ms. Hammer is determined to save her job by lying and deceiving everyone involved. I believe a full investigation determined by the Police Oversight Board and up to the Attorney General's office should be conducted into Ms. Hammer and her role of Acting Executive Director, a title Ms. Hammer bestowed upon herself.

This form stands as my official grievance into the matter of discipline against me which I can prove is retaliation. Ms. Hammer and Mr. Skotchdopole have created a hostile work environment by continually attempting to charge me with criminal acts, by informing other personnel in the office of confidential information related to employee discipline while informing them to not work with each

other and for the other employees to "pick a side". Ms. Hammer has conducted numerous forms of discrimination to include but not limited to; gender, sexual and race.

There are numerous other issues of great concern to this office concerning Ms. Hammer and in some cases, Mr. Skotchdopole. Once appropriately investigated, the personnel of this office would be forthcoming with all information regarding those issues. Unfortunately at this point, personnel in the office are in fear of their jobs due to the hostility Ms. Hammer has created. I feel unsafe, harassed and continuously set up for failure due to Ms. Hammer's actions and false accusations.

Also note, I am in the process of scheduling a meeting with the EEOC to bring these matters to their attention as well. This is a serious matter of concern and should be held with the utmost confidentiality as this office works in fear of retaliation by Ms. Hammer. I am open to all interviews, questions, meetings, etc. Below is my personal cell phone for your convenience as I'm sure questions would arise.

Thank you for your time and attention to this matter.

Sincerely,

Christopher Davidson  
Investigator-CPOA  
505-553-3776

**From:** Beth Mohr  
**To:** Hammer, Robin; Hernandez, Jessica M.; Leonard Waites; Molra Amado-McCoy; JAMES GINGER; Zaman, Jon K.  
**Subject:** Fwd: FW: 19 May meeting absence  
**Date:** Monday, May 18, 2015 7:07:55 PM

---

All:

I've been thinking about the problem of folks appearing telephonically, and our apparent limitation of one "good" phone line, as Ms. Hammer describes in the emails which precede this one.

I can offer my firm's teleconference bridge line for everyone who has to call in, which includes Mr. Waites, Dr. Amado-McCoy and Dr. Ginger. If each of them would dial my teleconference bridge number, I can dial the City's conference calling phone in as the "host". We'd have to put a microphone down onto the conference phone, and those on the teleconference might get better incoming audio from the "live" internet feed. Last time that meant that people had to "mute" their phones when they weren't talking, or we'd hear the echo in the Chambers.

I don't know if the City has their own teleconference bridge, perhaps legal does, or City Council? If not, I will offer mine. The cost of the lines for a long meeting with not be cheap, but I'm willing to cover the cost if that if it's a better option for everyone.

Please let me know if that is a viable option, as I'll need to email the teleconference bridge 800 number to all the participants.

Thanks much, -B

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing something you said couldn't be done. ~ Amelia Earhart*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

----- Forwarded message -----

**From:** **Hammer, Robin** <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)>  
**Date:** Mon, May 18, 2015 at 11:11 AM  
**Subject:** FW: 19 May meeting absence  
**To:** Beth Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)>

Beth,

I confirmed with Leonard that he will be appearing by phone at tomorrow's meeting. After the March POB Meeting when Eva Sandoval and Eric Cruz both appeared by phone, it was apparent

M000570

that using a typical speaker phone did not work as a means for Board Members to appear by phone. I knew that we needed to accommodate Leonard under the ADA if he wanted to appear by phone. After speaking with City Building Staff, I learned that there was a means to re-program the AV System to utilize one phone line for someone to appear by telephone. The re-programming for one line cost about \$1600 and a week's lead time. I had received a quote of more than \$3,000 to make two phone lines available under the same system, but chose to only create one phone, due to budget concerns. Thus, Leonard was able to appear at the April POB Meeting and hear the discourse, as well as participate fully.

There is not currently another available phone line for Moira to appear telephonically under the same system that Leonard appeared last time and will appear tomorrow. We do have the ability to use the standard conference room speaker phone we used for Eva and Eric. Under the Opens Meeting Act, someone may appear telephonically if "all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting." Based on Eric and Eva's statements after the March POB Meeting, it is questionable whether the regular speaker phone meets the OMA Standard.

Please let me know how to proceed on this matter.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

**From:** Moira Amado-McCoy [mailto:[amadamccoy.pob@gmail.com](mailto:amadamccoy.pob@gmail.com)]  
**Sent:** Sunday, May 17, 2015 9:52 AM  
**To:** Leonard Waites; Beth Mohr; Scott S. Wilson; Hammer, Robin  
**Subject:** 19 May meeting absence

Dear Leonard, Beth, Scott, and Robin:

I will be out of town for a 40-hour job training session this coming week, but I would like to appear by phone at the 19 May meeting.

Please let me know how I can help handle the logistics.

Moira

**From:** Beth A. Mohr  
**To:** Hammer, Robin; Joanne Fine; Eric H. Cruz; Mark T. Baker  
**Subject:** HR Information  
**Date:** Friday, June 12, 2015 8:10:18 AM

---

Ms. Hammer,

Kindly provide me with Mr. Green's email and direct phone line in the HR office. He had stated in the personnel subcommittee meeting on Tuesday that he would provide me with certain documents in electronic format prior to last night's meeting, but was evidently unable to do so.

We need to work on our communication with HR to ensure there are no more delays like the 20 day delay between our approval of the Director position and its subsequent posting.

Thanks, -B

Beth A. Mohr  
Albuquerque Police Oversight Board

*The only thing necessary for the triumph of evil is for good men to do nothing. ~  
Edmund Burke*

*Sent with haste from my "smart" phone.*

*Notice: This email may be subject to disclosure as public record. Please be thoughtful when forwarding or replying to this email.*



**From:** [Eva Sandoval](#)  
**To:** [Garduno, Rey](#)  
**Cc:** [leonard.waltes@yahoo.com](mailto:leonard.waltes@yahoo.com); [Hammer, Robin](#)  
**Subject:** Letter of Resignation  
**Date:** Tuesday, March 17, 2015 10:50:32 AM  
**Attachments:** [POB resignation.docx](#)

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Attached please find my letter of resignation from the Police Oversight Board

Thank you,  
Eva P Sandoval

March 16, 2015

Rey Garduño, President  
Albuquerque City Council  
City Hall  
Albuquerque, NM

Dear Mr. Garduño

My name is Eva Sandoval and I was recently appointed by City Council to serve on the Civilian Oversight Review Board. When I applied last October, I was very interested and committed to providing my expertise in Human Resources and Organizational Development to assist in this important effort, if selected. Unfortunately, since then I have encountered some unexpected health issues (including breaking my leg) which will prevent me from participating on the Board at this time.

I deeply regret the inconvenience and any delay that my resignation may cause. Seeing the list of alternates that were selected and approved, I believe the Board has some excellent choices for my replacement and will be able to replace me quickly.

In closing, I'd like to commend Robin Hammer, acting Executive Director, with whom I have had a chance to work since being selected to the Board. When I broke my leg a few days before the first training, she was very accommodating and supportive. She even made a personal visit to bring the training materials and DVD's of the training for my use. I have found her to be very knowledgeable about all of the aspects of the Board's work and history, as well as the DOJ proposed agreement, City and State regulations, etc. It appears to me that she is very committed the work of the Civilian Police Oversight Agency (CPOA) and will make an excellent ED if she fills the position.

Respectfully,

*Eva P. Sandoval*

cc. Leonard Waites, Chair, POB  
Robin Hammer, Acting Executive Director

M000588

**From:** Hammer, Robin  
**To:** Slauson, Bill R.  
**Cc:** Cruz, Gabriel; Gassner, Sean D.; "Mark T. Baker"; Leonard Waites  
**Subject:** List of CPC cases during First Reporting Period  
**Date:** Wednesday, July 01, 2015 1:19:48 PM  
**Attachments:** CPCs Received Closed Completed 2-1-15--5-31-15.pdf

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Bill,

DOJ Monitor Team Member Dan Giaquinto requested the CPOA to provide him with a listing of Citizen Police Complaints Received and Completed during the first reporting period, February 1, 2015 through May 31, 2015. A document containing the requested information is attached. Please submit this information for legal review and forward it to Mr. Giaquinto.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
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# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**      *Leonard Waites, Chair*

*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Susanne Brown*

*Eric H. Cruz*

*Joanne Fine*

*Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

## **Civilian Police Complaints (CPCs) Received and Closed/Completed** **February 1, 2015 to May 31, 2015**

### **I. CPCs RECEIVED: 71**

- A) Number of Received Cases during reporting period: 71
- B) Unique numbers assigned to received CPCs: CPC 15-014 through CPC 15-084

### **II. TOTAL CASES: FULLY INVESTIGATED AND ADMINISTRATIVELY CLOSED: 89**

- A) Fully Investigated Cases closed/completed during reporting period: 56
- B) Administratively Closed Cases closed/completed during reporting period: 33

### **III. FULLY INVESTIGATED CASES- 56 Total**

#### **A. Closed Fully Investigated CPC Cases: Included Review by APD and Executive Director Pre-Police Oversight Board or Review by Police Oversight Board at March 12, 2015 POB Meeting and APD:**

PO Box 1293

Albuquerque

New Mexico 87103

Fully-Investigated CPCs which were closed in the reporting period: 18

Fully-Investigated CPCs Closed: CPC 13-064; 13-099; 13-102; 13-107; 13-246; 14-149; 14-172; 14-175; 14-186; 14-189; 14-194; 14-196; 14-197; 14-198; 14-209; 14-211; 14-230; 14-233

#### **B. Completed Fully-Investigated Cases: Sent to APD for review and possible imposition of discipline without POB Review, Post March 12, 2015:**

www.cahq.gov

Number of Fully-investigated cases completed and sent to APD for review without POB Review during reporting period: 38

Fully-Investigated CPCs Completed; Sent to APD without POB Review: CPC 13-064; 13-099; 13-102; 13-107; 13-132; 13-182; 13-246; 14-014; 14-149; 14-172; 14-175; 14-176; 14-186; 14-189; 14-194; 14-196; 14-197; 14-198; 14-202; 14-204; 14-207; 14-209; 14-210; 14-211; 14-216; 14-217; 14-219; 14-221; 14-223; 14-229; 14-230; 14-231; 14-233; 15-003; 15-006; 15-013; 15-014; 15-038

### III. ADMINISTRATIVELY CLOSED CPCs- 33 Total:

#### A. Administratively Closed CPC Cases: Included Review by APD and Executive Director Pre-Police Oversight Board or Review by Police Oversight Board at March 12, 2015 POB Meeting and APD:

Administratively Closed during reporting period: 12

Administratively Closed: CPC 13-083; 13-136; 13-153; 13-212; 14-164; 14-201; 14-226; 15-001; 15-007; 15-010; 15-011; 15-018

#### B. Administratively-Closed Cases Completed pending POB Review. Post March 12, 2015:

Completed Cases Pending POB approval to be Administratively Closed: 21

Pending to be Administratively Closed upon POB approval: CPC 13-025; 13-065; 14-098; 14-112; 14-141; 14-170; 14-205; 15-005; 15-009; 15-013; 15-017; 15-019; 15-022; 15-033; 15-034; 15-038; 15-042; 15-048; 15-052; 15-057; 15-062

**From:** Hammer, Robin  
**To:** Davila, Natalee Z.; Funes, Ana R.; Gonzalez, Arturo E.; Medrano, Michael V.; Norris, Scott; DuBois, John E.; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; CABO.POB.Mohr@gmail.com; David Z. Ring III (davering@davering.net); Eric H. Cruz (eric.hulzar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Jeanette Baca (jvbaca@icloud.com); Jeffrey Scott Wilson (jswilsonnm@live.com); Joanne Fine (fine.joanne@yahoo.com); Leonard Waites (leonard.waites@yahoo.com); Molra Amado-McCoy (molraamado@gmail.com)  
**Cc:** Simpson, Troy; Cappon, Christopher A.  
**Subject:** Mandatory POB Training  
**Date:** Thursday, February 05, 2015 10:16:26 AM  
**Attachments:** POB Contact Info 2-4-15.doc

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Dear Police Oversight Board Members:

After hearing from all Members, the time to conduct the initial training which most persons were available is next Friday, February 13, 2015 from 8am to 12 pm. We will meet at the Aquarium/Botanical Garden education room, which is a building between the Aquarium and the Botanical Garden, on the south end of the entrance plaza. We will video tape the training and provide a copy to the two Members who are not available to attend.

I have also attached a revised Contact Sheet, which includes new email addresses for Beth Mohr and Eva Sandoval.

Please let me know if you have any questions. I look forward to seeing you next Friday.

All the best,  
Robin Hammer

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
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**From:** [Hammer, Robin](#)  
**To:** [Davila, Natalee Z.](#); [Funes, Ana R.](#); [Gonzalez, Arturo E.](#); [Medrano, Michael V.](#); [Norris, Scott](#); [DuBois, John E.](#); [Cash, Paul](#); [Contreras, Michelle](#); [Davidson, Christopher](#); [Hammer, Robin](#); [McDermott, Diane L.](#); [O'Neil, Erin](#); [Skotchdopole, Paul A.](#); [Beth A. Mohr \(CABO.POB.Mohr@gmail.com\)](#); [David Z. Ring \(dzt3@juno.com\)](#); [Eric H. Cruz \(eric.huizar.cruz@gmail.com\)](#); [Eva P. Sandoval \(Evaps3716@yahoo.com\)](#); [Jeannette Baca \(jvbaca.pob@gmail.com\)](#); [Joanne Fine \(joannefine413@gmail.com\)](#); [Leonard Waites \(phamason.lw@gmail.com\)](#); [Maira Amado-McCoy \(mairaamado@gmail.com\)](#); [Scott Wilson \(swilsonpob@outlook.com\)](#)  
**Subject:** Materials for March 12, 2015 POB Meeting  
**Date:** Thursday, March 05, 2015 4:26:24 PM  
**Attachments:** [I-49-14 Officer Involved Shooting.doc](#)  
[001-15 Medina Letter.doc](#)  
[010-15 Nunez Letter.doc](#)  
[018-15 Loftis Letter.doc](#)  
[196-14 Jensen Letter.docx](#)  
[198-14 Barnes Letter.docx](#)  
[209-14 Summers Letter.docx](#)  
[230-14 Weber Letter.doc](#)  
[233-14 Martinez Letter.doc](#)  
[3 12 15 POB Draft Agenda.doc](#)  
[Chronological All OIS 2009-2014.doc](#)  
[OIS Report-Darft 3-4-15.docx](#)  
[186-14 Hill Letter.docx](#)  
[I-49-14 Police Report.pdf](#)  
[OIS 12-12 to 8-14 Presented to POC and Pending for POB.doc](#)  
[POB Contact Info 3-5-15.doc](#)

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Dear Police Oversight Board Members:

Attached are materials for next Thursday's Police Oversight Board Meeting. These include:

- 1) the proposed Agenda
- 2) the Citizen Police Complaints to be reviewed by the POB
- 3) the Officer Involved Shooting of a dog case, I-49-14 and the case police report
- 4) A statistical review of Officer Involved Shooting (OIS) cases
- 5) A Chronological listing of all OIS cases 2009-present
- 6) A list of OIS cases presented POC 12/12 to 8/14 with listing of completed investigation

OIS cases remaining to be presented to POB,

- 7) and An updated POB Member contact list.

I will be sending a few more materials in the next day or so. The attached materials constitute all the cases which POB Members will be required to make a ruling next week. Additional materials provided will be to supplement your discussion of the role of the CPOA and POB and discussion of revised Rules.

Regarding proposed Rules for POB Meetings item on the Agenda, I previously provided you a copy of the POC's Rules in the binders handed out at our training. My staff and I are drafting proposed changes to the Rules to conform to the Amended Ordinance and the Settlement Agreement. It may be best to name a sub-committee of POB Members to review and make recommendations to the full Board at the April Meeting regarding the revision of Meeting Rules. Or in the alternative, you could receive a copy of the proposed changes in the near future and just vote on these at the April meeting, after having more time to individually review the staff's proposed changes. By placing an Item on the Agenda regarding Rules, it is my intention for the full Board to discuss its wishes regarding Rules revisions, and not to be prepared to vote on the staff's first draft of Rules revisions submitted.

If any POB Member will be unable to attend next Thursday's meeting and desires to appear by telephone, please let me know by tomorrow, Friday, August 6, so we can make arrangements with the staff at City Hall.

Please let me know if you have any questions.

All the best,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
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## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy      Dr. Jeannette Baca      Eric H. Cruz*  
*Joanne Fine                      Beth Mohr                      Rev. Dr. David Z. Ring III*  
*Eva P. Sandoval                  Leonard Waites                  Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

March 13, 2015

Gorden Eden, Jr., Chief of Police  
Albuquerque Police Department  
400 Roma, Northwest  
Albuquerque, NM 87102

### **Re: Officer Shooting I-49-14**

Dear Chief Eden:

This case was received in our office on May 8, 2014. The incident occurred on February 24, 2014. The Albuquerque Police Department (APD) Internal Affairs Unit completed their investigation on May 8, 2014.

On February 24, 2014, at approximately 3:00 p.m., Albuquerque Police Officer P. was driving eastbound on Blake Road, Southwest, near the Robert Kennedy Charter School, when a woman who had stopped her car flagged down Officer P. to seek his help. The woman said that a boy, later identified as 15-year-old [REDACTED] had just been bitten by a dog. Officer P. saw a mid-sized female dog aggressively barking and growling at [REDACTED]. Officer P. made a U-turn and parked behind the woman's car. As Officer P. was getting out of his patrol car, the dog ran behind his patrol car and began barking at Officer P.

Officer P. spoke to the woman and [REDACTED] about the facts of how the dog had bitten [REDACTED]. As they were talking, the dog continued to bark and growl at Officer P., [REDACTED] and the woman. Officer P. called for a Rescue Unit to treat [REDACTED] and for Animal Control to come and apprehend the dog.

As Officer P. was continuing to speak with [REDACTED] two students walked past them on Blake Road, Southwest. The dog then went after one of the students, 17-year-old [REDACTED]. The dog bit [REDACTED] on her ankle and her hand. The dog then grabbed onto [REDACTED] pant leg and drug her to the ground. Officer P. then sprayed the dog with chemical OC spray and the dog ran off.

During this incident there was a nearby school which was letting out students. There were several students on foot in the area and a high volume of car traffic picking up students. Officer P. contacted his Sergeant about the incident. Sergeant C. gave officers at the scene permission to use deadly force on the dog, if the dog was in a safe and secure area away from people, in order to stop the dog from biting any other students or persons in the area. Due to heavy pedestrian and car traffic, Officer P. never found a safe time and place to shoot the dog.

March 13, 2015

The dog then ran east from Officer P. but continued to bark at Officer P., cars, and witnesses. Other officers arrived at the scene and blocked off Blake Road, precluding cars from traveling on the road. The dog continued to bark at officers and cars.

Officer J. arrived at the scene to assist. There were about 20 middle school and high school students walking along Blake Road when Officer J. arrived. Officer J. saw a Red Heeler dog biting at the tires of cars. Another pedestrian, Brandon Garcia, told Officer J. that this was the dog that had bitten people. The dog barked and growled at Mr. Garcia. Officer J. approached the dog and feared the dog was about to bite Mr. Garcia. The dog then turned her attention to Officer J. Because the dog was extremely aggressive, and aware that there were numerous kids in the area, once the area was clear of car and pedestrian traffic, Officer J. shot the dog. The first shot failed to incapacitate the dog. Officer J. shot the dog a second time, killing the dog.

Several witnesses approached officers and said that the dog was chasing cars, barking, and foaming at the mouth before officers arrived. As Officer P. was checking on victims [REDACTED] and [REDACTED] a third victim, 17-year-old [REDACTED] came up to Officer P. [REDACTED] said that she had also been bitten by the dog. Karina said that she had just gotten off the bus, when the dog came after her. The dog bit [REDACTED] in the ankle. [REDACTED] said that she tried to get the dog away by hitting it with her backpack. [REDACTED] said that after she shooed away the dog, it ran across the street and bit [REDACTED]

The owner of the dog, Geraldo Lerma, came to the scene. Mr. Lerma told Officer P. that the dog was three to four years old and did not have her shots. Mr. Lerma said that he had not registered the dog with the City of Albuquerque. Mr. Lerma was not surprised that the dog chased cars, but did not know that the dog would bite people.

The Police Oversight Board reviewed APD Standard Operating Procedure Order 2-52-3(B)(1) regarding Officer J.'s conduct, which states:

*Officers are authorized to use deadly force, by any means, in order to:*

- 1. Protect the officer or others from what is reasonably believed to be an immediate threat of death or serious physical injury.*

The available evidence indicated that Officer J. used deadly force to protect himself and others from a vicious dog who had bitten three students. Officer J. was in fear that the dog would attack a fourth person or Officer J. Officer J.'s belief that he was in immediate threat of serious physical injury was reasonable.

**Letter to Chief Eden**

**Page 3**

**March 13, 2015**

The Board finds that Officer J. complied with APD Standard Operating Procedure Order 2-52-3(B)(1). Therefore, Officer P.'s actions are **EXONERATED** as to this SOP, meaning that his actions as applied to this SOP were lawful and proper.

Sincerely,

---

Police Oversight Board Chair



**CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy*

*Dr. Jeannette Baca*

*Eric H. Cruz*

*Joanne Fine*

*Beth Mohr*

*Rev. Dr. David Z. Ring III*

*Eva P. Sandoval*

*Leonard Waites*

*Jeffery Scott Wilson*

Robin S. Hammer, Acting Executive Director

March 13, 2015

Via Certified Mail

7014 2120 0004 7659 0295

Omar F. Medina



**Re: CPC # 001-15**

Dear Mr. Medina:

The complaint you filed was received in our office on January 2, 2015, regarding an incident that occurred on December 31, 2014. Your case was assigned to a Civilian Police Oversight Agency (CPOA) Investigator.

You complained that on December 31, 2014, your financial institution stole money from you by not processing a payment correctly. You called police to the bank and Officer C. arrived. Officer C. informed you that it was a civil matter and he could not help at all. You left without your cash or at least a receipt. You expected Officer C. to at least speak with bank personnel and conduct an investigation.

An Investigator reviewed your complaint and researched the matter so that we could obtain more information about the incident you complained of. The CPOA Investigator reviewed Officer C.'s lapel video and the Computer-Aided Dispatch of the incident.

You originally set an appointment with the CPOA Investigator, but did not follow through. The CPOA Investigator contacted you to reschedule your interview. You informed the CPOA Investigator at that time that you had decided to withdraw your complaint. You explained that you filed the complaint to have documentation to use to discuss the matter with your bank. After you filed your complaint, you and your bank have come to an understanding.

Because you have chosen to withdraw your complaint, the CPOA will be administratively closing your complaint without further investigation.

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

M000600

**Letter to Mr. Medina**  
**March 13, 2015**  
**Page 2**

Please contact this Agency if you have any questions or concerns.

Sincerely,  
The Civilian Police Oversight Agency by

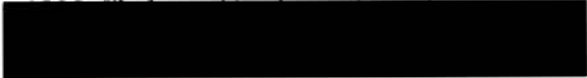
Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

**CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy      Dr. Jeannette Baca      Eric H. Cruz*  
*Joanne Fine                      Beth Mohr                      Rev. Dr. David Z. Ring III*  
*Eva P. Sandoval                  Leonard Waites                  Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

March 13, 2015  
Via Certified Mail  
7014 2120 0004 7659 0288

Kathy Nunez  


**Re: CPC # 010-15**

Dear Ms. Nunez:

The complaint you filed against Officer C. of the Albuquerque Police Department (APD) was received in our office on January 21, 2015, regarding an incident that occurred on January 20, 2015.

**I. THE COMPLAINT**

Ms. Nunez complained that on January 20, 2015, at about 5:15 p.m., she got off the freeway and was driving southbound towards the intersection of Coors and Central and noticed several Albuquerque Police Department (APD) Officers in the area of the intersection. Ms. Nunez said that as she approached the intersection, she noticed a rollover accident and no APD Officers directing traffic. Seeing no one directing traffic, Ms. Nunez was confused and under the impression that she could still use the left lane, so she proceeded into the lane. Ms. Nunez said when she realized she was not able to use that lane, she turned on her blinker and asked the person in the vehicle next to her to let her in their lane.

Ms. Nunez wrote that the next thing she heard was a loud "bang" on her vehicle, like someone had kicked her vehicle or hit it with a fist. Shortly after hearing the bang, Ms. Nunez said an APD Officer approached her window and started yelling at her "at the top of his lungs," saying "Didn't you see the line and flashing lights?" Ms. Nunez replied to the Officer that he didn't have to yell at her. Ms. Nunez said the Officer's reaction scared her and that he needed more training on how to act towards the public. Ms. Nunez stated that she did not want the Officer to be terminated, but perhaps get some counseling for his temper and "how to act with the community." Ms. Nunez also wanted to advise the Officer's Supervisor of his behavior, and stated that the Officer should be careful how he speaks to people because he may get himself hurt if he were to treat a "crazy person" this way.

**II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed Ms. Nunez's complaint and researched the matter so that we could obtain more information about the incident by

M000602

obtaining the Computer-Aided Dispatch (CAD) report for the wreck on the day and time in question. The CPOA Investigator determined the identity of the Officer in question and learned it was Officer C. and not Officer I., as Ms. Nunez had originally reported.

The CPOA Investigator spoke with Ms. Nunez on the phone on January 27, 2015. Ms. Nunez explained that she did not want the Officer fired for his actions, but rather wanted to have the Officer's Supervisor educate him on how to treat the public. Ms. Nunez agreed that she would be satisfied to have this complaint handled informally by Officer C.'s Supervisor rather than having it investigated formally. The CPOA Investigator said that she would have Officer C.'s Supervisor contact Ms. Nunez so that she could discuss her concerns directly with the Supervisor.

On February 18, 2015, the CPOA Investigator received notification from Officer C.'s Supervisor, Sergeant S., stating that he had contacted Ms. Nunez and discussed her complaint with her. Sergeant S. said that he told Ms. Nunez he would address the complaint with Officer C. and speak with Officer C. about his behavior. Ms. Nunez indicated to Sergeant S. that she was satisfied with the way that he was going to address the complaint.

On February 18, 2015, the CPOA Investigator contacted Ms. Nunez and Ms. Nunez indicated that she was satisfied with the outcome of her complaint.

### **III. FINDINGS AND CONCLUSIONS**

This complaint was handled informally in a manner satisfactory to Ms. Nunez. It was sent to Officer C.'s Supervisor for review and action. Officer C.'s Supervisor did discuss Ms. Nunez's concerns with him. Therefore, the CPOA will administratively close this complaint and no further investigation by our office will occur.

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

Please contact me if you have any questions or concerns.

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police



**CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy*

*Dr. Jeannette Baca*

*Eric H. Cruz*

*Joanne Fine*

*Beth Mohr*

*Rev. Dr. David Z. Ring III*

*Eva P. Sandoval*

*Leonard Waites*

*Jeffery Scott Wilson*

Robin S. Hammer, Acting Executive Director

March 13, 2015

Via Certified Mail

7014 2120 0004 7659 0301

John Loftis



**Re: CPC # 018-15**

Dear Mr. Loftis:

The complaint you filed against Officer A. of the Albuquerque Police Department (APD) was received in our office on February 14, 2015, regarding an incident that occurred on that same day.

**I. THE COMPLAINT**

Mr. Loftis wrote in his complaint that he felt that he was treated unfairly by Officer A. Mr. Loftis, who is a Security Guard at a local hotel, was involved in an altercation with an unruly customer and had to call the police for assistance. Mr. Loftis felt that Officer A. treated him like a suspect rather than someone who had acted in self-defense.

**II. INVESTIGATION BY THE CIVILIAN POLICE OVERSIGHT INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed your complaint and researched the matter so that we could obtain more information about the incident. The Investigator was able to determine that you called the Albuquerque Police Department on February 14, 2015, at 2:10 a.m., because there was a drunk man causing a disturbance outside the hotel at which you work. Before the Investigator could look further into your complaint, you called the Investigator on February 19, 2015, and requested to withdraw your complaint. You told the Investigator that it was just a really hectic night that night and that Officer A. was probably just having a bad night. The Investigator told you that our office would be willing to conduct an investigation into your complaint and speak with Officer A. about his actions. You stated that the investigation would not be necessary and that you just wanted to withdraw your complaint.

**III. FINDINGS AND CONCLUSIONS**

Your complaint contained an allegation of a minor policy violation by Officer A. You were told that our office was willing to conduct a thorough investigation into the matter, but you stated that you did not wish for that to happen and you wanted to withdraw your complaint.

M000604



Letter to Mr. Loftis  
March 13, 2015  
Page 2

The Acting Executive Director reviewed the complaint you filed and reviewed the Computer-Aided Dispatch Report for the incident. Since your complaint only contained an allegation of a minor policy violation by Officer A., and you have requested to withdraw your complaint from being investigated any further, the CPOA will be administratively closing your complaint. No further investigation will occur. Should you encounter a similar situation in the future, or wish to report observed misconduct by APD personnel, please do not hesitate to file a complaint with the Agency in the future.

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

Please contact me if you have any questions or concerns.

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director


cc: Albuquerque Police Department Chief of Police

M000605

## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy    Dr. Jeannette Baca    Eric H. Cruz*  
*Joanne Fine    Beth Mohr    Rev. Dr. David Z. Ring III*  
*Eva P. Sandoval    Leonard Waites    Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

March 13, 2015

VIA EMAIL  
Allan J. Barnes  


**Re: CPC #198-14**

Dear Mr. Barnes:

The complaint you filed against Officer P., Officer W., and Detective M., of the Albuquerque Police Department (APD) was received by our office on October 24, 2014, for an incident which occurred on September 11, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on October 29, 2014. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Allan Barnes was arrested on September 11, 2014, by APD Officer P. Mr. Barnes complained that prior to and after his arrest Officer P. used profanity with Mr. Barnes. Mr. Barnes alleged that when he was arrested, Officer P. took Mr. Barnes' wallet, which contained a computer flash drive and personal documents. Mr. Barnes alleged that he never got the wallet and its contents returned to him.

Mr. Barnes was taken to the Southeast Police Substation, where Officer W. assisted Officer P. with Mr. Barnes. Mr. Barnes was placed next to a seated Narcotics Unit Detective who was later identified as Detective M. Prior to Detective M. leaving the room, Mr. Barnes alleged that Detective M. used profanity in a threatening manner towards Mr. Barnes. Mr. Barnes alleged that Officer W., while walking Mr. Barnes to a police car, pulled Mr. Barnes'

handcuffs up beyond the rear of Mr. Barnes' head, causing the handcuffs to cut into Mr. Barnes' wrists, and Mr. Barnes' hands to turn purple. Mr. Barnes alleged that at the Prisoner Transport Unit (PTU), another officer photographed Mr. Barnes' hands and the injuries to his wrists. Mr. Barnes alleged that the photos of his injuries were never released to him. Lastly, Mr. Barnes complained that Officer P. failed to appear at trial.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, the police report, the Computer-Aided Dispatch (CAD) report, and Officer P.'s lapel video recording. The CPOA also reviewed the CPOA Investigator's interviews with Mr. Barnes, Officer B., Officer P., Officer W., Detective M., Detective W., and PTU Sergeant P.

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

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

Mr. Barnes complained that Officer P. acted unprofessionally with Mr. Barnes during this incident. Mr. Barnes claimed that Officer P. yelled at him to stop by using profanity. He also complained that Officer P. called him by derogatory names when Officer P.'s lapel camera was off.

Officer P. did record parts of the incident on video. The video that was available was reviewed and when the video was on, Officer P. acted professionally with Mr. Barnes. However, Mr. Barnes alleged that it was when the video was off that he was treated unprofessionally. Mr. Barnes saw the videos and admitted that he gave Officer P. a hard time at points during the interaction.

Because Officer P. failed to record the incident in its entirety, there is no way to prove or disprove the allegation that Officer P. conducted himself, at times, unprofessionally when he was dealing with Mr. Barnes.

The CPOA finds the allegation of a violation of this SOP against Officer P. was **NOT SUSTAINED**, which means there is insufficient evidence to prove or disprove the allegation.

(B) The CPOA reviewed Standard Operating Procedure Order 1-04-4(P) regarding Officer P.'s conduct, which states:

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

Mr. Barnes specifically alleged that Officer P. told him to "get the f\*\*\* over here" when Officer P. was attempting to stop Mr. Barnes. Although those words are not captured on the video, the first 30 seconds of the video is a buffer and for 30 seconds from Officer P. turning on the lapel camera, these 30 seconds contained no audio. Mr. Barnes alleged that Officer P. used that profanity before the video was turned on. Mr. Barnes alleged that when Officer P. had the video turned off, Officer P. directed derogatory comments toward Mr. Barnes, calling Mr. Barnes a "Bitch."

Because Officer P. failed to record the incident in its entirety, there is no way to prove or disprove the allegation that Officer P. used profane language when he was dealing with Mr. Barnes.

The CPOA finds the allegation of a violation of this SOP against Officer P. was **NOT SUSTAINED**, which means there is insufficient evidence to prove or disprove the allegation.

(C) The CPOA reviewed Standard Operating Procedure Order 2-52-3(A) regarding Officer P.'s conduct, which states:

*Officers may use force when objectively reasonable based on a totality of the circumstances. The objectives for which force may be appropriate include: to effect the lawful arrest or detention of a person; to gain control of a combative prisoner; prevent or terminate the commission of a crime; to intervene in a suicide or self-inflicted injury; to defend an officer or member of the public from the physical acts of another.*

Mr. Barnes alleged in his written complaint that he was subdued by Officer P. and later at the police substation he was assaulted by Officer P. and Officer W.

The lapel video taken by Officer P. at the time of Mr. Barnes' arrest showed that Mr. Barnes did not comply with any of Officer P.'s commands. Mr. Barnes resisted arrest. Mr. Barnes was not responsive to Officer P.'s directions, and Mr. Barnes physically resisted being handcuffed. The video revealed that the only action Officer P. took to control Mr. Barnes was to hold him until another officer arrived on scene and assisted in getting Mr. Barnes handcuffed. Any use of force used to subdue and hold Mr. Barnes until the other officer arrived was objectively reasonable.

Mr. Barnes said in his recorded interview that Officer P. did not "assault" him at the substation. He described his "assault" as being committed by Officer W. and not Officer P. Mr. Barnes alleged that Officer W. assaulted him by pulling up on the handcuffs Mr. Barnes was wearing so that his arms were pulled above his head, causing the handcuffs to cut into Mr. Barnes' wrists. All parties interviewed agreed that Officer P. did not assault Mr. Barnes.

The CPOA finds Officer P.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

(D) The CPOA reviewed Standard Operating Procedure Order 2-01-3(A) regarding Officer P.'s conduct, which states:

*All personnel directed to appear in court, pretrials, or MVD hearings must appear and be prepared to testify.*

Mr. Barnes complained that Officer P. did not appear at his scheduled trial as he was required to do. Officer P. had been subpoenaed to the trial but was sick on the day that the trial occurred. Officer P. had called in sick to his supervisor, but he failed to call the Court or Court Services to notify them that he was sick. Officer P. was not excused from making a Court appearance.

The CPOA finds the allegation of a violation of this SOP against Officer P. was **SUSTAINED**, which means the allegation is supported by sufficient evidence.

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

*All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service or traffic stop. Personnel will activate the recorder prior to arriving at the call or prior to citizen contact on non-dispatched events (within the safety parameters of 1-39-1B) and will record the entirety of citizen contact...*

Mr. Barnes claimed in his complaint that Officer P. had a lapel camera that malfunctioned during the incident and therefore no footage from the incident was available.

Officer P. used his lapel video to record some of the incident, but did not record the incident in its entirety. An inquiry into Officer P.'s equipment log showed that he was issued a new lapel camera on or about October 30, 2014, because his old lapel camera had audio problems with the microphone. Although there is evidence to support that the camera may have malfunctioned, Officer P. indicated that it was possible that he turned the camera off at the police substation. Officer P. had turned the camera off when he spoke with his supervisor and other officers about the incident and he had turned it back on when he and Mr. Barnes arrived at the substation. Apparently, the on/off function of the camera was working that day, leading to the conclusion that Officer P. turned the camera on and off and he did not record the incident in its entirety as he was required to do.

The CPOA finds the allegation of a violation of this SOP against Officer P. was **SUSTAINED**, which means the allegation is supported by sufficient evidence.

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

*Officers collecting evidence, property, or found items are responsible for the custody of these items until they have been turned into the evidence room or substation drop boxes or lockers.*

Mr. Barnes alleged that his wallet, which was actually a padded case with a zipper, was taken by Officer P. and that case was never turned in as part of Mr. Barnes' property when he was booked into the Metropolitan Detention Center. Mr. Barnes stated that he tried to get the case back as it contained a state ID, personal papers, and his computer flash drive which he had personal writings on. Officer B. was interviewed and he indicated that he gave the case to Officer P. The lapel video showed that Officer B. did do that. The lapel video also showed Officer P. in possession of the case at the police substation. That case was never turned in to evidence or to the PTC where Mr. Barnes was booked after his arrest. Officer P. indicated that he misplaced the case and did not know where it was.

Furthermore, Mr. Barnes alleged that while he was at the PTC, Officer P. had pictures taken of Mr. Barnes' wrists because Mr. Barnes had complained of injury. PTC Sergeant W. indicated that he took the pictures and put them on a disc and gave them to Officer P. Officer P. admitted that he did get a disc from the PTC that had the pictures of Mr. Barnes on it, but he did not pick up that disc until a month or so after the incident. Officer P. intended to tag the disc into evidence but he never did. Officer P. lost the disc and has no idea where it may be.

The CPOA finds the allegation of a violation of this SOP against Officer P. was **SUSTAINED**, which means the allegation is supported by sufficient evidence.

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

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

*Officers may use force when objectively reasonable based on a totality of the circumstances. The objectives for which force may be appropriate include: to effect the lawful arrest or detention of a person; to gain control of a combative prisoner; prevent or terminate the commission of a crime; to intervene in a suicide or self-inflicted injury; to defend an officer or member of the public from the physical acts of another.*

Mr. Barnes alleged that while he was at the police substation he was assaulted by Officer W. Mr. Barnes described his "assault" as being committed by Officer W. Mr. Barnes said that Officer W. assaulted him by pulling up on the handcuffs he was wearing so that his arms were pulled above his head, causing the handcuffs to cut into Mr. Barnes' wrists.

Officer P. indicated that he thought Officer W. may have "put a little pressure" on the cuffs to control Mr. Barnes, but in no way was it way up high and over Mr. Barnes' head, as Mr.

Barnes had alleged. Officer P. explained that Officer W. "did lift him up a little" but not enough to where it would have bothered Mr. Barnes.

Officer W. denied ever lifting up on Mr. Barnes' handcuffs. Officer W. indicated that Mr. Barnes started leaning forward on his own, saying something to the effect of "let's just get this over with." Officer W. indicated that he did apply some pressure to the cuffs but only enough to keep control and to straighten Mr. Barnes back up from his forward leaning position. Officer W. indicated that he never lifted up on the cuffs or pulled them up over Mr. Barnes' head as Mr. Barnes had described. Officer W. explained that it was only a 15-20 foot walk to the car and that there was no force used on Mr. Barnes, as Mr. Barnes had alleged.

Officer W. ran his lapel video the entire contact all the way to the PTC and he only turned it off when he left the PTC. Officer W.'s video had been deleted as it was only available for 127 days after upload. The audit trail showed that Officer W. did upload the video for this incident on the day the incident occurred. Mr. Barnes alleged that Officer W. used unnecessary force by pulling up on the handcuffs Mr. Barnes was wearing so that his arms were pulled above his head, causing the handcuffs to cut into Mr. Barnes' wrists.

Officer P. and Officer W. denied that happened. The disc that would have contained pictures to prove that Mr. Barnes was injured by the handcuffs was lost and never made it into evidence. Officer P. did not run his video the entire time and Officer W.'s video had been deleted by the time Officer W.'s identity was revealed. There is no independent evidence to prove or disprove the allegation.

The CPOA finds the allegation of a violation of this SOP against Officer W. was **NOT SUSTAINED**, which means there is insufficient evidence to prove or disprove the allegation.

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

*In such incidents where the primary officer tags a recording and secondary officer(s) also have a recording: all recordings will be tagged into evidence.*

Although Officer W. was not originally dispatched to the call, he did log out on the call and ended up assisting Officer P. at the police substation where Mr. Barnes was alleged to have acted out. Officer W. recorded his contact with Mr. Barnes from the police substation to the PTC. Officer W. failed to tag his lapel video as evidence, which would have preserved the video for a longer period of time.

The CPOA finds the allegation of a violation of this SOP against Officer W. was **SUSTAINED**, which means the allegation is supported by sufficient evidence.

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

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

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

Mr. Barnes complained about Detective M.'s behavior during his recorded interview. Officer P.'s video showed Mr. Barnes being escorted into the police substation. The video showed Mr. Barnes being seated next to Detective M. Mr. Barnes asked Detective M. if he wore his mask outside. Detective M. said to Mr. Barnes, "I didn't realize that me and you are friends." The video showed that as Detective M. gets up to leave, he told Mr. Barnes in a threatening manner, "I'll remember you. What's his name?" Officer P. gave Detective M. Mr. Barnes' ID. Detective M. pointed at Mr. Barnes and said, "All right, Allan. We'll remember you, Allan. And you won't be talking shit to us. I guaran-f\*\*\*ing-tee it. You too and your flag shorts."

Detective M. admitted that he reacted to Mr. Barnes in an unprofessional manner and that he used profanity towards Mr. Barnes. Detective M. had nothing to do with the arrest or processing of Mr. Barnes. Mr. Barnes asked a question of Detective M. and Detective M. reacted in an unprofessional manner.

The CPOA finds the allegation of a violation of this SOP against Detective M. was **SUSTAINED**, which means the allegation is supported by sufficient evidence.

(B) The CPOA reviewed Standard Operating Procedure Order 1-04-4(P) regarding Detective M.'s conduct, which states:

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

The lapel video showed that Detective M. used profane language and threatening gestures towards Mr. Barnes. Detective M. admitted that he reacted to Mr. Barnes in an unprofessional manner and that he used profanity towards Mr. Barnes.

The CPOA finds the allegation of a violation of this SOP against Detective M. was **SUSTAINED**, which means the allegation is supported by sufficient evidence.

Your complaint and these findings will be placed in Officer P., Officer W., and Detective M.'s Internal Affairs personnel files.

You have the right to appeal this decision. Section 9-4-1-9(A) of the Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of the respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.



**Letter to Mr. Barnes**

**March 13, 2015**

**Page 8**

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000613

## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy*

*Dr. Jeannette Baca Eric H. Cruz*

*Joanne Fine*

*Beth Mohr*

*Rev. Dr. David Z. Ring III*

*Eva P. Sandoval*

*Leonard Waites*

*Jeffery Scott Wilson*

Robin S. Hammer, Acting Executive Director

March 13, 2014

Via Certified Mail

Shari Jensen  


**Re: CPC # 196-14**

Dear Ms. Jensen:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on October 21, 2014, for an incident which occurred on October 6, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Ms. Jensen wrote that she believed Officer S. was not shown proof of current insurance by the other driver because she found out the other driver's insurance was expired. Ms. Jensen complained that Officer S. should have run the other driver's information if the other driver claimed to have forgotten his current insurance card. Ms. Jensen wrote that the police report which Officer S. prepared had the incorrect placement of the vehicles in the report.

The CPOA Investigator interviewed Ms. Jensen. Ms. Jensen stated that during the incident, she was in the middle lane, not the left lane as the diagram showed. Ms. Jensen stated that after the accident, she learned the other driver's insurance was expired. Ms. Jensen assumed Officer S. did not check the other driver's insurance prior to writing his police report.

M000614

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Albuquerque Police Report, Officer S.' lapel video, and the CPOA Investigator's interviews of Ms. Jensen and Officer S.

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

*Steps to be followed in conducting preliminary investigations: 5. Report the incident fully and accurately.*

Ms. Jensen claimed that Officer S.' placement of vehicles on the diagram in his police report was incorrect. Ms. Jensen claimed she was in the middle lane and had nowhere to go because there had been vehicles on either side of her.

Officer S.' lapel video showed that Ms. Jensen told Officer S. that she was in the left lane, not the middle lane. The diagram reflected the situation accurately. The lane assignment was not a crucial issue in the police report, because as Officer S. documented, the other driver failed to yield as the cause of the wreck.

The CPOA finds Officer S.' conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

(B) The CPOA reviewed Standard Operating Procedure Order 1-02-2(D)(1) regarding Officer S.' conduct, which states:

*When sworn employees of this department are faced with a situation where discretion can be exercised, they must evaluate the circumstances, consider the available resources, and rely on their training, department policies, department procedures, statutory law, and supervision in making the appropriate decision.*

Ms. Jensen claimed that Officer S. must not have run the other driver's information or asked for valid proof of insurance because the other driver's policy had been cancelled greater than six months ago.

Officer S. checked the other driver's insurance because he wrote the policy information on the accident report. Unless MVD revokes the registration due to lack of insurance, there is nothing on the MVD Computer System which indicates to an officer whether an individual has current insurance or not. The MVD system is imperfect in timely revoking/suspending registration for lack of insurance because there is a due process individuals have before registration is suspended. Officer S. took the other driver's word that he had insurance. Officers are allowed discretion in issuing tickets. Ms. Jensen mistakenly believed the system was more efficient than it is on revoking registration.

Letter to Ms. Jensen

March 13, 2015

Page 3

The CPOA finds Officer S.' conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

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

*All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service or traffic stop. Personnel will activate the recorder prior to arriving at the call or prior to citizen contact on non-dispatched events (within the safety parameters of 1-39-1B) and will record the entirety of citizen contact. Uniformed civilian personnel issued digital recorders will also comply with this section. The recordings will be saved for no less than 120 days.*

Officer S. believed he ran his recorder through the entire incident. However, Officer S. only captured the first half of the incident. Officer S. later realized the on/off button is easily pressed when getting in and out of the car by other equipment. Officer S.' video turned off when he got into the car after speaking with Ms. Jensen. The Taser camera was fairly new for Officer S. at that time, so Officer S. was not aware of the technical issue. Also, the recording indicator noise was too quiet for the traffic of the road, but Officer S. has since turned the volume up. Nonetheless, Officer S. failed to record this incident in its entirety.

The CPOA finds the allegation of a violation of this SOP against Officer S. was **SUSTAINED**, which means the allegation is supported by sufficient evidence.

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000616

**CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy      Dr. Jeannette Baca      Eric H. Cruz*  
*Joanne Fine                      Beth Mohr                      Rev. Dr. David Z. Ring III*  
*Eva P. Sandoval                  Leonard Waites                  Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

March 13, 2015  
Via Certified Mail  
7014 2120 0004 7659 0318

Randall Summers



**Re: CPC # 209-14**

Dear Mr. Summers:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on November 14, 2014, for an incident which occurred on November 13, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on January 12, 2015. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

**I. THE COMPLAINT**

Mr. Summers wrote that he was trying to exit a driveway onto Golf Course Road, Northwest. Mr. Summers did not see anyone coming and so started to exit the driveway, but then noticed a car and tried to back up to avoid a collision. Mr. Summers wrote that Ms. Martinez moved closer in the lane to his vehicle and struck him. Mr. Summers wrote that he told this same information to Public Service Aide (PSA) S. Mr. Summers wrote that he showed PSA S. skid marks created by Ms. Martinez. Mr. Summers wrote that he tried to show PSA S. photographs of his car's position, but PSA S. did not want to see the pictures. When Mr. Summers picked up the police report he noticed PSA S. wrote something different in the narrative from what Mr. Summers claimed he said. Mr. Summers alleged that Ms. Martinez



called a woman to the scene to act as a witness on Ms. Martinez's behalf even though this woman did not see anything.

The CPOA Investigator interviewed Mr. Summers. Mr. Summers repeated what he wrote in his complaint about the accident. Mr. Summers stated that Ms. Martinez called a woman to the scene who pretended to be a witness, even though the woman had not been there. This woman gave a statement to PSA S. Mr. Summers believed that PSA S. was listening at the time, but when Mr. Summers got the report, he saw incorrect information in the narrative. Mr. Summers said he spoke to PSA S. on the phone. Mr. Summers stated that PSA S. told him he was not going to change the report. Mr. Summers stated that PSA S. did not respond to his questions about the inaccuracies. Mr. Summers stated PSA S. was not "overly rude," but "subtly rude."

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report, Albuquerque Police Report, review of the scene, and the CPOA Investigator's interviews of Mr. Summers and PSA S.

(A) The CPOA reviewed Standard Operating Procedure Order 2-24-3(F)(5) regarding PSA S.' conduct, which states:

***Steps to be followed in conducting preliminary investigations: 5. Report the incident fully and accurately.***

Mr. Summers claimed that PSA S. inaccurately portrayed what he said the day of the incident. Mr. Summers stated that he never told PSA S. he was in the middle of the road. Mr. Summers stated he never told PSA S. he struck Ms. Martinez, and instead it was Ms. Martinez that struck him. Mr. Summers also said that he was not on Richland Hills Drive, as PSA S.' diagram indicated.

There is a discrepancy between what Mr. Summers claimed he said and what PSA S. claimed Mr. Summers said. There was also a discrepancy between Mr. Summers and PSA S. as to which driveway the accident occurred. Mr. Summers provided photos to the CPOA Investigator in his interview. When the Investigator showed these photos to PSA S. in his interview, PSA S. disagreed with what the photos depicted in terms of position of Mr. Summers' car. The CPOA Investigator's attempts to reach the other driver, Ms. Martinez, to resolve some of the discrepancies were unsuccessful. The detail of leaving the passenger off on the report was a clerical error, but did not rise to the level of a violation, and Mr. Summers failed to complain about this issue. PSA S. indicated that no one presented themselves as a witness and there were no other statements included on PSA S.' report other than the two drivers.

The CPOA finds PSA S.' conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, which means there is insufficient evidence to prove or disprove the allegation.

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

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

Mr. Summers stated at the scene that PSA S. was professional and it seemed like PSA S. was listening. Mr. Summers alleged that PSA S. did not look at the pictures Mr. Summers tried to provide of the cars and the skid marks. Mr. Summers stated when he spoke to PSA S. on the phone a few days later to ask PSA S. about the report discrepancies, PSA S. was "subtly rude." Mr. Summers stated that PSA S. did not respond to Mr. Summers' inquiries about why the report reflected different information. Instead, PSA S. simply told Mr. Summers that he could file a supplemental report.

PSA S. disagreed with Mr. Summers' assessment of his conduct. Mr. Summers and PSA S. disagreed on what evidence Mr. Summers tried to show at the scene. The phone conversation was not recorded. The tone and exactly what was said differed from each party.

The CPOA finds PSA S.' conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, which means there is insufficient evidence to prove or disprove the allegation.

(C) The CPOA reviewed Standard Operating Procedure Order 1-39-2(B) regarding PSA S.' conduct, which states:

*All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service or traffic stop. Personnel will activate the recorder prior to arriving at the call or prior to citizen contact on non-dispatched events (within the safety parameters of 1-39-1B) and will record the entirety of citizen contact. Uniformed civilian personnel issued digital recorders will also comply with this section. The recordings will be saved for no less than 120 days.*

PSA S. admitted he did not run his lapel camera during the incident. PSA S. agreed he had a lapel camera assigned to him, but was not trained on how to use the camera when he was sent out on his own. PSA S. has since been trained and uses the camera. PSA S. was aware of the policy and had the equipment, and so should have let his supervisor know he had not received proper instruction.

The CPOA finds the allegation of a violation of this SOP against PSA S. was **SUSTAINED**, which means the allegation is supported by sufficient evidence.

**Letter to Mr. Summers**

**March 13, 2015**

**Page 4**

Your complaint and these findings will be placed in PSA S.' Internal Affairs personnel file.

You have the right to appeal this decision. Section 9-4-1-9(A) of the Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of the respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000620



**CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy*

*Dr. Jeannette Baca*

*Eric H. Cruz*

*Joanne Fine*

*Beth Mohr*

*Rev. Dr. David Z. Ring III*

*Eva P. Sandoval*

*Leonard Waites*

*Jeffery Scott Wilson*

Robin S. Hammer, Acting Executive Director

March 13, 2015

Via Certified Mail

7014 2120 0004 7659 0325

Lecia Weber

**Re: CPC #230-14**

Dear Ms. Weber:

The complaint you filed against Officer L. of the Albuquerque Police Department (APD) was received by our office on December 23, 2014, for an incident which occurred on September 10, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint on January 12, 2015. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

**I. THE COMPLAINT**

Lecia Weber complained that on or about September 11, 2014, at about 12:05 a.m., she was driving her vehicle eastbound on Central Avenue between San Pedro and Louisiana when she was stopped by APD Officer L. Ms. Weber stated that Officer L. told her he stopped her for driving with her turn signal on and never turning. Ms. Weber questioned Officer L. about being stopped when there are other persons committing crimes. Ms. Weber alleged that Officer L. called her a "criminal." Ms. Weber alleged that Officer L. cited her for other violations, refused to return her driver's license, and then threatened her with arrest. Ms. Weber complained that she was stopped and harassed by Officer L. for no reason. Ms. Weber complained that the length of the stop took too long; alleging it took two to three hours.

M000621

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, an interview with Officer L. and a review of Officer L.'s lapel camera recording of the incident. The CPOA Investigator made numerous attempts to contact Ms. Weber via telephone and email. Ms. Weber's phone number was no longer in service and Ms. Weber did not respond to any of the CPOA Investigator's emails. The investigation was conducted based upon the allegations in Ms. Weber's written complaint.

(A) The CPOA reviewed Standard Operating Procedure Order 1-02-2(B) regarding Officer L.'s conduct, which states:

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

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

Ms. Weber complained that Officer L. told her he stopped her for driving with her turn signal on and never turning.

Officer L.'s lapel video showed that Officer L. told Ms. Weber that he stopped her because she was driving at night without her headlights on. The lapel video also showed Ms. Weber acknowledged that her lights were not working before and that she was not able to see anything. Ms. Weber also commented that must have been why it was so difficult to see the roadway. Officer L. had probable cause to stop Ms. Weber because she was violating State law by driving without her headlights on at night.

The CPOA finds Officer L.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

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

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

Ms. Weber complained that Officer L. called her a criminal and cited her for "anything else he could think of." Ms. Weber complained that Officer L. threatened her with a citation for a missing gas cover, and threatened her by saying, "because your headlights are broken you are going to have to leave your car on the street and walk home or call someone to come and get you," and threatened her with arrest. Ms. Weber complained that Officer L. harassed her

because he refused to return her driver's license and detained her for a long time on the street. Specifically, Ms. Weber complained the stop took 2-3 hours of her time and said she was not released until around 3:00 a.m.

The lapel video showed that Ms. Weber questioned Officer L. about why he stopped her and why he was not "out catching criminals," to which Officer L. replied that he would be catching criminals if he was with her. Officer L. did not call Ms. Weber a criminal, as she alleged.

Officer L.'s lapel video showed that Officer L. did not cite Ms. Weber for anything without cause. Regarding the gas cover, Officer L. merely inquired about the missing cover. Ms. Weber voluntarily explained what happened to the cover, to which Officer L. replied "okay." Officer L. never mentioned the gas cover again. Officer L. did not threaten to cite Ms. Weber for her missing gas cover, as she alleged in her written complaint.

Officer L.'s lapel video showed that Officer L. told Ms. Weber that both of her headlights were out so she could not operate her vehicle at night; he did not know how she was going to get home, but she could not drive her vehicle. By law, a vehicle cannot be driven at night without lights.

Officer L.'s lapel video showed that Officer L. asked Ms. Weber to sign the citations approximately 15 times and explained to Ms. Weber that signing the citations was not an admission of guilt, but just a promise that she would show up for court. Instead of signing the citations, Ms. Weber argued with Officer L. about why he stopped her and why she received citations. Officer L. told Ms. Weber that he would arrest her if she did not sign the citations. Ms. Weber continued to argue and Officer L. called for a Supervisor to respond and went back to his car where he stayed until a Supervisor arrived. Under New Mexico law, when a person refuses to sign a citation, an arrest is required and the arrestee must be brought before a judge to answer to the charges.

Officer L.'s lapel video showed that Officer L. handed Ms. Weber's license to one of the Supervisors who arrived to assist. Officer L. never refused to return Ms. Weber's driver's license, as she alleged.

Officer L.'s lapel video showed the length of time of the stop was approximately 1 hour and 13 minutes. Additionally, the CAD report showed that Officer L. stopped Ms. Weber on September 10, 2014, at 00:15:43 hours and cleared the call on September 10, 2014, at 01:28:02 hours, not 3:00 a.m. as the complaint alleged.

Ms. Weber's allegations about Officer L.'s conduct were false or not based on valid facts. The video showed that Officer L. was polite, professional, and exceptionally patient during his entire interaction with Ms. Weber. Ms. Weber's refusal to sign the citations, and continual arguing back and forth with Officer L. extended the length of Ms. Weber's detention.

Letter to Ms. Weber

March 13, 2015

Page 4

The CPOA finds the allegation of a violation of this SOP against Officer L. to be **UNFOUNDED**, which means the allegation is false or not based on valid facts.

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

You have the right to appeal this decision. Section 9-4-1-9(A) of the Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of the respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000624

**CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy      Dr. Jeannette Baca      Eric H. Cruz*  
*Joanne Fine                      Beth Mohr                      Rev. Dr. David Z. Ring III*  
*Eva P. Sandoval                  Leonard Waites                  Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

March 13, 2015  
Via Certified Mail

Tammy Martinez



**Re: CPC #233-14**

Dear Ms. Martinez:

The complaint you filed against Officer S. of the Albuquerque Police Department (APD) was received by our office on December 30, 2014, for an incident which occurred sometime between August 2014 and December 30, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

**I. THE COMPLAINT**

Tammy Martinez complained that between August 2014 and December 30, 2014, APD Officer S. gave Ms. Martinez's ex-husband, Joshua Martinez, personal information about her and her current boyfriend. Ms. Martinez wrote that she had a Domestic Violence Restraining Order against her ex-husband and did not wish him to have her personal information. Ms. Martinez alleged that Officer S. improperly gave Mr. Martinez information, including Ms. Martinez's new home address, the name of Ms. Martinez's current boyfriend, and the name of the boyfriend's Parole Officer. Ms. Martinez said she had taken steps to keep the information private so it was not easily accessible to anyone, including her ex-husband.



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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, interviews with the Complainant, Joshua Martinez, Parole Officer Belinda Gallegos, and Officer S. The CPOA Investigator also investigated the National Crime Information Center (NCIC) database, as well as police and public databases.

(A) The CPOA reviewed Standard Operating Procedure Order 1-37-2(A) regarding Officer S.' conduct, which states:

*Unless specifically authorized by standard operating procedures, personnel will not disseminate information from computers, or reveal to any unauthorized person information contained in a computer data base. Nor shall they use or permit the unauthorized use of any computer data base. All privacy and security precautions apply to computer data.*

Ms. Martinez complained that Officer S. accessed private information about Ms. Martinez and her boyfriend, Robert Lujan, which was not publicly available and only obtainable through law enforcement resources. Ms. Martinez further alleged that Officer S. gave this information to Mr. Martinez, who was living in Texas.

The CPOA Investigator determined that there were no public records pertaining to Ms. Martinez or Mr. Lujan which listed their current home address. After reviewing public and law-enforcement-only databases, the CPOA Investigator determined that neither APD records department nor the Metropolitan Detention Center records/database(s) listed Ms. Martinez's or Mr. Lujan's current address.

The CPOA Investigator determined that the NCIC database was the only database available to Officer S. which had Ms. Martinez's and Mr. Lujan's current home address listed. The NCIC database is licensed to be used for official law enforcement purposes only. During her interview with the CPOA Investigator, Officer S. admitted to accessing the NCIC database in November 2014 to obtain information about Mr. Lujan.

During his interviews with the CPOA Investigator, Mr. Martinez gave three different accounts of how he obtained Mr. Lujan's current address. Mr. Martinez originally said he called the Albuquerque Probation and Parole office on November 24, 2014, and a male employee voluntarily gave him Mr. Lujan's address, which the employee allegedly had on hand. The next time Mr. Martinez was asked where he got Mr. Lujan's information, he said he called the Probation and Parole office on November 24, 2014, and a male employee gave it to him off of Mr. Lujan's booking sheet, or NCIC sheet. Mr. Martinez said this same Probation and Parole employee told him that the NCIC sheet was public record. The third time Mr. Martinez was asked where he got Mr. Lujan's address, he said he was pretty sure that a male employee at the Probation and Parole office gave it to him off of an NCIC sheet when he called the office

on November 24, 2014. He added that it was also possible that Officer S. gave him Mr. Lujan's address. Mr. Martinez admitted that Officer S. had given him the information about Mr. Lujan, including Mr. Lujan's address. Mr. Martinez said that Officer S. told him that she had obtained Mr. Lujan's address information from NCIC, and that address matched the information that the Probation and Parole office had given Mr. Martinez.

During her interview with the CPOA Investigator, Parole Officer Gallegos said Mr. Lujan's current address was not in the Probation and Parole system at all and she did not know Mr. Lujan's current address until Mr. Martinez gave it to her. Parole Officer Gallegos said that Mr. Martinez told her he got the information off of Mr. Lujan's booking sheet, which he found on a website. Parole Officer Gallegos explained that booking sheets are not publicly available information from any public website. Parole Officer Gallegos further explained that the Probation and Parole Office does not typically provide the personal information of Probation and Parole clients over the phone.

Contrary to Mr. Martinez's three versions of statements about how he found out the address of his ex-wife's boyfriend, the only source of this information was through NCIC, which Officer S. admitted she had obtained through NCIC, even though she knew it was a prohibited use of NCIC. Mr. Martinez confirmed that Officer S. had given him Mr. Lujan's address.

The CPOA finds the allegation of a violation of this SOP against Officer S. to be **SUSTAINED**, which means the allegation is supported by sufficient evidence.

(B) The CPOA reviewed APD Special Order 13-43 regarding Officer S.' conduct, which states:

*Personnel are reminded that NCIC/NMLETs is to be used for official criminal justice purposes. Utilizing this system for purposes other than official business is a violation of state and federal policy and procedure, and doing so may result in discipline.*

Officer S. admitted that she accessed NCIC specifically to look up Mr. Lujan's information for personal reasons and not for official criminal justice purposes.

The CPOA finds the allegation of a violation of this SOP against Officer S. to be **SUSTAINED**, which means the allegation is supported by sufficient evidence.

(C) The CPOA reviewed Standard Operating Procedure Order 1-4-4(W) regarding Officer S.' conduct, which states:

*Personnel shall truthfully answer all questions specifically directed to them which are related to the scope of employment and operations of the department.*

The CPOA Investigator contacted the New Mexico NCIC Administrative Staff, who reviewed NCIC Access Request Logs. The NCIC Logs indicated that Officer S. was the only person

Letter to Ms. Martinez  
March 13, 2015  
Page 4

who had requested information about Mr. Lujan through NCIC records. The Logs showed that Officer S. accessed that information through NCIC on November 24, 2014. This is the same date that Mr. Martinez shared the information with the Probation and Parole Office.

Mr. Martinez was interviewed and asked how he got Mr. Lujan's information, to which he replied, "Officer S. verified that Mr. Lujan is in the database;" the same database that Mr. Martinez alleged the Parole Office used, which was NCIC. Officer S. was asked by CPOA Investigators if she provided Mr. Martinez with Mr. Lujan's information and she said she did not, contrary to Mr. Martinez's statement that Officer S. had confirmed Mr. Lujan's address to Mr. Martinez.

The CPOA finds the allegation of a violation of this SOP against Officer S. to be **SUSTAINED**, which means the allegation is supported by sufficient evidence.

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

You have the right to appeal this decision. Section 9-4-1-9(A) of the Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of the respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000628



## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy      Dr. Jeannette Baca      Eric H. Cruz*  
*Joanne Fine                      Beth Mohr                      Rev. Dr. David Z. Ring III*  
*Eva P. Sandoval                  Leonard Waites                  Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

### **POLICE OVERSIGHT BOARD AGENDA**

**Thursday, March 12, 2014 – 4:00 PM**  
**Vincent E. Griego Chambers**

- I. Welcome and Call to Order:** *J. Scott Wilson*
- II. Pledge of Allegiance:** *Leonard Waites*
- III. Election of POB Chair and Vice Chair**
- IV. Approval of the Agenda**
- V. Public Comments**
- VI. Discussion of Role of CPOA and POB**

*Receipt of CPOA Administrative Office's Officer Involved Shooting Statistical Report*

- VII. Draft CPOA Rules**
- VIII. Discussion of Process to Retain Independent Legal Counsel**
- IX. Citizen Police Complaint Findings by CPOA :**

CPC 186-14	CPC 196-14	CPC 198-14	CPC 209-14	CPC 230-14
CPC 233-14	CPC 001-15	CPC 010-15	CPC 018-15	

- X. Police Shooting Case:** *I-49-14, Shooting of dog on February 24, 2014*
- XI. Process and Selection of CPOA Executive Director**
- XII. Reports from City Staff:**

- A. Executive Director** *Report by Acting Executive Director Robin Hammer*
- B. SOP Update** – *Report by Assistant Lead Investigator Paul Skotchdopole*
- C. Mayor's Staff** – *Report*
- D. City Council Staff**– *Report*
- E. City Attorney's Staff** – *Report*
- F. APD**– *Report*

- XIII. Other Business**

**XIV. Adjournment - Next POB meeting will be on Thursday, September 11, 2014 at 4:00 PM in the Vincent E. Griego Chambers**

## CHRONOLOGICAL LIST OF OFFICER INVOLVED SHOOTINGS 2009-PRESENT

Below is a listing of all Officer Involved Shooting listed by the date of incident from 2009 to present, with the exception of any APD shootings of animals in 2009 and 2010. If the former Police Oversight Commission (POC) reviewed the case, the date of their review and their findings are noted in the last two columns on the right. It should be noted that William Deaton was the Independent Review Officer from 2006 until May 2012 and would have presented his findings regarding Officer Involved Shooting cases during that period. Robin Hammer, current CPOA Acting Executive Director, was Independent Review Officer from September 2012 until October 2014, at which time she assumed her current position, would have presented his findings regarding Officer Involved Shooting cases from December 2012 until August 2014, the month of the last POC Meeting.

Case No:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date DA completed review	Case Summary	Date Presented To POC	POC Use of Force Finding
I-184-09	Officer M	02/08/09	09/11/09	Fatal	Andrew Lopez		Pursuit, ended when Suspect refused to put down metallic object after fleeing from car	02/10/10	Exonerated
I-86-09	Officer G.	03/04/09	04/23/09	Non-Fatal	N/A shot at vehicle		Vehicle was disabled following multiple pursuits	06/11/09	Exonerated
I-285-09	Officer W.	10/01/09	01/29/10	Fatal	Dominic Smith		Robbery call where subject walked at officers acting as if he had a gun saying "shoot me"	03/11/10	Exonerated
I-141-10	Officer C.	11/06/09	06/10/10	Fatal	Roderick Jones		Fleeing suspect shot in the back	11/10/10	Sustained
I-165-10	Officer P. Officer H.	11/28/09	06/15/10	Non-Fatal	Rafael Labaceno, Jace Gage		Woman being held by suspects holding a sledgehammer and knife shot by officers	03/10/11	Exonerated
I-169-10	Officer M.	12/30/09	09/03/10	Non-Fatal	Joseph Santiago		Drive by shooting at officer who returned fire	11/10/10	Exonerated

## CHRONOLOGICAL LIST OF OFFICER INVOLVED SHOOTINGS 2009-PRESENT

Case No:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date DA completed review	Case Summary	Date Presented To POC	POC Use of Force Finding
I-202-10	Officer C.	01/09/10	09/17/10	Fatal	Aaron Renfro		Suspect shot after he pulled a gun from his waistband during a foot chase that resulted from a traffic stop	11/10/10	Exonerated
I-241-10	Officer L.	01/13/10	11/10/10	Fatal	Kenneth Ellis		Suspect shot as he was holding a gun to his head in the parking lot	03/10/11	Exonerated: IRO found Sustained
I-235-10	Officer W.	01/29/10	10/19/10	Non-Fatal	Wayne Cordova		Suspect shot after pursuit and standing on roof when believed to be armed	04/14/11	Exonerated
I-26-11	Officer L.	03/04/10	03/17/11	Non-Fatal	Jose Castillo		Officer shot at fleeing suspects	05/19/11	Exonerated
I-23-11	Officer S.	03/29/10	4/19/11	Fatal	Mickey Owings	09/28/11	Robbery offender shot as officers attempted to surround his vehicle at Walmart	12/13/12	Exonerated
I-234-10	Officer S.	04/14/10	12/30/10	Non-Fatal	Benjamin Marquez		Suspect shot after refused to drop a weapon during a foot chase.	05/19/11	Exonerated
I-37-11	Officer B. Officer S.	06/10/10	07/06/12	Fatal	Chris Hinz		Suspect shot when he approached officers armed with a rifle.	08/09/12	Exonerated
I-284-10	Officer Z.	06/14/10	1/06/11	Fatal	Julian Calbert		Suspect killed after one of two women he kidnapped at knife point called 911 and officers saved them.	03/10/11	Exonerated

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## CHRONOLOGICAL LIST OF OFFICER INVOLVED SHOOTINGS 2009-PRESENT

Case No:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date DA completed review	Case Summary	Date Presented To POC	POC Use of Force Finding
I-27-11	Officer H.	7/27/10	03/09/11	Fatal	Len Fuentes		Domestic Dispute, Suspect lunged at officer with knife	05/16/12	Exonerated
I-66-11	Officer B.	8/17/10	06/03/11	Fatal	Enrique Carrasco		Suspect attacked officer with knife after breaking window of officers car	07/14/11	Exonerated
I-67-11	Officer K.	9/14/10	05/31/11	Non-Fatal	Chandler Barr		Suspect moved toward officers holding a knife	11/10/11	Exonerated
I-169-11	Officer B. Officer O.	10/19/10	12/15/11	Fatal	Daniel Gonzales		Suspect shot after police said he threatened them with two shotguns.	03/08/12	Exonerated
I-68-11	Officer S.	10/31/10	06/10/11	Fatal	Alexei Sinkevitch		Suspect pointed gun at officer	02/09/12	Exonerated
I 170-11	Officer P.	11/11/10	12/8/2011	Non-Fatal	Russell Tenorio	05/17/13	Suicidal offender; charged officers armed with knife	3/14/13	Exonerated
I 127-11	Officer E.	02/09/11	8/8/2011	Fatal	Jacob Mitschelen	04/03/13	Traffic stop; handgun pointed at officer	1/10/13	Exonerated
I-193-11	Officer B.	04/12/11	2/16/2012	Fatal	Christopher Torres	02/14/14	Arrest Warrant; Offender punched police and grabbed officer's weapon		
I-194-11	Officer W.	05/10/11	2/3/2012 (12/22/11)	Fatal	Alan Gomez	05/29/13	Kidnapping; Aggravated Assault, offender had spoon at time shot		
Case No:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date DA completed review	Case Summary	Date Presented To POC	POC Use of Force Finding

## CHRONOLOGICAL LIST OF OFFICER INVOLVED SHOOTINGS 2009-PRESENT

I-190-11	Officer N. Officer O., Officer T.	06/04/11	12/12/11	Fatal	Raymond Garcia		Suspect was shot and killed after he hijacked a pickup truck driver at gunpoint in the parking lot of a liquor store and then led officers on a high speed pursuit.		Exonerated
I 228-11	Officer P.	08/30/11	2/15/2012	Fatal	Michael Marquez	03/25/13	Offender pointed AK-47 at Officer	4/15/13	Exonerated
I 79-12	Officer R.	01/04/12	07/16/12	Fatal	Mark Macoldowna	03/18/13	Robbery; held hostage at gun point	08/08/13	Exonerated
I 29-12	Officer P.	02/14/12	5/15/2012	Non- Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	5/9/13	Exonerated
I-129-12	Officer S.	03/19/12	9/17/2012	Fatal	Daniel Tillison	05/08/13	Suspicious vehicle; selling stolen property		
I-152-12	Officer S.	3/21/12	12/18/12	Fatal	Gary Atencio	05/09/13	NMSP, Laguna PD, and APD responded for domestic response in ABQ; Offender led police outside the city, crashed car, fled toward occupied buildings, armed		
I 154-12	Officer H.	04/19/12	10/16/12	Non- Fatal	Dennis Aragon	07/03/13	Armed offender; rifle aimed at officer	11/14/13	Exonerated
I 112-12	Officer J. Officer L.	6/14/12	9/10/12	Non- Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	01/09/14	Exonerated
<b>Case No:</b>	<b>Officer:</b>	<b>Date of Incident</b>	<b>Date Received At IRO:</b>	<b>Fatal/ Non- Fatal</b>	<b>Person Shot</b>	<b>Date DA completed review</b>	<b>Case Summary</b>	<b>Date Presented To POC</b>	<b>POC Use of Force Finding</b>

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## CHRONOLOGICAL LIST OF OFFICER INVOLVED SHOOTINGS 2009-PRESENT

I-240-12	Officer B.	06/20/12	4/5/13	Officer shot & missed; Offender shot himself	Santiago Chavez	n/a-Non-Fatal	Offender shot at officer and at neighbors; Officer missed; Offender died from self-inflicted gunshot		
I 62-13	Officer P.	08/06/12	05/15/13	Non-Fatal	Dominic Solis-Mora	05/02/13	Narcotics investigation; Offender had handgun	09/12/13	Exonerated
I 168-12	Officer W.	09/06/12	09/25/12	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	10/10/13	Exonerated
I 188-12	Officer C.	9/20/12	12/19/12	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	6/12/14	Exonerated
I-199-12	Officer S.	10/17/12	1/23/13	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog shot	08/14/14	Exonerated
I 100-13	Officer W.	12/17/12	5/30/13	Non-fatal (shot at car)	n/a	n/a	Shot at Fleeing suspect and struck car	5/13/14	Sustained
I-8-13	Officer A.	01/15/13	03/25/14	Non-Fatal (shot at dog and missed)	n/a	n/a-Dog	Dog Attack		
<b>Case No:</b>	<b>Officer:</b>	<b>Date of Incident</b>	<b>Date Received At IRO:</b>	<b>Fatal/ Non-Fatal</b>	<b>Person Shot</b>	<b>Date DA completed review</b>	<b>Case Summary</b>	<b>Date Presented To POC</b>	<b>POC Use of Force Finding</b>

## CHRONOLOGICAL LIST OF OFFICER INVOLVED SHOOTINGS 2009-PRESENT

I 58-13	Officer C.	2/22/13	4/23/13	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	04/10/14	Exonerated
I-188-13	Officer P., Officer S. Officer A.	03/05/13	09/10/2013	Fatal	Parrish Dennison	09/26/14	Disturbance call; Offender stolen musical instruments – Chili's / Coronado Mall area		
I 208-13	Officer H.	03/19/13	03/10/14	APD Non-Fatal (NMSP Fatal)	Kendall Carroll	Not completed	Armed barricaded subject, shot by NMSP	5/13/14	Exonerated
I-48-14	Officer B. Officer W.	07/05/13	04/22/14	Fatal	Vincent Wood	Not Completed	Mental health; Offender armed with butcher knife (Circle K)		
I 166-13	Officer M.	07/15/13	06/13/14	Non-Fatal	Scott Maher	n/a	Accidental Discharge which struck partner	07/10/14	Sustained
I 195-13	Officer S.	08/11/13	10/03/13	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	06/12/14	Exonerated
	Officer M. and 5 others	10/26/13		Fatal	Christopher Chase	Not completed	Mental health; armed with AK47 ; includes BCSO Montano		
I-70-14	Officer P.	10/28/13	6/10/14	Non-Fatal	Joaquin Ortega	Not Completed	Mental Health; armed robbery; Muffler shop		
	Officer R.	11/15/13		Non-Fatal	Bobby Garcia	Not completed	DWI stop at Montgomery/Washington		
I-119-14	Officer M. Officer M. & Officer E.	12/01/13		Non-Fatal	Shane Sherrill	Not completed	Domestic Disturbance, armed with a brake pad that was pointed		
<b>Case No:</b>	<b>Officer:</b>	<b>Date of Incident</b>	<b>Date Received At IRO:</b>	<b>Fatal/ Non-Fatal</b>	<b>Person Shot</b>	<b>Date DA completed review</b>	<b>Case Summary</b>	<b>Date Presented To POC</b>	<b>POC Use of Force Finding</b>

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## CHRONOLOGICAL LIST OF OFFICER INVOLVED SHOOTINGS 2009-PRESENT

	Officer M.	12/08/13		Fatal	Andy Snider	Not completed	Assault at convenience store; armed with a 10" claw hammer		
I-50-14	Officer A.	02/20/14	4/29/14	Non-Fatal (shot at dog and missed)	n/a	n/a-Dog	Dog Attack		
I-49-14	Officer J.	02/24/14	05/08/2014	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Attack		
	Officer S.; Officer P.	03/16/14		Fatal	James Boyd	Not completed	Homeless Camper armed with knives		
	Officer E.	03/25/14		Fatal	Alfred Redwine	Not completed	Domestic disturbance involving minor, armed with firearm which offender fired once		
I-99-14	Officer D.	04/21/14		Fatal	Mary Hawkes	Not completed	Foot chase at trailer park, offender armed with a gun which she pointed at officer		
	Officer H.	05/03/14		Fatal	Armand Martin	Not completed	Barricaded subject armed with knife threatened wife and children and actively shot at law enforcement		
	Officer G.; Officer F.	05/22/14		Fatal	Ralph Chavez	Not completed	Offender had stabbed two people, armed with knife, repeatedly advanced at officers		
	Officer O. Officer S.	07/22/14		Fatal	Jeremy Joe Robertson	Not completed	Armed and fleeing federal fugitive at Eubank and Central		
<b>Case No:</b>	<b>Officer:</b>	<b>Date of Incident</b>	<b>Date Received At IRO:</b>	<b>Fatal/ Non-Fatal</b>	<b>Person Shot</b>	<b>Date DA completed review</b>	<b>Case Summary</b>	<b>Date Presented To POC</b>	<b>POC Use of Force Finding</b>

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## CHRONOLOGICAL LIST OF OFFICER INVOLVED SHOOTINGS 2009-PRESENT

I-190-14	Officer P	10/16/14	2/24/2015	Dog	n/a	N/a-Dog	Dog Attack-off duty officer		
	Officer G.	01/03/15		Non-fatal		Not completed			
	Officer B.	01/09/15				Not completed			
	Officer F. Officer O.	01/13/15		Fatal		Not completed			

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# *2010-2014 Officer Involved Shooting Report* **CITY OF ALBUQUERQUE**

Richard J. Berry  
Mayor

Robert J. Perry  
Chief Administrative Officer



## *Civilian Police Oversight Agency*

Robin S. Hammer, Esq.  
Acting Executive Director

March 12, 2015

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This report includes data and information received from the Albuquerque Police Department (APD). It has been prepared for the Civilian Police Oversight Agency (CPOA)'s Police Oversight Board (POB) members as a starting point for discussion to analyze and consider the trends present in APD Officer Involved Shootings (OIS) from 2010 to 2014. The report is designed to be used as a tool for POB members to begin to review and examine the underlying data, including officer and civilian demographics, in order to recommend policies relating to training, programs, and procedures relating to APD. One of the CPOA's primary mission lies in recommending institutional and instructional changes to the Albuquerque Police Department. The charts and graphs contain statistical data. Page \_\_\_ lists the OIS cases from the relevant timeframe which the prior Police Oversight Commission and former Independent Review Officers made findings regarding the officers's conduct as applied to APD's Standard Operating Procedures. On Pages \_\_\_ of this Report list the Officer Involved Shootings which have not been reviewed by the prior Police Oversight Commission and former Independent Review Officers which the Civilian Police Oversight Agency will need to review in the future and make findings. This report seeks to give one starting place for the Police Oversight Board Members to begin that task of providing guidance to the Community, the City and the Albuquerque Police Department of policies and practices which foster mutual trust and cooperation between the Community and APD.

# I. Introduction: Albuquerque Police Department Officer Involved Shootings from 2010-2014

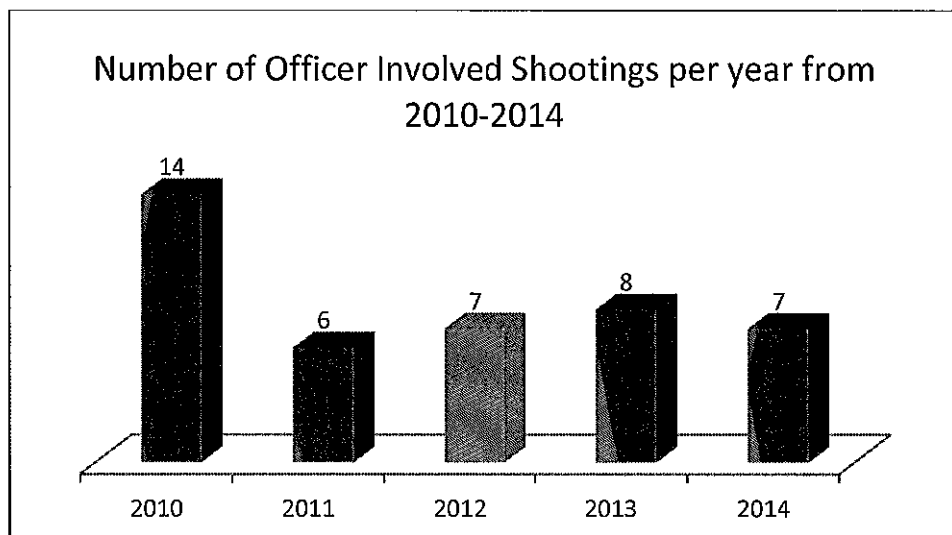


Figure 1: The most Albuquerque Officer Involved Shootings in the past five years occurred in 2010.

From 2010 to 2014, Albuquerque Police Department (APD) Officers were involved in 42 shootings which includes two incidents in which APD officers fired at vehicles and also includes two shootings in which APD officers shot at a suspect but missed. Fifty-one officers discharged their weapons in the 42 shootings. Seven officers were involved in multiple shootings, including one officer who was involved in three shootings. The graphs and charts contained in this statistical report represent the locations of the shootings, the weapons brandished by the suspects, and officer demographics.

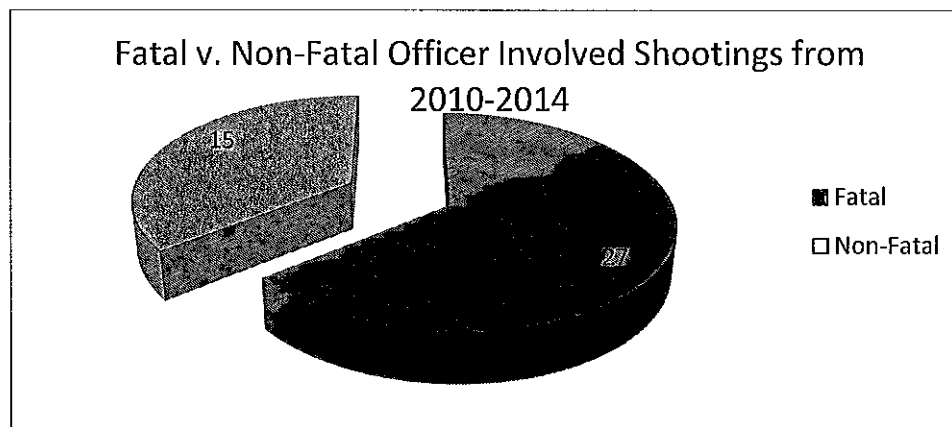


Figure 2: 64% of the police shootings in Albuquerque from 2010-2014 have resulted in a fatality of a subject.

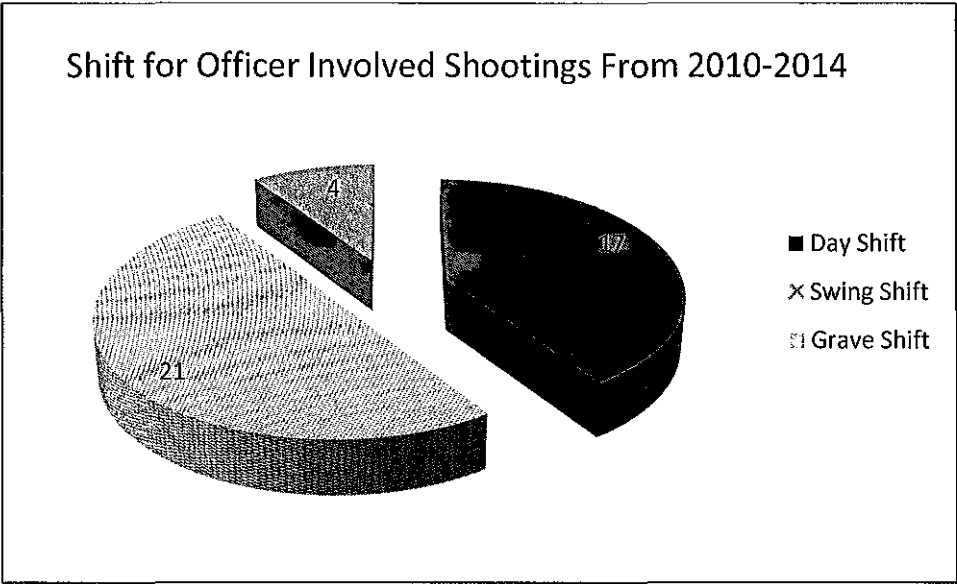


Figure 3: 50% of the Officer Involved Shootings from 2010-2014 occurred during Swing Shift (3pm-11pm).

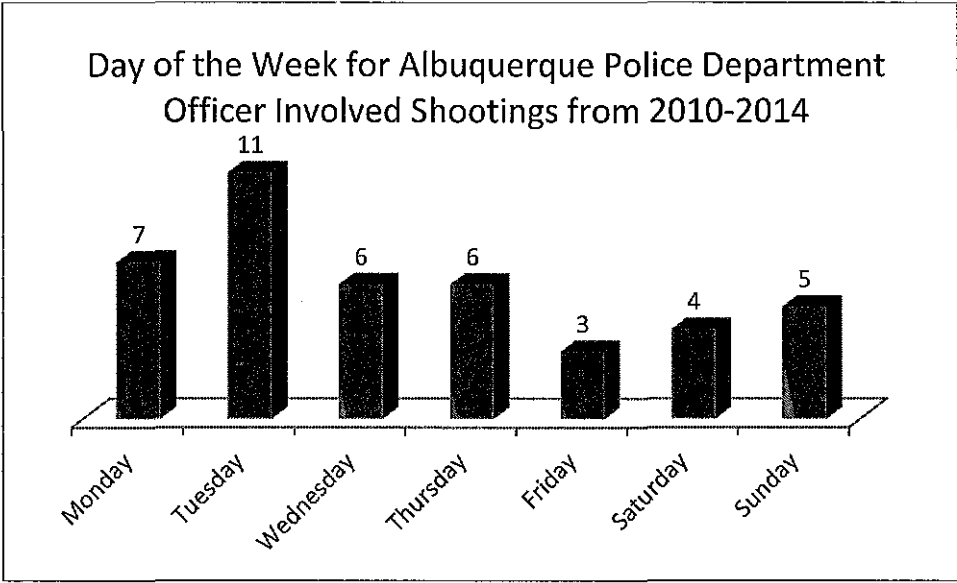


Figure 4: Most Officer Involved Shootings from 2010-2014 occurred on Mondays and Tuesdays.

### Non-Fatal Officer Involved Shootings 2010-2014 by Shift

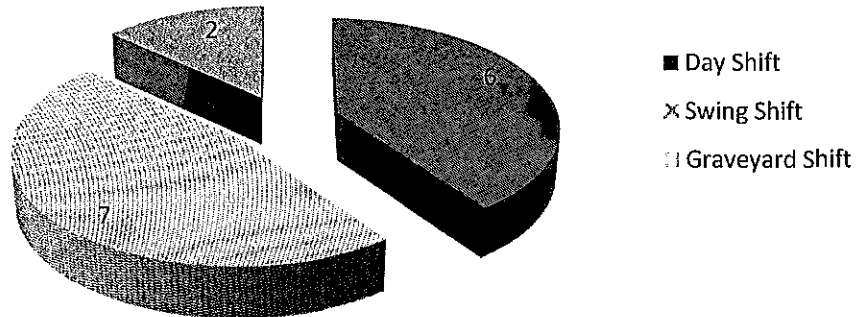


Figure 5: 47% of Non-Fatal Shootings occurred during Swing Shift (3pm-11pm).

### Fatal Officer Involved Shootings 2010-2014 by Shift

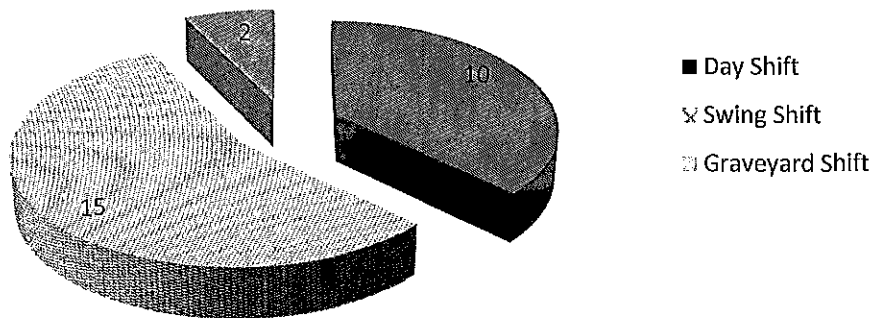


Figure 6: 56% of Fatal Shootings occurred during Swing Shift (3pm-11pm).

## II. Case Summaries for Officer Involved Shootings from 2010-2014

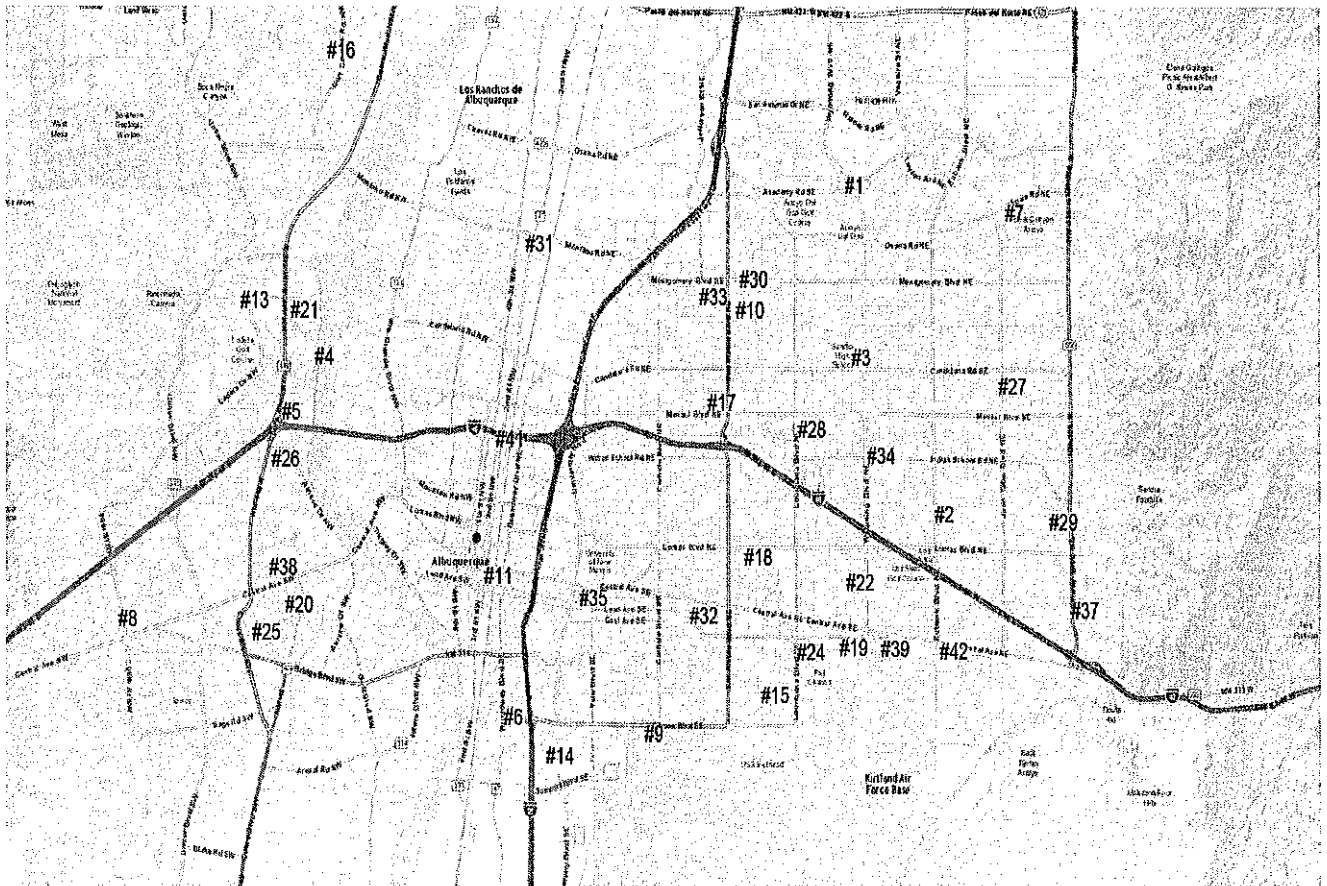


Figure 7: This figure represents the Albuquerque Police Shooting Locations chronologically from 2010-2014. Not Pictured: OIS #12 (Tucumcari); OIS #23 (West of Albuquerque); OIS #36 (Rio Rancho) The dot indicates the location of Albuquerque Police Department's main location.

### 1. January 9, 2010, Fatal, 5900 Wyoming NE Pursuit

Officer C. shot and killed Aaron Renfro, 32, after Renfro pulled a gun from his waistband during a foot chase after being stopped by police for a traffic stop.

### 2. January 13, 2010, Fatal, Eubank and Constitution SWAT CIT

Detective L. shot Iraq war veteran Kenneth Ellis III once in the neck, killing him, as Ellis was holding a gun to his head in the parking lot of the 7-Eleven at Eubank and Constitution.

### 3. January 29, 2010, Non-Fatal, 8100 Connecticut NE Pursuit SWAT CIT

Following a pursuit, Officer W. shot Wayne Cordova, 22, who was standing on a northeast Albuquerque rooftop. At the time of the shooting, Office W. stated he believed that Mr. Cordova possessed a firearm.

**4. March 4, 2010, Non-Fatal, 3500 Sequoia Ct. NE Pursuit**

Officer L. fired a single shot that missed Jose Castillo and other occupants of a brown car after they fled from the Giant gas station at Coors and Quail after they allegedly stole beer.

**5. March 29, 2010, Fatal, 2500 Coors NW Attempted Escape Robbery  
Surveillance**

Detective S. shot and killed armed robbery suspect Mickey Owings, 26, in the Walmart parking lot on Coors NW when Mr. Owings attempted to escape by driving a stolen vehicle at police who were attempting to surround him.

**6. April 14, 2010, Non-Fatal, 2100 Broadway SE Pursuit**

Detective S. shot 18-year-old Benjamin Marquez after Marquez refused to drop a weapon during a foot chase. Officers had approached the men Marquez was with and told them to put out a cigarette while pumping gas and Mr. Marquez refused to drop his weapon.

**7. June 10, 2010, Fatal, 5500 Carruthers NE SWAT CIT**

Officers B. and S. shot at and killed 43-year-old Chris Hinz when he approached officers armed with a rifle after police were called to his home by neighbors who reported seeing him with a weapon.

**8. June 14, 2010, Fatal, I-40 and 98th Street Kidnapping**

Officer Z shot and killed Julian Calbert, a 42-year-old man from Tucumcari, at the Flying J Truck Stop at Avalon and 98th in northwest Albuquerque, after one of two women he kidnapped at knife point from the University of New Mexico parking garage called 911 from inside the trunk of Calbert's car.

**9. July 27, 2010, Fatal, 3400 Crest SE Domestic Violence**

Officer H. shot and killed Len Fuentes, 41, when Fuentes threatened officers with a knife during a domestic violence call in southeast Albuquerque.

**10. August 17, 2010, Fatal, Montgomery and San Mateo Domestic Violence**

Officer B. killed 38-year-old Enrique Carrasco in the parking lot of the Ross discount store on Montgomery and San Mateo after Carrasco broke through Officer B.'s window and attempted to stab Officer B.. Just before the incident Carrasco had been involved in a domestic violence incident.



**11. September 14, 2010, Non-Fatal, 2nd and Central    Subject with knife**

Officer K shot and killed Chandler Barr, a 19-year-old from Oklahoma, who was diagnosed as bipolar, after he walked toward Officer K. with a knife and refused to obey her commands to stop.

**12. October 19, 2010, Fatal, Tucumcari                      SWAT              CIT**

APD SWAT team members, Officers B. and O., fatally shot 56-year-old Daniel Gonzales after police said he threatened them with two shotguns during a 6-hour standoff at a home in Tucumcari.

**13. October 31, 2010, Fatal, 6500 Tierra Prieta NW    Reckless Driver**

Officer S. shot and killed 37-year-old Alexei Sinkevitch after Sinkevitch threatened officers with an assault rifle outside his northwest Albuquerque home following a call to dispatch reporting a reckless driver.

**14. November 11, 2010, Non-Fatal, 1400 Alamo SE    Suicidal Subject              CIT**

Officer P. shot Russell Tenorio after Tenorio's sister-in-law called police to say that Tenorio, who is mentally disabled, was threatening to harm himself with a knife after drinking. Tenorio walked toward officers in a small cramped living room, while armed with a knife and refused commands to drop the knife.

**15. February 9, 2011, Fatal, San Pedro and Kathryn SE              Pursuit**

Detective E. shot 29-year-old Jacob Mitschelen twice after Mitschelen pointed a weapon at the officer during a foot chase after a traffic stop in southeast Albuquerque.

**16. April 12, 2011, Fatal, 7600 Sunrose NW                      Attempted Escape Warrant**

Detective B. shot and killed 27-year-old Christopher Torres after Torres grabbed a detective's pistol during a struggle that ensued when officers attempted to serve Torres with a warrant.

**17. May 10, 2011, Fatal, 2800 Madison NE    Kidnapping/Assault              SWAT/CIT on way**

Officer W. shot and killed Alan Gomez, 22, after the girlfriend of Gomez's brother called police and said Gomez was armed and was kidnapping her. Officer W. stated the he believed at the time that Gomez was holding a weapon, which turned out to be a large black spoon.

**18. June 4, 2011, Fatal, 5711 Lomas Blvd NE                      Carjacking              Pursuit**

Officers N., T. and O. shot and killed Raymond Leroy Garcia, 41, after he hijacked a pickup truck driver at gunpoint in the parking lot of a liquor store and then led officers on a high speed pursuit.

**19. June 26, 2011, Non-Fatal, Bell Ave and Dallas St                      Domestic Violence**

Officer L. shot Orlando Paisano after he approached officers with a 15-inch bayonet and failed to stop after being hit repeatedly with a Taser.

**20. August 30, 2011, Fatal, Central and 60<sup>th</sup>                      Pursuit                      SWAT                      CIT**

SWAT team member Officer P. shot armed robbery suspect Michael Marquez, 31, was carrying an AK-47 in a duffel bag, when he was fatally shot by after a standoff in an open field, after refusing to drop his weapon and preventing two other officers from escaping harm's way.

**21. January 4, 2012, Fatal, 5300 St. Josephs Dr. NW                      Attempted Escape Robbery**

Officer P. shot and killed armed robbery suspect Mark Macoldowna, a 31-year-old resident of Ruidoso, while Mr. Macoldowna was running away on foot after committing an armed robbery and kidnapping of a security guard the Catholic Center/St. Pius X complex in northwest Albuquerque. Macoldowna had driven to Albuquerque from Ruidoso after planning to commit the robbery for weeks.

**22. March 19, 2012, Fatal, 8200 Marquette NE                      Stolen Property Attempted Escape**

Officer S. shot and killed 31-year-old Daniel Tillison outside of an apartment complex after Tillison crashed his car into Officer S.'s police car as the officer was responding to a call about someone selling a stolen stereo.

**23. March 21, 2012, Fatal, West of Albuquerque                      Pursuit**

Officer C. fatally shot 45-year-old Gary Atencio after Atencio led multiple police officers from several agencies on a high-speed car chase for more than 50 miles, followed by a half-mile foot chase, after Atencio had kidnapped and shot at his wife and her friend on Albuquerque's West Side.

**24. April 19, 2012, Non-Fatal, 400 Española SE                      Assault**

Detective H. shot 42-year-old Dennis Aragon twice in the stomach and once in the left forearm after Aragon raised a rifle towards Hill as he was responding to a possible assault call at a southeast Heights apartment complex, according to police.

**25. June 20, 2012, Non-Fatal, 400 67th Street SW                      SWAT CIT**

Santiago Chavez, 20, shot and killed himself after a 15-hour SWAT situation at his grandmother's South Valley home during which Chavez shot at officers and APD officers fired bullets and tear gas at Chavez, but never struck Chavez.

**26. August 6, 2012, Non-Fatal, Coors and Iliff                      Undercover Drugs**

Sergeant P. shot and wounded 20-year-old Dominick Solis-Mora during an undercover drug sting near a Furr's Fresh Buffet restaurant after Solis-Mora pointed a gun at officers.

**27. December 17, 2012, Non-Fatal, Candelaria and Juan Tabo** SWAT/CIT Pursuit

Officer W. fired at a vehicle as it fled from a SWAT standoff.

**28. March 5, 2013, Fatal, Louisiana and Menaul** Pursuit SWAT

Parrish Dennison, was shot and killed by APD Swat team members after Dennison, who was armed with a handgun, had committed an armed robbery of a nearby music store, led police on a foot chase and hours-long manhunt in northeast Albuquerque.

**29. March 19, 2013, Non-Fatal, 13000 Constitution NESWAT** CIT

Officers were attempting to serve an arrest warrant on Kendall Carroll and his brother who were suspects of a shooting an APD Officer earlier in the same week. Carroll refused to leave the apartment he was hiding out in. Carroll and/or his brother fired shots at officers who were attempting to arrest them. An APD officer shot at, but missed, Kendall Carroll, 21, during a four-hour SWAT standoff between Carroll and State Police and APD, during which Carroll fired numerous times at officers from inside a Northeast Heights apartment. A State Police officer fired the shot that killed Carroll.

**30. July 5, 2013, Fatal, San Mateo and Montgomery, Assault**

Vincent Wood, 66, brandished two large knives at police officers at a North Valley gas station. Mr. Wood refused commands to drop the machetti-type weapons and Officers B. and W. shot him.

**31. October 28, 2013, Fatal, Fourth and Montano** SWAT Pursuit

Christopher Chase, 35, led dozens of police officers on a 16-mile police chase after stealing an APD patrol car and firing at police multiple times with an assault rifle. He shot and wounded four law enforcement officers, one badly, before an APD Officer shot Mr. Chase as he was fleeing in the stolen patrol car.

**32. October 28, 2013, Non-Fatal, Central and Washington** Carjacking Pursuit

Joaquin Ortega had attempted to carjack a man and rob an elderly woman and her grandson at gunpoint. When police responded, Ortega attempted to run away on foot. Ortega refused Officer P.'s commands. Officer P. shot at the armed Ortega.

**33. November 15, 2013, Non-Fatal, 4400 Montgomery NE** DWI

Officer R. shot 64-year-old Robert Garcia Sr. once in the torso after Garcia pointed a gun, Officer R. during an early-morning DUI stop. It was later learned that Garcia's gun was a pellet gun and that Garcia had wanted APD to shoot him. Garcia had a suicide note addressed to APD in his wallet.

**34. December 1, 2013, Non-Fatal, Northeastern and Wyoming      Disturbance CIT**

Officers M., M. and E. all fired their guns at 34-year-old Shaine Sherrill, who police say was holding a brake pad brandished to look like it was a gun, after responding to a disturbance call.

**35. December 8, 2013, Fatal, Mesa and Gold      Assault**

Officer M. shot and killed 37-year-old Andy Snider, who was armed with a hammer, after officers responded to an assault call at the 7-Eleven on University and Central, according to police.

**36. January 9, 2014, Non-Fatal, Rio Rancho      ROP      Pursuit Warrant**

Detective Russell Carter shot at the tires of the car 33-year-old Jeremy Robertson was driving as he was attempting to flee from detectives who were trying to arrest him in a Walgreen's parking lot in Rio Rancho.

**37. March 6, 2014, Fatal, Sandia Mountain Foothills near Copper      SWAT/ROP      CIT**

Detective S. and Officer P. shot and killed 38-year-old James Boyd six times after APD responded to reports that Boyd was had threatened APD Open Space Officers with knives in the Sandia foothills behind a residential area.

**38. March 25, 2014, Fatal, 228 60th St NW      SWAT      CIT**

Officer E. shot and killed 30-year-old Alfred Redwine after police said Redwine fired at least one shot while standing outside of his apartment near 60th Street and Central. Police were called to the scene after a 14-year-old girl said Redwine pointed a gun at her.

**39. April 21, 2014, Fatal, Zuni and Wyoming      Pursuit      Stolen Vehicle**

Officer D. shot and killed 19-year-old Mary Hawkes after a foot chase outside of a trailer park in SE Albuquerque. Police said that officers had seen Hawkes driving a stolen truck earlier and were attempting to locate and arrest her when the chase ensued. Officer D. said during the chase that Hawkes pointed a gun at him.

**40. May 3, 2014, Fatal, 10500 Coyote Canyon NW      SWAT      CIT**

SWAT team officer H. shot 50-year-old Armand Martin after police said Martin threatened his wife and children with a gun. Police said Martin fired into the neighborhood from his home, and came out of the house actively shooting with two handguns when he was fatally shot.

**41. May 22, 2014, Fatal, 2nd Street NM and Interstate 40      Aggravated Assault**

Officers G. and F. shot and killed Ralph Chavez after Chavez allegedly slashed the throat of a man who was attempting to intervene in a fight Chavez was having with his girlfriend.

Officers S. and O. fired two shots each, killing 33-year-old Jeremy Robertson, after Robertson reached into his waistband for a gun while running away from officers.

### III. Officer Involved Shooting Statistics Regarding Albuquerque Police Department Area Commands

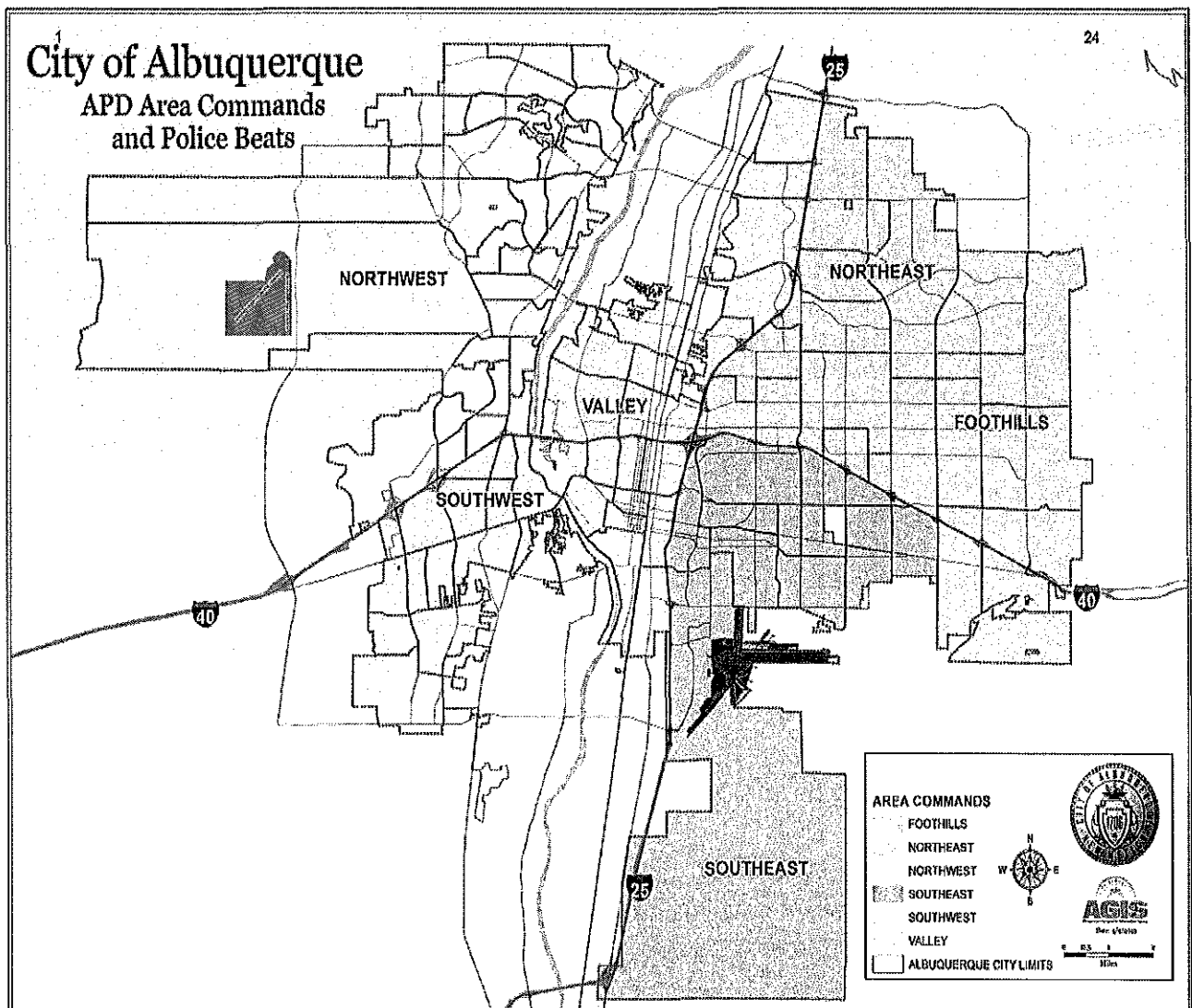


Figure 8: This figure represents the Area Commands for the Albuquerque Police Department as of December 17, 2014.

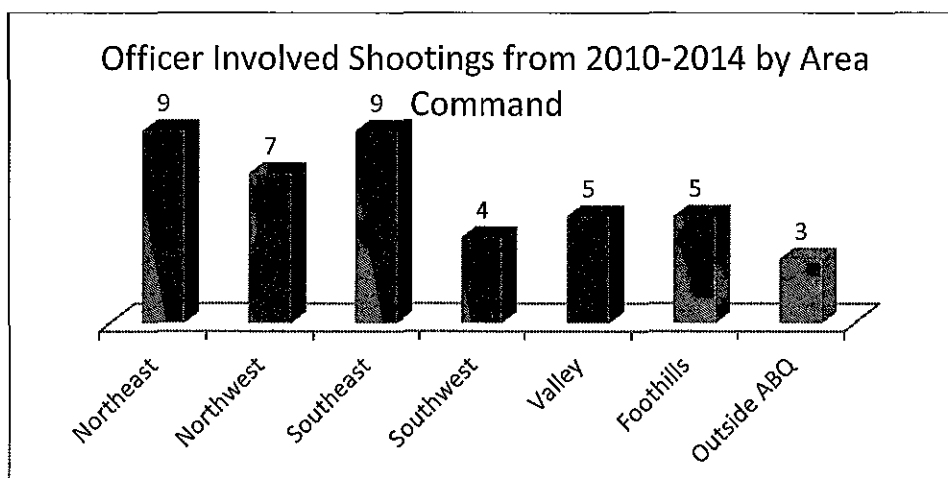
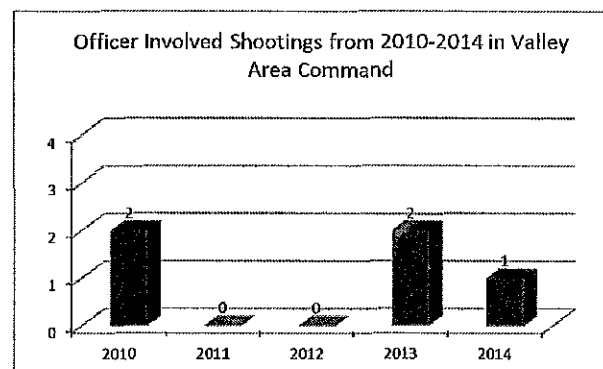
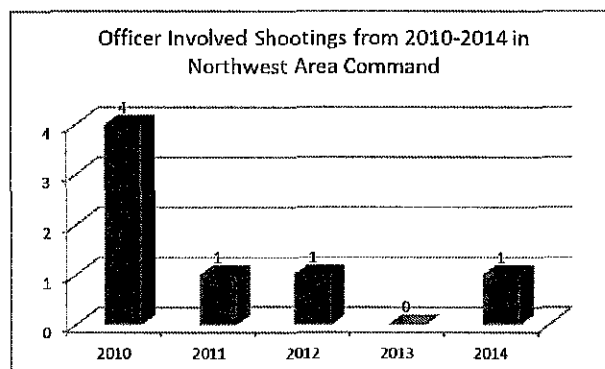
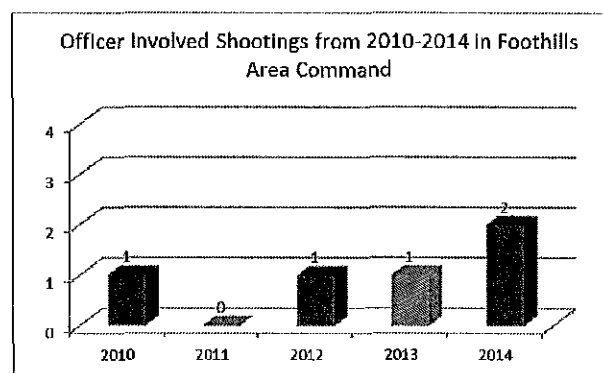
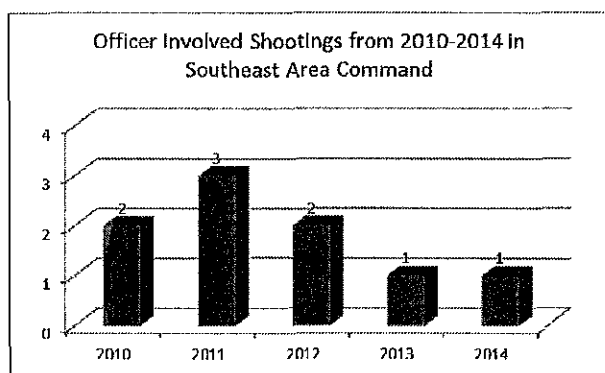
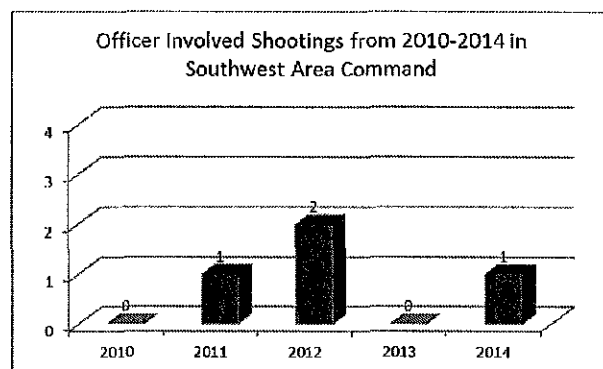
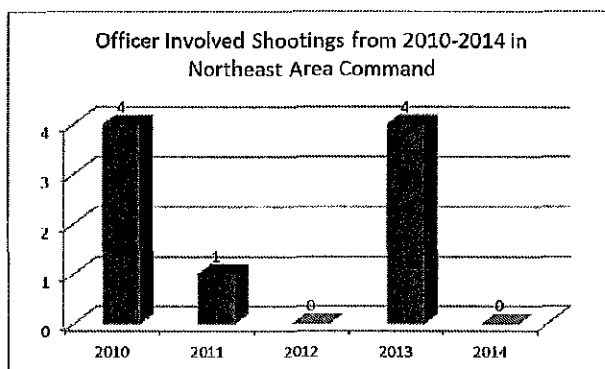
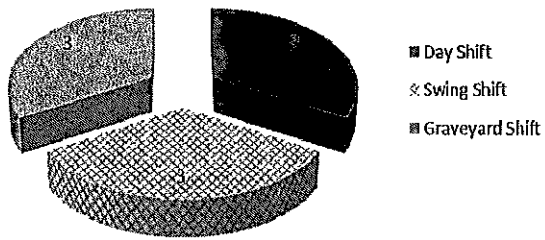


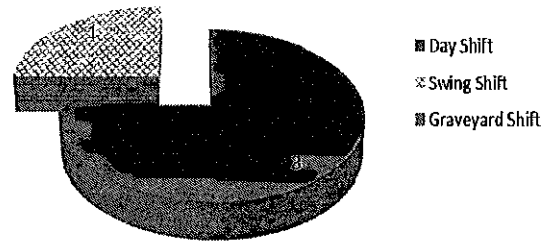
Figure 9: The most Officer Involved Shootings from 2010-2014 occurred in the Northeast and Southeast Area Commands.



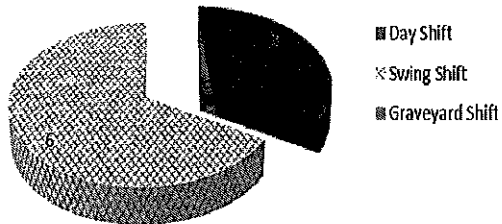
Northeast Area Command Shootings 2010-2014 by Shift



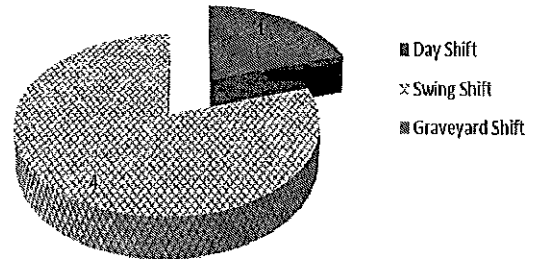
Southwest Area Command Shootings 2010-2014 by Shift



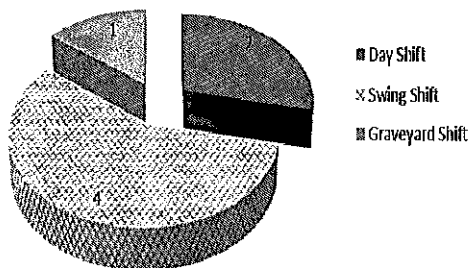
Southeast Area Command Shootings 2010-2014 by Shift



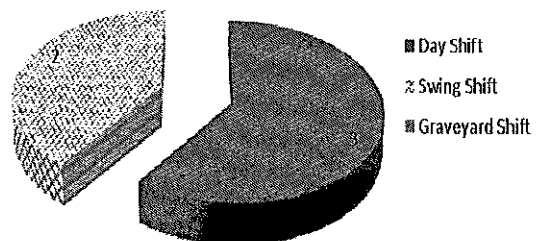
Foothills Area Command Shootings 2010-2014 by Shift



Northwest Area Command Shootings 2010-2014 by Shift



Valley Area Command Shootings 2010-2014 by Shift



## IV. Officer Involved Shooting Statistics by City Council District

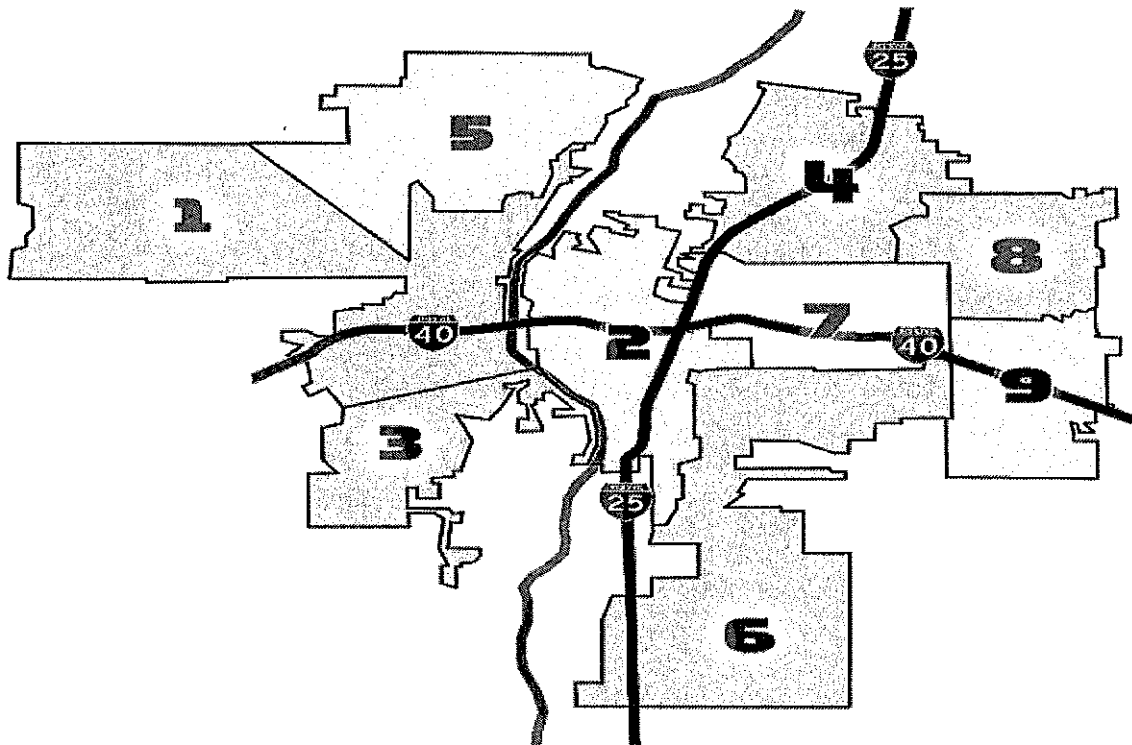


Figure 10: The above map shows the City Council Districts as of December 2014. The boundaries for the districts were revised in 2012.

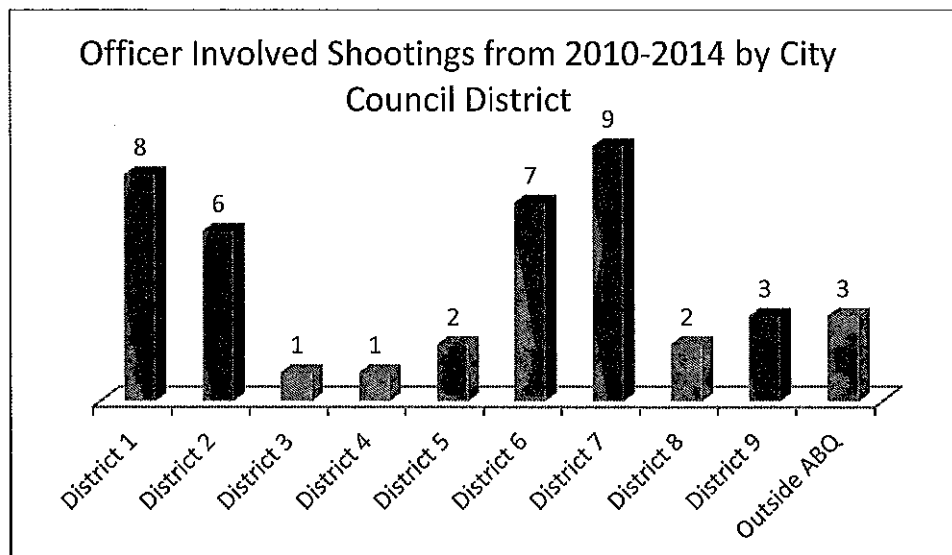
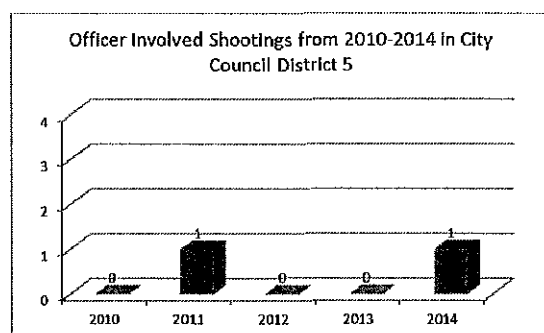
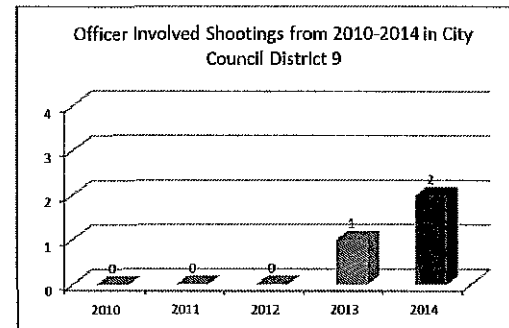
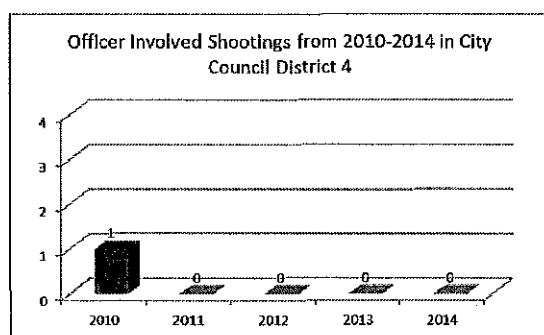
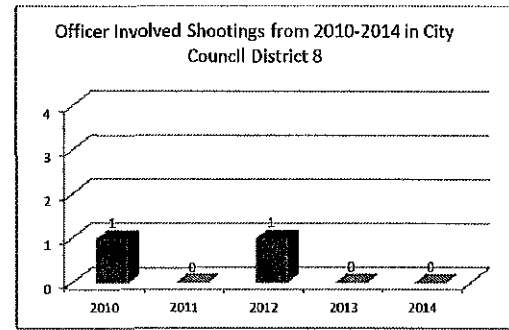
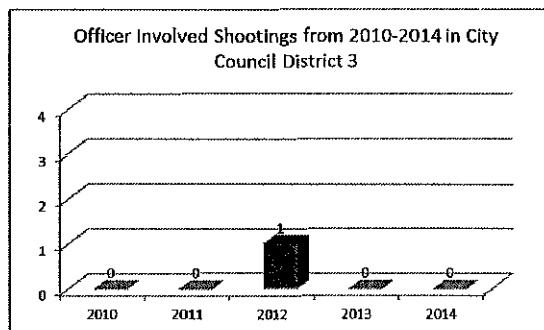
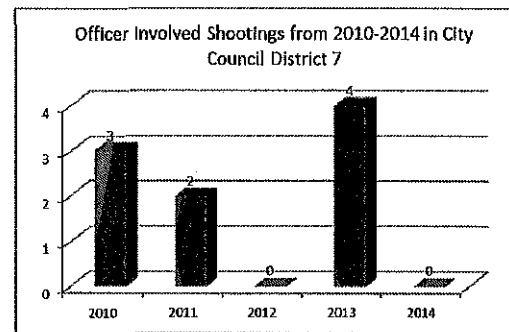
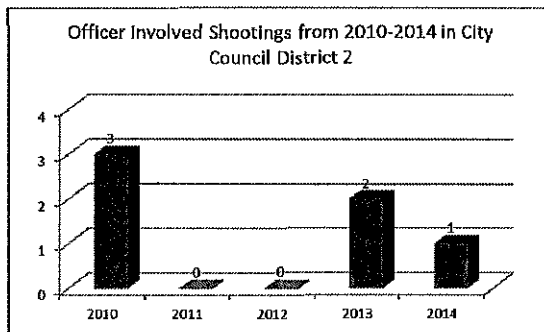
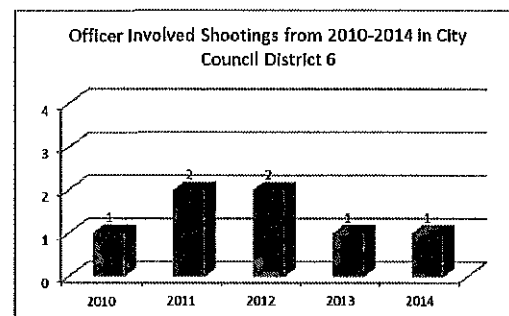
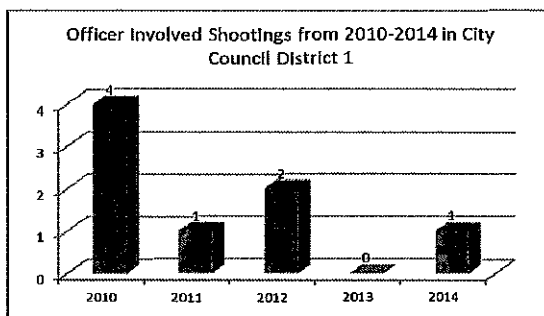
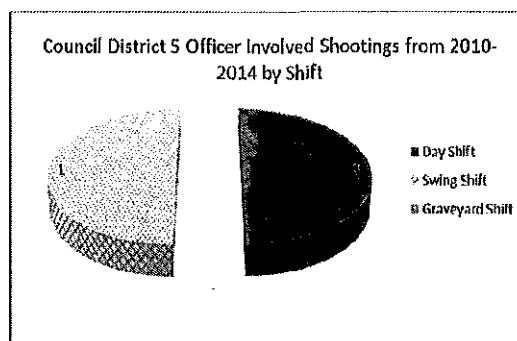
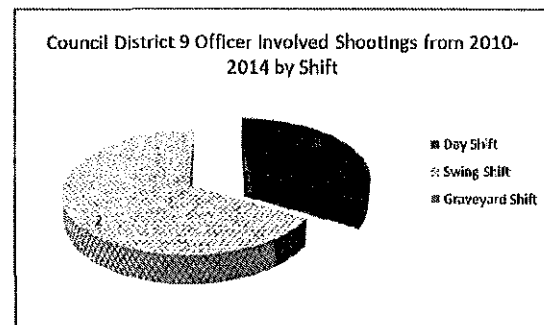
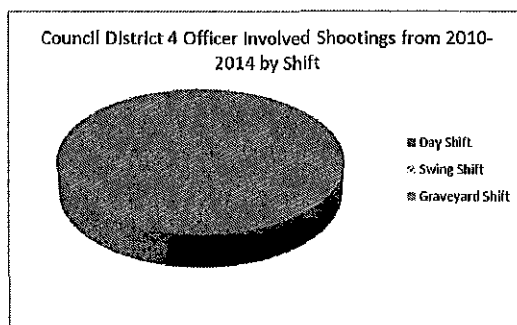
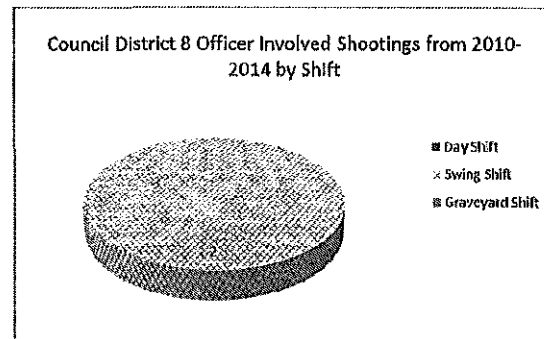
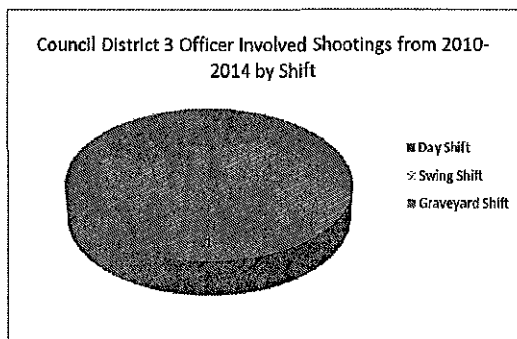
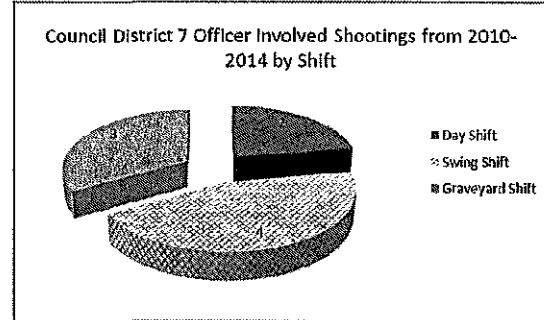
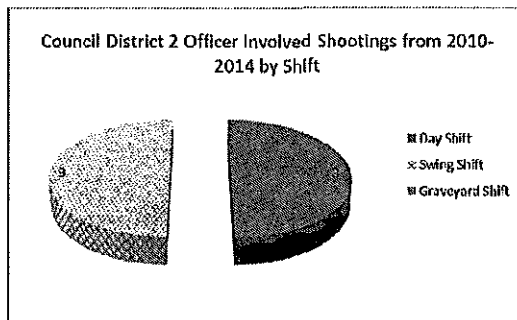
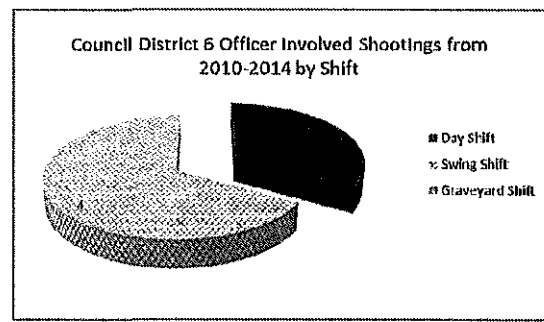
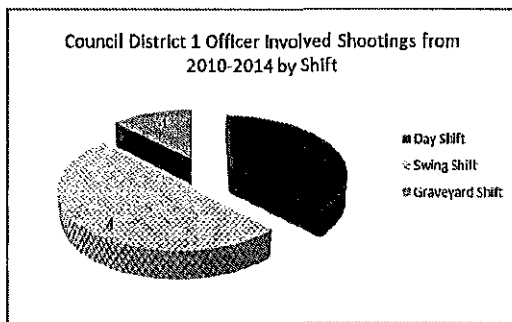


Figure 11: District 1 and 7 had the most Officer Involved Shootings from 2010 to 2014.







## V. Albuquerque Police Department Officers Involved in Shootings

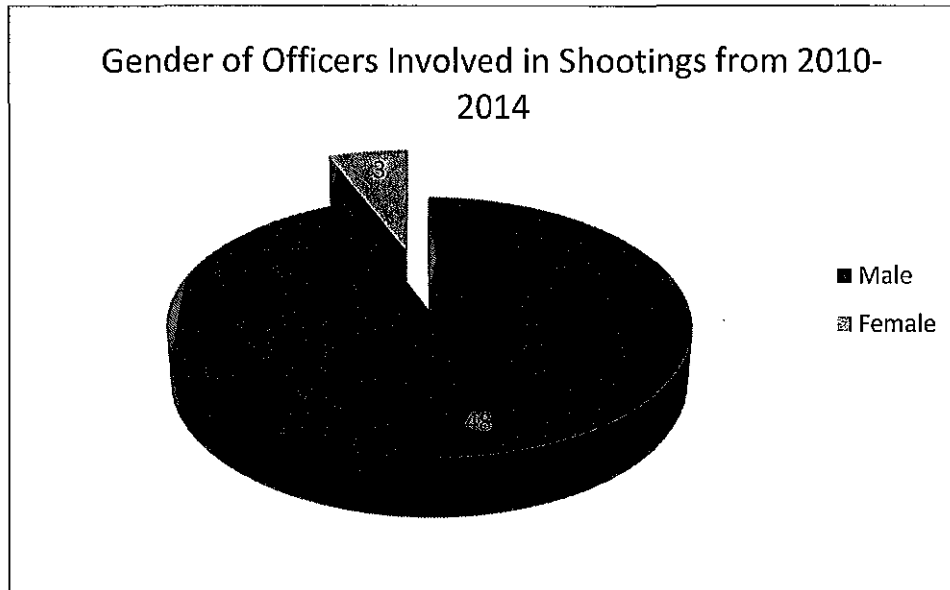


Figure 12: 94% of Officers who fired their weapons during Officer Involved Shootings from 2010-2014 were male.

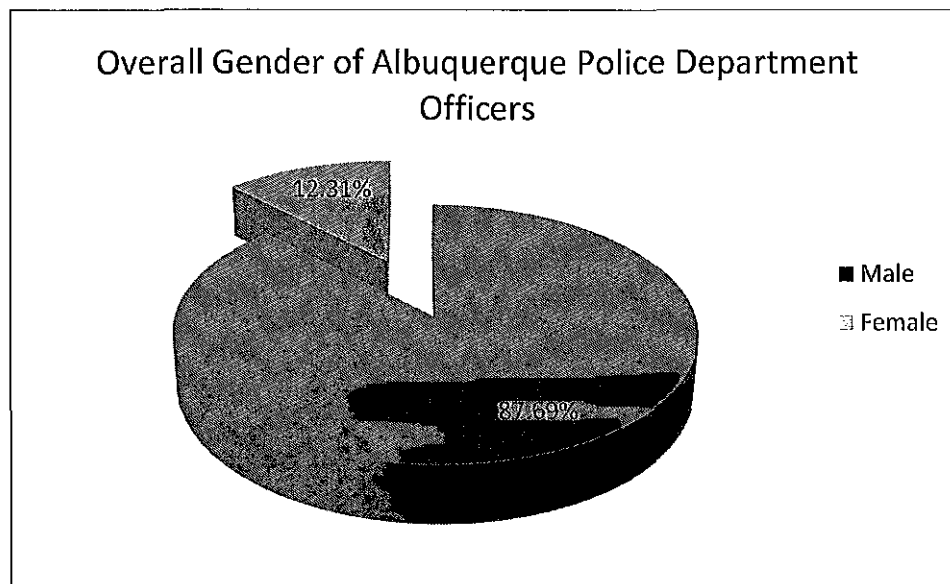


Figure 13: Male officers are involved in a higher percentage of Officer Involved Shootings than their overall percentage of the department would suggest.

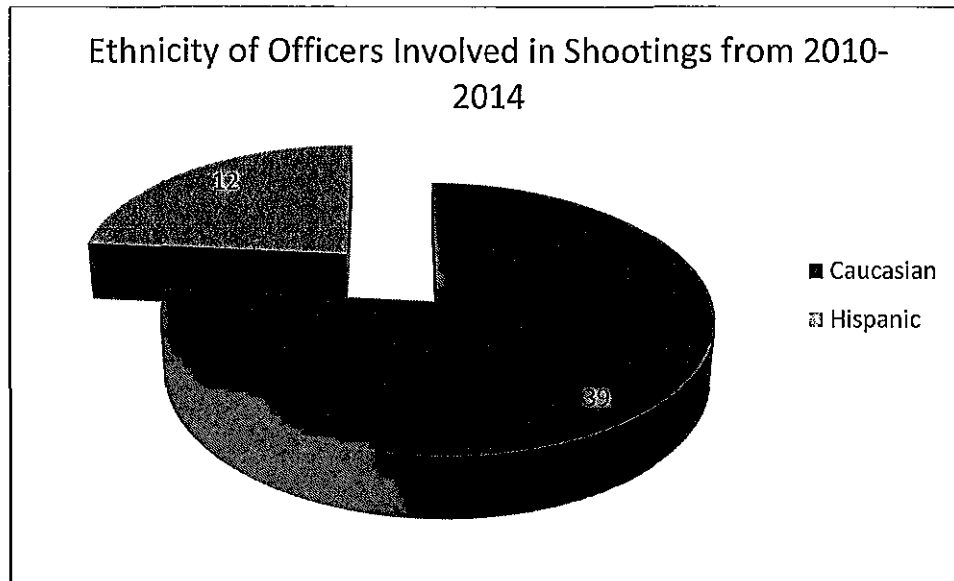


Figure 14: 76% of the Officers who fired their weapons during officer involved shootings from 2010-2014 were Caucasian.

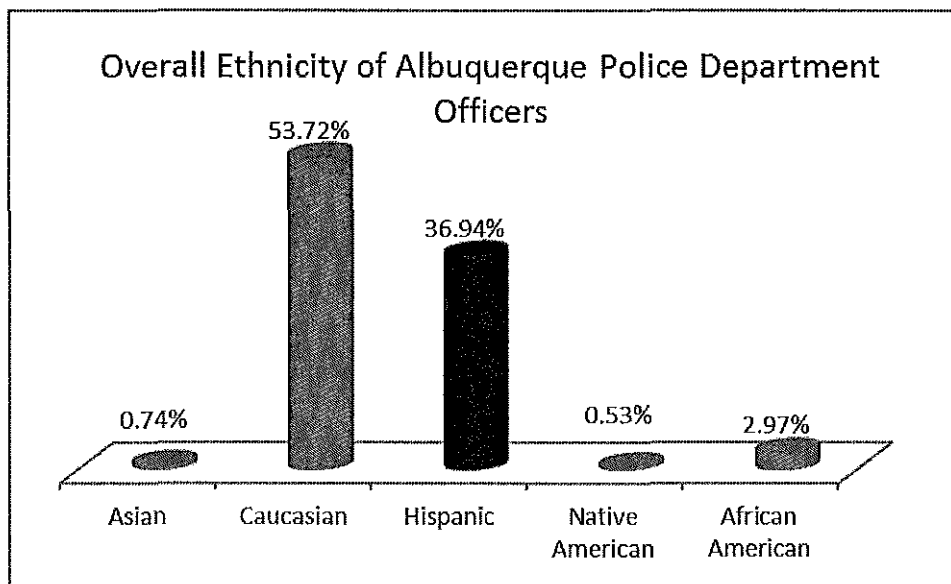


Figure 15: Caucasian officers were involved in a higher percentage of Officer Involved Shootings than their overall percentage of the department would suggest.

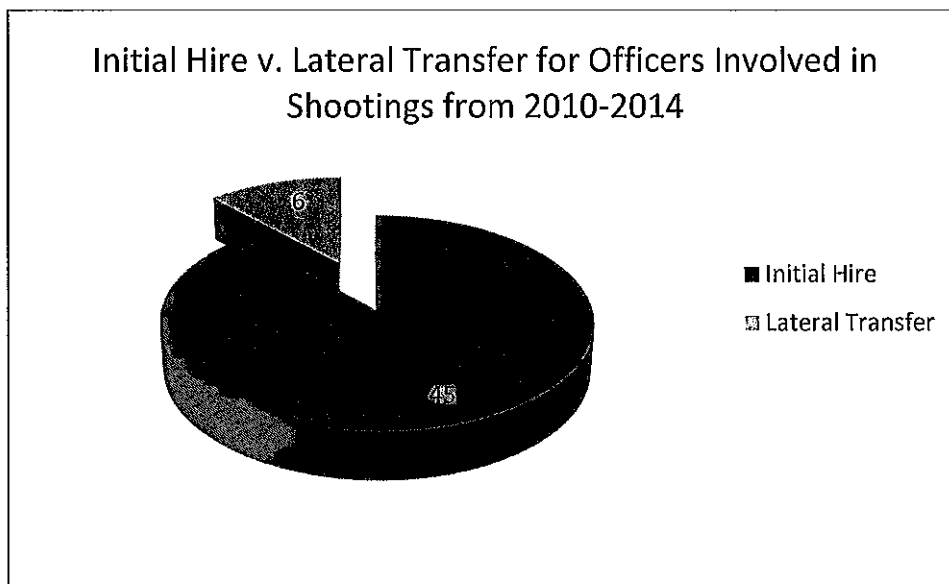


Figure 16: 88% of the Officers who fired their weapon in an Officer Involved Shooting from 2010-2014 were initially hired by APD.

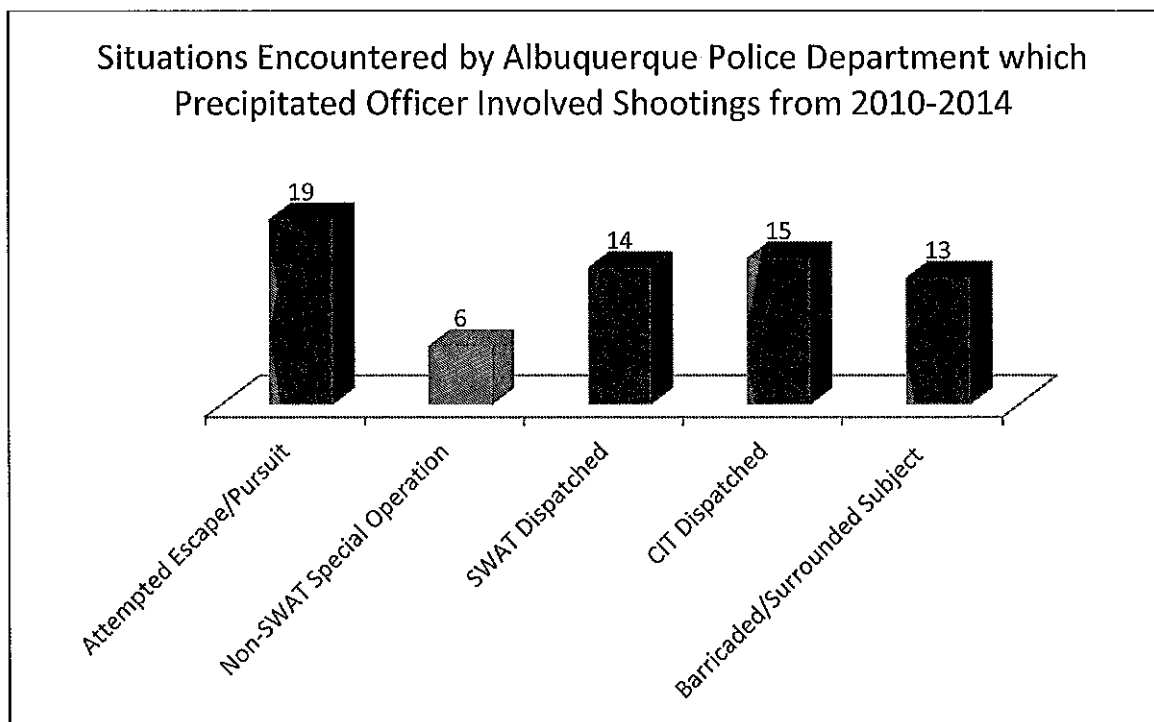


Figure 17: The categories above are not mutually exclusive. Each incident should be examined individually, as each occurrence does not squarely fit within a single police situation. Each category will be tied to an Officer Involved Shooting via the chronological numbering system used above: Attempted Escape/Pursuit: 1, 3, 4, 5, 6, 15, 16, 18, 20, 21, 22, 23, 27, 28, 31, 32, 36, 39, 42; Non-Swat Special Operation: 5 (Robbery Surveillance), 16 (Warrant), 26 (Undercover Drugs), 36 (ROP), 39 (Stolen Vehicle Surveillance), 42 (ATF); SWAT dispatched: 2, 3, 7, 12, 17, 20, 25, 27, 28, 29, 31, 37, 38, 40; CIT Dispatched: 2, 3, 7, 12, 14, 17, 20, 25, 27, 28, 29, 34, 37, 38, 40; Barricaded/Surrounded Subject: 2, 3, 5, 7, 12, 17, 20, 25, 27, 29, 37, 38, 40.

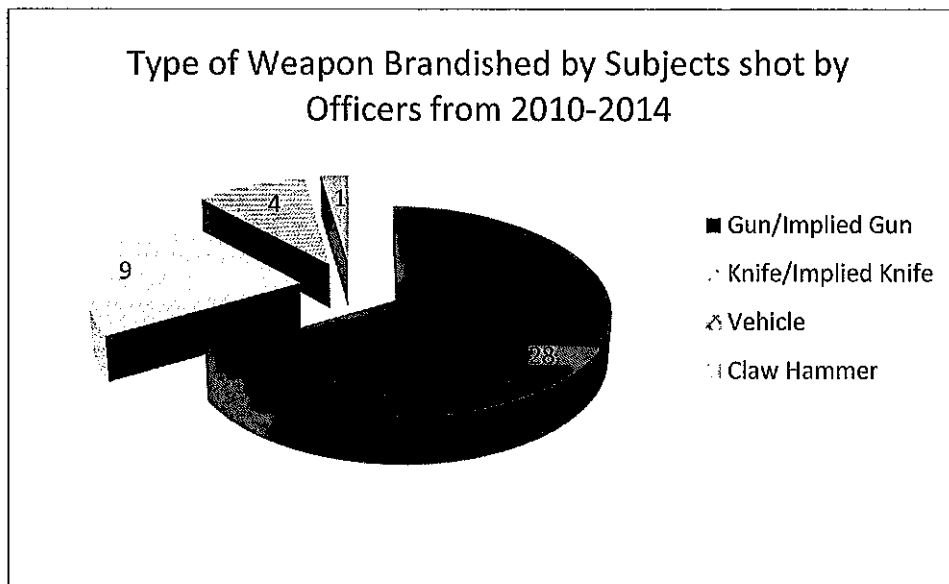


Figure 18: In 67% of the Officer Involved Shootings from 2010-2014 (28/42), Albuquerque Police Department Officers encountered either a person with a gun or an implied gun. "Implied" covers both information dispatched to officers indicating the subject was armed and situations in which subjects brandished another object intended to simulate a firearm.

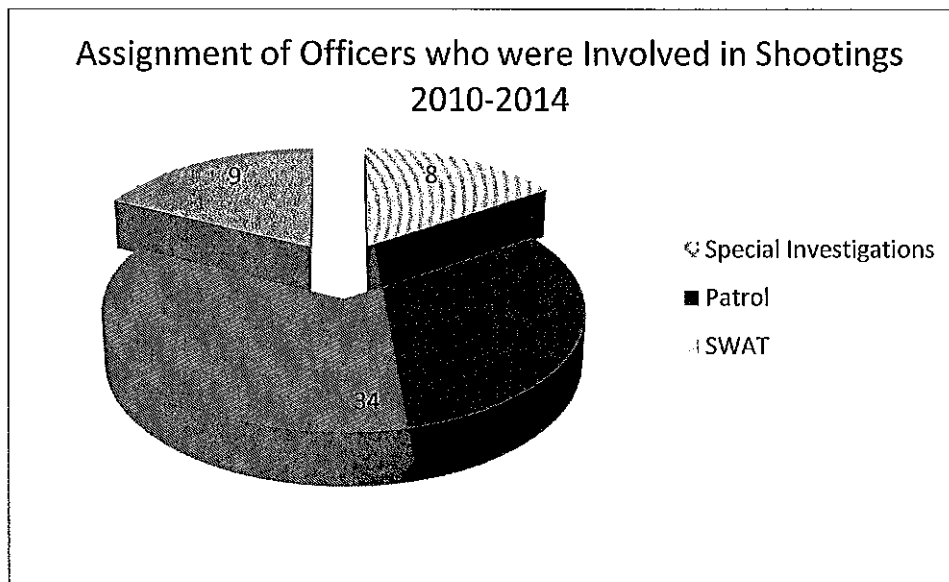


Figure 19: 33% of the Officers involved in shootings from 2010-2014 were assigned to Special Investigation Divisions including SWAT.

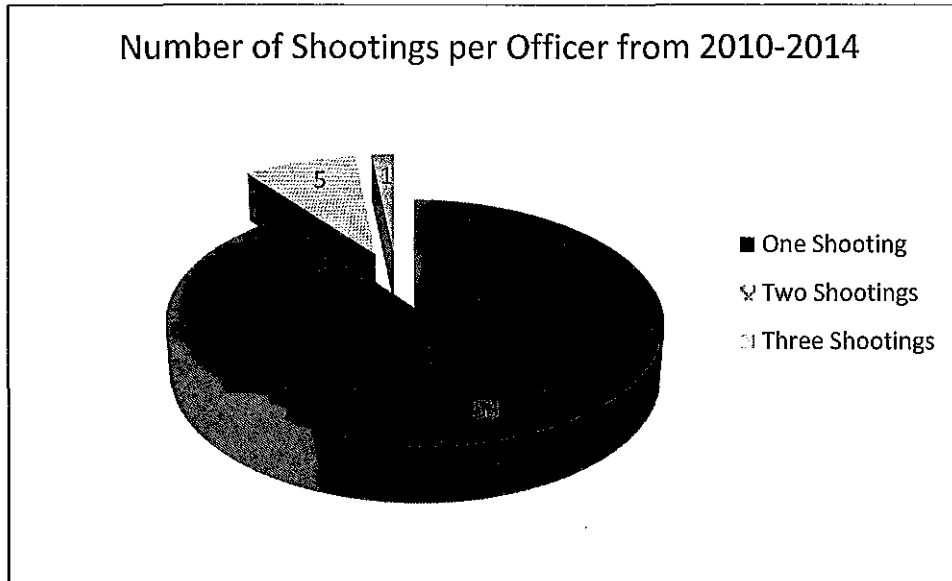


Figure 20: One officer was involved in three Albuquerque Police Department Shootings from 2010-2014.

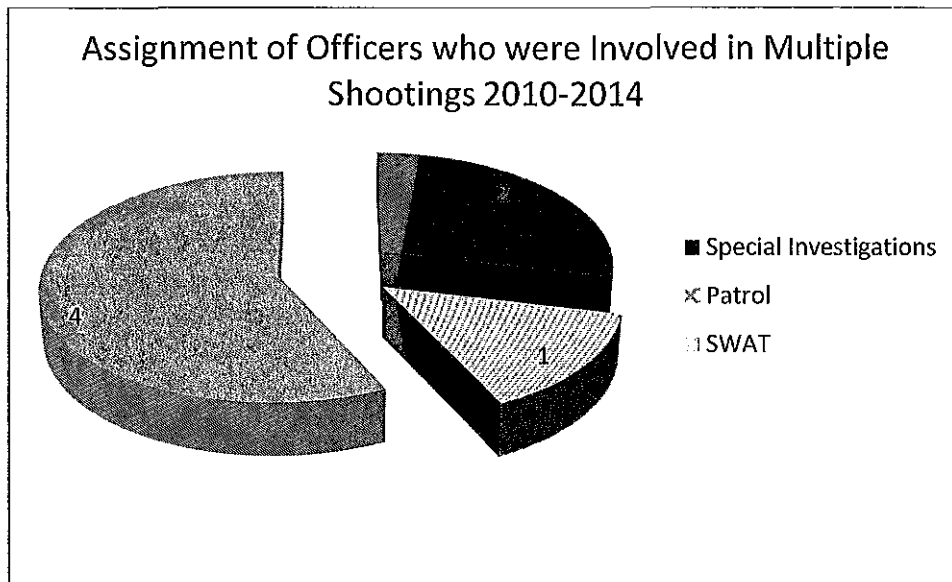


Figure 21: 83% of the officers who were involved in multiple shootings were assigned to a Special Investigation Division including SWAT. Two of the officers involved in multiple shootings were hired in 2007.

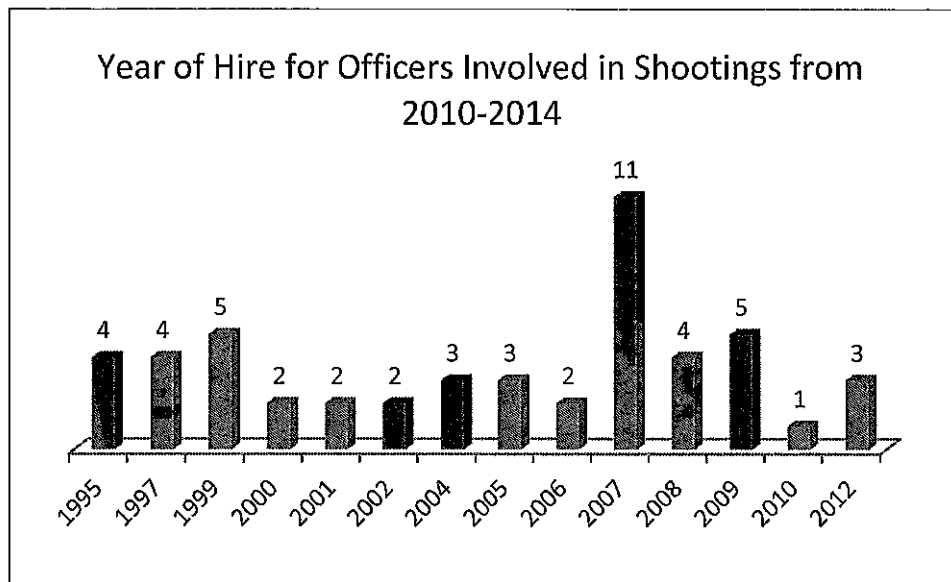


Figure 22: This graph takes into account that some individual officers were involved in multiple shootings and only lists those officers' dates of hires once. Thus, 51 hire dates are analyzed. From 1995 to 2006, 53% of officers who fired their weapons in shootings were hired. From 2007-2009, 39% of officers involved in shootings were hired. In 2007 alone, Albuquerque Police hired 22% of the total officers who fired their weapons during Officer Involved Shootings from 2010-2014. From 2010-2014, 8% of Officers involved in shootings were hired.

## VI. Demographics for Subjects for Officer Involved Shootings

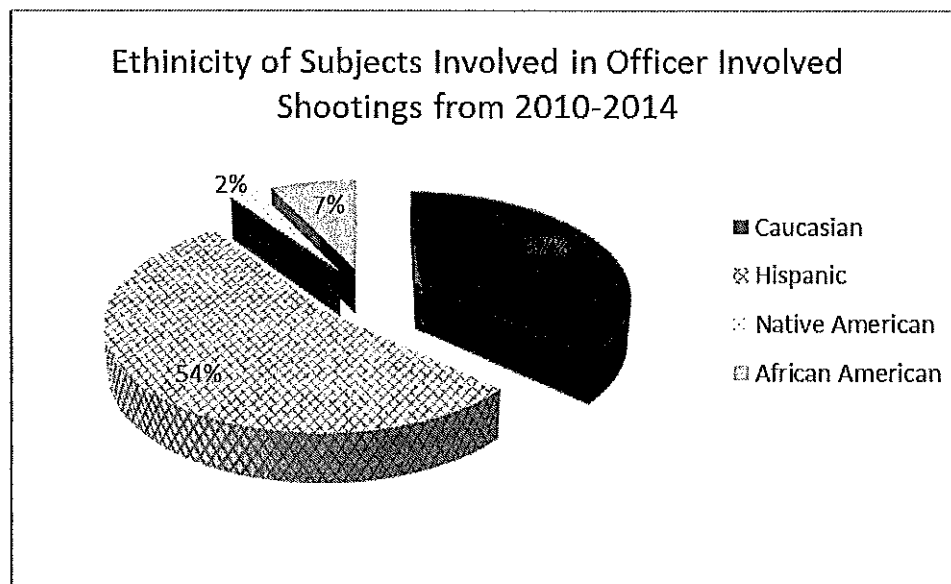


Figure 23: Over half of the subjects shot by Albuquerque Police Department Officers were Hispanic.



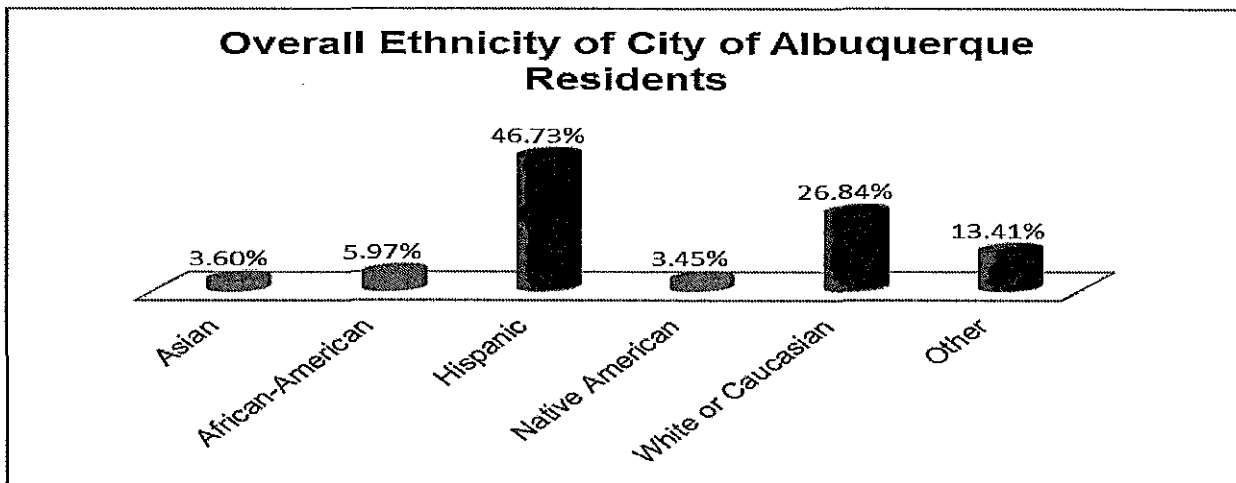


Figure 24: A comparison of the ethnicity of the subjects shot from 2010-2014 shows that Hispanics were shot at a rate slightly higher than their overall population in the City of Albuquerque.

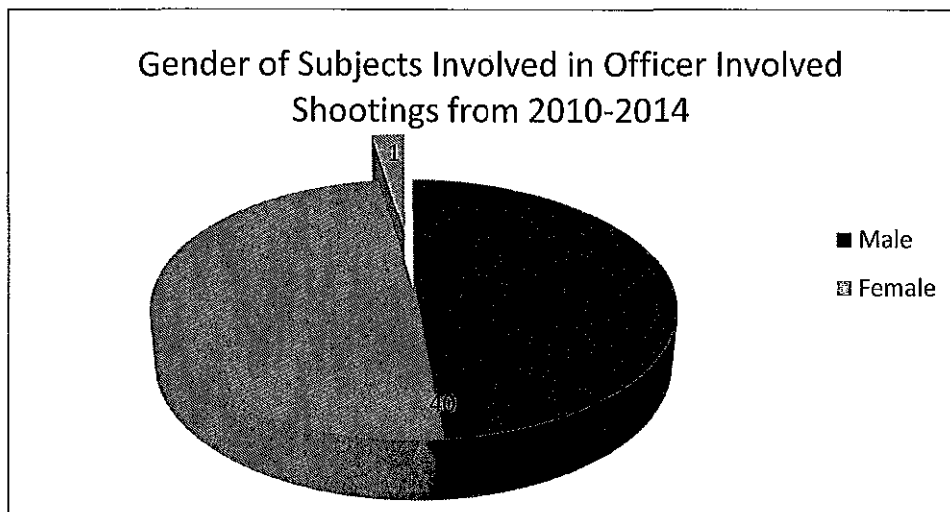


Figure 25: 97.5% of the subjects shot by Albuquerque Police were male. While there are forty-two total APD shootings from 2010-2014, Jeremy Robertson was the subject of two shootings.

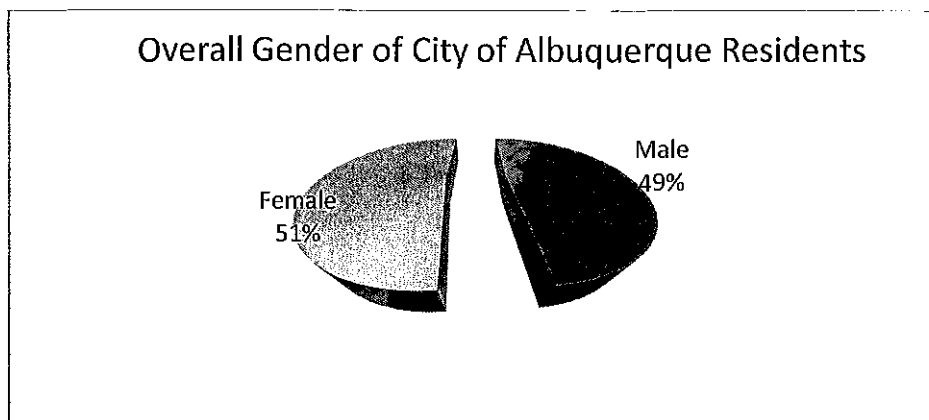


Figure 26: A comparison of the gender of subjects shot by APD from 2010-2014 shows males were shot at rate far outstripping their percentage of the overall population in the City of Albuquerque.

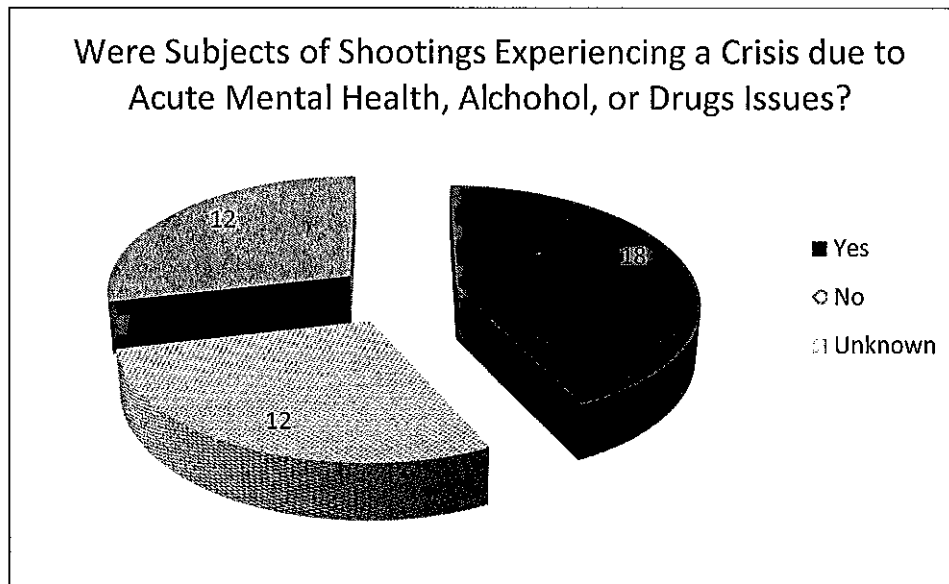


Figure 27: Using the chronological numbering from above: Yes: 1, 2, 5, 7, 8, 9, 11, 13, 14, 16, 17, 23, 30, 32, 35, 37, 39, 40; No: 3, 6, 10, 12, 15, 24, 25, 26, 27, 28, 29, 33; Unknown: 4, 18, 19, 20, 21, 22, 31, 34, 36, 38, 41, 42.

## VII. Officer Involved Shootings Presented to the Police Oversight Commission from December 2012 to August 2014

Case Number:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date DA completed review	Case Summary	Date Presented To POC
I 23-11	Officer S.	03/29/10	4/19/2011	Fatal	Mickey Owings	09/28/11	Robbery offender shot as officers attempted to surround his vehicle at Walmart	12/13/12
I 127-11	Officer E.	02/09/11	8/8/2011	Fatal	Jacob Mitschelen	04/03/13	Traffic stop; handgun pointed at officer	1/10/13
I 170-11	Officer P.	11/11/10	12/8/2011	Non-Fatal	Russell Tenorio	05/17/13	Suicidal offender; charged officers armed with knife	3/14/13
I 228-11	Officer P.	08/30/11	2/15/2012	Fatal	Michael Marquez	03/25/13	Offender pointed AK-47 at Officer	4/15/13
I 29-12	Officer P.	02/14/12	5/15/2012	Non-Fatal Dog shot	n/a	n/a-Dog	Dog Shot	5/9/13
I 79-12	Officer P.	01/04/12	07/16/12	Fatal	Mark Macoldowna	03/18/13	Robbery; held hostage at gun point	08/08/13
I 62-13	Officer P.	08/06/12	05/15/13	Non-	Dominic	05/02/13	Narcotics investigation;	09/12/13

Case Number:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date DA completed review	Case Summary	Date Presented To POC
				Fatal	Solis-Mora		Offender had handgun	
I 168-12	Officer W.	09/06/12	09/25/12	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	10/10/13
I 154-12	Officer H.	04/19/12	10/16/12	Non-Fatal	Dennis Aragon	07/03/13	Armed offender; rifle aimed at officer	11/14/13
I 112-12	Officer J. Officer L.	6/14/12	9/10/12	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	01/09/14
I 58-13	Officer C.	2/22/13	4/23/13	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	04/10/14
I 100-13	Officer W.	12/17/12	5/30/13	Non-fatal (shot at car)	n/a	n/a	Shot at Fleeing suspect and struck car	5/13/14
I 208-13	Officer H.	03/19/13	03/10/14	APD Non-Fatal (NMSP Fatal)	Kendall Carroll	Not completed	Armed barricaded subject, shot by NMSP	5/13/14
I 188-12	Officer C.	9/20/12	12/19/12	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	6/12/14
I 195-13	Officer S.	08/11/13	10/03/13	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	06/12/14
I 166-13	Officer M.	07/15/13	06/13/14	Non-Fatal	Scott Maher	n/a	Accidental Discharge which struck partner	07/10/14
I-199-12	Officer S.	10/17/12	1/23/13	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog shot	08/14/14

## VIII. Completed Officer Involved Shootings Investigations Pending at the CPOA

Case Number:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date of DA Review	Case Summary
I-193-11	Officer B.	04/12/11	2/16/2012	Fatal	Christopher Torres	02/14/14	Arrest Warrant; Offender punched police and grabbed officer's weapon
I-194-11	Officer W.	05/10/11	2/3/2012 (12/22/11)	Fatal	Alan Gomez	05/29/13	Kidnapping; previously offender had spoon at time shot
I-129-12	Officer S.	03/19/12	9/17/2012	Fatal	Daniel Tillson	05/08/13	Suspicious vehicle; selling stolen property
I-152-12	Officer C.	3/21/12	12/18/12	Fatal	Gary Atencio	05/09/13	NMSP, Laguna PD, and APD responded for domestic response in ABQ; Offender led police outside the city, crashed car, fled toward occupied buildings, armed
I-240-12	Officer B.	06/20/12	4/5/13	Officer shot & missed; Offender shot himself	Santiago Chavez	n/a-Non-Fatal	Offender shot at officer and at neighbors; Officer missed; Offender died from self-inflicted gunshot
I-8-13	Officer A.	01/15/13	03/25/14	Non-Fatal (shot at dog and missed)	n/a	n/a-Dog	Dog Attack
I-188-13	Officer P. Officer S. Officer A.	03/05/13	09/10/2013	Fatal	Parrish Dennison	Not Completed	Disturbance call; Offender stolen musical instruments – Chili's / Coronado Mall area
I-48-14	Officer B. Officer W.	07/05/13	04/22/14	Fatal	Vincent Wood	Not Completed	Mental health; Offender armed with butcher knife (Circle K)
I-70-14	Officer P.	10/28/13	6/10/14	Non-Fatal	Joaquin Ortega	Not Completed	Mental Health; armed robbery; Muffler shop
I-50-14	Officer A.	02/20/14	4/29/14	Non-Fatal (shot at dog and missed)	n/a	n/a-Dog	Dog Attack
I-49-14	Officer J.	02/24/14	05/08/2014	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Attack
I-119-14	Officer M. Officer M. Officer E.	12/01/2013	10/15/14	Non-Fatal	Shane Sherrill	Not completed	Domestic Disturbance, armed with a brake pad that was pointed

## IX. Officer Involved Shootings Pending at APD Internal Affairs Which Investigations are Not Complete and Have Not Been Provided to the CPOA for Review

Case Number:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date of DA Review	Case Summary
	Officer M. Officer S. Officer M. Officer C. Officer B. Officer D.	10/26/13		Fatal	Christopher Chase	Not completed	Mental health; armed with AK47 ; includes BCSO Montano
	Officer P.	11/15/2013		Non-Fatal	Bobby Garcia	Not completed	DWI stop at Montgomery/Washington
	Officer M.	12/08/2013		Fatal	Andy Snider	Not completed	Assault at convenience store; armed with a 10" claw hammer
	Officer S. Officer P.	03/16/2014		Fatal	James Boyd	Not completed	Homeless Camper armed with knives
	Officer E.	03/25/2014		Fatal	Alfred Redwine	Not completed	Domestic disturbance involving minor, armed with firearm which offender fired once
I-99-14	Officer D.	04/21/2014		Fatal	Mary Hawkes	Not completed	Foot chase at trailer park, offender armed with a gun which she pointed at officer
	Officer H.	05/03/2014		Fatal	Armand Martin	Not completed	Barricaded subject armed with knife threatened wife and children and actively shot at law enforcement
	Officer G. Officer F.	05/22/2014		Fatal	Ralph Chavez	Not completed	Offender had stabbed two people, armed with knife, repeatedly advanced at officers
	Officer O. Officer S.	07/22/2014		Fatal	Jeremy Joe Robertson	Not completed	Armed and fleeing federal fugitive at Eubank and Central
	Officer G.	01/03/2015		Non-Fatal	N/A	Not completed	Officer returned fire after being shot on a DWI traffic stop
	Officer B.	01/09/15		Non-Fatal	Officer G.	Not completed	Officer shot by another officer during undercover drug operation
	Officer F. Officer O.	01/13/2015		Fatal	John O'Keefe	Not completed	Officers shot a suspect during a pursuit in which the suspect fired at the officers with a handgun

## **X. Analysis and Recommendations**

From 2010-2014, Male Hispanics were shot at a disparate rate when compared to the population of Albuquerque. Women officers and Hispanic officers were slightly underrepresented within the department when compared to the overall demographics for the City of Albuquerque. Officers hired or trained from 2007 through 2009 are responsible for a disproportionate amount of the shootings which occurred by the Albuquerque Police Department from 2010-2014. Caucasian officers shot subjects at a ratio higher than the Caucasian population of the City and at a higher percentage than Caucasian officers on the Albuquerque Police Department.

Special Investigations, including SWAT, are responsible for a larger percentage of the shootings, which is understandable considering they deal with the riskiest subjects and situations. 71% of the shootings during from 2010-2014 occurred in City Council Districts 1, 2, 7, and 8. 43% of the Officer Involved Shootings from 2010-2014 occurred in the Northeast and Southeast APD Area Commands. At least 43% of the shootings involved a person experiencing a crisis due to substance abuse or mental health issues, so training should be increased concerning interactions with the mentally ill and substance abusers. In each instance in which SWAT was activated for a barricaded subject, a behavioral health or crisis intervention specialist was also dispatched. The census data must be examined carefully in context of the APD statistics due to the census' use of an "other" category concerning a person's ethnicity.

## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy*

*Dr. Jeannette Baca*   *Eric H. Cruz*

*Joanne Fine*

*Beth Mohr*

*Rev. Dr. David Z. Ring III*

*Eva P. Sandoval*

*Leonard Waites*

*Jeffery Scott Wilson*

Robin S. Hammer, Acting Executive Director

March 13, 2014

Via Certified Mail

Alicia A. Hill

c/o JoHanna Cox, Attorney at Law

PMB #251, 5901 J Wyoming Blvd, NE

Albuquerque, NM 87109

**Re: CPC # 186-14**

Dear Mrs. Hill:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on October 2, 2014, for an incident which occurred on August 31, 2014, and September 1, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Alicia Hill's complaint is based on Officer S.' conduct during two encounters on two days, August 31, 2014, and September 1, 2014. On August 31, 2014, Alicia Hill phoned APD to assist her with her 16-year-old son, [REDACTED] [REDACTED] had been staying with the Frank Gallegos family, whose son was a friend of [REDACTED] Alicia Hill wanted her son to leave the Gallegos house and return to her home. The police were called to investigate a disturbance at the Gallegos residence between Frank Gallegos and Alicia Hill and her husband, Kent Holland. While police were at the Gallegos residence, [REDACTED] father, Anthony Sandoval, came and spoke to officers. Ryan's parents agreed that it would be okay for [REDACTED] to go to his father's house.

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On September 1, 2014, [REDACTED] father, Mr. Sandoval, phoned Officer S. and informed her that Alicia Hill had posted on Facebook that she intended to turn [REDACTED] room into an art studio. Mr. Sandoval requested Officer S.' assistance to allow [REDACTED] to retrieve some of his personal property from his mother's home. Officer S. and Officer D. agreed to meet with Mr. Sandoval and [REDACTED] outside of Alicia Hill and Kent Holland's residence to permit [REDACTED] to get clothing and items he needed for school, including a guitar, from his mother's home. Alicia Hill complained about events which occurred on the second day she interacted with Officer S., September 1, 2014.

Alicia Hill wrote in her complaint that during the first contact with Officer S., which was on August 31, 2014, Officer S. was very nice. Officer S. told her son to follow her instructions. Alicia Hill wrote that Officer S. returned later that day and took her son out of Alicia Hill's home to live with his father, Anthony Sandoval. Alicia Hill wrote that she did not have an issue with the decision for her son to live with his father at that time. Alicia Hill wrote that she asked Officer S. if her son could make that decision, since Alicia Hill was the court-ordered custodial parent.

Alicia Hill wrote the next day, September 1, 2014, her son called her about picking up more property and she denied his request. Alicia Hill complained that officers entered her courtyard without permission and pounded on her doors so hard her back door came open. Alicia Hill alleged that Officer S. yelled at her. Alicia Hill asked if Officer S. needed a warrant before Officer S. forced her way into her home. Alicia Hill alleged that Officer S. told her she could come in if she wanted, warrant or not. Alicia Hill alleged that if she had not complied with Officer S., she believed Officer S. could brutally attack her. Alicia Hill also wrote she was concerned about the younger children at home with her. Alicia Hill wrote that Officer S. refused to speak to her mother in private when talking to her mother about her Facebook posts.

The CPOA Investigator interviewed Alicia Hill. Alicia Hill repeated much of what was in her written complaint. She claimed that when her son left to live with his father, her son no longer had residency at her home. Alicia Hill agreed she told her son he could be arrested if he returned to the house to get property while she was not at home. Alicia Hill stated that Officer S. yelled at her when Alicia Hill came out of her house. Alicia Hill claimed Officer S. called her a bad mother. Alicia Hill claimed that every time she tried to speak, Officer S. told her to shut up. Alicia Hill repeated that she asked about a warrant and was told by Officer S. she could come in, warrant or not. When asked to clarify her statement about being brutally attacked, Alicia Hill said she made the statement because Officer S. would not let her talk, and told her to shut up. Alicia Hill was inconsistent as to whether Officer S. physically came near her. Alicia Hill later understood from her mother, Patricia Hill, that Officer S. criticized Alicia Hill in front of her son. Alicia Hill stated that Officer S. refused to discuss things with Patricia Hill in private.

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



The Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report, Albuquerque Police Report, Officer S.' lapel video, Officer D.'s lapel video, and the CPOA Investigator's interviews of Alicia Hill, Kent Holland, Patricia Hill, and Officer S.

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

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

Mr. Holland claimed that on September 1, 2014, Officer S. said that his and Alicia Hill's household was abusive. Alicia Hill complained that Officer S. immediately started yelling at her when Officer S. accompanied her son to her residence, and called her a bad mother. Alicia Hill claimed that Officer S. told her to "shut up" several times. Alicia Hill stated she feared Officer S. would "brutally attack her" because Officer S. told her to shut up. Alicia Hill was inconsistent whether Officer S. made any physical actions towards her. Both Mr. Holland and Patricia Hill said Officer S. was being very critical of Alicia Hill. Patricia Hill, Alicia's mother, in particular, did not think it was Officer S.' place to lecture Alicia Hill. Both Mr. Holland and Patricia Hill said that Officer S. started talking about her own family as comparison, which was strange. Mr. Holland and Patricia Hill both complained that Officer S. ignored Patricia Hill's request to speak to Officer S. in private.

Officer S.' lapel videos from August 31, 2014, and September 1, 2014, showed Alicia Hill appreciated Officer S. lecturing her son on August 31, 2014. The videos showed Officer S. never called Alicia Hill's home abusive. The videos showed things ended pleasantly on the first day. The next day, September 1, 2014, Officer S. showed up with Alicia Hill's son to obtain additional property. The videos showed Officer S. explained to Alicia Hill that her son needed a guitar for a class, but Alicia Hill wanted to argue the ownership of the guitar.

The videos from September 1 showed that Officer S. never called Alicia Hill a bad mother, but did ask in surprise if she wanted her son to flunk a class. The videos showed Mr. Holland said his stepson could have whatever he wanted of his property, including the guitar in dispute, which turned out to be at school. The videos showed that Officer S. told Alicia Hill how her comments emotionally affected her son. Alicia Hill defended her right to make the comments and did not feel bad about making them. The videos showed Alicia Hill spoke over Officer S. several times. The videos showed Officer S. sternly told Alicia Hill not to interrupt, but never told Alicia Hill to shut up.

The videos showed that Officer S. never came towards Alicia Hill to attack her. The video showed Patricia Hill casually mentioned she and Officer S. should discuss things away from her grandson so he did not feel empowered. However, Patricia Hill continued the conversation and did not make a move or insist she and Officer S. talk elsewhere. The video showed when Patricia Hill talked about how Mr. Sandoval had to deal with his son for the toughest years, Officer S. happened to mention ages ten and twelve were hard. The video

showed Officer S. said nothing else about her personal situation and neither Patricia Hill nor Mr. Holland expressed annoyance at a comparison. The video showed Patricia Hill and Mr. Holland both were in agreement with Officer S.

The CPOA finds Officer S.' conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

(B) The CPOA reviewed Standard Operating Procedure Order 1-02-2(B)(2) regarding Officer S.' conduct, which states:

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

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

Alicia Hill alleged that Officer S. said the day prior that she was there to take her son from her and her son was going to live with his father. Since that was the case, Alicia Hill alleged her son no longer had residency at her address. When her son wanted to come to the house to get additional property, Alicia Hill denied his request. Alicia Hill alleged that after her refusal to permit Officer S. to enter her home, Officer S. ignored the sign and doorbell on her gate. Alicia Hill alleged that Officer S. instead entered her latched gate by removing an unlocked padlock from over the top of the fence. Alicia Hill alleged that Officer S. and another officer pounded on her doors continuously, and so hard that her back door started to open from the force. Alicia Hill stated that she felt compelled to come to the door. Alicia Hill alleged that Officer S. demanded that she was there to get her son's additional property. Alicia Hill felt her son spent long enough yesterday getting property. Alicia Hill alleged that Officer S. told her that she could come in, warrant or not.

The videos from August 31, 2014, showed that Officer S. obtained Alicia Hill's permission for her son to live with his father for a trial period. The videos showed there was no discussion of Alicia Hill's revoking her son's residency at her home. Nothing had yet been changed in the courts for custody. The next day, September 1, the videos showed Alicia Hill's son wanted to get property and called police for an escort. The videos showed there was no sign on the gate, but there was what looked to be a doorbell to the left that Officer S. missed. Officer S. entered the curtilage with permission of a resident. The videos showed no one knocked excessively hard or continuously. The videos showed that neither Alicia Hill asked about a warrant, nor did Officer S. claim she could enter without a warrant. The videos showed Alicia Hill wanted to get whatever property from the house instead of allowing her son to enter. The videos showed that Officer S. explained to Alicia Hill she would escort Alicia Hill's son, and Alicia Hill was welcome to accompany them, to avoid any additional problems over property. The videos showed Alicia Hill granted permission, albeit reluctantly. The videos showed Officers S. did not physically threaten Alicia Hill or move closer to her, as Alicia Hill claimed. Officer S. had a resident of the house wishing to get property.

Letter to Mrs. Hill

March 13, 2015

Page 5

The CPOA finds Officer S.' conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

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

You have the right to appeal this decision. Section 9-4-1-9(A) of the Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of the respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

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OCCURRENCE DATE(S)		DATE REPORTED		STATE OF NEW MEXICO UNIFORM INCIDENT REPORT				ORI NO. NM 0010100		CASE NO. 140017155		PAGE OF 1 3																			
ON OR BETWEEN																															
MM/DD/YYYY -2014		MM/DD/YYYY 02-24-2014		MM/DD/YYYY 02-24-2014		AGENCY/COUNTY ALBUQUERQUE POLICE DEPARTMENT				DISTRICT NO. 125		INCIDENT NO. 140550762																			
TIME 1501		DAY OF WEEK MON		TIME 1501		DAY OF WEEK MON		ADDRESS/LOCATION OF INCIDENT 4301 BLAKE RD SW				CITY ALBUQUERQUE		ZIP 87120																	
ADOL ON SUPP		OFFENSE / INCIDENT				STATUTE OR ORDINANCE		FEL MISD		ATTEN PTD		COMP LTED		UCR OFFENSE CODE		CRIMINAL ACTIVITY CODE		LOCAT CODE		WEAPON CODE UP TO 1 PER OFFENSE		OFFENDERS SUSPECTED OF USING		ALCOHOL ORUG COMB UNK							
1.		Animal Biting a Person/Rabid				9-2-2-2		M						90Z				13													
2.																															
3.																															
ADOL ON SUPP		PERSON CODES VIC-VICTIM CIT-CITED SUS-SUSPECT ARR-ARRESTEE GUA-GUARDIAN WIT-WITNESS INT-INTERVIEW OTH-OTHER REP-REPORTING PARTY DEC-DECEASED MSP-MISSING PERSON				TYPE CODES F-FINANCIAL INST. R-RELIGIOUS I-INDIVIDUAL L-LAW OFFICER O-OTHER S-SOCIETY B-BUSINESS G-GOVERNMENT U-UNKNOWN				INJURY CODES A-SEVERE BODY TRAUMA-BRUISING B-BURNS C-COMPLAINT OF PAIN D-DEATH G-GUNSHOT WOUND H-BROKEN BONES K-KNIFE WOUND/SLACERATION N-NO VISIBLE INJURY S-STRANGULATION/CHOKING				PERSON CODE VIC		CODE TYPE I		INJURY CODE 3		1-NAME (LAST, FIRST, MIDDLE)		SOCIAL SECURITY NO.		DOB		AGE (RANGE)		SEX		RACE	
STREET ADDRESS		APT. NO.		RES. PHONE		HEIGHT		WEIGHT		HAIR		EYES		ETHNICITY		AGE ASSAULT JUST. HON CODE															
CITY		STATE		ZIP		BUS. PHONE		VICTIM OF OFF. NO.		VICTIM OF SUSP. NO.		REL.		VICTIM OF SUSP. NO.		REL.		VICTIM OF SUSP. NO.		REL.											
EMAIL		EMPLOYER/SCHOOL AND ADDRESS				SUSPECT OF OFFENSE NO.				ARRESTED FOR OFFENSE NO.				GANG AFFILIATION																	
ALIAS / NICKNAME		MARKS, SCARS, TATTOOS				CLOTHING DESCRIPTION				ARMED WITH WEAPON CODE																					
DRIVER'S LICENSE NO.		D.L. STATE		ARREST/CITATION NO.		F.B.I. NO.		S.I.D. NO.		NIC NO.		RES. STATUS																			
PERSON CODE VIC		CODE TYPE I		INJURY CODE 3		2-NAME (LAST, FIRST, MIDDLE)		SOCIAL SECURITY NO.		DOB		AGE (RANGE)		SEX		RACE															
STREET ADDRESS		APT. NO.		RES. PHONE		HEIGHT		WEIGHT		HAIR		EYES		ETHNICITY		AGE ASSAULT JUST. HON CODE															
CITY		STATE		ZIP		BUS. PHONE		VICTIM OF OFF. NO.		VICTIM OF SUSP. NO.		REL.		VICTIM OF SUSP. NO.		REL.		VICTIM OF SUSP. NO.		REL.											
EMAIL		EMPLOYER/SCHOOL AND ADDRESS				SUSPECT OF OFFENSE NO.				ARRESTED FOR OFFENSE NO.				GANG AFFILIATION																	
ALIAS / NICKNAME		MARKS, SCARS, TATTOOS				CLOTHING DESCRIPTION				ARMED WITH WEAPON CODE																					
DRIVER'S LICENSE NO.		D.L. STATE		ARREST/CITATION NO.		F.B.I. NO.		S.I.D. NO.		NIC NO.		RES. STATUS																			
PERSON CODE VIC		CODE TYPE I		INJURY CODE 3		3-NAME (LAST, FIRST, MIDDLE)		SOCIAL SECURITY NO.		DOB		AGE (RANGE)		SEX		RACE															
STREET ADDRESS		APT. NO.		RES. PHONE		HEIGHT		WEIGHT		HAIR		EYES		ETHNICITY		AGE ASSAULT JUST. HON CODE															
CITY		STATE		ZIP		BUS. PHONE		VICTIM OF OFF. NO.		VICTIM OF SUSP. NO.		REL.		VICTIM OF SUSP. NO.		REL.		VICTIM OF SUSP. NO.		REL.											
EMAIL		EMPLOYER/SCHOOL AND ADDRESS				SUSPECT OF OFFENSE NO.				ARRESTED FOR OFFENSE NO.				GANG AFFILIATION																	
ALIAS / NICKNAME		MARKS, SCARS, TATTOOS				CLOTHING DESCRIPTION				ARMED WITH WEAPON CODE																					
DRIVER'S LICENSE NO.		D.L. STATE		ARREST / CITATION NO.		F.B.I. NO.		S.I.D. NO.		NIC NO.		RES. STATUS																			
ADOL ON SUPP		VEH STATUS CODE		ACC-TRAFFIC ACCIDENT BRN-BURNED/AVISON DNG-DAMAGED/VANDALIZED BME-EMBEZZLED		EVD-EVIDENCE FCN-FIELD CONTACT MIP-MP/POUND/ST LST-LOST		OUT-OUTSIDE RECOVERY, OTHER AGENCY RCN-RECOVERED REL-RELEASED TO OWNERS/STN-TOLE RPO-REPOSSESSION SUS-SUSPECT WANT-WANT/WARRANT ON OWNERS		VEH TYPE CODE 1-AUTO 2-TRUCK/VAN 3-MOTORCYCLE 4-OTHER		4-CAMPER/RV 5-BUS 6-SNOWMOBILES 7-ATV 8-UNKNOWN		U-UNKNOWN																	
YEAR		MAKE		MODEL		BODY STYLE		LICENSE NO.		LIC. YEAR		LIC. STATE		TOP COLOR		IRM COLOR		VALUE/DAMAGE EST.													
REGISTERED OWNER'S NAME		VIN				DISTINGUISHING FEATURES / VISIBLE DAMAGE																									
ADDRESS		TOW TO / BY				NIC NO.																									
AGENCY OPTIONAL USE		TOWED FROM				<input type="checkbox"/> OWNER NOTIFIED				DATE RECOVERED				TIME RECOVERED																	

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PROPERTY STATUS	OTH-OTHER STN-STOLEN STR-STOLEN & RECOVERED		RFO-REPOSSESSION RFR-RECOVERED OUTSIDE AGENCY EVI-EVIDENCE		FND-FOUND FNR-RECOVERED DMG-DAMAGED		FCN-FIELD CONTACT RFP-REPORTED		ARS-ARSONED/BURNED SZD-SEIZED BUS-SUSPECT		2FK-SAFEBEARING OBS-OBSERVED IMP-IMPOUNDED						
	PROPERTY TYPE		PROPERTY TYPE		PROPERTY TYPE		PROPERTY TYPE		PROPERTY TYPE		PROPERTY TYPE						
1-GUN/FIREARMS	2-DRUGS		3-FOOD/EDIBLE/CONSUMABLE		4-CLOTHING/FURS		5-BEAT/MOTOR VEHICLE/AIRCRAFT		6-AUTO ACCESSORIES		7-CONSTRUCTION MACHINERY						
8-CURRENCY, NEGOTIABLE ITEMS	9-STRUCTURE		10-NON-SERIALIZED JEWELRY		11-BICYCLE		12-CAMERA/PHOTO EQUIPMENT		13-DATA PROCESSING EQUIPMENT		14-EQUIPMENT/TOOLS						
15-FURNITURE AND FURNISHINGS	16-GAMING EQUIPMENT		17-HOUSEHOLD APPLIANCES/HOUSEWARES		18-IDENTIFICATION ITEMS		19-SPECIAL DOCUMENTS/FOOD STAMPS		20-KEEPSAKES AND COLLECTIBLES		21-LIVESTOCK						
22-MUSICAL INSTRUMENTS	23-NON-SERIALIZED PROPERTY (JEWELRY NOT INCL)		24-OFFICE EQUIPMENT/CELLULAR PHONES		25-PERSONAL ACCESSORIES (INCL SERIAL JEWELRY)		26-ELECTRONIC/AUDIO/STEREO/TV		27-SPORTS, EXERCISE AND RECREATIONAL EQUIPMENT		28-TOXIC CHEMICALS						
29-VIEWING EQUIPMENT	30-WELL DRILLING EQUIPMENT		31-Y-OTHER (NONE OF THE ABOVE)		32-CREDIT/DEBIT CARDS		33-P-OTHER DRUGS		34-U-UNKNOWN		35-X-OVER 3 TYPES						
DRUG TYPE		A-CRACK		B-COCAINE		C-HASHISH		D-HEROIN		E-MARIJUANA		F-MORPHINE					
FIELD UNIT OF MEASURE		DU-DOSAGE UNITS/ITEMS		GL-GALLON		KG-KILOGRAM		LB-POUND		LT-LITER		ML-MILLILITER					
FO-FLUID OUNCE		GM-GRAM		OZ-OUNCE		PLANT		XX-NOT REPORTED									
1-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM	MAKE / BRAND	MODEL	CALIBER	VALUE (EXCEPT DRUGS)											
SUSPECTED	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)			SERIAL / OAN	DATE RECOVERED	NIC NO.										
2-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM	MAKE / BRAND	MODEL	CALIBER	VALUE (EXCEPT DRUGS)											
SUSPECTED	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)			SERIAL / OAN	DATE RECOVERED	NIC NO.										
3-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM	MAKE / BRAND	MODEL	CALIBER	VALUE (EXCEPT DRUGS)											
SUSPECTED	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)			SERIAL / OAN	DATE RECOVERED	NIC NO.										
4-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM	MAKE / BRAND	MODEL	CALIBER	VALUE (EXCEPT DRUGS)											
SUSPECTED	QUANTITY UNIT OF MS	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)			SERIAL / OAN	DATE RECOVERED	NIC NO.										
M. C. EVENT CODES: (AGENCY OPTIONAL USE)												TOTAL VALUE STOLEN		TOTAL VALUE REC.		ADDS ON	
On February 24 2014 I was flagged down near the intersection of Wendell and Blake RD SW interference to a juvenile who had just been bit a dog. While on scene the dog bit another and had bit a third juvenile prior to my arrival. Authorization was given by Sgt. [REDACTED] to use deadly force on the animal. Officer [REDACTED] shot the dog near 4301 Blake RD SW.																	
<p>1 On the above date at around 1500 hours I was on Blake RD SW heading eastbound when I was flagged down</p> <p>2 by a female in a gray sedan who stated a boy had just been bit by a dog. I observed the dog, a brown mid</p> <p>3 sized female dog, was aggressively barking and growling at the boy, later identified as [REDACTED] and was</p> <p>4 barking at the sedan. I then made a U-turn and position my unit behind the sedan. as I was exiting my patrol</p> <p>5 unit the dog ran behind my unit and began barking at us. I then spoke with the female and [REDACTED] As they were</p> <p>6 telling me what occurred the dog continued to bark and growl at me and others. I notified our dispatch that</p> <p>7 [REDACTED] sustained a dog bit and needed rescue and I needed assistance from Animal control to help catch the</p> <p>8 dog. As I was talking with [REDACTED] two students walked past me heading westbound on Blake. The dog then</p> <p>9 went after one of the students, later identified as [REDACTED] grabbed hold of her pant leg and dragged her to</p> <p>10 the ground. I then sprayed the dog with OC spray and the dog ran off. [REDACTED] was bit by the dog on her ankle. a</p> <p>11 witness observed the incident and stopped to help catch the dog. I was given authorization by my Sergeant ,</p> <p>12 Sergeant [REDACTED], to use deadly force on the dog if the area was secure and safe. During the incident</p> <p>13 students were getting out of school and there several subjects on the street and the was heavy traffic both</p> <p>14 eastbound on Blake . Due to heavy pedestrian and vehicle traffic I did not have a safe area and did not feel</p> <p>15 the area was secure to shot the dog. The dog then ran east from my location but continued to bark at me,</p> <p>16 cars, and witnesses. Officers then arrived at my location and sectioned off Blake RD so no vehicles could</p> <p>17 pass in the east or westbound lanes.. The dog continued to bark at officers and cars. Once the scene was</p> <p>18 secure and there was nobody in the immediate area Officer [REDACTED] shot the dog twice . Several witnesses</p> <p>19 stated the dog was chasing cars and the dog was foaming at the mouth before officers arrived. As I was</p>																	
<p>1 I WILL PROSECUTE/TESTIFY YES NO</p> <p>2 SHOULD THE OFFENDER BE ARRESTED?</p> <p>3 I UNDERSTAND IT IS A CRIMINAL OFFENSE TO FILE A FALSE REPORT TO POLICE.</p> <p>4 COMPLAINANT / VICTIM CERTIFICATION SIGNATURE X</p> <p>5 DATE 02-24-2014</p> <p>6 DETECTIVE FOLLOW-UP OFFICER / REFERRED TO I.D. NO DATE</p> <p>7 ASSISTING OFFICER (PRINT) RANK I.D. NO DATE</p> <p>8 PROCESSED BY DATE DATA ENTRY PERSON DATE</p> <p>9 APPROVING OFFICER (PRINT) RANK I.D. NO DATE</p> <p>10 INCIDENT STATUS</p> <p>11 ACTING UNCLE/CLERK IF C/A CLE</p> <p>12 EXCEPT CODE</p> <p>13 A DEATH OF OFFENDER B-PROSECUTION DECLINED C-EXTRACTION DENIED</p> <p>14 D-VICTIM REF TO COOP E-NO NO CONTACT F-NOT APPLICABLE</p> <p>15 DISTRIBUTION B NE SW DAL OTHER</p> <p>16 IA SE VA FT-H CACU NW</p> <p>17 CASES CLEARED BY THIS ARREST CASE NO. CASE NO. REV. 3/94</p>																	

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OCCURRENCE DATE(S)		DATE REPORTED		STATE OF NEW MEXICO UNIFORM INCIDENT REPORT		ORI NO. NM 0010100	CASE NO. 140017155	PAGE 2	OF 3
ON OR BETWEEN									
MM/DD/YYYY	MM/DD/YYYY	MM/DD/YYYY	AGENCY/COUNTY			DISTRICT NO.	INCIDENT NO.	SUBS. BY	NO OF
02-24-2014	02-24-2014	02-24-2014	ALBUQUERQUE POLICE DEPARTMENT			125	140550762	FORCE	UNITS EN
	DAY OF WEEK	TIME	DAY OF WEEK	TIME	DAY OF WEEK	ADDRESS/LOCATION OF INCIDENT		CITY	ZIP
	MON	1501	MON	1601	MON	4301 BLAKE RD SW		ALBUQUERQUE	87120

20 checking on the two victims a third victim, [REDACTED] came up to my patrol car and stated she had also  
 21 been bit by the dog [REDACTED] stated she had just got off the bus when the dog came after her, The dog bit her in  
 22 the ankle. She attempted to get the dog away from her by hitting it with her back pack. The dog then ran across  
 23 the street and bit [REDACTED]. All three victims were seen by Bernalillo County Fire Dept and released, once the victims  
 24 parents arrived and met with rescue.

25  
 26 Officers secured the area and did not allow any vehicles or persons to enter the scene. A Field Investigator  
 27 arrived along with acting Lieutenant [REDACTED] Internal Affair Sergeant [REDACTED] M [REDACTED] also came to our location  
 28 and spoke to the officers involved in the incident.

29  
 30 Animal Control Officers CPL. T [REDACTED] and Lieutenant M [REDACTED] arrived on scene and took possession of the dog.

31  
 32  
 33 While on scene I spoke with [REDACTED] owner of the dog. He stated his dogs name was "Canela" and was  
 34 approximately 3-4 years old. He stated his dog did not have her shots and was not registered with the city. He  
 35 stated he did not think his dog would attack anyone but was not surprised the dog was chasing cars.

36  
 37 Once the Field Investigators processed the scene, the dog was taken by animal control and the victims were  
 38 gone the scene was released.

<b>STATE OF NEW MEXICO SUPPLEMENTAL REPORT</b>				ORIG. OFFENSE DATE 02-24-2014	SUP. DATE 02-24-2014	CASE NO. 140017155	INC. NO. 140650782	PAGE 3	OF 3
ORIGINAL OFFENSE REPORTED 9-2-2-2 Animal Biting a Person/Rabid				ORIGINAL VICTIM'S NAME (LAST, FIRST, MIDDLE) [REDACTED]				DATE OF BIRTH [REDACTED]	
LOCATION OF OCCURRENCE BLAKE RD SW				ALBUQUERQUE				87120	

<b>OFFENSE</b>	4. ADDITIONAL OFFENSE / INCIDENT	STATUTE OR ORDINANCE	FEL MISD	ATTEMPTED	COMPLETED	UCR OFFENSE CODE	CRIMINAL ACTIVITY CODE	LOCAL CODE	WEAPON CODE UP TO 1 PER OFFENSE	OFFENDER(S) SUSPECTED OF USING	ALCOHOL	DRUG	COMP	LINK
	5.													
	6.													
	7.													
	8.													

PERSON CODES VIC-VICTIM CIT-CITED SUS-SUSPECT ARR-ARRESTEE GUA-GUARDIAN WIT-WITNESS INT-INTERVIEW OTH-OTHER REP-REPORTING PARTY DEC-DECEASED MSP-MISSING PERSON		TYPE CODES F-FINANCIAL INST. R-RELIGIOUS I-INDIVIDUAL L-LAW OFFICER O-OTHER S-SOCIETY B-BUSINESS G-GOVERNMENT U-UNKNOWN		INJURY CODES C-COMPLAINT OF PAIN G-GUNSHOT WOUND N-NO VISIBLE INJURY A-SEVERE BODY TRAUMA BRUISING H-BROKEN BONES S-STRANGULATION/CHOKING K-KNIFE WOUNDS/LACERATIONS Q-DEATH	
PERSON CODE INT	TYPE CODE I	INJURY CODE N	NAME (LAST, FIRST, MIDDLE) [REDACTED]	SOCIAL SECURITY NO. [REDACTED]	DOB [REDACTED]
STREET ADDRESS [REDACTED]		APT. NO.	RES. PHONE [REDACTED]	HEIGHT	WEIGHT
CITY ALBUQUERQUE		STATE NM	ZIP 87121	BUS. PHONE	VICTIM OF OFF. NO.
OCCUPATION		EMPLOYER/SCHOOL AND ADDRESS		SUSPECT OF OFFENSE NO.	ARRESTED FOR OFFENSE NO.
ALIAS / NICKNAME		MARKS, SCARS, TATTOOS		CLOTHING DESCRIPTION	
DRIVER'S LICENSE NO.		D.L. STATE	ARREST/CITATION NO.	F.B.I. NO.	S.I.D. NO.
PERSON CODE INT		TYPE CODE I	INJURY CODE N	NAME (LAST, FIRST, MIDDLE) [REDACTED]	SOCIAL SECURITY NO. [REDACTED]
STREET ADDRESS [REDACTED]		APT. NO.	RES. PHONE [REDACTED]	HEIGHT	WEIGHT
CITY ALBUQUERQUE		STATE NM	ZIP 87121	BUS. PHONE	VICTIM OF OFF. NO.
OCCUPATION		EMPLOYER/SCHOOL AND ADDRESS		SUSPECT OF OFFENSE NO.	ARRESTED FOR OFFENSE NO.
ALIAS / NICKNAME		MARKS, SCARS, TATTOOS		CLOTHING DESCRIPTION	
DRIVER'S LICENSE NO.		D.L. STATE	ARREST/CITATION NO.	F.B.I. NO.	S.I.D. NO.
PERSON CODE INT		TYPE CODE I	INJURY CODE N	NAME (LAST, FIRST, MIDDLE) [REDACTED]	SOCIAL SECURITY NO. [REDACTED]
STREET ADDRESS [REDACTED]		APT. NO.	RES. PHONE [REDACTED]	HEIGHT	WEIGHT
CITY ALBUQUERQUE		STATE NM	ZIP 87121	BUS. PHONE	VICTIM OF OFF. NO.
OCCUPATION		EMPLOYER/SCHOOL AND ADDRESS		SUSPECT OF OFFENSE NO.	ARRESTED FOR OFFENSE NO.
ALIAS / NICKNAME		MARKS, SCARS, TATTOOS		CLOTHING DESCRIPTION	
DRIVER'S LICENSE NO.		D.L. STATE	ARREST/CITATION NO.	F.B.I. NO.	S.I.D. NO.
PERSON CODE INT		TYPE CODE I	INJURY CODE N	NAME (LAST, FIRST, MIDDLE) [REDACTED]	SOCIAL SECURITY NO. [REDACTED]
STREET ADDRESS [REDACTED]		APT. NO.	RES. PHONE [REDACTED]	HEIGHT	WEIGHT
CITY ALBUQUERQUE		STATE NM	ZIP 87121	BUS. PHONE	VICTIM OF OFF. NO.
OCCUPATION		EMPLOYER/SCHOOL AND ADDRESS		SUSPECT OF OFFENSE NO.	ARRESTED FOR OFFENSE NO.
ALIAS / NICKNAME		MARKS, SCARS, TATTOOS		CLOTHING DESCRIPTION	
DRIVER'S LICENSE NO.		D.L. STATE	ARREST/CITATION NO.	F.B.I. NO.	S.I.D. NO.

<b>SUBJECTS (VICTIMS / SUSPECTS / SONS / BUSINESSES)</b>	PERSON CODE INT		TYPE CODE I	INJURY CODE N	NAME (LAST, FIRST, MIDDLE) [REDACTED]	SOCIAL SECURITY NO. [REDACTED]	DOB [REDACTED]	AGE (RANGE) 16	SEX M	RACE U
	STREET ADDRESS [REDACTED]		APT. NO.	RES. PHONE [REDACTED]	HEIGHT	WEIGHT	HAIR	EYES	ETHNICITY U	AGG ASSAULT JUST. HOM. CODE
	CITY ALBUQUERQUE		STATE NM	ZIP 87121	BUS. PHONE	VICTIM OF OFF. NO.	VICTIM OF SUSP. NO.	REL.	VICTIM OF SUSP. NO.	REL.
	OCCUPATION		EMPLOYER/SCHOOL AND ADDRESS		SUSPECT OF OFFENSE NO.	ARRESTED FOR OFFENSE NO.	GANG AFFILIATION			
	ALIAS / NICKNAME		MARKS, SCARS, TATTOOS		CLOTHING DESCRIPTION		ARMED WITH WEAPON CODE			
DRIVER'S LICENSE NO.		D.L. STATE	ARREST/CITATION NO.	F.B.I. NO.	S.I.D. NO.	NIC NO.		RES. STATUS		
PERSON CODE INT		TYPE CODE I	INJURY CODE N	NAME (LAST, FIRST, MIDDLE) [REDACTED]	SOCIAL SECURITY NO. [REDACTED]	DOB [REDACTED]	AGE (RANGE) 16	SEX M	RACE U	
STREET ADDRESS [REDACTED]		APT. NO.	RES. PHONE [REDACTED]	HEIGHT	WEIGHT	HAIR	EYES	ETHNICITY U	AGG ASSAULT JUST. HOM. CODE	
CITY ALBUQUERQUE		STATE NM	ZIP 87121	BUS. PHONE	VICTIM OF OFF. NO.	VICTIM OF SUSP. NO.	REL.	VICTIM OF SUSP. NO.	REL.	
OCCUPATION		EMPLOYER/SCHOOL AND ADDRESS		SUSPECT OF OFFENSE NO.	ARRESTED FOR OFFENSE NO.	GANG AFFILIATION				
ALIAS / NICKNAME		MARKS, SCARS, TATTOOS		CLOTHING DESCRIPTION		ARMED WITH WEAPON CODE				
DRIVER'S LICENSE NO.		D.L. STATE	ARREST/CITATION NO.	F.B.I. NO.	S.I.D. NO.	NIC NO.		RES. STATUS		
PERSON CODE INT		TYPE CODE I	INJURY CODE N	NAME (LAST, FIRST, MIDDLE) [REDACTED]	SOCIAL SECURITY NO. [REDACTED]	DOB [REDACTED]	AGE (RANGE) 16	SEX M	RACE U	
STREET ADDRESS [REDACTED]		APT. NO.	RES. PHONE [REDACTED]	HEIGHT	WEIGHT	HAIR	EYES	ETHNICITY U	AGG ASSAULT JUST. HOM. CODE	
CITY ALBUQUERQUE		STATE NM	ZIP 87121	BUS. PHONE	VICTIM OF OFF. NO.	VICTIM OF SUSP. NO.	REL.	VICTIM OF SUSP. NO.	REL.	
OCCUPATION		EMPLOYER/SCHOOL AND ADDRESS		SUSPECT OF OFFENSE NO.	ARRESTED FOR OFFENSE NO.	GANG AFFILIATION				
ALIAS / NICKNAME		MARKS, SCARS, TATTOOS		CLOTHING DESCRIPTION		ARMED WITH WEAPON CODE				
DRIVER'S LICENSE NO.		D.L. STATE	ARREST/CITATION NO.	F.B.I. NO.	S.I.D. NO.	NIC NO.		RES. STATUS		

<b>STATES</b>	REPORTING OFFICER (PRINT) P. [REDACTED]		RANK	I.D. NO. [REDACTED]	DATE 02-24-2014	DETECTIVE / FOLLOW-UP OFFICER / REFERRED TO		I.D. NO.	DATE
	ASSISTING OFFICER (PRINT)		RANK	I.D. NO.	DATE	PROCESSED BY		DATE	DATA ENTRY PERSON
	APPROVING OFFICER (PRINT)		RANK	I.D. NO.	DATE	INCIDENT STATUS ACTIVE <input checked="" type="checkbox"/> INACT <input type="checkbox"/> CLOSED <input type="checkbox"/> UP <input type="checkbox"/> CL <input type="checkbox"/> CL <input type="checkbox"/>		EXCEPT CODE	DATE
	DISTRIBUTION <input type="checkbox"/> IA <input type="checkbox"/> SE <input type="checkbox"/> NE <input type="checkbox"/> SW <input type="checkbox"/> DAL <input type="checkbox"/> OTHER <input type="checkbox"/> CACU <input type="checkbox"/> NY		CASES CLEARED BY THIS ARREST CASE NO.		CASE NO.				

M000675

PROPERTY STATUS		ARS-ARSON/BURNED DMG-DAMAGED EVIDENCE		FCN-FIELD CONTACT FND-FOUND IMP-IMPOUNDED		LST-LOST OBS-OBSERVED OTH-OTHER		REC-RECOVERED RFJ-REC OUTSIDE AGENCY STOLEN PROPERTY RPO-REPOSSESSION		SFK-SAFEKEEPING STN-STOLEN STR-STOLEN AND RECOVERED		SUS-SUSPECT SZD-SIZED			
PROPERTY TYPE		1-GUNS/FIREARMS 2-DRUGS 3-FOOD/LIQUOR/CONSUMABLE 4-CLOTHING/FURS 5-BOT/MOTOR VEHICLE/AIRCRAFT 6-AUTO ACCESSORIES 7-CONSTRUCTION MACHINERY 8-CURRENCY, NEGOTIABLE ITEMS		9-STRUCTURE A-NON-SERIALIZED JEWELRY B-BICYCLE C-CAMERA/PHOTO EQUIPMENT D-DATA PROCESSING EQUIPMENT E-EQUIPMENT/TOOLS F-FURNITURE AND FURNISHINGS G-GAMING EQUIPMENT		H-HOUSEHOLD APPLIANCES/HOUSEWARES I-IDENTIFICATION ITEMS J-SPECIAL DOCUMENTS/FOOD STAMPS K-KEEPSAKES AND COLLECTIBLES L-LIVESTOCK M-MUSICAL INSTRUMENTS N-NON-SERIALIZED PROPERTY (JEWELRY NOT INCL) O-OFFICE EQUIPMENT/CELLULAR PHONES		P-PERSONAL ACCESSORIES (INCL SERIALIZED JEWELRY) R-ELECTRONIC/AUDIO/STEREO/TV S-SPORTS, EXERCISE AND RECREATIONAL EQUIP T-TOXIC CHEMICALS V-VIEWING EQUIPMENT W-WELL DRILLING EQUIPMENT Y-NONE OF THE ABOVE Z-CREDIT/DEBIT CARDS							
DRUG TYPE		A-CRACK B-COCAINE C-HASHISH		D-HEROIN E-MARIJUANA F-MORPHINE		G-OPIMUM H-OTHER NARCOTICS I-LSD		J-PCP K-OTHER HALLUCINOGENS L-AMPHETAMINE		M-OTHER N-BARBITURATES O-OTHER DEPRESSANTS		P-OTHER DRUGS U-UNKNOWN X-OVER 3 TYPES			
FIELD UNIT OF MEASURE		DU-DOSAGE UNITS/ITEMS FO-FLUID OUNCE		GL-GALLON GM-GRAM		KG-KILOGRAM LB-POUND		LT-LITER ML-MILLILITER		NU-NUMBER OF PLANTS OZ-OUNCE		XX-NOT REPORTED			
5-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)					
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIC NO.							
6-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)					
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIC NO.							
7-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)					
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIC NO.							
8-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)					
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIC NO.							
9-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)					
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIC NO.							
10-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)					
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIC NO.							
11-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)					
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIC NO.							
COMMENTS REGARDING PROPERTY										TOTAL VALUE STOLEN		TOTAL VALUE REC.		ADJ. ON FILE	
										\$		\$			

ACC-ON FILE		VEH STATUS CODE		ACC-TRAFFIC ACCIDENT BRN-BURNED/ARSON DMG-DAMAGED/VANDALIZED EMB-EMBEZZLED		EVD-EVIDENCE FCN-FIELD CONTACT IMP-IMPOUNDED LST-LOST		OUT-OUTSIDE RECOVERY, OTHER AGENCY RCV-RECOVERED REL-RELEASED TO OWNER RPO-REPOSSESSION		SAR-STOLEN AND RECOVERED SEZ-SIZED STN-STOLEN SUS-SUSPECT WNT-WANT/WARRANT ON OWNER		VEH TYPE CODE		1-AUTO 2-TRUCK/VAN 3-MOTORCYCLE		4-CAMPER/RV 5-BUS 6-OTHER		7-ATV 8-SNOWMOBILES		U-UNKNOWN							
YEAR	MAKE	MODEL		BODY STYLE		LICENSE NO.		LIC. YEAR		LIC. STATE		TOP COLOR		BTM COLOR		VALUE/DAMAGE EST.											
REGISTERED OWNER'S NAME										VIN										DISTINGUISHING FEATURES / VISIBLE DAMAGE							
ADDRESS										TOW TO / BY										NIC NO.							
AGENCY OPTIONAL USE										TOWED FROM										<input type="checkbox"/> OWNER NOTIFIED		DATE RECOVERED		TIME RECOVERED			
VEH STATUS CODE	ACC-TRAFFIC ACCIDENT BRN-BURNED/ARSON DMG-DAMAGED/VANDALIZED EMB-EMBEZZLED		EVD-EVIDENCE FCN-FIELD CONTACT IMP-IMPOUNDED LST-LOST		OUT-OUTSIDE RECOVERY, OTHER AGENCY RCV-RECOVERED REL-RELEASED TO OWNER RPO-REPOSSESSION		SAR-STOLEN AND RECOVERED SEZ-SIZED STN-STOLEN SUS-SUSPECT WNT-WANT/WARRANT ON OWNER		VEH TYPE CODE		1-AUTO 2-TRUCK/VAN 3-MOTORCYCLE		4-CAMPER/RV 5-BUS 6-OTHER		7-ATV 8-SNOWMOBILES		U-UNKNOWN										
YEAR	MAKE	MODEL		BODY STYLE		LICENSE NO.		LIC. YEAR		LIC. STATE		TOP COLOR		BTM COLOR		VALUE/DAMAGE EST.											
REGISTERED OWNER'S NAME										VIN										DISTINGUISHING FEATURES / VISIBLE DAMAGE							
ADDRESS										TOW TO / BY										NIC NO.							
AGENCY OPTIONAL USE										TOWED FROM										<input type="checkbox"/> OWNER NOTIFIED		DATE RECOVERED		TIME RECOVERED		REV. 3/94	



<b>STATE OF NEW MEXICO SUPPLEMENTAL REPORT</b>				ORIG. OFFENSE DATE 02-24-2014	SUP. DATE 02-24-2014	CASE NO. 140017155	INC. NO. 140550762	PAGE 1	OF 2
ORIGINAL OFFENSE REPORTED 9-2-2-2 Animal Biting a Person/Rabid				ORIGINAL VICTIM'S NAME (LAST, FIRST, MIDDLE) [REDACTED]				DATE OF BIRTH [REDACTED]	
LOCATION OF OCCURRENCE BLAKE RD SW				ALBUQUERQUE				87121	

OFFENSE	ADDITIONAL OFFENSE / INCIDENT	STATUTE OR ORDINANCE	FEL MISD	ATTEMPTED	COMPLETED	UCR OFFENSE CODE	CRIMINAL ACTIVITY CODE	LOCAT CODE	WEAPON CODE UP TO 1 PER OFFENSE	OFFENDER(S) SUSPECTED OF USING			
										ALCOHOL	DRUG	COMP	UNK
	4.												
	5.												
	6.												
7.													

PERSON CODES VIC-VICTIM CT-CITED SUB-SUSPECT AWA-ARRESTEE GUA-GUARDIAN WIT-WITNESS INT-INTERVIEW OTH-OTHER REF-REPORTING PARTY DEC-DECEASED MSP-MISSING PERSON		TYPE CODES F-FINANCIAL INST. R-RELIGIOUS I-INDIVIDUAL L-LAW OFFICER O-OTHER S-SOCIETY B-BUSINESS G-GOVERNMENT UN-KNOWN		INJURY CODES C-COMPLAINT OF PAIN G-GUNSHOT WOUND H-HOT NO VISIBLE INJURY A-SEVERE BODY TRAUMA BRUISING B-BURNS D-DEATH		H-BROKEN BONES S-STRANGULATION/CHOKING K-KNIFE WOUNDS/LACERATIONS	
PERSON CODE INT 1	NAME (LAST, FIRST, MIDDLE) [REDACTED]	SOCIAL SECURITY NO. [REDACTED]	DOB [REDACTED]	AGE (RANGE) 17	SEX F	RACE W	
STREET ADDRESS [REDACTED]		APT. NO. [REDACTED]	RES. PHONE [REDACTED]	HEIGHT 5' 03"	WEIGHT 110	HAIR BRO	EYES BRO
CITY ALBUQUERQUE	STATE NM	ZIP 87121	BUS. PHONE [REDACTED]	VICTIM OF OFF. NO.	VICTIM OF SUSP. NO.	REL.	VICTIM OF SUSP. NO.
OCCUPATION	EMPLOYER/SCHOOL AND ADDRESS		SUSPECT OF OFFENSE NO.		ARRESTED FOR OFFENSE NO.		GANG AFFILIATION
ALIAS / NICKNAME		MARKS, SCARS, TATTOOS		CLOTHING DESCRIPTION		ARMED WITH WEAPON CODE	
DRIVER'S LICENSE NO.	D.L. STATE	ARREST/CITATION NO.	F.B.I. NO.	S.I.D. NO.	NIC NO.	RES. STATUS R	

PERSON CODE WIT 1	NAME (LAST, FIRST, MIDDLE) GARCIA JUSTINA	SOCIAL SECURITY NO. [REDACTED]	DOB [REDACTED]	AGE (RANGE) 33	SEX F	RACE W	
STREET ADDRESS [REDACTED]		APT. NO. [REDACTED]	RES. PHONE [REDACTED]	HEIGHT 5' 07"	WEIGHT 145	HAIR BRO	EYES BRO
CITY ALBUQUERQUE	STATE NM	ZIP 87121	BUS. PHONE [REDACTED]	VICTIM OF OFF. NO.	VICTIM OF SUSP. NO.	REL.	VICTIM OF SUSP. NO.
OCCUPATION	EMPLOYER/SCHOOL AND ADDRESS		SUSPECT OF OFFENSE NO.		ARRESTED FOR OFFENSE NO.		GANG AFFILIATION
ALIAS / NICKNAME		MARKS, SCARS, TATTOOS		CLOTHING DESCRIPTION		ARMED WITH WEAPON CODE	
DRIVER'S LICENSE NO. 115600826	D.L. STATE NM	ARREST/CITATION NO.	F.B.I. NO.	S.I.D. NO.	NIC NO.	RES. STATUS R	

PERSON CODE WIT 1	NAME (LAST, FIRST, MIDDLE) GARCIA BRANDON	SOCIAL SECURITY NO. [REDACTED]	DOB [REDACTED]	AGE (RANGE) 27	SEX M	RACE W	
STREET ADDRESS [REDACTED]		APT. NO. [REDACTED]	RES. PHONE [REDACTED]	HEIGHT 6' 00"	WEIGHT 190	HAIR BRO	EYES BRO
CITY ALBUQUERQUE	STATE NM	ZIP 87121	BUS. PHONE [REDACTED]	VICTIM OF OFF. NO.	VICTIM OF SUSP. NO.	REL.	VICTIM OF SUSP. NO.
OCCUPATION	EMPLOYER/SCHOOL AND ADDRESS		SUSPECT OF OFFENSE NO.		ARRESTED FOR OFFENSE NO.		GANG AFFILIATION
ALIAS / NICKNAME		MARKS, SCARS, TATTOOS		CLOTHING DESCRIPTION		ARMED WITH WEAPON CODE	
DRIVER'S LICENSE NO. 503689243	D.L. STATE NM	ARREST/CITATION NO.	F.B.I. NO.	S.I.D. NO.	NIC NO.	RES. STATUS R	

REPORTING OFFICER (PRINT) [REDACTED]	RANK [REDACTED]	I.D. NO. [REDACTED]	DATE 02-24-2014	DETECTIVE / FOLLOW-UP OFFICER / REFERRED TO [REDACTED]	I.D. NO. [REDACTED]	DATE [REDACTED]
ASSISTING OFFICER (PRINT) [REDACTED]	RANK [REDACTED]	I.D. NO. [REDACTED]	DATE 02-24-2014	PROCESSED BY [REDACTED]	DATE [REDACTED]	DATA ENTRY PERSON [REDACTED]
APPROVING OFFICER (PRINT) [REDACTED]	RANK [REDACTED]	I.D. NO. [REDACTED]	DATE [REDACTED]	INCIDENT STATUS <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> INACT <input type="checkbox"/> CLOSED <input type="checkbox"/> U.F. <input type="checkbox"/> C.I.A. <input type="checkbox"/> C.I.E. <input type="checkbox"/> EXCEPT CODE A-CRATH OF OFFENSE B-PROSECUTION DECLINED C-EXEMPTION DENIED D-VICTIM REF TO COOP E-JURY NO CUSTODY F-NOT APPLICABLE		
DISTRIBUTION <input type="checkbox"/> B <input type="checkbox"/> NE <input type="checkbox"/> SW <input type="checkbox"/> DAL <input type="checkbox"/> OTHER <input type="checkbox"/> 1A <input type="checkbox"/> SE <input type="checkbox"/> VA <input type="checkbox"/> FTHL <input type="checkbox"/> CACU <input type="checkbox"/> NW				CASES CLEARED BY THIS ARREST CASE NO. CASE NO.		

M000677

PROPERTY STATUS		ARS-ARSON/BURNED DMG-DAMAGED EVIDENCE		FCN-FIELD CONTACT FND-FOUND IMP-IMPOUNDED		LST-LOST OBS-OBSERVED OTH-OTHER		REC-RECOVERED RFJ-REC OUTSIDE AGENCY STOLEN PROPERTY RPO-REPOSSESSION		SFK-SAFEKEEPING STN-STOLEN STR-STOLEN AND RECOVERED		SUS-SUSPECT SZD-SIZED			
PROPERTY TYPE		1-GUNS/FIREARMS 2-DRUGS 3-FOOD/LIQUOR/CONSUMABLE 4-CLOTHING/FURS 5-BYAT/MOTOR VEHICLE/AIRCRAFT 6-AUTO ACCESSORIES 7-CONSTRUCTION MACHINERY 8-CURRENCY, NEGOTIABLE ITEMS		9-STRUCTURE A-NON-SERIALIZED JEWELRY B-BICYCLE C-CAMERA/PHOTO EQUIPMENT D-DATA PROCESSING EQUIPMENT E-EQUIPMENT/TOOLS F-FURNITURE AND FURNISHINGS G-GAMING EQUIPMENT		H-HOUSEHOLD APPLIANCES/HOUSEWARES I-IDENTIFICATION ITEMS J-SPECIAL DOCUMENTS/FOOD STAMPS K-KEEPSAKES AND COLLECTIBLES L-LIVESTOCK M-MUSICAL INSTRUMENTS N-NON-SERIALIZED PROPERTY (JEWELRY NOT INCL) O-OFFICE EQUIPMENT/CELLULAR PHONES		P-PERSONAL ACCESSORIES (INCL. SERIALIZED JEWELRY) R-ELECTRONIC/AUDIO/STEREO/TV S-SPORTS, EXERCISE AND RECREATIONAL EQUIP T-TOXIC CHEMICALS V-VIEWING EQUIPMENT W-WELL DRILLING EQUIPMENT Y-NONE OF THE ABOVE Z-CREDIT/DEBIT CARDS							
DRUG TYPE		A-CRACK B-COCAINE C-HASHISH		D-HEROIN E-MARIJUANA F-MORPHINE		G-OPIMUM H-OTHER NARCOTICS I-LSD		J-PCP K-OTHER HALLUCINOGENS L-AMPH/METHAM		M-OTHER N-BARBITURATES O-OTHER DEPRESSANTS		P-OTHER DRUGS U-UNKNOWN X-OVER 3 TYPES			
FIELD UNIT OF MEASURE		DU-DOSAGE UNITS/ITEMS FO-FLUID OUNCE		GL-GALLON GM-GRAM		KG-KILOGRAM LB-POUND		LT-LITER ML-MILLILITER		NU-NUMBER OF PLANTS OZ-OUNCE		XX-NOT REPORTED			
6-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)					
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIC NO.							
8-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)					
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIC NO.							
7-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)					
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIC NO.							
8-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)					
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIC NO.							
9-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)					
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIC NO.							
PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)					
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIC NO.							
11-PROPERTY STATUS	PROPERTY TYPE	TYPE OF ITEM		MAKE / BRAND		MODEL		CALIBER		VALUE (EXCEPT DRUGS)					
SUSPECTED DRUG TYPE	QUANTITY UNIT OF MS.	DESCRIPTION (COLOR, SIZE, FEATURES, ETC.)		SERIAL / OAN		DATE RECOVERED		NIC NO.							
COMMENTS REGARDING PROPERTY										TOTAL VALUE STOLEN \$		TOTAL VALUE REC. \$		ADDL. ON SUPP.	

VEH STATUS CODE		ACC-TRAFFIC ACCIDENT BRN-BURNED/ARSON DMG-DAMAGED/VANDALIZED EMB-EMBEZZLED		EVD-EVIDENCE FCN-FIELD CONTACT IMP-IMPOUNDED LST-LOST		OUT-OUTSIDE RECOVERY, OTHER AGENCY RCV-RECOVERED REL-RELEASED TO OWNER RPO-REPOSSESSION		SAR-STOLEN AND RECOVERED SEZ-SIZED STN-STOLEN SUS-SUSPECT WNT-WANT/WARRANT ON OWNER		VEH TYPE CODE		1-AUTO 2-TRUCK/VAN 3-MOTORCYCLE		4-CAMPER/RV 5-BUS 6-OTHER		7-ATV 8-SNOWMOBILES		U-UNKNOWN	
YEAR	MAKE	MODEL		BODY STYLE		LICENSE NO.		LIC. YEAR		LIC. STATE		TOP COLOR		BTM COLOR		VALUE/DAMAGE EST.			
REGISTERED OWNER'S NAME						VIN						DISTINGUISHING FEATURES / VISIBLE DAMAGE							
ADDRESS						TOW TO / BY						NIC NO.							
AGENCY OPTIONAL USE						TOWED FROM						<input type="checkbox"/> OWNER NOTIFIED		DATE RECOVERED		TIME RECOVERED			
VEH STATUS CODE	ACC-TRAFFIC ACCIDENT BRN-BURNED/ARSON DMG-DAMAGED/VANDALIZED EMB-EMBEZZLED		EVD-EVIDENCE FCN-FIELD CONTACT IMP-IMPOUNDED LST-LOST		OUT-OUTSIDE RECOVERY, OTHER AGENCY RCV-RECOVERED REL-RELEASED TO OWNER RPO-REPOSSESSION		SAR-STOLEN AND RECOVERED SEZ-SIZED STN-STOLEN SUS-SUSPECT WNT-WANT/WARRANT ON OWNER		VEH TYPE CODE		1-AUTO 2-TRUCK/VAN 3-MOTORCYCLE		4-CAMPER/RV 5-BUS 6-OTHER		7-ATV 8-SNOWMOBILES		U-UNKNOWN		
YEAR	MAKE	MODEL		BODY STYLE		LICENSE NO.		LIC. YEAR		LIC. STATE		TOP COLOR		BTM COLOR		VALUE/DAMAGE EST.			
REGISTERED OWNER'S NAME						VIN						DISTINGUISHING FEATURES / VISIBLE DAMAGE							
ADDRESS						TOW TO / BY						NIC NO.							
AGENCY OPTIONAL USE						TOWED FROM						<input type="checkbox"/> OWNER NOTIFIED		DATE RECOVERED		TIME RECOVERED		REV. 3/94	

M000678



<b>STATE OF NEW MEXICO SUPPLEMENTAL REPORT</b>		ORIG. OFFENSE DATE 02-24-2014	SUPP. DATE 02-24-2014	CASE NO. 140017155	INC. NO. 140550762	PAGE 2	OF 2
ORIGINAL OFFENSE REPORTED 9-2-2-2		ORIGINAL VICTIM'S NAME (LAST, FIRST, MIDDLE) [REDACTED]				DATE OF BIRTH [REDACTED]	
LOCATION OF OCCURRENCE BLAKE RD SW		ALBUQUERQUE				87121	

1 On February 24, 2014 at about 1504 hours I went en-route to the area of Blake and Wendell Rd SW in reference  
2 to Officer P [REDACTED] being flagged down that a dog had bit a student walking home from school. Just a  
3 few minutes later Officer P [REDACTED] called out again that the dog had just bit another student who was in the area,  
4 and that dog was heading to where more students were coming from Robert F. Kennedy Charter School. I  
5 arrived in the area and called out to Officer P [REDACTED] over the radio questioning him as to where the dog was  
6 currently at. Officer P [REDACTED] advised the dog had run down the road (Blake) to the east and was near a white and  
7 pink mobile home. I located the white and pink trailer (4301 Blake Rd SW), and then observed a red heeler which  
8 was in the middle of the road at the listed location biting at the tires of a black sport utility vehicle, at which time  
9 realized was the dog in question biting people. I got out of my patrol car and began to near the dog as it  
10 continued to go after another male later identified as Brandon Garcia. Brandon began to back away from the dog  
11 as it growled and barked at him. I began to close distance on the dog in fear that it was going to bite Brandon as  
12 it then turned it's attention to me barking and growling. Seeing that the dog was extremely aggressive and  
13 knowing that there were numerous kids still in the area, I drew my service weapon (Springfield XD-M,  
14 Serial#MG244864) and fired one shot at the center chest of the dog in attempt to stops its actions. The first shot  
15 hit the dog but only made the dog prance up and down in pain, therefore I got closer to the dog, and fired a  
16 second shot to the head, which did incapacitate the animal. After putting the dog down, I later asked Brandon to  
17 stay where he was along with his wife who was in the black sport utility vehicle, due to them being witnesses to  
18 the incident. I returned to my vehicle at which time I blocked all lanes of Blake Rd SW to secure the scene, and  
19 strung up crime scene tape. With the scene secure, I contacted Officer P [REDACTED] to get further details of what had  
20 happen. While talking to P [REDACTED] medical personnel checked on all three students who were bit by the dog. The  
21 students were picked up from the scene by their parents. After the scene was photographed by Field Investigator  
22 Officer Z [REDACTED] the deceased dog was picked up by animal control personnel to be take to their facility  
23 for further investigation. A copy of witness statements were obtained from Brandon and his wife Justina Garcia  
24 for this investigation. After receiving their statements they were allowed to leave without incident.

25

26 I also interviewed female student [REDACTED] who was with her friend when she got bit. [REDACTED] stated she  
27 was walking home with her friend (unidentified) when they came up to Officer P [REDACTED] vehicle, when the vicious  
28 dog came running at them. [REDACTED] stated she was able to move out of the way, but the dog bit her friend on the  
29 right ankle pulling her to the ground. [REDACTED] stated Officer P [REDACTED] sprayed the dog with mace making the dog  
30 run away from them. [REDACTED] stated she was not hurt during the incident, and did not know who the dog  
31 belonged to. After obtaining B [REDACTED] she was allowed to leave home on foot.

32

33 A copy of my tazer videos will be tagged into evidence. This is the extend of my involvement in this investigation.

<b>STA</b>	REPORTING OFFICER (PRINT) J [REDACTED]		RANK [REDACTED]	I.D. NO. [REDACTED]	DATE 02-24-2014	DETECTIVE / FOLLOW-UP OFFICER / REFERRED TO		I.D. NO.	DATE		
	ASSISTING OFFICER (PRINT) P [REDACTED]		RANK [REDACTED]	I.D. NO. [REDACTED]	DATE 02-24-2014	PROCESSED BY		DATE	DATA ENTRY PERSON		
	APPROVING OFFICER (PRINT)		RANK	I.D. NO.	DATE	INCIDENT STATUS ACTIVE <input checked="" type="checkbox"/> INQUIRY <input type="checkbox"/> CLOSED <input type="checkbox"/> UP <input type="checkbox"/> CLA <input type="checkbox"/> CLE <input type="checkbox"/>		EXCEPT CODE	DATE		
						A DEATH OF OFFENSE B PROSECUTION DECLINED C EXTRAJURISDICTION		D VICTIM REF TO COOP E NOV NO CUSTODY H NOT APPLICABLE			
DISTRIBUTION <input type="checkbox"/> B <input type="checkbox"/> NE <input type="checkbox"/> SW <input type="checkbox"/> DAL <input type="checkbox"/> OTHER <input type="checkbox"/>					CASES CLEARED BY THIS ARREST CASE NO.					CASE NO.	REV 3/94
<input type="checkbox"/> IA <input type="checkbox"/> SE <input type="checkbox"/> VA <input type="checkbox"/> FTHL <input type="checkbox"/> CACU <input type="checkbox"/> NW											

M000679



[illegible]

M000680

FI SUPPLEMENT		1 VICTIM (PRINT-LAST, FIRST, MIDDLE) [REDACTED]				2 LOCATION OF OCCURRENCE 4301 BLAKE AVE W ALBUQUERQUE				3 CASE NO [REDACTED] 7155	
EVIDENCE / PROPERTY		<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div> <b>4</b> ARS- ARSON/BURNED DMG-DAMAGED EVI-EVIDENCE FCN-FIELD CONTACT         </div> <div> <b>PROPERTY CODES</b>            FND-FOUND IMP-IMPOUNDED LST-LOST         </div> <div> <b>PROPERTY CODES</b>            OBS-OBSERVED OTH-OTHER REC-RECOVERED OUTSIDE         </div> <div> <b>PROPERTY CODES</b>            RFJ-REC OUTSIDE AGENCY STN PROP RPO-REPOSSESSION SEK-SAFEKEEPING         </div> <div> <b>STN-STOLEN</b> STR-STOLEN AND REC SUS-SUSPECT VICTIM SZD-SIZED         </div> <div> <b>5</b> a-AMMUNITION b-BLOOD c-CARTRIDGE CASE         </div> <div> <b>EVIDENCE INDICATOR SYSTEM</b>            d-CLOTHING f-DOCUMENTS i-FIREARMS         </div> <div>           g-GLASS h-HAIR j-BULLET HOLE         </div> <div>           k-KNIFE l-LATENTS m-MISCEL         </div> <div>           n-DRUGS o-PROJECTILE p-PRIMER RESIDUE         </div> </div>									
		6 CODE	7 QUAN	8 TYPE OF ITEM <input type="checkbox"/> Y <input type="checkbox"/> N Other/Miscellaneous (None of the)	9 MAKE/BRAND	10 MODEL	11 SERIAL NUMBER	12 COLOR	FINISH	13 VALUE/RECOVERY VALUE	14 NCIC NUMBER
		15 RCV <input type="checkbox"/> Y <input type="checkbox"/> N		16 TYPE CODE	17 MAKE CODE	18 MODEL CODE	19A OTHER DESCRIPTION DIGITAL PHOTOS				19B INDICATOR
		6 CODE	7 QUAN	8 TYPE OF ITEM	9 MAKE/BRAND	10 MODEL	11 SERIAL NUMBER	12 COLOR	FINISH	13 VALUE/RECOVERY VALUE	14 NCIC NUMBER
		15 RCV <input type="checkbox"/> Y <input type="checkbox"/> N		16 TYPE CODE	17 MAKE CODE	18 MODEL CODE	19A OTHER DESCRIPTION				19B INDICATOR
		6 CODE	7 QUAN	8 TYPE OF ITEM	9 MAKE/BRAND	10 MODEL	11 SERIAL NUMBER	12 COLOR	FINISH	13 VALUE/RECOVERY VALUE	14 NCIC NUMBER
		15 RCV <input type="checkbox"/> Y <input type="checkbox"/> N		16 TYPE CODE	17 MAKE CODE	18 MODEL CODE	19A OTHER DESCRIPTION				19B INDICATOR
		6 CODE	7 QUAN	8 TYPE OF ITEM	9 MAKE/BRAND	10 MODEL	11 SERIAL NUMBER	12 COLOR	FINISH	13 VALUE/RECOVERY VALUE	14 NCIC NUMBER
		15 RCV <input type="checkbox"/> Y <input type="checkbox"/> N		16 TYPE CODE	17 MAKE CODE	18 MODEL CODE	19A OTHER DESCRIPTION				19B INDICATOR
		6 CODE	7 QUAN	8 TYPE OF ITEM	9 MAKE/BRAND	10 MODEL	11 SERIAL NUMBER	12 COLOR	FINISH	13 VALUE/RECOVERY VALUE	14 NCIC NUMBER
15 RCV <input type="checkbox"/> Y <input type="checkbox"/> N		16 TYPE CODE	17 MAKE CODE	18 MODEL CODE	19A OTHER DESCRIPTION				19B INDICATOR		

20 NARRATIVE	1	injury. I observed a laceration to the outer front side of [REDACTED] left leg just above her ankle approximately 6.5 centimeters in length. I observed a
	2	laceration to the back side of [REDACTED] left leg approximately three centimeters in length. I observed two rips and a large cut to the bottom left side
	3	of [REDACTED] left pant leg. The front most rip was approximately four centimeters in length. I observed a large cut to the to the left of this rip that [REDACTED]
	4	stated was caused by AFD cutting her pant leg to give medical treatment. To the left of the cut caused by AFD there was another rip
	5	approximately 2.5 centimeters in length. [REDACTED] was photographed to show the listed injuries.
	6	
	7	The photographs were turned into the Photo Lab at the Crime Lab.

21 PERSON SUBMITTING REPORT (PRINT-LAST, FIRST, MIDDLE) M [REDACTED]	TITLE DET [REDACTED]	ID NO. [REDACTED]	22 SUPERVISOR APPROVING REPORT (PRINT-LAST, FIRST, MIDDLE) G [REDACTED]	TITLE [REDACTED]	ID NO. [REDACTED]	23 DATA CLERK	24 STAFF REVIEW	25 PAGE 1	OF 1
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M0000681



<b>ALBUQUERQUE POLICE DEPARTMENT</b> <b>FIELD INVESTIGATOR SUPPLEMENT</b> <input type="checkbox"/> FH <input type="checkbox"/> NE <input type="checkbox"/> SE <input checked="" type="checkbox"/> VA <input type="checkbox"/> SW <input type="checkbox"/> NW		1 REASON FOR SUPPLEMENT 01 CONT. OF FI SUP. 02 SUP. CORR. TO SUPP.	2 THIS CASE REFERS TO THE FOLLOWING CASES	3 DATE OF ORIGINAL REPORT 02-24-2014	4 DATE OF THIS REPORT 02-24-2014	5 CASE NO. 0017155
		6 VICTIM (PRINT-LAST, FIRST, MIDDLE) [REDACTED]	7 ADDRESS [REDACTED] 87121	8 RACE W	9 SEX F	10 ELIMS 1501
12 OFFENSE OR CHARGE Animals Running at Large 88-16-6A		13 LOCATION OF OCCURRENCE 4301 Blake Rd SW ALBUQUERQUE		14 TIME DISPATCH 1513	15 TIME OF ARRIVAL 1551	16 TIME CLEARED 2209

17 INVESTIGATION	A DESCRIPTION OF PLACE/AREA		B TYPE OF STRUCTURE/VEHICLE		C TYPE OF EVIDENCE		E LIGHTING		F INVEST		G REPORTS WRITTEN BY FI		PERSONNEL PRESENT AT SCENE			
	01 RESIDENTIAL (OCCUPIED)		01 BANK, SAL. CU		01 SECURED/COLLECTED		01 OFFENSE		01 INVEST		01 ADD'L SUPPS		NAME NO NAME NO			
	02 RESIDENTIAL (VACANT)		02 7-11 TYPE STORE		02 BEDDING		02 DAYLIGHT		02		02 CARTRIDGE PLACEMENT		Ofc. [REDACTED]			
	03 BUSINESS		03 DEPARTMENT STORE		03 BLOOD		03 DARK		03		03 DIAG/SKETCH		Ofc. [REDACTED]			
	04 INDUSTRIAL/MFTRNG		04 LIQUOR STORE		04 BLOOD ALCOHOL		04 DARK LIGHTED		04		04 SERVICE REQUEST					
	05 BUILDING UNDER CONST		05 FAST FOOD STORE		05 BODY FLUIDS		05 DAWN/DUSK		05							
	06 CONSTRUCTION AREA		06 STANDARD RESTAURANT		06 BULLETS		05 INNER LIGHT		05							
	07 TRAILER PARK		07 DRUG/MEDICAL		06 CARTRIDGES		06 UNKNOWN		06							
	08 SCHOOL/COLLEGE		08 FINANCE COMPANY		07 CASINGS		07		07							
	09 HOSPITAL TYPE		09 GAS STATION		08 CIGARETTE BUTTS		08		08							
10 CORNER BUILDING		10 SMALL BUSINESS FIRM		09 CLOTHING		09		09								
11 VEHICLE		11 PUBLIC BUILDING		10 DIGITAL PHOTOS		10		10								
12 STREET/INTERSECTION		12 SUPERMARKET		11 DOCUMENTS		11		11								
13 ALLEY		13 PAWN SHOP		12 DRUGS		12		12								
14 VACANT LOT		14 APARTMENT/DUPLEX		13 ELIMINATION PRINTS		13		13								
15 FIELD/OPEN SPACE/MESA		15 TOWNHOUSE/CONDO		14 FIBERS		14		14								
16 ARROYO		16 HOTEL/MOTEL		15 FIREARMS		15		15								
17 RESIDENTIAL YARD		17 MOBILE HOME/CAMPER		16 GLASS		16		16								
18 BUSINESS YARD		18 SINGLE FAMILY HOME		17 HAIR		17		17								
19 CITY PARK		19 TRUCK/SEMI		18 KNIFE		18		18								
20 BALL FIELD/GOLF COURSE		20 CAR		19 LATENTS		19		19								
21 RIVER		21 BUS		20 PAINT SAMPLE		20		20								
22 AIRPORT		22 TOWED TRAILER		21 PHOTOS (35 mm)		21		21								
23 BUS DEPOT		23 AIRCRAFT		22 PRIMER RESIDUE		22		22								
24 TRAIN DEPOT		24 BOAT		23 RAPE KIT		23		23								
25 PARKING LOT		25 PICKUP TRUCK		24 SEALED VEHICLE		24		24								
26		26 SCENE		25 SEMEN		25		25								
27 MULTIPLE SCENES		27 PERSON		26 SHOE PRINTS		26		26								

PERSON CODES S-SUSPECT V-VICTIM I-INFORMATIONAL M-MISSING A-ARRESTED Y-CITED C-COMPLAINANT W-WITNESS		K PERSON CODES ARR-ARRESTED REP-REP PRT DRV-DRIVER SUS-SUSPECT INT-INTERVIEW VIC-VICTIM MSP-MISSING WIT-WITNESS		L RACE CODES A-ASIAN/PACIFIC ISLANDER B-BLACK I-AMERICAN INDIAN/ALASKAN U-UNKNOWN W-WHITE		ORIGINAL CAD 140550762		FI CAD 140550781	
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PERSON	19 CODE	20 NAME (PRINT-LAST, FIRST, MIDDLE)	21 DATE OF BIRTH	22 SEX	23 RACE	24 ADDRESS	25 REMARKS	26 ELIMS
	VIC	[REDACTED]	[REDACTED]	F	W	[REDACTED] 87121		
	VIC	[REDACTED]	[REDACTED]	M	W	[REDACTED] 87121		
	SUU	Unknown		U	U		Owner of dog	
OTH	Gaivez-Sandoval	Gabriela	[REDACTED]	F	W	[REDACTED] 87121		

VEHICLE	VEHICLE DISPOSITION		30 VEHICLE CODES		IMP-IMPOUNDED		SEZ-SEIZED		31 VEHICLE TYPES		32 VIN NUMBER		33 ENGINE NUMBER	
	02S - DESTROYED		ACC-TRAFFIC ACCIDENT		LST-LOST		STN-STOLEN		1.AUTOMOBILE		5.OTHER			
	REL - RELEASED		BRN-BURNED/ARSON		OUT-OUTSIDE RECOVERY, OTHER AGENCY		SUS-SUSPECT		2.TRUCK/VAN		7.ATV			
	SLD - SOLD/AUCTIONED		DMG-DAMAGED/VANDAL		RCV-RECOVERED		REL-RELEASED TO OWNER TOW-TOWED		3.MOTORCYCLE & SNOW-MOBILES		34 LOCATION		35 TAKEN TO	
SZD - SEIZED		EMB-EMBEZZLED		RPO-REPOSSESSION		VEH-VICTIM'S VEH		4.CAMPER/RV		TOWED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/>				
TOW - TOWED		EVO-EVIDENCE		SAR-SALVAGE & REC		WNT-WARRANT		5.BUS		U-UNKNOWN				
36 CODE		37 TYPE	38 YEAR	39 MAKE	40 CODE	41 MODEL	42 CODE	43 STYLE	44 CODE	45 COLOR	46 LIC. NO, STATE, YEAR	47 KEYS IN VEH Y <input type="checkbox"/> N <input type="checkbox"/> UNK <input type="checkbox"/>	48 TAKEN BY/RELEASED TO	
49 REMARKS														

NARRATIVE	1 While on patrol I was dispatched to 4301 Blake Rd SW in reference to an animal call that involved a dog that bit 3 people in the area. Ofc. [REDACTED] 2 [REDACTED] fired two shots at the dog from his duty firearm, killing the dog. There was an unnamed mobile home park at 4301 Blake Rd SW. 3 The mobile home park is on the north side of Blake Rd SW. There are two unnamed streets that enter the mobile home park from Blake Rd SW. 4 The street furthest to the west is simply designated as the street where mobile homes "1-63" are located. For the purposes of this report the street 5 furthest to the west will be referred to as West St. 6 There was a .40 caliber casing (C-1) laying near the center of the entrance onto West St. The dog was laying on the north shoulder of Blake Rd													

51 PERSON SUBMITTING REPORT (PRINT-LAST, FIRST, MIDDLE) Z [REDACTED]	TITLE DET	ID NO. [REDACTED]	52 SUPERVISOR APPROVING REPORT (PRINT-LAST, FIRST, MIDDLE) G [REDACTED]	TITLE [REDACTED]	ID NO. [REDACTED]	53 DATA CLERK	54 STAFF REVIEW	55 PAGE 1	OF 2
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MO00682



FI SUPPLEMENT		1 VICTIM (PRINT-LAST, FIRST, MIDDLE)		2 LOCATION OF OCCURRENCE		ALBUQUERQUE 87120		3 CASE NO.											
				4301 Blake Rd				7155											
EVIDENCE / PROPERTY	4 ARS- ARSON/BURNED DMG-DAMAGED EVI-EVIDENCE ECN-FIELD CONTACT		PROPERTY CODES FND-FOUND IMP-IMPOUNDED LST-LOST REC-RECOVERED OUTSIDE SPK-SAFEKEEPING		STN-STOLEN STR-STOLEN AND REC SUS-SUSPECT VICTIM SZD-SIZED		5 a-AMMUNITION b-BLOOD c-CARTRIDGE CASE		EVIDENCE INDICATOR SYSTEM d-CLOTHING e-DOCUMENTS f-FIREARMS g-GLASS h-HAIR i-BULLET HOLE j-KNIFE k-LATENTS l-MISCEL m-DRUGS n-PROJECTILE o-PRIMER RESIDUE										
	6 CODE	7 QUAN	8 TYPE OF ITEM	9 MAKE/BRAND	10 MODEL	11 SERIAL NUMBER	12 COLOR	FINISH	13 VALUE/RECOVERY VALUE	14 NCIC NUMBER									
	EVI		Y Other/Miscellaneous (None of the)																
	15 RCV		16 TYPE CODE	17 MAKE CODE	18 MODEL CODE	19A OTHER DESCRIPTION		19B INDICATOR											
	<input type="checkbox"/> Y <input type="checkbox"/> N		Photos			1 CD with 138 images (1607)		198											
	6 CODE	7 QUAN	8 TYPE OF ITEM	9 MAKE/BRAND	10 MODEL	11 SERIAL NUMBER	12 COLOR	FINISH	13 VALUE/RECOVERY VALUE	14 NCIC NUMBER									
	EVI		Y Other/Miscellaneous (None of the)																
	15 RCV		16 TYPE CODE	17 MAKE CODE	18 MODEL CODE	19A OTHER DESCRIPTION		19B INDICATOR											
	<input type="checkbox"/> Y <input type="checkbox"/> N		Casing			.40 caliber casing (1622)		C-1											
	6 CODE	7 QUAN	8 TYPE OF ITEM	9 MAKE/BRAND	10 MODEL	11 SERIAL NUMBER	12 COLOR	FINISH	13 VALUE/RECOVERY VALUE	14 NCIC NUMBER									
EVI		Y Other/Miscellaneous (None of the)																	
15 RCV		16 TYPE CODE	17 MAKE CODE	18 MODEL CODE	19A OTHER DESCRIPTION		19B INDICATOR												
<input type="checkbox"/> Y <input type="checkbox"/> N		Casing			.40 caliber casing (1625)		C-2												
6 CODE	7 QUAN	8 TYPE OF ITEM	9 MAKE/BRAND	10 MODEL	11 SERIAL NUMBER	12 COLOR	FINISH	13 VALUE/RECOVERY VALUE	14 NCIC NUMBER										
EVI		Y Other/Miscellaneous (None of the)																	
15 RCV		16 TYPE CODE	17 MAKE CODE	18 MODEL CODE	19A OTHER DESCRIPTION		19B INDICATOR												
<input type="checkbox"/> Y <input type="checkbox"/> N		Projec			.40 caliber projectile (1640)		P-1												
6 CODE	7 QUAN	8 TYPE OF ITEM	9 MAKE/BRAND	10 MODEL	11 SERIAL NUMBER	12 COLOR	FINISH	13 VALUE/RECOVERY VALUE	14 NCIC NUMBER										
EVI		Y Other/Miscellaneous (None of the)																	
15 RCV		16 TYPE CODE	17 MAKE CODE	18 MODEL CODE	19A OTHER DESCRIPTION		19B INDICATOR												
<input type="checkbox"/> Y <input type="checkbox"/> N																			
20 NARRATIVE	1 SW, west of West St. There was a .40 caliber casing (C-2) laying on the ground in close proximity to the dog. I could only locate 2 wounds on the																		
	2 dog. There appeared to be an entry wound on the dogs chest and an exit wound on the back of the dog's neck. Animal Control Ofc. T																		
	3 took possession of the dogs body. Ofc. T stated that the dogs body would be transported to the State Veterinary																		
	4 Diagnostic Service Lab at 1101 Camino Del Salud Rd NE where they would determine if the dog had any diseases. There was a .40 caliber																		
	5 projectile (P-1) laying on the ground underneath the dogs body. I was unable to locate the second projectile. Ofc. T stated that a																		
	6 veterinarian would contact the police if the second projectile was located in the dogs body. I took photographs of the scene, Ofc. J																		
	7 and his duty firearm (.40 Springfield XDM MG244864). I collected the 2 casings (C-1, C-2) and the projectile (P-1) and tagged them into evidence																		
	8 at the MFSC. A field supervisor, Acting Sgt, H was at the scene. I notified FI Sgt. G of this incident via the																		
	9 telephone. The dog bite victims were treated and released by paramedics at the scene prior to my arrival.																		
	10 I drove to UNM Hospital at 2211 Lomas Blvd NE where I contacted a dog bite victim, and her mother, Gabriella																		
	11 Galvez-Sandoval, in the Pediatric Emergency Room waiting area. had a puncture wound on the inside of her left ankle. There was an																		
	12 abrasion and several scratch marks on the back of left ankle. I photographed and her injuries.																		
	13 I drove to where I contacted a dog bite victim, and his mother, Yvonne Lucero. Yvonne stated that																		
	14 had been treated for his injuries and released at Presbyterian Hospital (1100 Central Ave SE). had a small laceration on the inside of his																		
	15 right ankle and two small puncture wound on the back of his right ankle. I photographed Andy and his injuries.																		
	16 Field Investigator M photographed a dog bite victim, at the Presbyterian Hospital (1100 Central Ave SE).																		
	17 The photographs were submitted to the Photo Unit at the MFSC. No further evidence was collected.																		
21 PERSON SUBMITTING REPORT (PRINT-LAST, FIRST, MIDDLE)		TITLE		ID NO.		22 SUPERVISOR APPROVING REPORT (PRINT-LAST, FIRST, MIDDLE)		TITLE		ID NO.		23 DATA CLERK		24 STAFF REVIEW		25 PAGE		OF	
Z		DET				G										1		2	

M0006683







NAME: Justina Garcia  
ADDRESS: [REDACTED]  
PHONE: [REDACTED]  
DATE OF BIRTH: [REDACTED]  
AGE: 33  
SOCIAL SECURITY NUMBER: [REDACTED]  
PLACE OF BIRTH: LINNA  
NO. OF YEARS OF EDUCATION: 12+  
EMPLOYER: AAS  
EMPLOYER ADDRESS: [REDACTED]  
EMPLOYER PHONE #: [REDACTED]

DATE OF STATEMENT: 2/24/14  
TIME OF STATEMENT: 3:15  
DATE OF INCIDENT/ACCIDENT: 2/24/14  
TIME OF INCIDENT/ACCIDENT: 3:15  
APD CASE NUMBER: 14017155

46857602

I, Justina Garcia, WILLING AND VOLUNTARILY GIVE THIS STATEMENT TO OFFICER/DETECTIVE [REDACTED], WHOM I KNOW TO BE A MEMBER OF THE ALBUQUERQUE POLICE DEPARTMENT. I UNDERSTAND THAT I DO NOT HAVE TO GIVE A STATEMENT AND ANY STATEMENT I DO GIVE CAN BE USED IN A COURT OF LAW IF NECESSARY.

### STATEMENT

ON February 24, 2014, AT APPROXIMATELY 3:15 pm I was passing going westbound on Blaine Rd & saw an officer trying to deal with a boy that "I assumed" to both found out was taller than a boy playing crazy & then the boy attacked a girl also. My boyfriend got out of the vehicle to help the officer. I pulled over my car & he was trying to hold my tires. It was happening all the while & also grabbing. Other officers came to scene & I shot the dog twice.

PMR  
4  
PM  
2  
413

ALBUQUERQUE POLICE DEPARTMENT  
ALBUQUERQUE, NEW MEXICO

CONTINUATION OF APD CASE #: \_\_\_\_\_

END OF STATEMENT

THE ABOVE STATEMENT WAS GIVEN FREELY AND VOLUNTARILY BY ME. I HAVE READ THE ABOVE  
STATEMENT AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE:

WITNESS:

Justina Garcia

WITNESS:

SIGNATURE:

Justina Garcia

03-07-2014

08:49

ALBUQUERQUE POLICE DEPARTMENT  
ALBUQUERQUE, NEW MEXICO

NAME: Brandon Garcia  
ADDRESS: [REDACTED]  
PHONE: [REDACTED]  
DATE OF BIRTH: [REDACTED]  
AGE: 26  
SOCIAL SECURITY NUMBER: [REDACTED]  
PLACE OF BIRTH: [REDACTED]  
NO. OF YEARS OF EDUCATION: [REDACTED]  
EMPLOYER: [REDACTED]  
EMPLOYER ADDRESS: [REDACTED]  
EMPLOYER PHONE #: [REDACTED]

DATE OF STATEMENT: 2/24/14  
TIME OF STATEMENT: 3:15  
DATE OF INCIDENT/ACCIDENT: 2/24/14  
TIME OF INCIDENT/ACCIDENT: 3:15  
APD CASE NUMBER: 140550742

I, Brandon Garcia, WILLING AND VOLUNTARILY GIVE THIS STATEMENT TO OFFICER/DETECTIVE [REDACTED], WHOM I KNOW TO BE A MEMBER OF THE ALBUQUERQUE POLICE DEPARTMENT. I UNDERSTAND THAT I DO NOT HAVE TO GIVE A STATEMENT AND ANY STATEMENT I DO GIVE CAN BE USED IN A COURT OF LAW IF NECESSARY.

## STATEMENT

ON 2/24/14, 2014, AT APPROXIMATELY 3:15 PM, I saw a boy with a cap on the south side of road. A dog was barking at them acting erratic. As we passed them the dog attacked a girl (school girl) walking by. He (dog) bit her ankle and pulled her to the ground. I pulled over got out and asked the officer if he needed assistance. We approached the dog he then ran across the street into the mobile home park. He was attacking passing cars tires until more officers arrived. The first officer notified us that they already had permission to bring the dog down. Officers then blocked the road and fired two rounds at the dog. Roll



ALBUQUERQUE POLICE DEPARTMENT  
ALBUQUERQUE, NEW MEXICO

CONTINUATION OF APD CASE #: \_\_\_\_\_

END OF STATEMENT

THE ABOVE STATEMENT WAS GIVEN FREELY AND VOLUNTARILY BY ME. I HAVE READ THE ABOVE  
STATEMENT AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE:

WITNESS: Brandon Ham

WITNESS: \_\_\_\_\_

SIGNATURE: Brandon Ham

NAME: ANA BALZAMO  
ADDRESS: [REDACTED]  
PHONE: [REDACTED]  
DATE OF BIRTH: [REDACTED]  
AGE: 27  
SOCIAL SECURITY NUMBER: [REDACTED]  
PLACE OF BIRTH: PHX AZ  
NO. OF YEARS OF EDUCATION: [REDACTED]  
EMPLOYER: [REDACTED]  
EMPLOYER ADDRESS: [REDACTED]  
EMPLOYER PHONE #: [REDACTED]

DATE OF STATEMENT: 02/24/14  
TIME OF STATEMENT: 1520  
DATE OF INCIDENT/ACCIDENT: 02/29/14  
TIME OF INCIDENT/ACCIDENT: 1524  
APD CASE NUMBER: 140017155

140556702

I, ANA BALZAMO, WILLING AND VOLUNTARILY GIVE THIS STATEMENT TO OFFICER/DETECTIVE [REDACTED], WHOM I KNOW TO BE A MEMBER OF THE ALBUQUERQUE POLICE DEPARTMENT. I UNDERSTAND THAT I DO NOT HAVE TO GIVE A STATEMENT AND ANY STATEMENT I DO GIVE CAN BE USED IN A COURT OF LAW IF NECESSARY.

### STATEMENT

ON FEBRUARY 24, 2014, AT APPROXIMATELY 3:20 PM

I WAS DRIVING ON BLAKE STREET. I SE WHEN  
THE DOG BIT THE ONE GIRL AND THE GIRL  
FALL ON THE STREE.

ALBUQUERQUE POLICE DEPARTMENT  
ALBUQUERQUE, NEW MEXICO

CONTINUATION OF APD CASE #: \_\_\_\_\_

END OF STATEMENT

THE ABOVE STATEMENT WAS GIVEN FREELY AND VOLUNTARILY BY ME. I HAVE READ THE ABOVE  
STATEMENT AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE:

WITNESS:

Ana Balzamo

WITNESS:

SIGNATURE:

Ana Balzamo

## Chronological List of Officer Involved Shooting Presented since December 2012 and List of Pending Officer Involved Shootings

The Use of Force Findings by the IRO and POC are noted in the right column. Some cases have Sustained allegations for conduct other than the Use of Force. These Non-Use of Force findings are not noted on this chart.

Case Number:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date DA completed review	Case Summary	Date Presented To POC	POC Use of Force Finding
I 23-11	Officer S.	03/29/10	4/19/2011	Fatal	Mickey Owings	09/28/11	Robbery offender shot as officers attempted to surround his vehicle at Walmart	12/13/12	Exonerated
I 170-11	Officer P.	11/11/10	12/8/2011	Non-Fatal	Russell Tenorio	05/17/13	Suicidal offender; charged officers armed with knife	3/14/13	Exonerated
I 127-11	Officer E.	02/09/11	8/8/2011	Fatal	Jacob Mitschelen	04/03/13	Traffic stop; handgun pointed at officer	1/10/13	Exonerated
I 228-11	Officer P.	08/30/11	2/15/2012	Fatal	Michael Marquez	03/25/13	Offender pointed AK-47 at Officer	4/15/13	Exonerated
I 79-12	Officer P.	01/04/12	07/16/12	Fatal	Mark Macoldowna	03/18/13	Robbery; held hostage at gun point	08/08/13	Exonerated
I 29-12	Officer P.	02/14/12	5/15/2012	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	5/9/13	Exonerated
I 154-12	Officer H.	04/19/12	10/16/12	Non-Fatal	Dennis Aragon	07/03/13	Armed offender; rifle aimed at officer	11/14/13	Exonerated
I 112-12	Officer J. Officer L.	6/14/12	9/10/12	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	01/09/14	Exonerated
I 62-13	Officer P.	08/06/12	05/15/13	Non-Fatal	Dominic Solis-Mora	05/02/13	Narcotics investigation; Offender had handgun	09/12/13	Exonerated

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## Chronological List of Officer Involved Shooting Presented since December 2012 and List of Pending Officer Involved Shootings

Case Number:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date DA completed review	Case Summary	Date Presented To POC	POC Use of Force Finding
I 168-12	Officer W.	09/06/12	09/25/12	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	10/10/13	Exonerated
I 188-12	Officer C.	9/20/12	12/19/12	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	6/12/14	Exonerated
I-199-12	Officer S.	10/17/12	1/23/13	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog shot	08/14/14	Exonerated
I 100-13	Officer W.	12/17/12	5/30/13	Non-fatal (shot at car)	n/a	n/a	Shot at Fleeing suspect and struck car	5/13/14	Sustained
I 58-13	Officer C.	2/22/13	4/23/13	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	04/10/14	Exonerated
I 208-13	Officer H.	03/19/13	03/10/14	APD Non-Fatal (NMSP Fatal)	Kendall Carroll	Not completed	Armed barricaded subject, shot by NMSP	5/13/14	Exonerated
I 166-13	Officer M.	07/15/13	06/13/14	Non-Fatal	Scott Maher	n/a	Accidental Discharge which struck partner	07/10/14	Sustained

M000692



## Chronological List of Officer Involved Shooting Presented since December 2012 and List of Pending Officer Involved Shootings

I 195-13	Officer S.	08/11/13	10/03/13	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Shot	06/12/14	Exonerated
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### Pending to be Heard by POB

Case Number:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date DA completed review	Case Summary	Date Presented To POB	POC Use of Force Finding
I-193-11	Officer B.	04/12/11	2/16/2012	Fatal	Christopher Torres	02/14/14	Arrest Warrant; Offender punched police and grabbed officer's weapon	N/A	
I-194-11	Officer W.	05/10/11	2/3/2012 (12/22/11)	Fatal	Alan Gomez	05/29/13	Kidnapping; previously offender had spoon at time shot	N/A	
I-129-12	Officer S.	03/19/12	9/17/2012	Fatal	Daniel Tillison	05/08/13	Suspicious vehicle; selling stolen property	N/A	
I-152-12	Officer C.	3/21/12	12/18/12	Fatal	Gary Atencio	05/09/13	NMSP, Laguna PD, and APD responded for domestic response in ABQ; Offender led police outside the city, crashed car, fled toward occupied buildings, armed	N/A	
I-240-12	Officer B.	06/20/12	4/5/13	Officer shot & missed; Offender shot himself	Santiago Chavez	n/a-Non-Fatal	Offender shot at officer and at neighbors; Officer missed; Offender died from self-inflicted gunshot	N/A	
I-8-13	Officer A.	01/15/13	03/25/14	Non-Fatal (shot at dog and missed)	n/a	n/a-Dog	Dog Attack	N/A	

## Chronological List of Officer Involved Shooting Presented since December 2012 and List of Pending Officer Involved Shootings

Case Number:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date DA completed review	Case Summary	Date Presented To POB	POC Use of Force Finding
I-48-14	Officer B. Officer W.	07/05/13	04/22/14	Fatal	Vincent Wood	Not Completed	Mental health; Offender armed with butcher knife (Circle K)	N/A	
	Officer M. and 5 others	10/26/13	N/A	Fatal	Christopher Chase	Not completed	Mental health; armed with AK47 ; includes BCSO Montano	N/A	
I-70-14	Officer P.	10/28/13	6/10/14	Non-Fatal	Joaquin Ortega	Not Completed	Mental Health; armed robbery; Muffler shop	N/A	
	Officer R.	11/15/13	N/A	Non-Fatal	Bobby Garcia	Not completed	DWI stop at Montgomery/Washington	N/A	
I-119-14	Officer M Officer M. Officer E	12/01/13	N/A	Non-Fatal	Shane Sherrill	Not completed	Domestic Disturbance, armed with a brake pad that was pointed	N/A	
	Officer M.	12/08/13	N/A	Fatal	Andy Snider	Not completed	Assault at convenience store; armed with a 10" claw hammer	N/A	
I-50-14	Officer A.	02/20/14	4/29/14	Non-Fatal (shot at dog and missed)	n/a	n/a-Dog	Dog Attack	N/A	
I-49-14	Officer J.	02/24/14	05/08/2014	Non-Fatal (Dog shot)	n/a	n/a-Dog	Dog Attack	N/A	

## Chronological List of Officer Involved Shooting Presented since December 2012 and List of Pending Officer Involved Shootings

Case Number:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date DA completed review	Case Summary	Date Presented To POB	POC Use of Force Finding
I-188-13	Officer P. Officer S. Officer A.	03/05/13	09/10/2013	Fatal	Parrish Dennison	Not Completed	Disturbance call; Offender stolen musical instruments – Chili's / Coronado Mall area	N/A	
	Officer P.	03/16/14	N/A	Fatal	James Boyd	Not completed	Homeless Camper armed with knives	N/A	
	Officer E.	03/25/14	N/A	Fatal	Alfred Redwine	Not completed	Domestic disturbance involving minor, armed with firearm which offender fired once	N/A	
I-99-14	Officer D.	04/21/14	N/A	Fatal	Mary Hawkes	Not completed	Foot chase at trailer park, offender armed with a gun which she pointed at officer	N/A	
	Officer H.	05/03/14	N/A	Fatal	Armand Martin	Not completed	Barricaded subject armed with knife threatened wife and children and actively shot at law enforcement	N/A	
	Officer G Officer F.	05/22/14	N/A	Fatal	Ralph Chavez	Not completed	Offender had stabbed two people, armed with knife, repeatedly advanced at officers	N/A	
	Officer O Officer S.	07/22/14	N/A	Fatal	Jeremy Joe Robertson	Not completed	Armed and fleeing federal fugitive at Eubank and Central	N/A	

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## Chronological List of Officer Involved Shooting Presented since December 2012 and List of Pending Officer Involved Shootings

Case Number:	Officer:	Date of Incident	Date Received At IRO:	Fatal/ Non-Fatal	Person Shot	Date DA completed review	Case Summary	Date Presented To POC	POC Use of Force Finding
I-190-14	Officer P.	10/16/14	2/24/2015	Dog	n/a	N/a-Dog	Dog Attack-off duty officer	N/A	
	Officer G.	01/03/15	N/A	Non-fatal		Not completed	Shot at DWI traffic stop; Offender wounded officer	N/A	
	Officer B.	01/09/15	N/A	Non-fatal		Not completed	Officer shot another officer during undercover operation	N/A	
	Officer F. Officer O.	01/13/15	N/A	Fatal		Not completed	Suspect fired at officers while fleeing and wearing bullet proof vest	N/A	

**From:** Hammer, Robin  
**To:** Davila, Natalee Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** Materials for Tuesday, May 19 POB Meeting  
**Date:** Tuesday, May 12, 2015 2:30:26 PM

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POB Members:

Here is a link to the DropBox containing CPC cases which were reviewed by the Case Review Subcommittee and are ready for POB Approval.

<https://www.dropbox.com/sh/zi1buvoabonf7db/AADINifL7odRrXETQtV0a3r0a?dl=0>

Here is a link to the Outreach Subcommittee's materials, which the Outreach Subcommittee Chair will discuss during her Subcommittee report.

[https://www.dropbox.com/sh/6kfmmkfw37w6r39/AADK-g1nTVH0krckKo080\\_zr7a?dl=0](https://www.dropbox.com/sh/6kfmmkfw37w6r39/AADK-g1nTVH0krckKo080_zr7a?dl=0)

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Raymond Romero  
[REDACTED]

**Re: CPC #003-15**

Dear Mr. Romero:

The complaint you filed against Officer V. of the Albuquerque Police Department (APD) was received by our office on January 7, 2015, for an incident which occurred on December 9, 2014, between 2:30 – 3:30 AM. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Raymond Romero complained that on December 9, 2014 between 2:30 and 3:30 AM, he was driving his vehicle near Montgomery and Jefferson, when he saw Albuquerque Police Department (APD) Officer V. driving his APD patrol vehicle at excessive speeds in the area. Mr. Romero said that Officer V. was driving 70 mph in a 35 mph zone westbound on Montgomery. Mr. Romero got behind Officer V. and began videotaping Officer V.. Mr. Romero said Officer V. then turned to get on the I-25 freeway. Mr. Romero continued to follow Officer V. onto the freeway and Mr. Romero continued to videotape Officer V. speeding. Mr. Romero said Officer V. started to "exceed speeds of 130-140 mph" and Mr. Romero tried to keep up, but could not because Mr. Romero's vehicle was governed at 110 mph. Mr. Romero caught up to Officer V.'s vehicle at one point and was able to videotape

M000700

the APD patrol vehicle number and license plate. Mr. Romero said once he was beside Officer V.'s vehicle, Officer V. sped off onto the freeway, again reaching speeds of 130-140 mph. Mr. Romero said he tried to keep up with Officer V. but could not and then Mr. Romero lost sight of Officer V. at the Eubank exit.

Mr. Romero complained that he called 242-COPS to report the incident and was told that the Officer's Sergeant was Sergeant. H., who would call Mr. Romero the next day. Sergeant H. never called. Mr. Romero complained that he called Sergeant H. about 3 times and left voicemails but did not receive any calls back from Sergeant H..

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, interviews with the Complainant and Officer V. and video recordings submitted by Mr. Romero.

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

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

Mr. Romero complained that Officer V. drove excessive speeds on city roads, Montgomery and Jefferson, and on the freeways, I-25 Northbound and I-40 Eastbound. Video provided by Mr. Romero confirmed that Officer V. drove between 53-65 mph on Montgomery and in excess of 110 mph on I-25 Northbound and I-40 Eastbound. Officer V. admitted in his interview that he was off duty and in plain clothes when he was video recorded driving his APD patrol vehicle at excessive speeds on December 9, 2014.

The CPOA finds Officer V.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the allegation is supported by sufficient evidence.

B) The CPOA reviewed Standard Operating Procedure Order 1-19-10 (A) regarding Officer V.'s conduct, which states:

***Department employees shall drive Department vehicles for official purposes only, providing they hold a city driver's license for that class of vehicle.***

Officer V. admitted in his interview that he used his Department vehicle for personal reasons and not for official purposes. Officer V. responded to a family medical emergency that evening and used his Department vehicle to drive to the hospital to be with the family member.

The CPOA finds Officer V's conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the allegation is supported by sufficient evidence.

C) The CPOA reviewed Standard Operating Procedure Order 1-19-10 (C) regarding Officer V.'s conduct, which states:

***All employees assigned an APD vehicle will exercise good judgment in utilizing it, and will not drive or use the vehicle so as to cause unfavorable comment, or reflect discredit on the Department.***

The video submitted by Mr. Romero showed Officer V. exceeded the speed limit on Montgomery and I-25N and on I-40E. Furthermore, Officer V. admitted that while on Montgomery he exceeded the speed limit and Mr. Romero stayed close behind. Officer V. did not stop because Mr. Romero continued to closely follow Officer V., which Officer V. found to be suspicious behavior. Officer V. turned to get onto the freeway (I-25N) and Mr. Romero followed him. Officer V. said he sped up more to try to get away from Mr. Romero but Mr. Romero stayed up with Officer V. Officer V. said he did not know what Mr. Romero's intentions were so he increased his speed to see if Mr. Romero would continue to follow Officer V. and Mr. Romero did. Officer V. said that no matter what he did Mr. Romero continued to follow Officer V.

The CPOA finds Officer V's conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the allegation is supported by sufficient evidence.

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

A review of Sergeant H.'s conduct determined that Sergeant H. had not violated any Standard Operating Procedures. The CPOA Investigator spoke with Sergeant H.'s supervisor, Commander O. about this Complaint and the issues with Sergeant H.. Commander O. spoke with Sergeant H. about the importance of returning phone calls to citizens. Due to the fact that no SOP's were violated, this issue of the complaint was dealt with in an informal manner.

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

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

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



**Letter to Mr. Romero**  
**April 10, 2015**  
**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

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Police Oversight Board**

*Beth Mohr, Co-Vice Chair*

*Dr. Moira Amado-McCoy*

*Eric H. Cruz*

Robin S. Hammer, Acting Executive Director

*Leonard Waites, Chair*

*Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Jennifer Otte

**Re: CPC #006-15**

Dear Ms. Otte:

The complaint you filed against Officer R., Officer G., Detective G. and Sergeant P. of the Albuquerque Police Department (APD) was received by our office on January 13, 2015, for an incident which occurred December 23, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Jennifer Otte complained that Officers R. and G. used excessive force inside the Prisoner Transport Center (PTC) when they transferred her from the PTC to their patrol vehicle and while at the Metropolitan Detention Center (MDC). Ms. Otte complained she was falsely arrested. Ms. Otte complained Officer R. cut the keychain around her neck with a knife to remove her room key. Ms. Otte complained Officer R. illegally searched her room. Ms. Otte complained Detective G. conducted a search of her room with an invalid search warrant. Ms. Otte complained Detective G. did not interview her, include her version of events, or put a time on his report. Ms. Otte complained while en-route to the MDC Officers R. and G. sexually assaulted, threatened and battered Ms. Otte. Ms. Otte complained while traveling to the MDC, Officers R. and G. played loud music and laughed the entire way to the MDC. Ms. Otte complained Officer R. searched her, took her cell phone and room key and did not book

M000704

them into evidence. Ms. Otte complained her phone and room key were never returned to her. Ms. Otte complained she reported the incident to APD Sex Crimes Unit and did not receive a response. Ms. Otte complained Sergeant P. edited/selected sections of lapel video to leave out violent portions. Ms. Otte complained Sergeant P. failed to collect Ms. Otte's clothing as physical evidence. Ms. Otte complained Detective G. stalked her.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, lapel videos, and interviews with the Complainant, and Officer R..

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

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

- *To gain control of a combative prisoner*
- *To defend an officer or member of the public from the physical act of another.*

Ms. Otte complained Officer R. used excessive force inside the PTC, and when he transferred her from the PTC to his patrol car, and at the MDC.

A review of Officer R.'s lapel video showed that as soon as Ms. Otte got into the PTC she asked Officer R. if he could loosen her handcuffs because they were too tight. The lapel video showed Officer R.'s partner adjusted Ms. Otte's handcuffs before he secured her to the bench. The lapel video showed Officer R. and his partner escorted Ms. Otte to the PTC processing desk as Ms. Otte yelled profanities and threats at the Officers. Ms. Otte continued to yell profanities and threaten the Officers and told them to stop being rough with her as they attempted to move her onto the yellow footprints in front of the processing desk. A PTC Officer told Ms. Otte to stop two times before Ms. Otte turned towards Officer R.'s partner and yelled in his face. Officer R.'s partner then placed Ms. Otte in a control hold. The video showed the PTC Sergeant refused to accept Ms. Otte and showed Officer R. escorted Ms. Otte out of the PTC and attempt to put her into his patrol car. Ms. Otte continued to yell profanities and threaten the Officers and refused to get into the patrol car. Ms. Otte stood up on the bottom edge of the door frame and would not sit down so Officer R.'s partner placed his hand on Ms. Otte's right shoulder and forced her into the back seat.

The lapel video showed that when Ms. Otte arrived at the MDC she yelled profanities and threatened Officer R. as he placed her on the prisoner bench. Ms. Otte continued to yell at the Officers and yelled at and threatened another female prisoner before MDC Officers relocated the other female prisoners away from Ms. Otte. A short time later Ms. Otte yelled at the same female prisoner from across the room then stood up and advanced towards the other prisoner, who was advancing towards Ms. Otte. Officer R. and his partner escorted Ms. Otte back to

the bench. Ms. Otte was leaned on her side while the Officers removed her boots. Officer R. told Ms. Otte to move to another area on the bench so she stood up and moved there. She yelled at the Officers to stop being rough with her and Officer R. told her to stop spitting at him prior to Ms. Otte being handcuffed to the bar above the bench. The video showed a paramedic contact Ms. Otte and ask her a question and Ms. Otte yelled that her hands hurt because of the handcuffs. The paramedic asked her some questions, which were inaudible and Ms. Otte continued to yell at him so he walked away. Officer R. used the force necessary throughout his contact with Ms. Otte to gain control of Ms. Otte. Ms. Otte yelled profanities, made verbal threats towards Officer R., and was uncooperative throughout most of her detention and subsequent arrest. Any force used by Officer R. was reasonable and necessary.

The CPOA finds Officer R.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

B) Did Officer R. comply with Albuquerque Police Department General Order 1-2-2 (B)(2)? General Order 1-2-2 (B)(2) states:

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

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

Ms. Otte complained she was falsely arrested. Ms. Otte complained Officer R. cut the keychain around her neck with a knife to remove her room key. Ms. Otte complained Officer R. illegally searched her room.

A review of Officer R.'s lapel video, the CADS report and interviews showed that a victim identified Ms. Otte as the subject who pointed a handgun at him, threatened him, and caused him to fear for his life and witnesses reported Ms. Otte holding a handgun. There was sufficient evidence that Officer R. had probable cause to arrest Ms. Otte.

A review of Officer R.'s lapel video showed that Officer R. did not cut a key from a keychain around Ms. Otte's neck or search Ms. Otte's room. There were not gaps in Officer's R. lapel camera, as Ms. Otte complained.

The CPOA finds Officer R.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

C) Did Officer R. comply with Albuquerque Police Department General Order 1-4-1 (B)? General Order 1-4-1 (B) states:

*B. Personnel shall obey all felony criminal laws of the United States of America, and of any state and local jurisdiction in which they are present.*

Ms. Otte complained while en-route to the MDC Officer R. sexually assaulted, threatened and battered her.

The evidence of Officer R.'s lapel video and interviews showed that Officer R. did not make any stops en-route to the MDC, with the exception of traffic signals and stop signs. The lapel video showed Officer R. did not have physical contact with Ms. Otte between the Prisoner Transport Center and MDC. Officer R. made contact with Ms. Otte upon their arrival at the MDC to escort her inside. The lapel video, dispatch recordings and CADS report recorded the same mileage and timestamps Officer R. reported when they left the PTC and when they arrived at the MDC. According to the evidence reviewed, the transport took approximately 20 minutes. A review of the reported path of travel between the PTC and the MDC on Googlemaps showed an approximate travel time of 23 minutes. The evidence showed Officer R. did not sexually assault, threaten and/or batter Ms. Otte when transporting her from the PTC to the MDC, as alleged.

The CPOA finds Officer R.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the allegation is false or not based on valid facts.

D) Did Officer R. comply with Albuquerque Police Department General Order 1-4-1 (F)? General Order 1-4-1 (F) states:

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

Ms. Otte complained while en-route to the MDC, Officer R. played loud music and laughed the entire way to the MDC.

A review of Officer R.'s lapel video showed Ms. Otte yelled profanities and threats of violence against Officer R. the entire way to the MDC, Officer R. turned the music up to drown out Ms. Otte's yelling but Officer R. did not laugh the entire way to the MDC.

The CPOA finds Officer R.'s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

E) Did Officer R. comply with Albuquerque Police Department General Order 2-08-13 (D)(6)? General Order 2-08-13 (D)(6) states:

*D. Safekeeping Property: Submission and Disposition*

*6. Objects or articles of a non-evidentiary nature may be left with the next of kin or secured at the scene at the time of the preliminary investigation. Property items that are taken into police custody shall be tagged into Evidence for safekeeping. They shall not be released to anyone other than the court or a person authorized to receive them*

*by either a court order or the officer. Prescription drugs belonging to the deceased and seized as part of the preliminary investigation will not be released to a next of kin. Upon completion of the investigation, the drugs will be destroyed in accordance with Evidence Unit procedures.*

Ms. Otte complained Officer R. searched her, took her phone and room key and did not book them into evidence. Ms. Otte complained these items were never returned to her.

A review of Officer R.'s lapel video and APD Property and Evidence information showed Officer R.'s first contact with Ms. Otte was after she had been searched and handcuffed and placed in the back of his patrol car. Officer R. did not search Ms. Otte, did not take her cell phone and room key and therefore did not book them into evidence.

The CPOA finds Officer R.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the allegation is false or not based on valid facts.

F) Did Officer R. comply with Albuquerque Police Department General Order 1-39-1 (A), and Department Special Order 12-26? General Order 1-39-1 (A), and Department Special Order 12-26, respectively, state:

***1-39-1 USE OF TAPE/DIGITAL RECORDERS***

*[6] A. Personnel will use issued tape/digital recorders to document the incidents listed below.*

*It will be the responsibility of the primary officer to ensure that the incident will be recorded in its entirety. If at any time the primary and secondary officer(s) should become separated, it will be the responsibility of the secondary officer(s) to record all their contact and/or actions during that incident. In such incidents where the primary officer tags a recording and secondary officer(s) also have a recording: all recordings will be tagged into evidence. If the primary officer tags a complete recording or there is an outside source recording tagged into evidence and no secondary recording exist; this shall serve as meeting the requirements for this section.*

***DEPARTMENT SPECIAL ORDER 12-26***

*Effective immediately, all sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant or traffic stop. The recordings will be saved for no less than 120 days. Personnel will refer to the instructional video on PowerDMS for storing instructions. Failure to record a contact under the listed specifications may result in discipline.*

Ms. Otte did not allege Officer R. violated this SOP or Special Order.

A review of Officer R.'s lapel video revealed that lapel video was not recorded between the incident scene and the SE substation, and during the time spent at the SE substation after securing Ms. Otte to a bench in the Patrol Officer's room. Officer R. was required to have his lapel camera on for the duration of the contact with Ms. Otte because he was in direct contact with her.

The CPOA finds Officer R.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the allegation is supported by sufficient evidence.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, lapel videos, and interviews with the Complainant, and Officer G..

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

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

- *To gain control of a combative prisoner*
- *To defend an officer or member of the public from the physical act of another.*

Ms. Otte complained Officer G. used excessive force inside the PTC, and when he transferred her from the PTC to his patrol car, and at the MDC.

A review of Officer G.'s lapel video showed that as soon as Ms. Otte got into the PTC she asked Officer G. if he could loosen her handcuffs because they were too tight. The lapel video showed Officer G. adjusted Ms. Otte's handcuffs before he secured her to the bench. The lapel video showed Officer G. and his partner escorted Ms. Otte to the PTC processing desk as Ms. Otte yelled profanities and threats at the Officers. Ms. Otte continued to yell profanities and threaten the Officers and told them to stop being rough with her as they attempted to move her onto the yellow footprints in front of the processing desk. A PTC Officer told Ms. Otte to stop two times before Ms. Otte turned towards Officer G. and yelled in his face. Officer G. then placed Ms. Otte in a control hold. The video showed the PTC Sergeant refused to accept Ms. Otte and showed Officer G. escorted Ms. Otte out of the PTC and attempt to put her into his patrol car. Ms. Otte continued to yell profanities and threaten the Officers and refused to get into the patrol car. Ms. Otte stood up on the bottom edge of the door frame and would not sit down so Officer G. placed his hand on Ms. Otte's right shoulder and forced her into the back seat.

The lapel video showed that when Ms. Otte arrived at the MDC she yelled profanities and threatened Officer G. as he placed her on the prisoner bench. Ms. Otte continued to yell at the

Officers and yelled at and threatened another female prisoner before MDC Officers relocated the other female prisoners away from Ms. Otte. A short time later Ms. Otte yelled at the same female prisoner from across the room then stood up and advanced towards the other prisoner, who was advancing towards Ms. Otte. Officer G. and his partner escorted Ms. Otte back to the bench. Ms. Otte was leaned on her side while the Officers removed her boots. Officer G.'s partner told Ms. Otte to move to another area on the bench so she stood up and moved there. She yelled at the Officers to stop being rough with her and Officer G.'s partner told her to stop spitting at him prior to Ms. Otte being handcuffed to the bar above the bench. The video showed a paramedic contact Ms. Otte and ask her a question and Ms. Otte yelled that her hands hurt because of the handcuffs. The paramedic asked her some questions, which were inaudible and Ms. Otte continued to yell at him so he walked away. The lapel video showed Officer G. used the force necessary throughout his contact with Ms. Otte to gain control of Ms. Otte. Ms. Otte yelled profanities, made verbal threats towards Officer G., and was uncooperative throughout most of her detention and subsequent arrest. Any force used by Officer G. was reasonable and necessary.

A review of Officer G.'s lapel video showed Officer G. used the force necessary throughout his contact with Ms. Otte, to gain control of Ms. Otte, who yelled profanities and made verbal threats towards Officer G., and was uncooperative throughout most of her detention and subsequent arrest.

The CPOA finds Officer G.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

B) Did Officer G. comply with Albuquerque Police Department General Order 1-4-1 (B)? General Order 1-4-1 (B) states:

***B. Personnel shall obey all felony criminal laws of the United States of America, and of any state and local jurisdiction in which they are present.***

Ms. Otte complained while en-route to the MDC Officer G. sexually assaulted, threatened and battered her.

The evidence of Officer G.'s lapel video and interviews showed Officer G. did not make any stops en-route to the MDC, with the exception of traffic signals and stop signs. The lapel video showed Officer G. did not have physical contact with Ms. Otte between the PTC and MDC. Officer G. made contact with Ms. Otte upon their arrival at the MDC to escort her inside. The lapel video, dispatch recordings and CADS report recorded the same mileage and timestamps Officer G. reported when they left the PTC and when they arrived at the MDC. According to the evidence reviewed the transport took approximately 20 minutes. A review of the reported path of travel between the PTC and the MDC on Googlemaps showed an approximate travel time of 23 minutes. The evidence showed Officer G. did not sexually assault, threaten and/or batter Ms. Otte when transporting her from the PTC to the MDC, as alleged.



Letter to Ms. Otte

DATE

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The CPOA finds Officer G.'s conduct **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the allegation is false or not based on valid facts.

C) Did Officer G. comply with Albuquerque Police Department General Order 1-4-1 (F)? General Order 1-4-1 (F) states:

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

Ms. Otte complained while en-route to the MDC, Officer G. played loud music and laughed the entire way to the MDC.

A review of Officer G.'s lapel video showed that Ms. Otte yelled profanities and threats of violence against Officer G. the entire way to the MDC, Officer G. turned the music up to drown out Ms. Otte's yelling but Officer G. did not laugh the entire way to the MDC.

The CPOA finds Officer G.'s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

D) Did Officer G. comply with Albuquerque Police Department General Order 1-39-1 (A), and Department Special Order 12-26? General Order 1-39-1 (A), and Department Special Order 12-26, respectively, state:

#### ***1-39-1 USE OF TAPE/DIGITAL RECORDERS***

*[6] A. Personnel will use issued tape/digital recorders to document the incidents listed below.*

*It will be the responsibility of the primary officer to ensure that the incident will be recorded in its entirety. If at any time the primary and secondary officer(s) should become separated, it will be the responsibility of the secondary officer(s) to record all their contact and/or actions during that incident. In such incidents where the primary officer tags a recording and secondary officer(s) also have a recording: all recordings will be tagged into evidence. If the primary officer tags a complete recording or there is an outside source recording tagged into evidence and no secondary recording exist; this shall serve as meeting the requirements for this section.*

#### ***DEPARTMENT SPECIAL ORDER 12-26***

*Effective immediately, all sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant or traffic stop. The recordings will be saved for no less than 120 days. Personnel will refer to the instructional video on PowerDMS for storing*

*instructions. Failure to record a contact under the listed specifications may result in discipline.*

Ms. Otte did not allege Officer G. violated this SOP or Special Order.

A review of Officer G.'s lapel video revealed that lapel video was not recorded between the incident scene and the SE substation, and during the time spent at the SE substation after securing Ms. Otte to a bench in the Patrol Officer's room. Officer G. was required to have his lapel camera on for the duration of the contact with Ms. Otte because he was in direct contact with her.

The CPOA finds Officer G.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the allegation is supported by sufficient evidence.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, lapel videos, and interviews with the Complainant, and Detective G..

A) Did Detective G. comply with Albuquerque Police Department General Order 1-2-2 (B)(2)? General Order 1-2-2 (B)(2) states:

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

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

Ms. Otte complained she was falsely arrested. Ms. Otte complained Detective G.'s search warrant was invalid because it was for a vehicle and not her room (room 219).

The evidence of Detective G.'s lapel video, the CADS report, interviews, the search warrant affidavit and the approved search warrant were reviewed. The lapel video showed a victim identified Ms. Otte as the subject who pointed a handgun at him, threatened him, and caused him to fear for his life. Witnesses also reported Ms. Otte holding a handgun. Additionally, Detective G. saw a handgun in Ms. Otte's room and obtained a search warrant for the room, which was approved by Assistant District Attorney K. Telis via telephone on December 23, 2014, and later signed by a District Court Judge on December 23, 2014 at 7:52 PM. Detective G. executed the search warrant on December 23, 2014 at 8:12 PM. The evidence showed that Detective G. had probable cause to arrest Ms. Otte and the search he conducted was valid and legal.

The CPOA finds Detective G.'s conduct to be **EXONERATED** regarding the allegations of violations of this SOP, which means the incidents that occurred were lawful or proper.

B) Did Detective G. comply with Albuquerque Police Department General Orders 2-24-4 (F)(2) and 2-24-4 (F)(12)? General Orders 2-24-4 (F)(2) and 2-24-4 (F)(12), respectively, state:

*F. Steps to be followed in conducting follow up investigations:*

*2. Conduct additional interviews and interrogations, when necessary.*

*12. Prepare cases for court presentations and assist in the prosecutions.*

Ms. Otte complained Detective G. did not interview her, or include her version of events, or put a time on his report.

The evidence of Detective G.'s lapel video and report showed Detective G. interviewed Ms. Otte shortly after she was detained by APD Officers on scene. Detective G.'s accurately indicated the time he arrived on scene in his report. The evidence showed Detective G. did not neglect his duty to interview as part of his follow-up investigation, and he did not omit a time in his report.

The CPOA finds Detective G.'s conduct to be **UNFOUNDED** regarding the allegations of violations of this SOP, which means the allegations are false or not based on valid facts.

C) Did Detective G. comply with Albuquerque Police Department General Order 1-4-1 (F)? General Order 1-4-1 (F) states:

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

Ms. Otte complained Detective G. had stalked her.

A review of the interviews showed Detective G. did not and has not stalked Ms. Otte and has only dealt with Ms. Otte once, which was December 23, 2014, during this incident.

The CPOA finds Detective G.'s conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the allegation is false or not based on valid facts.

**V. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SERGEANT P.'S CONDUCT**

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, lapel videos, and interviews with the Complainant, and Sergeant P..

A) Did Sergeant P. comply with Albuquerque Police Department General Orders 2-24-4 (F)(2), and 2-24-4 (F)(8)? General Orders 2-24-4 (F)(2), and 2-24-4 (F)(8), respectively state:

*Steps to be followed in conducting follow-up investigations:*

*2. Conduct additional interviews and interrogations, when necessary.*

*8. Collect physical evidence.*

Ms. Otte complained she reported the sexual assault incident to APD Sex Crimes Unit (SCU) and did not receive a response. Ms. Otte complained SCU Sergeant P. edited/selected sections of lapel video to leave out violent portions and failed to collect Ms. Otte's clothing as physical evidence.

The evidence of an audio recording of the interview between SCU Sergeant P. and Ms. Otte, which was conducted at the MDC on December 24, 2014, lapel videos and interviews were reviewed and showed APD SCU Sergeant P. responded to Ms. Otte's allegation of sexual assault. The video tape ran continuously. There were no breaks. There was no credible evidence that Sergeant P edited or deleted lapel video. Individual officers, including Sergeant P., do not have the capability to do so. Sergeant P. did not collect Ms. Otte's clothing because when she arrived at the MDC to interview Ms. Otte, Ms. Otte was wearing MDC scrubs and not the clothing she was wearing the day of her arrest or during the alleged assault. Additionally, Sergeant P. stated it was the Sexual Assault Nurse Examiner's (SANE) responsibility to collect any physical evidence, to include clothing, from the victim of a sexual assault during the SANE exam.

The CPOA finds Sergeant P.'s conduct to be **UNFOUNDED** regarding the allegations of violations of this SOP, which means the allegations are false or not based on valid facts.

Your complaint and these findings are made part of Officer R.'s, Officer G.'s, Detective G.'s and Sergeant P.'s Internal Affairs records.

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

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

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

Sincerely,

**Letter to Ms. Otte**  
**DATE**  
**Page 12**

The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Helmer Adams  


**Re: CPC # 013-15**

Dear Mr. Adams:

The complaint you filed against Officer R., Officer S. and Senior (Sr.) Office Assistant M. of the Albuquerque Police Department (APD) was received in our office on January 30, 2015, regarding an incident that occurred on January 22, 2015.

### **I. THE COMPLAINT**

Mr. Adams complained that on January 22, 2015 at about 5:15 pm, he was involved in an automobile accident on I-40 East. Mr. Adams said it took Albuquerque Police Department (APD) Officers over an hour to respond to the accident and while he was waiting five APD Patrol vehicles drove past without stopping. Mr. Adams said that eventually two APD Officers arrived and one of those Officers, Officer R., gave Mr. Adams a business card that contained outdated contact information for Officer R. Mr. Adams said that on January 27, 2015 it took him three phone calls to find out that Officer R. was assigned to the Southeast substation. Once in contact with the Southeast substation, Mr. Adams learned that the accident report had not been completed and the information for the report, such as Mr. Adams name and insurance company, was incorrect. Additionally, Mr. Adams was told that Officer R. "messed up the whole report" and that Officer R. would call Mr. Adams that day (January 27, 2015) but Officer R. did not contact Mr. Adams. On January 30, 2015, Mr. Adams called the Southeast substation, again, to see if the report had been completed and he spoke with Sr. Office Assistant M., who he described as being "very rude and unhelpful." Mr. Adams said that Sr. Office Assistant M. told him that "police officers do not redo reports to get the correct information" and his accident report was still not done but that someone would call him back.

As of January 30, 2015, the date of the complaint, no one had returned Mr. Adams' call and the accident report had yet to be completed. Mr. Adams said he understood why people in Albuquerque do not appreciate their police force because they are "rude, unhelpful and unprofessional officers." Lastly, Mr. Adams requested assistance in obtaining the accident report so that he could file it with his insurance company.

## **II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed Mr. Adams' complaint and researched the matter so that we could obtain more information about the incident. The Investigator determined the identity of the Officer in question and learned it was Officer S., who wrote the report and not Officer R. as Mr. Adams had originally reported.

On February 17, 2015, the CPOA Investigator spoke with Mr. Adams on the phone. Mr. Adams explained that he still had not received a copy of the report for his insurance company. Mr. Adams essentially stated that when he wrote the complaint he was angry at the time because there was a lot of misinformation given, it took a long time for officers to respond to his accident and some of the people he spoke with were rude but he was concerned about his complaint not being as important as other complaints coming into the CPOA office. His main concern was that investigating his complaint would detract the time and resources available to investigate other more important, concerning issues that people have with the Albuquerque Police Department. The CPOA Investigator explained the difference between a formal and an informal complaint to Mr. Adams and Mr. Adams agreed that he would be satisfied to have this complaint handled informally by Officer S. and Officer R.'s Supervisor, and Sr. Office Assistant M.'s Supervisor. The CPOA Investigator said that she would have Officer S. and Officer R.'s Supervisor and Sr. Office Assistant M.'s Supervisor call him so that Mr. Adams could discuss his concerns directly with the respective Supervisors. The CPOA Investigator faxed a copy of the police/accident report to Mr. Adams, as requested.

On February 21, 2015, the CPOA Investigator received notification from Officer S. and R.'s Commander, Lieutenant S, stating that he had discussed the details of the incident with Officer S. and Officer R.'s Supervisor, Sergeant Y., who addressed the issue with these Officers. Sergeant Y. also contacted Mr. Adams and discussed the complaint with Mr. Adams, who said he was satisfied with the way that the complaint was addressed. Lieutenant S. also stated that he would speak with Sr. Office Assistant M., himself, regarding your complaint.

On February 21, 2015, the CPOA Investigator contacted Mr. Adams and Mr. Adams indicated that he was satisfied with the outcome of his complaint.

## **III. FINDINGS AND CONCLUSIONS**

This complaint was resolved in an informal manner. It was sent to Officer R. and Officer S.'s Supervisor and to Sr. Office Assistant M.'s Supervisor for review and action. The Supervisors did discuss Mr. Adams' concerns with their respective employees. Mr. Adams' complaint was informally resolved. Therefore, the Agency will administratively close this complaint and no further investigation by our office will occur.

**Letter to Mr. Adams**

**DATE**

**Page 3**

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

Please contact me if you have any questions or concerns.

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director  
(505) 924-3770

CC: Albuquerque Police Department, Chief of Police

M000718



## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Juanita Lugo

**Re: CPC # 014-14**

Dear Ms. Lugo:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on January 20, 2014, for an incident which occurred on December 18, 2013. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. I, as Acting Executive Director, made findings of whether the police officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

Since officers are compelled to cooperate in the investigation, Sections 9-4-1-13 and 9-4-1-14 of the Police Oversight Ordinance mandate that their statements not be made public. Further, the contract between the Albuquerque Police Officers' Association and the City of Albuquerque sets forth guidelines on the information which I may disclose to you. Below is a summary of the complaint, my findings and any discipline imposed.

### **I. THE COMPLAINT**

Juanita Lugo wrote that on December 18, 2013, while crossing the street at Carlisle and Indian School Road, she was hit by a vehicle. Ms. Lugo stated there were numerous witnesses to the accident and felt the officer taking the report would obtain the proper information. Ms. Lugo stated it took a little under a month to receive the report and once she did, it was inaccurate. Ms. Lugo wrote that the accident was not thoroughly investigated, that it placed her at fault, and she felt the accident investigation was not done justice.

Ms. Lugo was interviewed on February 27, 2015, by the CPOA Investigator. Ms. Lugo reiterated what was in her written complaint and stated the officer wrote in his report that Ms.

Lugo was not in a crosswalk during the incident. Ms. Lugo stated the officer did not properly conduct an accident investigation.

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

The Acting Executive Director, reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, the police reports, and interviews of Ms. Lugo and Officer L.

I, as Acting Executive Director, reviewed Standard Operating Procedure Order 2-18-8(B) regarding Officer L.'s conduct, which states:

*Officers are expected to take enforcement action whenever a traffic accident investigation indicates probable cause to believe that a violation of law or ordinance has occurred.*

*B. Officers assigned to investigate traffic accidents will conduct thorough investigations and submit complete reports. If sufficient evidence exists to identify contributing causes of accidents, those facts and opinions must be properly reported.*

Ms. Lugo wrote that on December 18, 2013, while crossing the street at Carlisle and Indian School Road, she was hit by a vehicle. Ms. Lugo stated there were numerous witnesses to the accident and felt the officer taking the report would obtain the proper information. Ms. Lugo stated that it took a little under a month to receive the report and once she did, it was inaccurate. Ms. Lugo wrote that the accident was not thoroughly investigated, that it placed her at fault, and she felt the accident investigation was not done justice.

Ms. Lugo was interviewed by telephone and stated that the officer had written in his report that Ms. Lugo was not in a crosswalk during the incident. Ms. Lugo stated the officer did not properly conduct an accident investigation.

Officer L. was assigned to the traffic division on December 18, 2013. Officer L. was dispatched to the incident. Upon arrival, he observed Albuquerque Ambulance treating Ms. Lugo for an injury to her leg. Officer L. recalled asking for witnesses, but no one came forward. Officer L. had his Taser camera recording at the incident because at that time he was part of the test pilot program for the new cameras. Officer L. made contact with Ms. Lugo and the driver of the vehicle. Ms. Lugo said she and her boyfriend were attempting to cross the street when the side mirror of the vehicle struck her. Officer L. asked Ms. Lugo why she wasn't using the crosswalk which was about 200 feet away to the west. Ms. Lugo told him that the street looked clear. Ms. Lugo was being treated by Albuquerque Ambulance and was transported. Officer L. spoke with the driver of the vehicle, who stated when she was pulling out, there were no cars coming, a vehicle then went to make a turn in front of her vehicle and once that vehicle turned, she proceeded and it wasn't until the last minute she had seen Ms. Lugo in the street. The driver clipped Ms. Lugo with the passenger side mirror.

Officer L. showed the Investigator the diagram of the Uniform Crash Report and explained where the crosswalk was in reference to the path Ms. Lugo had taken across the street. In Ms. Lugo's written complaint, she stated she crossed to the median, which also indicated Ms. Lugo was not in a crosswalk at the time of the accident. Officer L.'s Uniform Crash Report included all proper documentation.

I find Officer L.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

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

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

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

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

Sincerely,

Robin S. Hammer, Esq.  
Independent Review Officer  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE  
Via Certified Mail

Tina Jones  
[REDACTED]

**Re: CPC # 014-15**

Dear Ms. Jones:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on February 3, 2015, for an incident which occurred on November 27, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The Acting Executive Director made findings of whether the officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Ms. Jones wrote that she was at home packing her belongings with a friend, Mr. McMullen. Ms. Jones and her husband, Mr. Griffin, were being evicted from their apartment at the end of the month. While she was at home, her husband came home. In order to avoid conflict, she hid Mr. McMullen in the closet. Ms. Jones stated that Mr. Griffin came after her with a tool, trying to kill her and Mr. McMullen. Once Officer R. arrived, he handcuffed Mr. Griffin and put Mr. Griffin in the back of the police car. Ms. Jones claimed that Mr. Griffin banged his head, called Ms. Jones names and threatened to kill her. Ms. Jones wrote that Officer R. decided to let Mr. Griffin go because Officer R. decided Mr. Griffin was not a threat. Ms.



Jones did not understand Officer R.'s assessment since Mr. Griffin threatened her in the presence of the officer. Ms. Jones wrote that Officer R. told her she needed to leave and not return, even though both she and her husband were on the lease.

The CPOA Investigator interviewed Ms. Jones, who repeated what was in her written complaint, but added details. Ms. Jones stated that when Mr. Griffin came after her with the tool she grabbed hold of the tool to prevent Mr. Griffin from hitting anyone. Ms. Jones stated Mr. Griffin dragged her around as he was trying to pull the tool away from her. She stated that Mr. Griffin smashed windows in the living room, the television, and her car window. She said that Mr. Griffin threatened to kill her. Ms. Jones repeated that when Officer R. detained Mr. Griffin in the back of the police car that Mr. Griffin hit his head on the side window and threatened to kill her. Ms. Jones stated that Officer R. told her that he was letting Mr. Griffin go and she needed to leave the apartment. She felt that Officer R. degraded her. She stated when she received the police report she noticed errors.

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

I reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Reports, Albuquerque Police Report, the 911 calls, Officer R.'s lapel video and the CPOA Investigator's interviews of Tina Jones, Darren McMullen, and Officer R.

(A) I, as Acting Executive Director, reviewed Standard Operating Procedure Order 2-24-3(F)(1)(4) and (5) regarding Officer R.'s conduct, which states:

*Steps to be followed in conducting preliminary investigations: 1. Observe all conditions, events, and remarks. 4. Effect the arrest of the suspect. 5. Report the incident fully and accurately.*

Ms. Jones stated that Mr. Griffin was agitated and shouted in front of Officer R. that he wanted to kill her. Ms. Jones stated that she told Officer R. her husband made threats earlier. Ms. Jones believed her husband should have been arrested, given his threats and the damages he caused, and that her husband was intent on harming her because of his behaviors. Ms. Jones noticed the police report had the names of her husband and her friend confused throughout the report. She also said the report had extremely low values listed for the damages. She had receipts that showed it was significantly more to fix and replace the things damaged.

Officer R. believed that Mr. Griffin was entitled to damage his property, even if shared with Ms. Jones. Officer R. believed that Mr. Griffin was expressing his anger by taking it out on the property and not threatening Ms. Jones, but he did not ask Mr. Griffin his specific motivation.

The portion that was recorded on video showed Ms. Jones did not accuse Mr. Griffin of threatening her that night, but she did say violence had occurred in the past. The 911 calls and CAD said threats were made. Mr. McMullen stated in his interview he did not hear threats coming from Mr. Griffin. The lapel video showed Officer R. did not ask direct questions about threats that night. Officer R. did not ask Mr. Griffin his intentions behind damaging the property. The video showed Mr. Griffin made statements that he was having difficulty controlling himself and Mr. Griffin said he "lost it" when he saw his wife with Mr. McMullen. Officer R. did not ask investigative questions about the smashing of mutually owned property with a crowbar in front of the person to say what Mr. Griffin's intentions were. Officer R. listed the names inaccurately throughout the narrative of the report. Officer R. did not list Mr. McMullen on the report other than in the narrative incorrectly.

I find the allegation of a violation of this SOP against Officer R. was **SUSTAINED**, which means the allegation is supported by sufficient evidence.

(B) I, as Acting Executive Director, reviewed Standard Operating Procedure Order 1-02-2(B) regarding Officer R.'s conduct, which states:

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

Officer R. explained that it was not against the law to damage one's own property. Officer R. expressed he was somewhat familiar with State Statute 30-3-18, but did not remember the elements of it. Officer R. did not know the elements of the state statute because he indicated since the property was mutually owned, it was okay. The vehicle was registered in both their names and the apartment lease was in both their names.

The statute specifically talks about damaging real, personal, community, or jointly owned property of a household member. Officer R. made no mention of intentions being a part of whether the statute applied until the Albuquerque Police Officer's Association (APOA) representative brought it up. Officer R. made the assumption that Mr. Griffin damaged the property in anger without the intention to intimidate Ms. Jones. No one disputed that the damages were done in front of Ms. Jones and Mr. McMullen. As stated in the previous SOP, Officer R. did not ask about Mr. Griffin's intentions, but he made assumptions.

I find the allegation of a violation of this SOP against Officer R. was **SUSTAINED**, which means the allegation is supported by sufficient evidence.

(C) I, as Acting Executive Director, reviewed Standard Operating Procedure Order 1-04-1(F) regarding Officer R.'s conduct, which states:

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

Ms. Jones claimed that Officer R. degraded her and did not want to help her. Ms. Jones stated that she was told to leave the apartment, even though she was trying to pack, since she and her husband were being evicted in a few days. Officer R. did not explain why she needed to leave versus Mr. Griffin.

During the portion that was recorded Officer R. was professional. However, the discussion of why there would be no arrest and who would leave for the night was not recorded.

I find the allegation of a violation of this SOP against Officer R. was **NOT SUSTAINED**, which means there is insufficient evidence to prove or disprove the allegation.

(D) I, as Acting Executive Director, reviewed Standard Operating Procedure Order 1-39-2(B) regarding Officer R.'s conduct, which states:

*All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service or traffic stop. Personnel will activate the recorder prior to arriving at the call or prior to citizen contact on non-dispatched events (within the safety parameters of 1-39-1B) and will record the entirety of citizen contact. Uniformed civilian personnel issued digital recorders will also comply with this section. The recordings will be saved for no less than 120 days.*

Officer R. recorded his initial contact through his primary interviews with Ms. Jones and Mr. Griffin. Officer R. did not think the rest of the contact was necessary to be recorded. The policy states the incident will be recorded in its entirety.

I find the allegation of a violation of this SOP against Officer R. was **SUSTAINED**, which means the allegation is supported by sufficient evidence.

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

You have the right to appeal this decision. Section 9-4-1-9(A) of the Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of the respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

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

**Letter to Ms. Jones**

**Page 5**

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000726



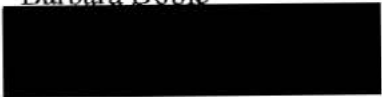
## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Barbara Dobie  


**Re: CPC # 017-15**

Dear Ms. Dobie:

The complaint you filed the Albuquerque Police Department (APD) was received in our office on February 6, 2015, regarding an incident that occurred on February 5, 2015.

### **I. THE COMPLAINT**

Ms. Dobie received a phone call from a man she did not recognize. The man, later identified as Leopoldo Flores, intimidated her when he said he knew her name and address. Mr. Flores' message bothered her so much that she decided to call police. Officer B. responded to her call and investigated the situation. Mr. Flores informed Officer B. he was a former APD officer. Officer B. told Ms. Dobie that Mr. Flores had explained that he called Ms. Dobie in response to a phone call he received from Ms. Dobie's number. Ms. Dobie denied ever calling Mr. Flores. Mr. Flores said he obtained Ms. Dobie's name and address information from the phone company. Officer B. advised Ms. Dobie the outcome of his investigation. Ms. Dobie was concerned that a former APD officer improperly accessed her personal information.

### **II. INVESTIGATION BY CPOA INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed your complaint and researched the matter so that we could obtain more information about the incident which formed the basis of your complaint. The Investigator pulled the police report and the Computer Aided Dispatch (CAD). The Investigator confirmed the information you suspected was obtained through improper means was all available on the internet through a simple search. The CPOA Investigator contacted you on February 26, 2015, and spoke with you about the complaint. You told the Investigator you had jumped to conclusions and had not realized the information was so readily available. You also believed Mr. Flores was the victim of someone spoofing your phone number. You in turn were victimized when Mr. Flores assumed it was you that had called. You told the CPOA Investigator that you wished to withdraw the complaint.

M000727

### III. FINDINGS AND CONCLUSIONS

I find that your complaint was researched and you expressed the desire to have the complaint withdrawn. Therefore, I am inactivating your complaint and no further investigation will occur. Thank you for taking the time to notify the Civilian Police Oversight Agency and the Albuquerque Police Department about your concerns.

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

Please contact me if you have any questions or concerns.

Sincerely,

Robin S. Hammer, Esq.  
Acting Executive Director  
(505) 924-3770

CC: Albuquerque Police Department, Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**     *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*     *Jeffery Scott Wilson, Co-Vice Chair*  
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*Eric H. Cruz*     *Joanne Fine*     *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Patrick Themig

**Re: CPC # 019-15**

Dear Mr. Themig:

The complaint you filed against Officer A. of the Albuquerque Police Department (APD) was received in our office on February 17, 2015, regarding an incident that occurred on February 6, 2015.

### **I. THE COMPLAINT**

Mr. Themig complained that on February 6, 2015, at about 10:15 a.m., he was in the left turn lane of southbound Ellison to turn onto NM 528, and Officer A. was in the right northbound lane of Ellison. Mr. Themig said that during his left turn onto NM 528, the left turn arrow changed from green to amber. Mr. Themig said he was still in the intersection when Officer A. hammered down on Officer A.'s accelerator as if trying to hit or scare Mr. Themig. Mr. Themig said he turned into the gas station at the intersection of Ellison and NM 528 to settle his nerves and get gas. Mr. Themig said Officer A. pulled into the gas station behind him with his emergency lights on. Officer A. then issued Mr. Themig a traffic citation for "failure to yield." Mr. Themig told Officer A. that the turn signal was green when he started to make the turn so Mr. Themig should not be cited for that infraction. Mr. Themig complained that Officer A. drove recklessly towards Mr. Themig's vehicle when it was inside the intersection, which scared Mr. Themig. Mr. Themig complained that Officer A. lied about not accelerating towards Mr. Themig's vehicle. Mr. Themig complained that Officer A. failed to control Officer A.'s emotions. Mr. Themig complained that this left turn signal was a "left turn trap."

### **II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed Mr. Themig's complaint and viewed Officer A.'s lapel video of the incident in question.

The CPOA Investigator spoke with Mr. Themig in person on March 6, 2015. Mr. Themig explained that he spoke with Officer A.'s Supervisor, Sergeant H., on February 6, 2015, about

the incident. Mr. Themig asked Sergeant H. to speak with Officer A. about driving into traffic and to tell Officer A. that his behavior was inappropriate. Sergeant H. assured Mr. Themig that he would speak to Officer A. The CPOA Investigator asked Mr. Themig if he wanted to proceed with a formal or informal investigation and explained the difference between the two to Mr. Themig. Mr. Themig agreed that he would be satisfied to have this complaint handled informally by Officer A.'s Supervisor, Sergeant H. The CPOA Investigator said that she would have Officer A.'s Supervisor contact Mr. Themig so that he could discuss his concerns directly with Sergeant H.

On March 8, 2015, the CPOA Investigator received notification from Officer A.'s Supervisor, Sergeant H., stating that he had contacted Mr. Themig and discussed his complaint with him. Sergeant H. said that he told Mr. Themig he counseled Officer A. regarding the incident. Mr. Themig indicated to Sergeant H. that he was satisfied with the way that he addressed the complaint.

On March 10, 2015, the CPOA Investigator contacted Mr. Themig and Mr. Themig indicated that he was satisfied with the outcome of his complaint.

### **III. FINDINGS AND CONCLUSIONS**

This complaint was handled informally in a manner satisfactorily to Mr. Themig. It was sent to Officer A.'s Supervisor for review and action. Officer A.'s Supervisor did discuss Mr. Themig's concerns with Officer A. Therefore, the CPOA will administratively close this complaint and no further investigation by our office will occur.

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

Please contact me if you have any questions or concerns.

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police



## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Police Oversight Board**

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*Eric H. Cruz*

Robin S. Hammer, Acting Executive Director

*Leonard Waites, Chair*

*Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

7014 2120 0004 7659 0301

Theresa Leyba

**Re: CPC # 022-15**

Dear Ms. Leyba:

The complaint you filed concerning the actions of a City of Albuquerque Parking Enforcement Officer was received in our office on February 24, 2015, regarding an incident that occurred on that same day. Your complaint was assigned to a Civilian Police Oversight Agency (CPOA) Investigator for review.

### **I. THE COMPLAINT**

You complained that at about 11:00 a.m. on February 24, 2015, on Tijeras, between Spruce and Cedar, a female Parking Enforcement Officer was very rude and aggressive in her behavior towards you.

### **II. INVESTIGATION BY THE CIVILIAN POLICE OVERSIGHT INVESTIGATOR**

The CPOA Investigator reviewed your complaint and researched the matter so that we could obtain more information about the incident. The Investigator was able to determine that the Parking Enforcement Officer does not work for the Albuquerque Police Department. The Parking Enforcement Officer works for the City of Albuquerque Parking Division. The CPOA has no jurisdiction to investigate the actions of any employee who does not work for the Albuquerque Police Department. The CPOA Investigator did forward your complaint to Mr. Mark Shepard, who is the Director of the Parking Division. The CPOA Investigator also e-mailed you regarding your complaint and the actions taken on it.

### **III. FINDINGS AND CONCLUSIONS**

Because we have no jurisdiction to investigate your complaint, the CPOA will be administratively closing your complaint. We hope that Mr. Shepard will be able to resolve the complaint to your satisfaction. Should you encounter a similar situation involving APD personnel in the future, or

M000731

**Letter to Ms. Leyba**  
**Page 2**

you wish to report observed misconduct by APD personnel, please do not hesitate to file a complaint with the Agency.

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

Please contact me if you have any questions or concerns.

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000732

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
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*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

### **MEMO TO FILE**

#### **DATE**

**FROM:** Robin Hammer, Acting Executive Director

**Re:** CPC # 025-13

This complaint was received anonymously on February 17, 2013, regarding an unnamed officer.

### **I. THE COMPLAINT**

The complaint listed the number of an Albuquerque Police Department Unit No. J302 and stated that the officer was rude and mean, and was unprofessional. The complaint does not list a date, time, location, or a description of the incident.

### **II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

Albuquerque Police Department Internal Affairs investigated this matter. It determined that Unit J302 is assigned to Officer M. Officer M. was dispatched to one call on the date of the complaint, but she indicated that the call went well, even though the victim appeared upset when Officer M. gave her opinion about how a suspect entered the fence.

### **III. FINDINGS AND CONCLUSIONS**

Because the complaint did not give sufficient information, there is no way to tell which incident is being complained of. This complaint will be administratively closed due to insufficient information in the complaint to identify the incident complained of.

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Luana Peters  
[REDACTED]

**Re: CPC # 033-15**

Dear Ms. Peters:

The complaint you filed against Police Service Aide (PSA) M. of the Albuquerque Police Department (APD) was received in our office on March 10, 2015, regarding an incident that occurred on January 5, 2015.

### **I. THE COMPLAINT**

Ms. Peters complained that on January 5, 2015, at about 3:30 p.m., she was involved in a traffic accident at Zuni between Dallas and Pennsylvania. Ms. Peters moved over to yield to a fire engine with its emergency equipment going. This caused her to hit a vehicle in the right lane.

Ms. Peters wrote that PSA M. did not give her an opportunity to explain her side of events. Ms. Peters wrote that the insurance companies have been unable to contact the other driver, so the company decided it would not pay anything at this time. Ms. Peters wrote that PSA M. did not provide the other driver's information to her. Ms. Peters wrote that when she received the police report, there was inaccurate information.

### **II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed Ms. Peters' complaint and researched the matter by obtaining the Computer-Aided Dispatch (CAD) report for the accident on the day and time in question. The CPOA Investigator reviewed the police report which Ms. Peters included in her complaint.

The CPOA Investigator spoke with Ms. Peters on the phone on March 26, 2015. Ms. Peters had expressed interest in mediation on her written complaint. The CPOA Investigator spoke to her about mediation. Ms. Peters expressed that she wished to participate in formal mediation. The CPOA Investigator contacted PSA M. who also agreed to participate in formal mediation. The CPOA Investigator contacted the Alternative Dispute Resolution



(ADR) Coordinator for the City of Albuquerque. The ADR Coordinator agreed to facilitate the formal mediation.

On April 9, 2015, the CPOA Investigator received notification from the ADR Coordinator that a successful mediation took place on April 6, 2015. The ADR Coordinator stated both parties participated in good faith and were able to resolve the issues that brought them to mediation. The ADR Coordinator stated the parties were able to establish a strong mutual rapport.

### **III. FINDINGS AND CONCLUSIONS**

This complaint was handled through formal mediation. Therefore, the CPOA will administratively close this complaint and no further investigation by our office will occur.

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

Please contact me if you have any questions or concerns.

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*

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*Eric H. Cruz*

*Joanne Fine*

*Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

7014 2120 0004 7659 0301

Claudia Steinhauser

**Re:    CPC # 034-15**

Dear Ms. Steinhauser:

The complaint you filed concerning the actions of a man who identified himself as a police officer was received in our office on March 14, 2015, regarding an incident that occurred on March 13, 2015. Your complaint was assigned to a Civilian Police Oversight Agency (CPOA) Investigator for investigation on March 16, 2015.

### **I. THE COMPLAINT**

Ms. Steinhauser wrote that she was at a park near Ouray and Unser with her schnauzer dog on March 13, 2015, and she had a confrontation with a man who had three larger dogs with him. The man's dogs were all off-leash. When Ms. Steinhauser confronted the man and told him that there was a law that required his dogs to be leashed, the man started yelling profanities at her. The man told Ms. Steinhauser that he was "a cop." The man raised his shirt and said, "I don't have my badge with me." The man, who continued yelling profanities at Ms. Steinhauser, identified himself as Alex or Alec Esquivel or Esquivel. The man indicated that he lived in the area but the man would not give any other information to Ms. Steinhauser.

Ms. Steinhauser did not know if the man was a real police officer, but she wrote that she felt the man broke the law and verbally threatened her.

### **II. INVESTIGATION BY THE CIVILIAN POLICE OVERSIGHT INVESTIGATOR**

The CPOA Investigator reviewed your complaint and researched the matter so that we could obtain more information about the incident. The Investigator reviewed the Albuquerque Police Department Personnel Roster and determined that there are no APD officers or civilian personnel named Alex or Alec Esquivel or Esquivel. The Investigator also checked with the Personnel Division of APD and confirmed that no one named Alex or Alec Esquivel or Esquivel worked for APD. There is a Civilian Field Evidence Technician who lives near the park where your encounter took place, but that person is a female with a different last name. On April 14, 2015,

M000736

the Investigator spoke with you concerning your complaint and the Investigator told you that there was no one by that name working for APD. The Investigator also told you that he was not able to determine who the person was with whom you had a conflict. You told the Investigator that you suspected that the man may not have been a police officer as the man had indicated, but that you had filed the complaint for follow up in case he was. The Investigator informed you that without more information, it would be nearly impossible to identify the man who threatened you. The investigator told you that the case would be administratively closed, but that if more information became available as to whom the man was or if in fact he was an APD Officer, that the complaint could be reopened.

### **III. FINDINGS AND CONCLUSIONS**

The CPOA will be administratively closing your complaint. There can be no further investigation because there is no way to tell from the information provided whether or not the man was an Albuquerque Police Officer or someone who was just claiming to be a police officer. Should you encounter a similar situation in the future, or wish to report observed misconduct by APD personnel, please do not hesitate to file a complaint with the Agency.

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

Please contact me if you have any questions or concerns.

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police


## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**     *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*     *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*     *Dr. Jeannette Baca*     *Dr. Susanne Brown*  
*Eric H. Cruz*     *Joanne Fine*     *Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

---

Via Certified Mail

Martin Kevern  


**Re:    CPC # 038-15**

Dear Mr. Kevern:

Your complaint against Bernalillo County Sheriff's Office (BCSO) Deputy Detective EJ G. was received in our office on March 21, 2015. Your complaint was assigned to a Civilian Police Oversight Agency (CPOA) Investigator for review on March 27, 2015.

### **I. THE COMPLAINT**

Your complaint alleged misconduct on the part of BCSO Deputy Detective EJ G. and did not contain any allegations of misconduct by any Albuquerque Police Department (APD) officer or APD employee.

### **II. THE INVESTIGATION**

Our office has no jurisdiction to investigate the actions of the BCSO. You need to file your complaint with the BCSO. The address is:

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

You can also file your complaint with them online at:

<http://bernalillocountysheriff.com/bcsdia.html>

### **III. CONCLUSION**

By City Ordinance, we may only investigate and address complaints which are filed against the APD and its officers. We do not have legal authority to investigate your complaint because your complaint contains no allegations of misconduct by any APD officer or APD

M000738

**Letter to Mr. Kevern**

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**Page 2**

employee. Therefore, I am inactivating your complaint without further investigation. I hope that the BCSO will resolve the complaint to your satisfaction.

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

Please contact me if you have any questions or concerns.

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director  
(505) 924-3770

CC: Albuquerque Police Department, Chief of Police



## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*

*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*

*Eric H. Cruz*

*Joanne Fine*

*Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Sandra Baca

**Re: CPC # 042-15**

Dear Ms. Baca:

The complaint you filed against Officers J. and L. of the Albuquerque Police Department (APD) was received in our office on March 25, 2015, regarding an incident that occurred on March 17, 2015.

### **I. THE COMPLAINT**

Ms. Baca has filed numerous complaints with the CPOA against officers. These complaints usually consist of the same information against her neighbors. Ms. Baca frequently calls police on her neighbors and then Ms. Baca often files complaints against the responding officers to those calls. Ms. Baca filed a complaint regarding her contact with officers on March 17, 2015.

Ms. Baca's written complaint was regarding Officer J. Ms. Baca wrote that Officer J. asked her why she had so many calls against her neighbors. Ms. Baca wrote that Officer J. told Ms. Baca the calls she made were not necessary. Ms. Baca claimed the calls were necessary because the neighbor harassed her and her daughter. Ms. Baca wrote that Officer J. was being mean to her and that she wanted discipline against him. The rest of Ms. Baca's written complaint was about her neighbors harassing her and Ms. Baca wanting an investigation into the situation.

### **II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed Ms. Baca's complaint and researched the matter so that we could obtain more information about the incident by obtaining the Computer-Aided Dispatch (CAD) report and the police report. The CPOA Investigator determined the identity of the Officer in question and learned it was Officer L. and not Officer J., based on the review of the lapel videos and Ms. Baca's written complaint.

The CPOA Investigator reviewed the lapel videos from both officers. The lapel videos showed the officers initially contacted Ms. Baca and got her version of events. Officer J. was

M000740

very understanding and professional. Officer L. hardly spoke during the first contact. Officers went to the neighbor's house and got the neighbor's version of events. The neighbor expressed frustration over the situation. Both officers were professional with the neighbor. The officers returned to talk to Ms. Baca. During the course of the conversation, Officer L. asked Ms. Baca how many times she had called police. The videos showed Officer L. never said Ms. Baca's calls were unnecessary. The videos showed Ms. Baca immediately became angry and accused Officer L. of judging her, criticizing her and harassing her. Ms. Baca threatened to file an official complaint against the officers and stated she intended on getting them in trouble. Officer J. provided everything she would need to file a complaint. Ms. Baca raised her voice and would not allow officers to explain anything. Ms. Baca told both officers to leave. The videos showed both officers were patient, non-confrontational and professional with Ms. Baca.

### **III. FINDINGS AND CONCLUSIONS**

This complaint was preliminarily investigated by reviewing Ms. Baca's complaint and all the evidence. This case should be administratively closed based on a review of the available evidence as there were no policy violations by the responding officers. The CPOA will administratively close this complaint and no further investigation by our office will occur.

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

Please contact me if you have any questions or concerns.

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**     *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*     *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*     *Dr. Jeannette Baca*     *Dr. Susanne Brown*  
*Eric H. Cruz*     *Joanne Fine*     *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

David M. Moya  


**Re: CPC # 048-15**

Dear Mr. Moya:

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on April 1, 2015, regarding an incident that occurred on March 29, 2015.

### **I. THE COMPLAINT**

Mr. Moya wrote at 0300 on Sunday, March 29, 2015, his neighbors witnessed an APD officer swerved and hit his dog. Mr. Moya wrote that the neighbors told him the officer failed to stop and left the dog on the side of the road.

### **II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed Mr. Moya's complaint and researched the matter so that we could obtain more information about the incident. The CPOA Investigator had calls run on Trotter Street and the surrounding area. There were no calls in the area at the time. The CPOA Investigator spoke to Mr. Moya, who said he would provide contact information for the neighbors who witnessed the incident. Mr. Moya called and said his neighbors had no additional information about the incident to help identify the officer. Mr. Moya wished to withdraw the complaint, as the officer could not be identified.

### **III. FINDINGS AND CONCLUSIONS**

This case should be administratively closed based on the inability to identify the involved officer. Also, Mr. Moya wished to have the complaint withdrawn. The CPOA will administratively close this complaint and no further investigation by our office will occur.

M000742



**Letter to Mr. Moya**

**Page 2**

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

Please contact me if you have any questions or concerns.

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000743

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

### **DATE**

### **MEMORANDUM TO FILE –**

**FROM: Robin Hammer, Acting Executive Director**

**Re: CPC # 052-15- Anonymous Complaint**

A complaint about two unidentified officers of the Albuquerque Police Department (APD) was received in our office on April 12, 2015 regarding unidentified dates.

### **I. THE COMPLAINT**

An anonymous complaint was submitted via email April 12, 2015 alleging two different officers engaged in behaviors which set bad examples. The first allegation was an officer, possibly a lieutenant, hung in and around Knockouts on Central. The complainant claimed this occurred on Fridays and Saturdays and he was very friendly with the females. The second allegation was a sergeant remained home during work hours instead of being out in the field. The complainant offered no information such as names, dates or specific times this occurred, or other identifiers of the Sergeant involved.

### **II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed the anonymous complaint and researched the matter. The CPOA Investigator could not determine the identity of the complained about officers with the information provided.

The CPOA Investigator contacted the General Manager of Knockouts to try to determine if there was any merit to the one complaint. Ms. Flores stated officers frequently park in front of her establishment in the median during the weekend, so several officers are in the general area. Ms. Flores stated all the officers have been professional and friendly to her and her staff. Ms. Flores stated she is unaware of any officer coming into her business unless she has a call for service. Ms. Flores knew there was no officer she recognized as a frequent customer of her business and certainly not while on duty. Ms. Flores had no complaints about officers.

### **III. FINDINGS AND CONCLUSIONS**

This case should be administratively closed based on the lack of information provided. The CPOA will administratively close this complaint and no further investigation by our office will occur unless additional information is provided.

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

### **DATE**

### **MEMORANDUM TO FILE –**

**FROM: Robin Hammer, Acting Executive Director**

**Re: CPC # 052-15- Anonymous Complaint**

A complaint about two unidentified officers of the Albuquerque Police Department (APD) was received in our office on April 12, 2015 regarding unidentified dates.

### **I. THE COMPLAINT**

An anonymous complaint was submitted via email April 12, 2015 alleging two different officers engaged in behaviors which set bad examples. The first allegation was an officer, possibly a lieutenant, hung in and around Knockouts on Central. The complainant claimed this occurred on Fridays and Saturdays and he was very friendly with the females. The second allegation was a sergeant remained home during work hours instead of being out in the field. The complainant offered no information such as names, dates or specific times this occurred, or other identifiers of the Sergeant involved.

### **II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed the anonymous complaint and researched the matter. The CPOA Investigator could not determine the identity of the complained about officers with the information provided.

The CPOA Investigator contacted the General Manager of Knockouts to try to determine if there was any merit to the one complaint. Ms. Flores stated officers frequently park in front of her establishment in the median during the weekend, so several officers are in the general area. Ms. Flores stated all the officers have been professional and friendly to her and her staff. Ms. Flores stated she is unaware of any officer coming into her business unless she has a call for service. Ms. Flores knew there was no officer she recognized as a frequent customer of her business and certainly not while on duty. Ms. Flores had no complaints about officers.

### **III. FINDINGS AND CONCLUSIONS**

This case should be administratively closed based on the lack of information provided. The CPOA will administratively close this complaint and no further investigation by our office will occur unless additional information is provided.

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
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*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Drew Rupp  


**Re: CPC # 065-13**

Dear Mr. Rupp:

The complaint you filed against Officer W. was received in our office on April 10, 2013, regarding an incident that occurred on April 10, 2013.

### **I. THE COMPLAINT**

Mr. Rupp complained that on April 10, 2013, a police officer cut him off on the freeway just before the I-40 exit, nearly causing an accident. Mr. Rupp stated that he had to swerve into another lane to avoid hitting the officer. Mr. Rupp stated that it is a police officer's responsibility to drive like a reasonable adult and not cause accidents.

### **II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) employee was assigned to follow up on this case. The Investigator reviewed Mr. Rupp's complaint and researched the matter so that we could obtain more information about the incident. The original CPOA investigator indicated that Officer W.'s supervisor spoke to and counseled Officer W. about his driving behavior and that the complaint was resolved informally in a satisfactory manner.

In April 2015, the CPOA employee assigned to follow up on this matter attempted to contact Mr. Rupp at the provided phone number and email address with no success. The CPOA employee learned that Officer W. is no longer an Albuquerque Police Department officer.

### **III. FINDINGS AND CONCLUSIONS**

Because Officer W. is no longer an APD employee, the CPOA lacks jurisdiction to further investigate this complaint, which appears to have been handled informally some time ago. Further, the CPOA was unable to contact Mr. Rupp to follow up on the complaint. Therefore, the CPOA will administratively close this complaint and no further investigation by our office will occur.

**Letter to Mr. Rupp**  
**Page 2**

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

Please contact me if you have any questions or concerns.

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000747

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*

*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*

*Eric H. Cruz*

*Joanne Fine*

*Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Veronica Garcia  
[REDACTED]

**Re: CPC #98-14**

Dear Ms. Garcia:

The complaint you filed against Officer D. of the Albuquerque Police Department (APD) was received by our office on July 18, 2014, for an incident which occurred on April 21, 2014. You complained about an Officer-Involved Shooting involving Officer D.. You alleged that Officer D. committed a homicide. You further alleged that Officer D. was unfit to be a public servant.

Under a Memorandum of Understanding and the Police Union Contract, all APD Officer-Involved Shootings are investigated by a criminal Multi-Jurisdictional Task Force. The Albuquerque Police Department Internal Affairs Division completes the administrative investigation. After both of these investigations are complete, I, as Acting Executive Director, of the Civilian Police Oversight Agency (CPOA) review both the criminal and administrative investigations to propose findings as to whether the subject officer(s) followed APD Standard Operating Procedures (SOPs).

While awaiting both the criminal and administrative investigations in this matter, Officer D. was terminated from the Albuquerque Police Department. Under City Ordinance, the CPOA only has jurisdiction over current APD employees. Because Officer D. is no longer an APD employee, the CPOA no longer has jurisdiction to review your complaint.

Therefore, the Agency has administratively closed the matter of your complaint for lack of jurisdiction.

**Letter to Ms. Garcia**

**Date**

**Page 2**

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000749

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE

### **MEMORANDUM TO FILE –RE: CPC 112-14 – FROM: Robin Hammer, Acting Executive Director**

On July 1, 2014, Detective Z. from APD Internal Affairs sent a memo to Acting Executive Robin Hammer regarding an anonymous citizen complaint. On June 5, 2014, an unidentified citizen filed an unofficial anonymous complaint with the Independent Review Office. The complaint advised that on May 28, 2014, at approximately 0700 hours, they were traveling on I-40 westbound at Eubank when the complainant observed three to four people standing in the middle of an overhead walkway pointing what appeared to be a gun at the complainant and/or at the complainant's vehicle. The complainant believed they were going to get shot. The complainant stated they had nowhere to go but forward. The complainant stated they did not know that the people standing on the overhead walkway were police officers using radar.

The anonymous citizen believes that the officers doing this could have caused major accidents and believes that this was very inconsiderate and a dangerous tactic for a few speeding tickets. The complainant believed this tactic may cause fear in the community, as a few days later a woman was shot in the face as she traveled on a busy road and a person from a walkway shot her.

According to news reports, on May 30, 2014, at approximately 1615 hours, a man standing on a bridge over Paseo del Norte fired off a shot to traffic below, hitting a woman in her face as she was driving.

The anonymous complaint's concern occurred two days prior to the reports of an unknown male firing a shot from a bridge at a vehicle and striking a woman. The woman being shot from the bridge appears to be an isolated event and such an event has not occurred again.

Detective Z. from Internal Affairs stated that the anonymous complaint is unsigned and has no contact information for the complaint. Per 20.1.2.2 of the city contract, this type of complaint is defined as an unofficial complaint, and the department will not conduct administrative investigations into unofficial complaints of a non-criminal nature. The officers did not violate any state or city laws by utilizing a radar unit over an interstate.

Detective Z. advised that if another similar shooting occurs again, he would recommend that APD revisit its current policy and procedures governing the radar usage and usage of such devices over major corridors. Detective Z. was unable to identify any department violations regarding this incident.

Detective Z. requested that the complaint be inactivated and closed. The Acting Executive Director will administratively close this case.

M000750



## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Tadeusz Niemyjski  
[REDACTED]

**Re: CPC # 132-13**

Dear Mr. Niemyjski:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on June 27, 2013, for an incident which occurred on June 27, 2013. I assigned your Complaint to be investigated by a Civilian Police Oversight Agency (CPOA) Investigator. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. I, as Acting Executive Director, made findings of whether the police officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

Since officers are compelled to cooperate in the investigation, Sections 9-4-1-13 and 9-4-1-14 of the Police Oversight Ordinance mandate that their statements not be made public. Further, the contract between the Albuquerque Police Officers' Association and the City of Albuquerque sets forth guidelines on the information which I may disclose to you. Below is a summary of the complaint, my findings and any discipline imposed.

### **I. THE COMPLAINT**

Mr. Tadeusz Niemyjski wrote on June 27, 2013, that he was across the street from the Clinic for the Homeless when he was approached by Officer R. Mr. Niemyjski stated that Officer R. asked if he was taking pictures of the clinic and what he was doing there. He stated that Officer R. told him he could not be on the street or looking in the direction of the clinic. Mr. Niemyjski stated that he feared Officer R. and did not understand why he could not be on a public street. He stated that Officer R. threatened to give him a criminal trespass and arrest him. He felt that Officer R. abused his authority. Mr. Niemyjski asked when and where does APD harassment end and stated that the officers need better training.

Mr. Niemyjski was interviewed in the office of the investigator on August 4, 2013. He reiterated what was in his written complaint. He also stated he went to Healthcare for the Homeless on June 27, 2013. Mr. Niemyjski stated he asked an administrator who had paid for his last appointment. He stated he was sent to another office to speak with another person. He stated that Healthcare for the Homeless was violating his civil rights by asking for his personal information to be treated at the clinic. He also stated he is also required to sign in at the Healthcare for the Homeless even if he wanted a cup of coffee. Mr. Niemyjski stated an attorney told him it was a violation of his rights as well and that is when Officer R. became involved. Mr. Niemyjski stated he called the police to file a charge of harassment against Healthcare for the Homeless. He stated that Officer R. informed him that he could not look at the building from the street because it would be considered intimidation and he could be arrested. Mr. Niemyjski stated he was issued criminal trespass notifications by Healthcare for the Homeless and Officer R.

Mr. Niemyjski asked if the Investigator could file charges against Terry Ellis, Director for Healthcare for the Homeless. The Investigator explained to Mr. Niemyjski that our office could only investigate SOP violations against Officers of the Albuquerque Police Department. Mr. Niemyjski understood and stated to the Investigator to leave Terry Ellis out of the complaint due to Mr. Niemyjski having an attorney who was going to look into the alleged violations Healthcare for the Homeless conducted against him.

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

I reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CADS), the police report, and interviews of Mr. Niemyjski and Officer R.

(A) I, as Acting Executive Director, reviewed Standard Operating Procedure Order 1-04-1(F) regarding Officer R.'s conduct, which states:

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

Mr. Niemyjski wrote on June 27, 2013, he was across the street from the Clinic for the Homeless when he was approached by Officer R. He stated that Officer R. asked if he was taking pictures of the clinic and what he was doing there. He stated that Officer R. told him he could not be on the street or looking in the direction of the clinic. Mr. Niemyjski stated he feared Officer R. and did not understand why he could not be on a public street. Mr. Niemyjski stated Officer R. threatened to give him a criminal trespass and arrest him. Mr. Niemyjski stated that he felt Officer R. abused his authority. Mr. Niemyjski asked when and where does APD harassment end, and stated the officers need better training.

Officer R. indicated that he did not recall the incident. Officer R. was a bike officer and would handle numerous calls on a daily basis at Healthcare for the Homeless. Officer R. stated calls come in daily asking officers to have either people removed from the premises or

police presence at Healthcare for the Homeless. Because this case was a very long time ago, he could not recall, due to the numerous times a day he was called to the location.

Due to the timeframe of the investigation, lapel video could not be retrieved, as it was outside the 120-day retention guideline.

I find the allegation of a violation of this SOP against Officer R. was **NOT SUSTAINED**, which means there is insufficient evidence to prove or disprove the allegation.

(B) I, as Acting Executive Director, reviewed Standard Operating Procedure Order 3-3-2(A)(B) regarding Officer R.'s conduct, which states:

*A. If the owner, lessee, proprietor or any other person in lawful possession of real property lawfully denies consent for a subject to return on or about that property, an officer shall complete an offense/incident report utilizing the New Mexico Uniform Incident report.*

*B. The Criminal Trespass Notification-Order Not to Return form shall be completed by the officer. After obtaining the appropriate signatures (if subject refuses, write REFUSED) the officer shall disseminate the copies...*

Mr. Niemyjski stated that he felt harassed by Officer R. and that Officer R. threatened to give him a criminal trespass. Officer R. did issue Mr. Niemyjski a criminal trespass due to the director of Healthcare for the Homeless asking Officer R. to issue that trespass notification. APD report 13-0057429 describes the entire call and the reason for the criminal trespass notification. Mr. Niemyjski also signed the criminal trespass notification. Officer R. followed Standard Operating Procedure by responding to a private business at the request of the Director, filing the appropriate police report, and issuing the criminal trespass notification.

I find Officer R.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

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

You have the right to appeal this decision. Section 9-4-1-9(A) of the Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the IRO or the Chief to appeal that decision within 30 days of receipt of their respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

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

Sincerely,

Robin S. Hammer, Esq.  
Independent Review Officer  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*

*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*

*Eric H. Cruz*

*Joanne Fine*

*Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Gregory Gaudette, Esq.  


**Re: CPC #141-14**

Dear Mr. Gaudette:

The complaint you filed against Officer D. of the Albuquerque Police Department (APD) was received by our office on July 18, 2014, for an incident which occurred on April 21, 2014. You complained about an Officer-Involved Shooting involving Officer D.. You alleged that Officer D.'s actions were wrongful. You further alleged that APD failed to properly train and supervise Officer D..

Under a Memorandum of Understanding and the Police Union Contract, all APD Officer-Involved Shootings are investigated by a criminal Multi-Jurisdictional Task Force. The Albuquerque Police Department Internal Affairs Division completes the administrative investigation. After both of these investigations are complete, I, as Acting Executive Director, of the Civilian Police Oversight Agency (CPOA) review both the criminal and administrative investigations to propose findings as to whether the subject officer(s) followed APD Standard Operating Procedures (SOPs).

While awaiting both the criminal and administrative investigations in this matter, Officer D. was terminated from the Albuquerque Police Department. Under City Ordinance, the CPOA only has jurisdiction over current APD employees. Because Officer D. is no longer an APD employee, the CPOA no longer has jurisdiction to review your complaint.

Therefore, the Agency has administratively closed the matter of your complaint for lack of jurisdiction.

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**Letter to Mr. Gaudette**

**Date**

**Page 2**

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000756

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*

*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*

*Eric H. Cruz*      *Joanne Fine*

*Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

### **MEMO TO FILE**

#### **DATE**

**FROM:** Robin S. Hammer, Acting Executive Director

**RE:** CPC 170-14, Anonymous Complaint

An anonymous complaint alleged that an officer driving a vehicle with NM Government Plate number G82522 was driving over 100 miles per hour on September 6, 2014. This case was assigned to Albuquerque Police Department (APD) Internal Affairs (IA) Division. The IA Investigator contacted APD Fleet Maintenance Supervisor, Randy Chavez. Mr. Chavez determined that APD does not possess any vehicle with the listed license plate. Under City Ordinance, the CPOA only has jurisdiction over current APD employees. Because APD does own the vehicle described, the CPOA has no jurisdiction to review this complaint.

Therefore, the Agency has administratively closed the matter of this complaint for lack of jurisdiction.



**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*

*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*

*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Daniel Strones



**Re: CPC #173-12**

Dear Mr. Strones:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on August 23, 2012, for an incident which occurred on May 28, 2012. I assigned your Complaint to be investigated by an Independent Review Office Investigator. The Independent Review Office thoroughly and impartially investigated your complaint. I, as Independent Review Officer, made findings of whether the police officers involved violated Standard Operation Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

Since officers are compelled to cooperate in the investigation, Sections 9-4-1-13 and 9-4-1-14 of the Police Oversight Ordinance mandate that their statements not be made public. Further, the contract between the Albuquerque Police Officers' Association and the City of Albuquerque sets forth guidelines on the information which I may disclose to you. Below is a summary of the complaint, my findings and any discipline imposed:

**I. THE COMPLAINT**

Mr. Strones complained that on May 28, 2012, at 3:25 a.m., he called police to report that he had been a victim of a theft of items from his home. He alleged that APD Officer B., who was one of two officers who responded to the call, acted as if the crime that Mr. Strones was reporting was not worthy of his time. He alleged that the officer refused to believe his story about what had happened and that the officer did not take a report on the theft. Mr. Strones believed that the officer mistreated Mr. Strones and the officer was prejudiced because Mr.

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Strones has a brain injury. Mr. Strones alleged that the officer believed that his disability meant that he was stupid. Mr. Strones alleged that the officer did not record the contact.

Mr. Strones alleged that when he called APD dispatch to complain about the officer and the way that he was treated, the dispatcher, Operator J., told him that she would send a supervisor to his home to address his complaint, and that she never did that. Mr. Strones also alleged that the dispatcher never told him how to file a formal complaint.

## **II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

I reviewed the investigation conducted by the CPOA Investigator which included interviews with Mr. Strones, Officer B., Officer G., and Telephone Operator J. Also reviewed were the CAD (Computer Aided Dispatch) printouts, the police report, message logs, and the lapel video.

The CPOA Investigator conducted an interview with Mr. Strones. Mr. Strones did not return messages and requests for an interview until most of the investigation in this case was completed. Mr. Strones repeated what he had written in his complaint, but added to it by saying that he patronized a prostitute three weeks prior to this incident and paid her, and later the prostitute and her pimp showed back up at his apartment demanding more money. Mr. Strones went to the bank and took out more money from the ATM and paid a second time.

On May 28, 2012, Mr. Strones said a female knocked on his door and when he answered it, that female and the same pimp forced his way into the apartment and they looked through all of his things. Two hours later they left with his computer. The woman told him that she would call him later to return the computer. They kept the computer because they believed it contained evidence that Mr. Strones had raped another prostitute and it had been filmed and that video was on his laptop. Mr. Strones told me that allegation by his offenders was absurd.

Mr. Strones called to report the theft of his computer and said that Officer B. didn't believe his story about what happened, and that he was treated badly because he has a brain injury and disability. He said that the officer was not helpful and acted as if the matter was petty or insignificant. Mr. Strones alleged that he called back to police to complain about the officer, and that the dispatcher assured him that she would send a supervisor out to speak with him, but she never did. Mr. Strones stated that he should have been informed by the dispatcher how to file a formal Complaint.

Mr. Strones alleged that Officer B. failed to run lapel video on the incident and he failed to write a report on the incident. Mr. Strones was not aware until the CPOA Investigator told him that the officer did run lapel video on the incident and that the officer did write a report. Mr. Strones complained that Officer B. was rude and unprofessional. Mr. Strones stated that his brain injury is what led to Mr. Strones' poor treatment. Mr. Strones did not complain about Officer A..

Mr. Strones stated that he formally objects to any dissemination in any public forum, including any Police Oversight meetings, of his complaint, or any documents prepared by the CPOA pursuant to the investigation of the complaint, wherein the officers' names or identifying information is redacted or obscured, while any information that identifies him is left viewable by the public.

The CPOA Investigator interviewed Officer B.. Officer B. stated that he had been dispatched to Mr. Strones' residence in reference to a theft. Officer B. claimed that he handled the matter professionally and that he was concerned about the incident that Mr. Strones had reported. He said that at the beginning of the incident, he found the story given to him as suspicious because, based on his training and experience, the actions taken by the offenders and Mr. Strones were not consistent with a home invasion. Officer B. stated that he had to ask a series of questions during his investigation to determine what crime or crimes had occurred. Officer B. felt Mr. Strones was not forthcoming with all of the information. Officer B. stated that eventually Mr. Strones told Officer B. that he suspected it was a prostitute and a pimp who had done business with him in the past that had taken his computer.

Officer B. denied that he had done anything wrong in his handling of the incident, and said that he even called rescue to have Mr. Strones evaluated, as he was complaining of pain. Officer B. ran lapel video and provided lapel video to the CPOA investigator. Officer B. also followed up on the crime when Mr. Strones called back, stating he wanted to have a drinking glass fingerprinted that was touched by the offenders. Officer B. was never told by the dispatcher that Mr. Strones wanted to file a Complaint against him.

The CPOA Investigator interviewed Officer G.. Officer G. was the acting supervisor on duty at the time this incident took place. Officer G. said that neither Mr. Strones told him that he wanted to file a Complaint nor was any such message relayed to Officer G. by the dispatcher. Officer G. said that if he had been notified, he certainly would have called Mr. Strones and told him how to file a Complaint. A review of the available evidence in this case shows that Officer G. was never told that Mr. Strones wanted to file a Complaint or be contacted to file a Complaint.

The CPOA Investigator interviewed Telephone Operator J.. When Mr. Strones called back after the initial encounter with the police, Operator J. handled the call. Mr. Strones expressed to her that he wanted to complain about the initial officer. Operator J. asked him about his complaint, but she stated that she never told Mr. Strones she would send a supervisor to his home. Operator J. told him that she would have a supervisor call him. Officer J. stated that she felt that was sufficient and she did not need to explain to him how to file a complaint because the supervisor would probably take care of that.

The CPOA Investigator reviewed the message audit logs in this case, which confirmed that Mr. Strones did call to complain about the officer, and that the telephone operator sent a message to the radio dispatcher to have the Sergeant call Mr. Strones. That message was never sent to Officer G., according to the logs. The log shows Officer G. out on a priority call at the time the call came in and that he went off duty just after that priority call. There was a

shift change at that time, and it appears that the message to call Mr. Strones was never sent to Acting Supervisor G. The phone calls from Mr. Strones were recorded. The final calls indicated that he may have known the offender, as she had apparently called him on his phone later to return his stolen laptop.

The CPOA Investigator reviewed the lapel video furnished by Officer B. The video only covers the first six minutes of the incident. The video starts with the officers arriving on scene and Mr. Strones is on his cell phone with someone. After Mr. Strones completed his call, Officer B. and Officer A. asked him what happened. Mr. Strones told them that he had just been robbed.

The video showed that a second officer, Officer A., told Mr. Strones to just be honest. Officer B. can be heard asking Mr. Strones if it was the same prostitute who had robbed him before, and he said that it was not but that the same male or pimp was involved. Mr. Strones continued telling his story to Officer B., and at that time Officer A. walked away. Officer A. returned and asked Mr. Strones about the incident taking place at midnight, but he didn't report it until 4 a.m. Officer B. asked, "They were in your apartment for four hours?" Mr. Strones answered, "Yeah."

Officer A. told Mr. Strones that he was going to let rescue tend to him and then they would regroup because the incident sounded odd to him. Officer A. said "If you said it's been since midnight, and where does the forcing their way in part come in if it just happened right now?"

Officer B. asked Mr. Strones about what problems he was having medically. Mr. Strones reported that he is having trouble breathing. One of the officers suggests that he put his cigarette out until the paramedics can evaluate him. Rescue arrived on scene and Mr. Strones told the paramedics that he suffers from anxiety attacks. The paramedic asked Mr. Strones if he wanted to go to the hospital, but he declined.

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

The CPOA reviewed Albuquerque Police Department Administrative Order 3-43-3(G)( 1) and (2) regarding 911 Operator J.'s conduct, which states:

*Verbal citizen complaints will be accepted by the Albuquerque Police Department. Any person receiving a verbal complaint will be responsible for obtaining sufficient information to assess the seriousness of the complaint and for determining if an informal resolution may be reached.*

*The individual receiving the complaint or conducting a follow-up regarding a complaint must notify a citizen of his right to make a written complaint and explain the process for making a written complaint.*

The evidence revealed that 911 Operator J. did obtain sufficient information to assess the seriousness of Mr. Strones' complaint and decided to have a supervisor call Mr. Strones to assist him further with his complaint. Operator J. did not notify Mr. Strones that he had a right to make a written Complaint, and she did not explain the process for making a written Complaint.

The CPOA finds this allegation against Telephone Operator J. is **SUSTAINED**, which means the allegation is supported by sufficient evidence.

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

(A) The CPOA reviewed Albuquerque Police Department General Order 1-04-1(F) regarding Officer B.'s conduct, which states:

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

Mr. Strones alleged that Officer B. was rude and unprofessional during the encounter. Although there is video that suggests that Officer B. was not rude or unprofessional, the video is only six minutes long and the officers were at the scene for at least an hour-and-a-half. That is not sufficient evidence to prove or disprove the allegation.

The CPOA finds this allegation against Officer B. is **NOT SUSTAINED**, which means there is insufficient evidence to prove or disprove the allegation.

(B) The CPOA reviewed Albuquerque Police Department General Order 1-04-4(O) regarding Officer B.'s conduct, which states:

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

Mr. Strones alleged that Officer B. acted as if what happened to him was insignificant and not worthy of his time. Although there is video and other evidence that suggests that Officer B. was concerned about what happened, and that the matter was not petty or insignificant, the video is only six minutes long and the officers were at the scene for at least an hour-and-a-half. That is not sufficient evidence to prove or disprove the allegation.

The CPOA finds this allegation against Officer B. is **NOT SUSTAINED**, which means there is insufficient evidence to prove or disprove the allegation.

(C) The CPOA reviewed Albuquerque Police Department General Order 1-04-4(Q) regarding Officer B.'s conduct, which states:

*Personnel shall obtain information in an official and courteous manner, and act upon it in a proper and judicious manner, within the scope of their duties, and consistent with established department procedures whenever any person requests assistance or advice, or makes complaints or reports, either by telephone or in person.*

Mr. Strones alleged that Officer B. did not obtain information from him in a courteous manner, and he only conducted a cursory investigation of the crime he reported to Officer B.

Although there is video and other evidence that suggests that Officer B. did conduct a proper preliminary investigation, the video provided is only six minutes long and the officers were at the scene for at least an hour-and-a-half. That is not sufficient evidence to prove or disprove the allegation.

The CPOA finds this allegation against Officer B. is **NOT SUSTAINED**, which means there is insufficient evidence to prove or disprove the allegation.

(D) The CPOA reviewed Albuquerque Police Department General Order 1-03-2(C) regarding Officer B.'s conduct, which states:

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

Mr. Strones alleges that Officer B. treated him differently than he would have anyone else because he has a brain injury. Specifically he alleged that Officer B. believed that he was stupid because of that injury and that he was prejudiced towards Mr. Strones, and that was what led to him being treated poorly by Officer B. There is no evidence or any valid facts offered by Mr. Strones to support that allegation.

The CPOA finds this allegation against Officer B. is **UNFOUNDED**, which means the allegation is false or not based on valid facts.

(E) The CPOA reviewed Albuquerque Police Department General Order 1-39-2(B) regarding Officer B.'s conduct, which states:

*All sworn personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service, or traffic stop... The recordings will be saved no less than 120 days.*

The investigation revealed that Officer B. did record the encounter with Mr. Strones, but by the time Officer B. was made aware of the existence of the complaint, 120 days had passed. Officer B. was only required to keep the video for 120 days. Even though he no longer had video, his backup officer did, and the officer provided that video to the CPOA Investigator.

Letter to Mr. Strones

DATE

Page 7

The CPOA finds Officer B. is **EXONERATED** with respect to this allegation, which means the incident which occurred was lawful or proper.

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

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

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

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

The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc:  
Albuquerque Police Department Chief of Police

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## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Elden Begay Sr. and Mildred Begay  
[REDACTED]

**Re: CPC # 176-14**

Dear Mr. and Mrs. Begay:

The Complaints you filed against the Albuquerque Police Department (APD) were received by our office on September 15, 2014, and October 8, 2014, for an incident which started on August 22, 2014, and continued for several day. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The Acting Executive Director made findings of whether the officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Mr. and Mrs. Begay's complaints were based on Detective J.'s conduct starting on August 22, 2014, and continuing for several days. On August 22, 2014, allegations of child abuse were forwarded to APD by the school staff. Detective J. went to the school in order to initiate an investigation. Detective J., along with Children, Youth & Families Department (CYFD) interviewed some of the children. Based on the admissions by the children, Detective J. left and worked on obtaining a search warrant for the Begay residence. Detective J. initiated the process for a 48-hour custody hold on the children. When Mr. and Mrs. Begay went to pick up their children from school, they were told they could not go home because of the pending search warrant and that their children were being taken into custody.

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Mr. and Mrs. Begay stated in their complaints that they were given no information as to why their children were being taken and why their home was being searched. They wrote when they were eventually told they could go home late at night, things were left a mess, and that unnecessary areas of their home were searched. Mr. and Mrs. Begay stated that their children and dogs were taken for no reason, and that there were no marks to indicate abuse. They claimed Detective J. was intimidating and rude with their children, particularly their 13-year-old daughter.

Mr. and Mrs. Begay stated that they attended a meeting with CYFD and determined their case was confused with another Begay family. Mr. Begay believed police became involved due to that error. They wrote that Detective J. called on August 29, 2014, asking if Mr. Begay wanted to make a statement. Mr. Begay stated that he told Detective J. he did not want to make a statement without an attorney. Detective J. told him he would assume Mr. Begay was guilty. Mrs. Begay alleged that Detective J. tried to enter their house on August 29, 2014, while no one was home.

Mr. and Mrs. Begay allege that a warrant was issued for Mr. Begay's arrest without reason and without providing them warning. Mrs. Begay wrote Detective J. showed up to the house on September 12, 2014, and tried to get her to open the door. Mrs. Begay alleged that Detective J. had a Comcast employee knock on the door to try to get her to answer.

The CPOA Investigator interviewed Mr. and Mrs. Begay. They repeated much of what was in their written complaints. They claimed there was no justification for Detective J.'s actions, because there were no marks on any of their children. Mr. and Mrs. Begay claimed the school personnel lied about the allegations. They alleged that their children were coerced or bribed into lying. They alleged that the whole thing was discriminatory against Native Americans.

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

I reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report, police reports, Detective J.'s lapel videos and audio recordings, Detective H.'s lapel videos, and the CPOA Investigator's interviews of Mildred Begay, Elden Begay Sr., and Detective J.

(A) I, as Acting Executive Director, reviewed Standard Operating Procedure Order 2-33-4(A)(3) regarding Detective J.'s conduct, which states:

*When responding to any form of child abuse, the officer must determine if the child should be removed from the environment for the child's safety. Pursuant to New Mexico Statute 32A-3B-3, an officer may take a child into protective custody when the officer had reasonable grounds to believe the child: 3. Is in danger from his surroundings and removal from those surroundings is necessary.*



Mr. and Mrs. Begay claimed there were no marks on their children to justify their children being taken into custody. They alleged that their children were taken without giving them information as to why, and without proper procedure. Mr. and Mrs. Begay claimed their family was merged with another family from Farmington under investigation and that resulted in police being involved.

The allegations of abuse were of a very serious nature. The lack of marks did not automatically mean the allegations had been proven untrue. The recorded interviews of the children showed there were disclosures that led both CYFD and Detective J. to believe a custody hold and investigation were necessary. There was some confusion apparently on the part of CYFD at a meeting which blended two families, but that had nothing to do with APD's criminal investigation.

I find Detective J.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

(B) I, as Acting Executive Director, reviewed Standard Operating Procedure Order 1-02-2(B)(2) regarding Detective J.'s conduct, which states:

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

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

Mr. and Mrs. Begay felt their rights were violated because they were not permitted to return home pending a search warrant. They complained that officers looked through things that they should not have or that were unnecessary to look through. Mr. and Mrs. Begay claimed all the items the officers were looking for were contained in the garage, yet Mrs. Begay's personal belongings in her bedroom were searched. They were kept from their home until late in the evening. When they finally were allowed to go home, things were in a mess, such as milk left on the counter, lights on, the TV was on and things strewn about. They also complained that an arrest warrant was placed on Mr. Begay without warning, such as a summons. They also claimed that according to their neighbors, Detective J. tried to enter their home on August 29th while no one was home.

The process of obtaining the search warrant was started in the afternoon. The search warrant specified any and all evidence to show residency, which could have been anywhere in the home. The search warrant also specified any and all whips, ropes, belts, back scratchers and/or other implements believed to have been used to strike or bind the children, so that also entitled officers to search all areas of the home. The process of writing and obtaining the authorizations for the search warrant takes time. The hours the search took place were considered before a nighttime search, which requires additional authorization. The lapel videos from the officers showed the condition of the home before the search was conducted.

The milk was already on the counter, the lights and TV were on, and things were in disarray. The arrest warrant was appropriately signed off per SOP 2-33-6(C). Summonses are not issued for felony charges. When both Mr. and Mrs. Begay were asked for neighbors' information about what the neighbors saw while they were not home, both Mr. and Mrs. Begay became vague. Neither Mr. nor Mrs. Begay provided contact information and just said they heard about it from neighbors. No one said Detective J. entered the house on that occasion.

I find Detective J.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

(C) I, as Acting Executive Director, reviewed Standard Operating Procedure Order 1-04-1(F) regarding Detective J.'s conduct, which states:

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

Mr. and Mrs. Begay claimed that Detective J. pressured their 13-year-old daughter into saying things and that they intimidated her. They alleged that Detective J. was rude when he spoke to their daughter. Mr. and Mrs. Begay claimed Detective J. asked Mr. Begay for a statement over the phone. When Mr. Begay declined to be interviewed, they claimed that Detective J. told him he assumed Mr. Begay was guilty of the allegations against him. Mrs. Begay also claimed Detective J. enlisted the help of a Comcast employee to try to trick her into opening the door, but she saw Detective J. standing behind and did not answer the door.

The audio and lapel videos showed that Detective J. was polite with all the children. Detective J. suspected the 13-year-old girl was covering for her parents and he asked her questions to get her to be honest. The recordings showed that Detective J. never bullied her into saying something or crossed lines. Detective J. recorded his phone conversation with Mr. Begay and never told Mr. Begay he assumed the charges were true or that Mr. Begay was guilty because he did not provide a statement. Comcast was contacted to determine if an employee was in the area. The Comcast regional security manager looked, but could not find evidence of a Comcast dispatch for the area.

I find Detective J.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

(D) I, as Acting Executive Director, reviewed Standard Operating Procedure Order 1-03-2(A) regarding Detective J.'s conduct, which states:

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

**Letter to Mr. and Mrs. Begay**

**Page 5**

Mr. and Mrs. Begay alleged that the whole situation was created due to a racial bias against Native Americans. Mr. and Mrs. Begay said there was no justification to take their children or animals away because there were no marks on the children. Mr. Begay expressed concern about where his children were being fostered, and both parents said that violated in place by the Indian Child Welfare Act. Mr. Begay claimed that Detective J. made a disparaging comment, but he did not remember what it was.

The allegations were serious and that was what prompted the investigation, not the Begay's ethnicity. CYFD places the children in foster care, so if there are any issues with following the Indian Child Welfare Act, that responsibility would be with CYFD. Mr. Begay could not remember what negative remark Detective J. supposedly made. Detective J.' contact with Mr. Begay was recorded and there was no remark made.

I find Detective J.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

**Additional Note:**

Mr. Begay stated in his interview he did not have a complaint about Detective H. Mrs. Begay's complaint was that Detective H. did not give them any information. There is no SOP that requires officers provide full information about an investigation to a suspect. The lapel videos showed Detective H. was professional and provided as much information as he could to the family about what was going on. Detective H. was not targeted as this was the only complaint Mrs. Begay had about Detective H. and he was not involved in other aspects of the investigation.

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

You have the right to appeal this decision. Section 9-4-1-9(A) of the Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of the respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.

M000769

**Letter to Mr. and Mrs. Begay**

**Page 6**

Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000770

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Renell Hull

**Re: CPC # 182-13**

Dear Mrs. Hull:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on August 23, 2013, for an incident which occurred on August 16, 2013. I assigned your Complaint to be investigated by a Civilian Police Oversight Agency (CPOA) Investigator. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. I, as Acting Executive Director, made findings of whether the police officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

Since officers are compelled to cooperate in the investigation, Sections 9-4-1-13 and 9-4-1-14 of the Police Oversight Ordinance mandate that their statements not be made public. Further, the contract between the Albuquerque Police Officers' Association and the City of Albuquerque sets forth guidelines on the information which I may disclose to you. Below is a summary of the complaint, my findings and any discipline imposed.

### **I. THE COMPLAINT**

Mrs. Renell Hull wrote that on August 16, 2013, her son, who has Down Syndrome, had taken off from her home with his Nerf guns and a broken rubber band gun. Mrs. Hull stated that her son's sister was following him to make sure he had not gone too far. Mrs. Hull stated the neighbor had become upset due to her dogs barking and informed the sister that she could not be in the alley.

Mrs. Hull then wrote the entire South East police department showed up with guns pointed at her son and daughter. Mrs. Hull stated that Sergeant V. informed her a neighbor had called the police stating Mrs. Hull's son was in the alley with a rifle. Mrs. Hull wrote that she was very frustrated with the lack of concerns for people with disabilities.

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

I reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Reports (CADS), the police report, and interviews of Mrs. Hull, Officer F. and Sergeant V.

I, as Acting Executive Director, reviewed Standard Operating Procedure Order 2-52-3(C) regarding Officer F.'s conduct, which states:

*While it is not possible to precisely define what is reasonable for a given situation, use of force requires careful consideration of the facts and circumstances that surround that particular situation. When determining whether force is reasonable and the level of force used, officers always consider:*

*1. Threats presented by the subject to the officer and/or public and the immediacy of them.*

Mrs. Hull stated in her complaint and during her interview she had felt the police should have considered and understood her son had Down Syndrome. Mrs. Hull stated that she felt the officers should not have had their weapons drawn on her son and should have realized the guns her son had were fake.

Officer F. and other officers responded to a dispatched call of two subjects in an alley with a rifle. Officer F. arrived to the call at 1817 hours and was the first and primary officer on scene with Sergeant V. The CAD report showed that within six minutes of arriving, the officers had received information and determined that the subject, Mrs. Hull's son, had Down Syndrome and had toy guns. Officer F. had his firearm out but never pointed it at Mrs. Hull's son. At that time the officers stood down and spoke to Frankie, Mrs. Hull's son, and Mrs. Hull. Officer F. and Sergeant V. spoke with Mrs. Hull and informed her of why they were there and why they had shown up with rifles and weapons drawn. Sergeant V. explained to Mrs. Hull the call was a subject with a gun in the alley and the caller made no reference to any disability or that they were toy guns. Officer F. indicated that Mrs. Hull stated she understood why the officers' presence with force was utilized. Lapel video of the incident was unavailable at the time the investigation was completed due to the 120-day retention policy.

I find Officer F.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

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

I, as Acting Executive Director, reviewed Standard Operating Procedure Order 2-52-3(C) regarding Sergeant V.'s conduct, which states:

*While it is not possible to precisely define what is reasonable for a given situation, use of force requires careful consideration of the facts and circumstances that surround that particular situation. When determining whether force is reasonable and the level of force used, officers always consider:*

*1. Threats presented by the subject to the officer and/or public and the immediacy of them.*

Mrs. Hull stated in her complaint and during her interview that she felt the police should have considered and understood her son had Down Syndrome. Mrs. Hull stated that the officers should not have had their weapons drawn on her son and should have realized the guns her son had were fake.

Sergeant V. was dispatched to a call on August 16, 2013, in reference to a subject in an alley with a rifle. There was no information given by the caller that the subject had Down Syndrome or a disability of any kind, or that the gun was fake.

Upon arrival at the scene, Sergeant V. noticed there were officers with long guns and firearms out but could not recall if they were pointed at the subject. It was possible due to the officers using scopes on their rifles to gain a visual on the subject. Shortly after being there, contact was made with Mrs. Hull's husband and daughter and Sergeant V. was informed the subject had Down Syndrome and that the weapons he was carrying were fake. As soon as Sergeant V. confirmed that, he made contact with Mrs. Hull's son and Mrs. Hull. Sergeant V. recalled Mrs. Hull being upset about the officers' presence with firearms, but Sergeant V. explained to Mrs. Hull why the response was necessary.

I find Sergeant V.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

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

You have the right to appeal this decision. Section 9-4-1-9(A) of the Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the IRO or the Chief to appeal that decision within 30 days of their respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

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

Sincerely,

Robin S. Hammer, Esq.  
Independent Review Officer  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**     *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*     *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*     *Dr. Jeannette Baca*     *Dr. Susanne Brown*  
*Eric H. Cruz*     *Joanne Fine*     *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

Via Certified Mail

Jonathan Carver  
[REDACTED]

**Re: CPC # 202-14**

Dear Mr. Carver:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on November 1, 2014, for an incident which occurred on October 30, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Mr. Carver's complaint is based on Officer A.'s conduct during the encounter on October 30, 2014 between his wife, Miranda Carver and his grandmother, Lillian Sanchez. Ms. Sanchez called APD to report Mrs. Carver battered her. Ms. Sanchez reported to police she sought refuge at the neighbors' house.

Mr. Carver wrote in his complaint that Officer A. failed to listen to his wife's version of events when there was a conflict between Mrs. Carver and Ms. Sanchez. Mr. Carver claimed he had evidence to show Officer A. that Officer A. refused to consider. Mr. Carver wrote Officer A. failed to see that Ms. Sanchez lived in uninhabitable conditions. Mr. Carver stated he was Ms. Sanchez's caretaker.

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The CPOA Investigator interviewed Mr. Carver. Mr. Carver repeated much of what was in his written complaint. Mr. Carver restated that Officer A. failed to listen to his wife's side of the situation. Instead Mr. Carver claimed Officer A. listened to neighbors that were not there and had a bias against Mr. Carver and his wife. Mr. Carver stated it was improper for Officer A. to handcuff Mrs. Carver immediately upon contacting her. Mr. Carver believed Officer A. should have assessed his grandmother's mental health and ordered a psychological evaluation for his grandmother before arresting his wife. Mr. Carver believed Officer A. should have asked Mr. Carver or Mr. Carver's mother for information about Ms. Sanchez's background. Mr. Carver claimed Officer A. filed a false police report because he did not get the facts. Mr. Carver was not present during the situation and received the information from his wife about what happened. Mr. Carver admitted he did not have power of attorney or other court ordered guardianship over his grandmother.

The CPOA Investigator interviewed Mrs. Carver, as well, since she was the one present, not Mr. Carver. Mrs. Carver also complained Officer A. did not listen to her side of the story. Mrs. Carver stated Officer A. did not do a proper investigation and wrongfully arrested her. Mrs. Carver stated Officer A. did not knock or announce his presence and simply walked in the house. Mrs. Carver stated it was wrong for Officer A. to handcuff her right away if she was only detained. Mrs. Carver tried to tell Officer A. Ms. Sanchez's history, but Officer A. did not consider the information she tried to provide. Mrs. Carver stated Officer A. refused to call her husband or mother-in-law who had information to contribute. Mrs. Carver stated Officer A. got an attitude with her and called her "smart mouthed".

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

The Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report, Albuquerque Police Report, Officer A.'s lapel video and the CPOA Investigator's interviews of Mr. Carver, Mrs. Carver and Officer A.

(A) The CPOA reviewed Standard Operating Procedure Procedural Order 2-24-3(F)(1-5) regarding Officer A.'s conduct, which states:

*Steps to be followed in conducting preliminary investigations: 1. Observe all conditions, events and remarks. 2. Locate, identify and interview witnesses, victims and suspect(s). 3. Protect the crime scene and the evidence. Ensure that necessary evidence is collected. 4. Effect the arrest of the suspect. 5. Report the incident fully and accurately.*

Mr. Carver claimed Officer A. did not listen to his wife's version of events. Mr. Carver claimed the police report did not have any of his wife's statement. Mr. Carver stated Officer A. only listened to the neighbors who were not even present and biased against him and his wife. Mr. Carver said Officer A. should have spoken to him and his mother who could have provided history on Ms. Sanchez's mental health issues. Mr. Carver stated he had texts and phone calls from his wife that illustrated what happened. Officer A. did not do a proper

investigation because he failed to recognize a mental health situation. Mrs. Carver stated she tried to tell Officer A. about Ms. Sanchez's history and that Ms. Sanchez filed false claims against her before. Mrs. Carver tried to get Officer A. to contact her husband and mother-in-law about Ms. Sanchez so Officer A. could understand Ms. Sanchez's history. Mrs. Carver told Officer A. that Ms. Sanchez tried to bite her. Mrs. Carver claimed Ms. Sanchez threw herself around to cause injury to herself. Mrs. Carver claimed Ms. Sanchez was the cause of the altercation and tried to goad Mrs. Carver into fighting. Mrs. Carver stated Officer A. did not listen to her and did not allow Mrs. Carver to provide proof of Ms. Sanchez's condition such as brain scans and blood work.

The video showed Officer A. spoke to Mrs. Carver, Ms. Sanchez, and the neighbors because that was where Ms. Sanchez fled to. The video showed Officer A. saw injuries and had additional injuries documented by a field investigator at the hospital. The video showed no additional family members arrived. Mrs. Carver confirmed no additional people came to the scene while Officer A. was present. The video showed Officer A. made the arrest based on his investigation and what was relevant to that night's occurrence. The report reflected the statements all parties made to Officer A..

The CPOA finds Officer A.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

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

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

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

Mrs. Carver stated Officer A. did not knock on the door or announce his presence. Mrs. Carver at first said she was outside and then said she was inside with the inner door open and the screen door closed. Mrs. Carver stated Officer A. walked into the house. Mrs. Carver stated Officer A. immediately instructed her to put her hands behind her back and handcuffed her. Mrs. Carver stated Officer A. told her at that time she was not under arrest and only detained, which Mrs. Carver believed a person could not be handcuffed if only detained. Mr. Carver too claimed Officer A.'s actions were illegal. Mrs. Carver claimed she should not have been arrested given the circumstances of Ms. Sanchez's mental health and that Ms. Sanchez attacked her. Mr. Carver claimed Officer A. should have had a mental health assessment performed on his grandmother before arresting his wife. Mr. Carver felt if it was necessary Officer A. could have issued a summons later.

The video showed Ms. Sanchez made allegations and had visible injuries. The video showed the neighbors confirmed the existence of other injuries. Ms. Sanchez had debris on her jacket

and hair which substantiated Ms. Sanchez's claim she hid in bushes to escape Mrs. Carver. A 911 call from Mr. Carver's mother reported some of the allegations Mrs. Carver had about what happened that night, but the information was coming to her from Mrs. Carver. Mr. Carver's mother was not present herself. Officers are required by state statute 31-1-7 and SOP 3-12611 to make an arrest and assess which party is the primary aggressor in domestic violence situations. The video showed the inner door of the residence was open and Officer A. confirmed Mrs. Carver's identity as he entered the home. Officers may use handcuffs whether the person is detained or arrested if the situation warrants it. Mrs. Carver admitted in her interview she lied to Officer A. when she told him she had not hit Ms. Sanchez and that Ms. Sanchez threw herself around. Mrs. Carver admitted the truth was she and Ms. Sanchez battered each other. Officer A. based his arrest on the evidence presented to him at the time. Ms. Sanchez's possible mental health concerns did not dismiss the evidence a domestic situation occurred.

The CPOA finds Officer A.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

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

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

Mr. Carver claimed Officer A. was aggressive and hostile because they did not listen to his wife. Mr. Carver claimed Officer A. was a "typical power hungry bully". Mrs. Carver stated Officer A. conveyed he did not believe her. Mrs. Carver complained Officer A. told her she was "pretty smart mouthed" when she complained Officer A. was not following the conversation. Mrs. Carver claimed Officer A. rolled his eyes and took the attitude she was "a poor little high girl", but agreed Officer A. never said anything like that.

The lapel video showed Officer A. was professional with all individuals. The lapel video showed Officer A. never accused Mrs. Carver of being "smart mouthed". The lapel video showed Mrs. Carver criticized the officer for not following the conversation, but what she was saying she had not said before. There is no visual of Officer A.'s face, but his tone did not indicate anything.

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

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

You have the right to appeal this decision. Section 9-4-1-9(A) of the Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of the

**Letter to Mr. Carver**

**DATE**

**Page 5**

respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000779



## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*

*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*

*Eric H. Cruz*      *Joanne Fine*

*Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Mr. Antonio Garcia

**Re: CPC #204-14**

Dear Mr. Garcia:

The complaint you filed against Officer B. of the Albuquerque Police Department (APD) was received by our office on October 29, 2014, for three incidents which had occurred in the past. The first incident that you complained of happened in 2008. The second incident that you complained of happened on May 19, 2012. The third incident you complained of happened on October 25, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The Acting Executive Director made findings of whether the officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Mr. Baca stated in his complaint that in 2008, Officer B. was engaged to a woman with whom Officer B. had a child. The woman was found dead in Officer B.'s home with a gunshot wound to the stomach. The weapon that was used in the shooting was Officer B.'s department-issued handgun. Mr. Garcia complained that Officer B. was never charged with any crime related to the shooting death.

Sometime after that incident, Officer B. became engaged to Mr. Garcia's ex-wife. Mr. Garcia alleged that in May of 2012, while attending a soccer game at a local park where he was

watching his son receive some soccer awards, Mr. Garcia and Officer B., who was off duty, were involved in a verbal altercation. Mr. Garcia alleged that during that incident Officer B. was holding a large beach umbrella that had a large steel spike on the end of it. Mr. Garcia alleged that Officer B. repeatedly jabbed this large steel spike into his son's back. When Mr. Garcia intervened and told Officer B. to never touch his son in that matter again, the verbal altercation ensued. Officer B. allegedly balled up his fists and closed the distance between Mr. Garcia and Officer B. Mr. Garcia feared that he would be hit by Officer B., so he left and reported the incident to the police. Mr. Garcia complained that no charges were ever filed on Officer B. for the events that occurred on that day. Mr. Garcia did obtain an Order of Protection against Officer B. on behalf of Mr. Garcia's minor son, based on what occurred during that altercation.

Mr. Garcia further wrote in his complaint that on October 25, 2014, after dropping off his child at a neutral location for child custody exchanges, he inadvertently found himself driving behind Officer B., Mr. Garcia's ex-wife, and their minor children. Mr. Garcia alleged that Officer B., who was off duty, suddenly and without warning, slammed on his brakes causing Mr. Garcia to almost hit Officer B.'s vehicle. Mr. Garcia immediately grabbed his cell phone camera and took a picture of Officer B.'s license plate. Mr. Garcia alleged that Officer B. then backed up and got on the right side of Mr. Garcia's vehicle. Mr. Garcia could see his son in the back seat crying and screaming for Mr. Garcia to help him. Mr. Garcia yelled at Officer B., called him a maniac, and told him that he was going to kill somebody with the way Officer B. was driving. Mr. Garcia alleged that Officer B. responded by saying that he didn't care. Officer B. then allegedly reversed his vehicle again, narrowly missing Mr. Garcia's vehicle. Mr. Garcia then left the area and phoned the police.

Mr. Garcia went on to allege that Sergeant C. responded to his home to take a report on the incident. Mr. Garcia wrote that he asked Sergeant C. if he knew Officer B. before he reported what happened during the incident to Sergeant C. Sergeant C. assured Mr. Garcia that he did not know Officer B. When Sergeant C. got ready to leave after taking the report, he handed Mr. Garcia a business card that indicated that Sergeant C. worked out of the same substation that Officer B. worked out of. Mr. Garcia alleged that Sergeant C. lied about knowing Officer B. and that Sergeant C. displayed a lack of integrity when he told Mr. Garcia that he did not know Officer B.

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

I reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, interviews with the Complainant, Officer B., Sergeant C., and Sergeant H. The CPOA Investigator also reviewed past and current police reports and past Internal Affairs files. The CPOA Investigator also reviewed a surveillance video that captured most of the October 25, 2014, incident. The CPOA Investigator reviewed a cell phone video made by Officer B. during the October 25<sup>th</sup> incident. The CPOA Investigator also reviewed the 911 calls made to dispatch by Officer B.'s wife during the October 25<sup>th</sup> incident. The CPOA Investigator reviewed the calls made by Antonio Garcia to APD on

October 25, 2014. The CPOA Investigator also reviewed a recording that was made in Court when the Temporary Restraining Order against Officer B. was lifted. The CPOA Investigator also reviewed Sergeant C.'s lapel camera videos of Sergeant C.'s contact with Mr. Garcia.

A review of the 2008 incident complained of by Mr. Garcia showed that there was both a criminal investigation and an internal affairs investigation into the matter. The criminal investigation was conducted by the Bernalillo County Sheriff's Department. The Bernalillo County Sheriff's Department investigation determined that the 2008 incident was a suicide and that Officer B. had no criminal responsibility. The internal affairs investigation that was conducted by the Albuquerque Police Department at the time found that Officer B. had violated policy. Officer B. was disciplined in the matter. Because there were already a criminal investigation and an internal investigation into the matter, and because Officer B. was disciplined in the matter, no action was taken by the CPOA Investigator with regards to any further investigation, other than the review, into the 2008 incident.

(A) With regard to the May 19, 2012, allegation of misconduct, I, as Acting Executive Director, reviewed Standard Operating Procedure Order 1-04-1(F) regarding Officer B.'s conduct, which states:

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

The evidence that related to the 2012 incident at the soccer park was reviewed. That evidence included a review of the police report that was filed in the case, an interview with Mr. Garcia, an interview with Officer B., and an interview with Sergeant H., who investigated the case at the time. The Temporary Restraining Order that was filed in that case was also reviewed.

Mr. Garcia had complained in his written complaint and his interview that Officer B., who was off duty at the time, had taunted Mr. Garcia's son with a large beach umbrella that had a large steel point on the end of it. The 2012 police report taken by Sergeant H., as well as a review of the Temporary Restraining Order that had been filed in that case showed that, in fact, it was not a large beach umbrella with a large steel point as Mr. Garcia had alleged in his complaint to the CPOA, but was instead a lawn chair. The report made by Sergeant H. in 2012 said that it was Mr. Garcia who knocked the lawn chair from Officer B.'s hand. Mr. Garcia admitted doing that and said that he did so because Officer B. was taunting his son with the chair.

Mr. Garcia also alleged that Officer B. bad-mouthed him, saying he was not a good father and he also called Mr. Garcia a drug dealer. Mr. Garcia never told Sergeant H. that he was in fear of being battered by Officer B. Officer B. told Sergeant H. that he was playing with the boy and Mr. Garcia got offended and hit the chair from Officer B.'s hand. Officer B. told Sergeant H. that Mr. Garcia had a long criminal history and was a drug user. Mr. Garcia's father was interviewed and he told Sergeant H. that both his son, Mr. Garcia, and Officer B., could have handled the incident better than what they did. Mr. Garcia's father witnessed Mr. Garcia push the chair from Officer B.'s hand. Mr. Garcia's father said that Officer B. did say



that Antonio Garcia was not a good father, and that Antonio Garcia was a drug dealer. Sergeant H. also interviewed Ashley Romero, Mr. Garcia's ex-wife. Sergeant H. was interviewed by the CPOA Investigator. Sergeant H. said that based on her investigation at the time, Mr. Garcia did not commit any intentional crime by slapping the chair from Officer B.'s hand, even though Ms. Romero said that she was hurt by the chair. Sergeant H. said that she contacted Officer B.'s immediate supervisor at the time and they discussed Officer B.'s actions. While they both felt that Officer B. could have handled the situation better, neither she, nor Officer B.'s supervisor, felt that Officer B.'s actions constituted a violation of Standard Operating Procedure and, therefore, no Internal Investigation into the matter was conducted. Mr. Garcia never filed a Citizen Police Complaint on that incident.

Mr. Garcia's complaint against Officer B. in the 2012 case contained false allegations. The incident did not occur as Mr. Garcia described in his complaint to the CPOA, and for unknown reasons Mr. Garcia changed the lawn chair to a "huge beach umbrella" with a "large steel spike at the end." None of that is true. Furthermore, a review of the police report and the interview conducted with Sergeant H. showed that the 2012 incident was investigated fully and that there was no SOP violation committed by Officer B.

I find Officer B.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

(B) With regard to the October 25, 2014, allegation of misconduct, I, as Acting Executive Director, reviewed Standard Operating Procedure Order 1-04-1(F) regarding Officer B.'s conduct, which states:

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

The evidence that was available regarding the October 25, 2014, incident was reviewed. That evidence included the police report, a review of the 911 calls that Ms. Romero made to 911 concerning Mr. Garcia's actions on that date, a review of all the phone calls that Mr. Garcia made to APD on that date, a review of video that Officer B. made on his cell phone, a review of Sergeant C.'s lapel videos, and a review of the recorded Domestic Violence Restraining Order Hearing wherein the Restraining Order against Officer B. was lifted. A surveillance video that captured most of the incident was also reviewed. Mr. Garcia was interviewed, Officer B. was interviewed, and Sergeant C. was interviewed.

The surveillance video was most telling in that it showed that Officer B. was not driving dangerously. The video showed it was Mr. Garcia who was tailgating Officer B.'s vehicle. Mr. Garcia was only about a car length behind Officer B. in a 30 MPH zone. The video showed that Officer B. did not brake abruptly. In fact, Officer B. simply pulled over into an available turn lane. Mr. Garcia's van did not almost slide sideways while allegedly trying to avoid hitting Officer B. The video showed that it was Mr. Garcia who pulled alongside Officer B.'s vehicle, on the right side of Officer B.'s vehicle, and that Mr. Garcia made a U-turn in front of Officer B. Officer B. never backed up as Mr. Garcia alleged, and Officer B.

never was on the right side of Mr. Garcia's vehicle as Mr. Garcia alleged. The video showed that the encounter was over and done when Mr. Garcia made a U-turn and headed West on Lomas. Yet Mr. Garcia, as the video showed, chose to turn around and follow Officer B., Officer B.'s wife, and their children.

The 911 call made by Ms. Romero to APD to report Mr. Garcia for following and harassing them showed that the children in the car were not screaming as Mr. Garcia alleged. Furthermore, those recordings showed that Officer B. never said anything to Mr. Garcia during the encounter as Mr. Garcia had alleged in his complaint.

The Domestic Violence Restraining Order Hearing Officer found Mr. Garcia's allegations as to what had occurred on that date as not believable. The Restraining Order was dismissed.

Mr. Garcia's complaint against Officer B. for the 2014 incident also contained false allegations. The evidence referenced above showed that it was Mr. Garcia who was driving aggressively, as he was tailgating Officer B. The video showed that Officer B. did not brake abruptly. Mr. Garcia said in his complaint that he "fishtailed" in his van when he had to avoid hitting Officer B.'s vehicle. The video proved that did not happen. Mr. Garcia alleged in his complaint that Officer B. reversed his vehicle right after that and that Officer B. "slammed the accelerator" coming towards his van and that Officer B. narrowly missed striking his van. Mr. Garcia alleged that Officer B. then got on the right side of Mr. Garcia's van and he could see his son in the back seat of Officer B.'s vehicle screaming for Mr. Garcia to help him. Mr. Garcia alleged that Officer B., when confronted, told Mr. Garcia that he did not care and that Officer B. continued in reverse and placed his vehicle behind Mr. Garcia's vehicle. The surveillance video, the 911 call placed by Ms. Romero, and the cell phone video made by Officer B. all prove that Mr. Garcia's allegations made in the written complaint are false. The incident did not happen as Mr. Garcia alleged.

I find the allegation of a violation of this SOP against Officer B. was **UNFOUNDED**, which means the allegation is false or not based on valid facts.

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

With regard to the October 25, 2014, allegation of misconduct, I, as Acting Director, reviewed Standard Operating Procedure Order 1-04-1(F) regarding Sergeant C.'s conduct, which states:

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

Mr. Garcia complained specifically that Sergeant C. lied to him when Sergeant C. said that he did not know Officer B. Mr. Garcia alleged that Sergeant C. displayed a lack of integrity when he told Mr. Garcia that he did not know Officer B. Mr. Garcia said that since both Sergeant C. and Officer B. work out of the same substation, they must have known each other.

The CPOA Investigator determined that there are 96 officers working three different shifts assigned to the Southeast Substation. Sergeant C. and Officer B. work different shifts. Sergeant C., at the time of this incident, only knew Officer B. by face and not by name. Sergeant C.'s lapel video recording of his interaction with Mr. Garcia confirmed that Sergeant C. did not know who Officer B. was. In fact, on the video, Sergeant C. had to ask Mr. Garcia if he was sure that Officer B. was an Albuquerque Police Officer. Also, the video showed that Mr. Garcia did not ask Sergeant C. if he knew Officer B. before telling Sergeant C. what happened during the incident, as Mr. Garcia had alleged in his written complaint and interview. The lapel camera video showed that Mr. Garcia only questioned Sergeant C. about knowing Officer B. at the end of the encounter, after Sergeant C. told Mr. Garcia that Sergeant C. worked out of the Southeast Substation.

The lapel video recording showed that Sergeant C. conducted a proper investigation into the allegations that were made against Officer B. by Mr. Garcia. Sergeant C. wrote a report on the incident as requested by Mr. Garcia. Even after Mr. Garcia returned to the police substation with a Restraining Order, it was Sergeant C. who lawfully and properly served the Restraining Order on Officer B.

The evidence referenced above showed that Sergeant C. did say that he did not know Officer B. even though he knew Officer B. by face. That conduct did not violate APD policies, procedures, or training.

I find Sergeant C.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

Your complaint and these findings are made part of Officer B.'s and Sergeant C.'s Internal Affairs personnel file.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

**Letter to Mr. Garcia**  
**March 13, 2015**  
**Page 7**

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000786

## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Leonard Waites, Chair*

*Beth Mohr, Co-Vice Chair*

*J. Scott Wilson, Co-Vice Chair*

*Dr. Moira Amado-McCoy*

*Dr. Jeannette Baca*

*Eric H. Cruz*

*Joanne Fine*

*Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

April 10, 2015

Via Certified Mail

Tremayne Pollard

C/O Macy's

6600 Menaul Blvd. NE, Suite 500

Albuquerque, NM 87110

**Re: CPC #207-14**

Dear Mr. Pollard:

The complaint you filed against Officer M. of the Albuquerque Police Department (APD) was received by our office on November 6, 2014, for two incidents which occurred in the past. The first incident you complained of happened in 2008. The second incident you complained of happened on or about July 27, 2014 and the second incident you complained about occurred on November 4, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Tremayne Pollard, who is a Security Supervisor at Macy's in Coronado Mall, wrote in his complaint that on November 4, 2014 they had a shoplifting incident that involved an unknown Hispanic male, a former associate, and a current associate. The unknown Hispanic male tried to steal a leather jacket, but was unsuccessful in doing so because he was stopped at the store entrance by two loss prevention associates, Zac Courtois and Nicole Rael. The Hispanic male resisted the loss prevention associates who attempted to detain him. The Hispanic male fled the scene in a car that was being driven by a former associate.

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Mr. Pollard complained that when Officer M. arrived to answer the store's call for assistance, Officer M. displayed unprofessional behavior. Mr. Pollard specifically complained that Officer M. did not take the incident seriously. Allegedly, Officer M. also made several comments to the Loss Prevention employee, Zac Courtois, that were inappropriate. Mr. Courtois felt as if Officer M. was belittling him. Officer M. allegedly asked Mr. Courtois, "What would you like me to do about this incident? There is no report number, why would I make a report? It's just a bunch of paper pushing."

Officer M. left the office without providing Mr. Courtois a report number. Mr. Pollard said that store policy required that all incidents like these must be reported and documented by the police. Mr. Pollard also complained that Officer M. had made demeaning comments to Mr. Courtois months earlier, around July 27, 2014. During that incident Officer M. allegedly commented that Zac Courtois had poor report writing skills.

Mr. Pollard wrote that he was not present for the November 4, 2014 incident, but that he filed the complaint based on what his employees, Zac Courtois and Nicole Rael, had told him about the incident. Mr. Pollard stated that he was present for the July 27, 2014 incident. Mr. Pollard stated that that Officer M. comments about Mr. Courtois's report writing skills at that time.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, interviews with the Complainant, Zac Courtois, Nicole Rael, Officer M., and Officer D.. The CPOA Investigator also reviewed the CADS report on the incident as well as the police officer's lapel video recordings of the incident.

A) With regard to the July 27, 2014 allegation of misconduct by Officer M., the CPOA reviewed Standard Operating Procedure Order 1-04-1 (F) regarding Officer M.'s conduct, which states:

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

Mr. Pollard complained that in July of 2014, Officer M. had responded to a felony shoplifting involving multiple suspects. Officer M. allegedly returned the following day to pick up a statement from a Loss Prevention person at the Macy's store. Mr. Pollard said that when Officer M. picked up that statement, Officer M. said that the Loss Prevention employee, Mr. Courtois really needed to work on being more timely with the statement and that the Loss Prevention person needed to work on his report writing skills.

Mr. Pollard said that Officer M. made that comment directly to Mr. Pollard. The Loss Prevention person, Zac Courtois, who wrote out the written statement regarding the felony

shoplifting, said that Officer M. made the statement to a mall security guard, who in turn told Mr. Pollard. Officer M. denied he ever made such a comment.

There is insufficient evidence to prove or disprove that Officer M. was discourteous or unprofessional toward anyone, regarding alleged comments about Mr. Courteous's work product.

The CPOA finds Officer M.'s conduct to be **NOT SUSTAINED**, which means there is insufficient evidence to prove or disprove the allegation.

B) With regard to the November 4, 2014 allegation of misconduct by Officer M., the CPOA reviewed Standard Operating Procedure Order 1-04-1 (F) regarding Officer M.'s conduct, which states:

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

Mr. Pollard complained that on November 4, 2014, that Officer M. conducted himself unprofessionally and that Officer M. made several comments to Mr. Courtois that were "inappropriate." Those comments Officer M. allegedly made, gave Mr. Courtois the impression that Officer M. was belittling him. Mr. Pollard alleged that this was the second time that Officer M. had made demeaning comments towards Mr. Courtois.

The information obtained in the investigation showed that Officer M. was polite and professional throughout the encounter. The lapel videos showed that Officer M. never made any demeaning comments towards Zac Courtois. This was confirmed by a statement from Mr. Courtois's co-worker, Nicole Rael.

The videos showed that Officer M. appeared to be somewhat confused by the story at the beginning of the incident until the story was explained in better detail. The entire contact with Mr. Courtois and Ms. Rael was recorded on video. The videos showed that Officer M. behaved professionally throughout the encounter.

The CPOA finds this allegation of Officer M.'s alleged misconduct to be **UNFOUNDED**, which means that the investigation showed by clear and convincing evidence that the alleged misconduct did not occur.

C) The CPOA reviewed Standard Operating Procedure 1-04-4 O regarding Officer M.'s conduct which states in part:

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

Mr. Pollard complained that Officer M. did not take the November 2014 incident seriously. As evidence to support that allegation, Mr. Pollard said that Officer M. made comments like,

"What do you want me to do about this incident?" and "There is no report number, why would we make a report? It's just a bunch of paper pushing."

The lapel videos showed that those allegations were untrue. When Officer M. arrived on scene, he asked Mr. Courtois, "What happened?" The lapel video showed that Officer M. had a genuine interest as to what had occurred during the shoplifting. Officer M. asked numerous investigative questions concerning the shoplifting. Officer M. reviewed the store's surveillance video, and he read the written statement that Zac Courtois had prepared on the incident. Officer M. offered to interview the one associate who still worked for the store. Officer M. also told Zac Courtois that he could pull up a picture of the registered owner of the license plate that Mr. Courtois had regarding the suspect in the shoplifting to see if the picture matched the suspect. Officer D., who was with Officer M., suggested that the store submit the video of the shoplifting to the Albuquerque Retail Assets Protection Association website to see if the offender could be identified by other merchants participating in the program. Those documented actions are not those of an officer who felt that the matter was petty or insignificant.

The lapel video evidence proved that Officer M. did not ask, "What do you want me to do about this incident?" Officer M. also did not say that there was no report number. Officer M. did not ask, "Why would we do a report?" It was Officer D. who made the "paper pushing" comment.

The CPOA finds this allegation of Officer M's alleged misconduct to be **UNFOUNDED**, which means that the investigation showed by clear and convincing evidence that the alleged misconduct did not occur.

D) The CPOA reviewed Standard Operating Procedure 1-05-6 D regarding Officer M.'s conduct which states in part:

***Personnel will write reports on any incident where a citizen/victim requests a report.***

The lapel video evidence showed that Zac Courtois did ask for a report to be made on the November 2014 incident. Officer M. asked, "So do you need a report for your records?" Mr. Courtois answered, "Yes." Later Officer M. asked again, "So you just want a report?" Mr. Courtois answered, "Yes." Officer D. spoke up at that point and talked Mr. Courtois out of having the report written at that time. Officer M., even after that said that he would not mind writing a report for Mr. Courtois. Officer M. never report on the matter.

It was clear from the videos that Officer M. was certainly willing to write a report on the matter. However, the written report never materialized. Mr. Courtois asked for a report and Officer M. was required under SOP to write one. He failed to do so.

The CPOA finds this allegation of Officer M's conduct to be **SUSTAINED**, which means by a preponderance of the evidence the alleged misconduct of not writing a report when requested did occur.



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

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

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

The investigation revealed that Mr. Courtois called the APD for assistance in trying to identify a person who had tried to steal a jacket from the Macy's store. Mr. Courtois had done some extensive work to try to identify the suspect and Mr. Courtois believed that the suspect, a former store employee, and a current store employee were all involved in the matter. Mr. Courtois also wanted a report made by APD to document what had occurred.

The lapel video evidence showed that Officer M. was willing to write a report on the incident until Officer D. stepped in and said that APD doesn't usually write reports where the victim doesn't know who the suspect is and where there are no charges to file. Officer D. said "That's just like paper pushing, you know, for no reason."

Whether a written report would have had any effect on the outcome of the shoplifting is unknown. Mr. Courtois called the APD for help in identifying a possible suspect and to get a police report on the matter and Officer D.'s actions resulted in none of that happening.

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

B) The CPOA reviewed Standard Operating Procedure Order 1-04-4 (O) regarding Officer D.'s conduct, which states in part:

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

The lapel videos showed that Officer D. and Officer M. showed a genuine interest in the shoplifting as it was being reported to them. Officer D. and Officer M. asked numerous investigative questions concerning the shoplifting. Store surveillance video was reviewed as well as the written statement that Zac Courtois had prepared on the incident. Officer M. offered to interview the one associate who still worked for the store. Officer M. also told Zac Courtois that he could pull up a picture of the registered owner of the license plate that Mr. Courtois had regarding the suspect in the shoplifting to see if the picture matched the suspect. Officer D. suggested that the store enter the video of the shoplifting to the ARAPA website to see if the offender could be identified by other merchants participating in the program. Those

documented actions are not those of an officer who felt that the matter was petty or insignificant.

The CPOA finds this allegation of Officer D's alleged misconduct to be **UNFOUNDED**, which means that the investigation showed by clear and convincing evidence that the alleged misconduct did not occur.

- C) The CPOA reviewed Standard Operating Procedure Order 1-05-6 (D) regarding Officer D.'s conduct, which states in part:

***Personnel will write reports on any incident where a citizen/victim requests a report.***

Even though Officer D. was a secondary or back up officer in this case, he took on an active and convincing role as to whether or not a police report would be written on the matter. Officer D. said that the report would just be a lot of paper pushing for no reason.

Mr. Courtois asked for a police report on the matter. Officer D. gave a number of reasons as to why the police would not do a report on such a matter. He should not have done that and a report should have been written.

The CPOA finds this allegation of Officer D.'s conduct to be **SUSTAINED**, which means by a preponderance of the evidence the alleged misconduct of not writing a report when requested did occur.

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

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

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

**Letter to Mr. Pollard**

**April 10, 2015**

**Page 7**

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

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## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Ms. Marie Bradford  
[REDACTED]

**Re: CPC #210-14**

Dear Ms. Bradford:

The complaint you filed against Officer S. of the Albuquerque Police Department (APD) was received by our office on November 17, 2014, for an incident that occurred on that same day. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. I, as Acting Executive Director, made findings of whether the officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Marie Bradford, an African American, complained that on November 17, 2014, while on her way to pick up her child from school, she was followed from her sister's home by Officer S. When she arrived at the school, she was approached by Officer S. who questioned her about why she was coming from the area that she was. When Ms. Bradford told Officer S. that she was coming from her sister's house where she had been visiting, Officer S. asked for the specific address that Ms. Bradford was coming from. Officer S. told Ms. Bradford that she fit the description of someone who was suspected of violating the law. The officer refused to tell Ms. Bradford what law that offender was suspected of violating. Ms. Bradford alleged that the entire incident was a case of racial profiling. Ms. Bradford said that African Americans

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are not prohibited from visiting any neighborhoods in Albuquerque. Ms. Bradford later found out that her nephew, who is also African American, had been stopped by other police officers in the same area asking the same questions.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, interviews with the Complainant and Officer S. The CPOA Investigator also reviewed the CADS report on the incident as well as the police officer's lapel video recording of the contact with Ms. Bradford.

I, as Acting Executive Director, reviewed Standard Operating Procedure Order 1-03-2(A) regarding Officer S.' conduct, which states:

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

Ms. Bradford complained that she was stopped by Officer S. without reasonable suspicion. Ms. Bradford felt that she was racially profiled by Officer S.

The investigation revealed that on the date and time that this incident took place, an Armed Robbery had occurred at the 7-11 store at Carlisle and Montgomery. The offender got away with a bag containing several thousand dollars. The offender was described as a black male wearing a ski mask and a blue hoodie. The offender left on foot headed towards some apartments near the store. Officer S. had been dispatched on the call as a backup officer and she drove around the other side of the apartments to see if she could locate the offender. As Officer S. drove onto Douglas MacArthur Street, the street on which the apartments are located, she noticed a vehicle back out of a driveway rather rapidly. The vehicle passed her going in the opposite direction. Officer S. noticed that the car was being driven by a black male wearing a hoodie, but Officer S. couldn't see the color of the hoodie. Officer S. turned around to follow the vehicle, and as she was doing so, she was trying to get more information on the offender.

The armed robbery was reported to the police at 2:41 p.m. Officer S. spotted the car on Douglas MacArthur 11-12 minutes after the call came in to APD. Officer S. followed the car to Bel-Air Elementary School where the car pulled in and stopped. The investigation revealed that the car was being driven by Ms. Bradford's brother and Ms. Bradford was a passenger in the car. Officer S. contacted Ms. Bradford and her brother at 2:57 p.m., just 16 minutes after the armed robbery. The lapel video showed, and Officer S. confirmed, that Ms. Bradford's brother was a black male wearing blue jeans, but the hoodie was grey in color and not blue. As soon as Officer S. saw that, she knew that Ms. Bradford and her brother were not involved in the armed robbery and told them that they were free to go. The contact was brief, less than

three minutes. Neither Ms. Bradford nor her brother were asked to produce identification. They were questioned as to where they were coming from, told that there had been an incident in the area, and that Ms. Bradford's brother kind of matched the description of the offender. The video showed that Officer S. within just a minute or so into the contact told Ms. Bradford and her brother that they were obviously not involved in the incident and they were free to go.

While Officer S. did not tell Ms. Bradford the nature of the incident, that it was an armed robbery, Officer S. did provide Ms. Bradford with sufficient detail to justify why they were being followed and contacted.

I find the allegation of a violation of this SOP against Officer S. was **UNFOUNDED**, which means the allegation is false or not based on valid facts.

Your complaint and these findings are made part of Officer S.' Internal Affairs personnel file.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police



## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
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*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Mr. Jerome Montoya

**Re: CPC #216-14**

Dear Mr. Montoya:

The complaint you filed against Detective H. of the Albuquerque Police Department (APD) was received by our office on December 3, 2014, for an incident that occurred on October 5, 2012. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The Acting Executive Director made findings of whether the officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Mr. Jerome Montoya wrote in his complaint that on October 5, 2012, his son's school books were taken from him and never returned. Mr. Montoya's son and another young man had been arrested by the Gang Unit for Graffiti, Possession of Marijuana, and Possession of Drug Paraphernalia. Mr. Montoya said that the boys were caught "red handed." Mr. Montoya said that a Gang Unit Detective, Detective H., told Mr. Montoya that the books had been placed in evidence to support the prosecution of the case. Mr. Montoya objected to the taking of the books and wrote that by doing so, the Gang Unit Detective denied his child the tools necessary to live without resorting to crime. Mr. Montoya complained that the taking of the books was a form of child abuse and child neglect. Mr. Montoya alleged that the taking of the

school books was unnecessary and that the Gang Unit Detective, Detective H., was just being vindictive in doing so.

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

The Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, interviews with the Mr. Montoya and Detective H. The CPOA Investigator also reviewed the CADS report, the police report, and evidence logs from the APD Evidence Division.

The Acting Executive Director reviewed Standard Operating Procedure Order 1-04-1(F) regarding Detective H.'s conduct, which states:

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

Mr. Montoya complained in his written complaint and in his interview that on October 5, 2012, his son's school books were taken from him and never returned. Mr. Montoya objected to the taking of the books and said that by doing so, Detective H. denied his child the tools necessary to live without resorting to crime. Mr. Montoya believed that taking of the books was a form of child abuse, child neglect, and that it was a larceny. Mr. Montoya alleged that the act of taking the school books and placing them in evidence was a vindictive move by Detective H. Mr. Montoya was interviewed and he said that the school books belonged to the Albuquerque Public Schools and not to his son. Mr. Montoya said that the value of all the items seized was less than \$500.

Detective H. said that the books were seized as evidence because the books had been defaced with graffiti. The graffiti that was in the books was done in the same style and manner that was spray painted on the wall where Mr. Montoya's son was caught spray painting. The books were seized because they supported Detective H.'s probable cause to charge Mr. Montoya's son with the charges that were filed against him.

Mr. Montoya's son was arrested on Friday, October 5, 2012. The following Wednesday, October 10, 2012, at 1:11 p.m., Detective H. authorized the APD Evidence Division to release all items that were taken as evidence to [REDACTED], Mr. Montoya's son. The APD Evidence log showed that all of the evidence that could be released in the case was released to [REDACTED] on October 12, 2012, at 11:00 a.m. [REDACTED] presented his Del Norte High School Identification to Evidence when the property was released. The CPOA Investigator obtained copies of the Evidence Log and of the ID that was presented when the evidence was released.

The books and other items that were seized by Detective H. were lawfully seized pursuant to an arrest. The books contained graffiti that matched the graffiti that Mr. Martinez's son had spray painted on a public wall. The books were evidence that support the criminal case against Mr. Martinez's son. According to all of the evidence obtained by the CPOA



Investigator, Mr. Martinez's son picked up all of the evidence seven days after his arrest. There is no evidence to support the allegation that the books were seized by Detective Hernandez out of malice.

I find the allegation of a violation of this SOP against Detective H. was **UNFOUNDED**, which means the allegation is false or not based on valid facts.

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*

*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*

*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Mr. Jerome Montoya  
[REDACTED]

**Re: CPC #216-14**

Dear Mr. Montoya:

The complaint you filed against Detective H. of the Albuquerque Police Department (APD) was received by our office on December 3, 2014, for an incident that occurred on October 5, 2012. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The Acting Executive Director made findings of whether the officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Mr. Jerome Montoya wrote in his complaint that on October 5, 2012, his son's school books were taken from him and never returned. Mr. Montoya's son and another young man had been arrested by the Gang Unit for Graffiti, Possession of Marijuana, and Possession of Drug Paraphernalia. Mr. Montoya said that the boys were caught "red handed." Mr. Montoya said that a Gang Unit Detective, Detective H., told Mr. Montoya that the books had been placed in evidence to support the prosecution of the case. Mr. Montoya objected to the taking of the books and wrote that by doing so, the Gang Unit Detective denied his child the tools necessary to live without resorting to crime. Mr. Montoya complained that the taking of the books was a form of child abuse and child neglect. Mr. Montoya alleged that the taking of the

school books was unnecessary and that the Gang Unit Detective, Detective H., was just being vindictive in doing so.

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

The Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, interviews with the Mr. Montoya and Detective H. The CPOA Investigator also reviewed the CADS report, the police report, and evidence logs from the APD Evidence Division.

The Acting Executive Director reviewed Standard Operating Procedure Order 1-04-1(F) regarding Detective H.'s conduct, which states:

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

Mr. Montoya complained in his written complaint and in his interview that on October 5, 2012, his son's school books were taken from him and never returned. Mr. Montoya objected to the taking of the books and said that by doing so, Detective H. denied his child the tools necessary to live without resorting to crime. Mr. Montoya believed that taking of the books was a form of child abuse, child neglect, and that it was a larceny. Mr. Montoya alleged that the act of taking the school books and placing them in evidence was a vindictive move by Detective H. Mr. Montoya was interviewed and he said that the school books belonged to the Albuquerque Public Schools and not to his son. Mr. Montoya said that the value of all the items seized was less than \$500.

Detective H. said that the books were seized as evidence because the books had been defaced with graffiti. The graffiti that was in the books was done in the same style and manner that was spray painted on the wall where Mr. Montoya's son was caught spray painting. The books were seized because they supported Detective H.'s probable cause to charge Mr. Montoya's son with the charges that were filed against him.

Mr. Montoya's son was arrested on Friday, October 5, 2012. The following Wednesday, October 10, 2012, at 1:11 p.m., Detective H. authorized the APD Evidence Division to release all items that were taken as evidence to [REDACTED] Mr. Montoya's son. The APD Evidence log showed that all of the evidence that could be released in the case was released to [REDACTED] on October 12, 2012, at 11:00 a.m. [REDACTED] presented his Del Norte High School Identification to Evidence when the property was released. The CPOA Investigator obtained copies of the Evidence Log and of the ID that was presented when the evidence was released.

The books and other items that were seized by Detective H. were lawfully seized pursuant to an arrest. The books contained graffiti that matched the graffiti that Mr. Martinez's son had spray painted on a public wall. The books were evidence that support the criminal case against Mr. Martinez's son. According to all of the evidence obtained by the CPOA



Investigator, Mr. Martinez's son picked up all of the evidence seven days after his arrest. There is no evidence to support the allegation that the books were seized by Detective Hernandez out of malice.

I find the allegation of a violation of this SOP against Detective H. was **UNFOUNDED**, which means the allegation is false or not based on valid facts.

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
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*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Jodi Keeton  
[REDACTED]

**Re: CPC # 221-14**

Dear Ms. Keeton:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on December 10, 2014, for an incident which occurred on August 8, 2012. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The Acting Executive Director made findings of whether the officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Ms. Keeton's written complaint alleged that the SWAT team illegally searched the residence around midnight on August 8, 2012. Ms. Keeton alleged that officers entered the address without permission or cause. Ms. Keeton claimed that the officers did not notify the occupant of the search or entry. She stated when the officers were questioned, the officers stated they had a warrant issued by the Downers Grove Police Department, but they did not have a warrant number or copy of the warrant.

The CPOA Investigator attempted to interview Ms. Keeton. Ms. Keeton refused to respond to the CPOA Investigator's phone messages or email. The CPOA Investigator interviewed Cody Hess, who Ms. Keeton stated was a witness. Mr. Hess stated he did not remember exact dates

because the incident was so long ago. Mr. Hess stated that officers came twice the same day. The first time officers came in the afternoon looking for John Provenzano. Mr. Hess stated he was home alone and Ms. Keeton was out of town. The officers knocked on the door and Mr. Hess originally was not going to let officers in because Mr. Hess was in possession of marijuana. Mr. Hess stated that he went into the backyard to smoke a cigarette and the next thing he knew officers came through the front door. Mr. Hess stated that the officers let themselves into the house because the door was unlocked. Mr. Hess claimed there were about seven or eight officers and none of them had a warrant.

Mr. Hess stated that once the officers were in the house, they started looking through things such as dresser drawers. The officers were looking through all the closets. The officers said they were looking for stolen merchandise and John Provenzano. Mr. Hess claimed after about 20 minutes into their searching, the officers told him he could leave the house. Mr. Hess stated he left the house while the officers were still present. Mr. Hess believed the officers remained for another 30 to 45 minutes.

At some point after he had left, Mr. Hess claimed that a dog had been kicked. Mr. Hess knew this occurred because when Mr. Hess returned, there was blood everywhere and one of the dogs was bleeding from its nose. Mr. Hess did not see it happen and did not know who did it. Mr. Hess stated that the officers did not let Ms. Keeton know that they were there. Mr. Hess stated that Ms. Keeton only knew because he called her from the phone at the bus stop.

When officers returned later that night there were only two officers. He estimated it was 8:00 or 9:00 at night when the two officers returned. Those officers asked if Mr. Provenzano was home and Mr. Hess told the officers that Mr. Provenzano was not home. Mr. Hess claimed the officers again just let themselves in, since Mr. Hess had been leaving the door unlocked. Mr. Hess did not have a key and was leaving the house unlocked while he took care of the place while Ms. Keeton was gone. The officers searched the house again for property and for Mr. Provenzano. Mr. Hess stated that neither officer had a piece of paper to indicate they had a warrant. No one gave him any information to justify their presence. Mr. Hess stated the witness Ms. Keeton mentioned in her complaint, Krista Mathison, was not actually present.

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

I reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report and the CPOA Investigator's interviews of Cody Hess, Officer S. and Officer D.

(A) The Acting Executive Director reviewed Standard Operating Procedure Order 1-02-2(B)(2) regarding Officer S.' conduct, which states:

*Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall: 2. Make only those arrests, searches,*

*and seizures which they know or should know are legal and in accordance with departmental procedures.*

Ms. Keeton's written complaint from an incident in 2012 stated that a large group of officers came at midnight. Ms. Keeton wrote nothing about a second officer encounter. Mr. Hess, a witness Ms. Keeton listed on her complaint, stated he was the only one present and that Ms. Keeton was out of town. Mr. Hess stated that a large group of officers came in the afternoon and only two officers came in the evening. Mr. Hess stated that both times officers came they entered the apartment without permission and thoroughly searched the premises for Mr. Provenzano and stolen property. Mr. Hess claimed he was not at the front door when the officers walked in on their own because the door was unlocked. Mr. Hess stated the officers never had a warrant with them.

Officer S. was dispatched to Ms. Keeton's residence in the afternoon. The call was based on information from an Illinois police agency that a fugitive, Mr. Provenzano from Illinois, was hiding out at the address provided. According to Officer S., Mr. Hess opened the door and invited them in, and informed Officer S. that Mr. Provenzano fled out the back window. The only CAD that could be located for this address was the call in the afternoon where Officer S. was dispatched. The CAD showed the basic warrant information in the notes. The CAD showed Officer S. was not at the apartment for over an hour as Mr. Hess claimed. The total length of the call was about an hour and twenty minutes, which consisted of identifying which apartment, going to the apartment and searching the surrounding area for Mr. Provenzano. The information received from Mr. Hess and Ms. Keeton's written complaint does not match the evidence available. Mr. Hess admitted he was in possession of marijuana, which likely explained Officer S.' observation that Mr. Hess was under the influence of a substance. The documentation from Illinois showed there was an extraditable valid warrant for Mr. Provenzano. The documentation from Illinois showed Ms. Keeton's address was the likely location to find Mr. Provenzano. There is no verifiable documentation to support the citizens' version of events. The citizens' versions were contradictory.

I find the allegation of a violation of this SOP against Officer S. was **UNFOUNDED**, which means the allegation is false or not based on valid facts.

(B) I, as Acting Executive Director, reviewed Standard Operating Procedure Order 1-04-1(F) regarding Officer S.' conduct, which states:

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

Mr. Hess claimed the group of officers that came in the afternoon kicked the dog in the face, causing it to bleed. Mr. Hess claimed this occurred when he was told to leave the house. Ms. Keeton's complaint said nothing about her dog being kicked and injured.

There is no evidence to support that a group of officers went to the apartment in the afternoon, as only two went. There is no evidence to support that a dog was kicked and injured by officers.

I find Officer S.' conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

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

(A) I, as Acting Executive Director, reviewed Standard Operating Procedure Order 1-02-2(B)(2) regarding Officer D.'s conduct, which states:

*Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers shall: 2. Make only those arrests, searches, and seizures which they know or should know are legal and in accordance with departmental procedures.*

Ms. Keeton's written complaint from an incident in 2012 claimed that a large group of officers came at midnight. Ms. Keeton wrote nothing about a second officer encounter. Mr. Hess, a witness Ms. Keeton listed on her complaint, stated he was the only one present and that Ms. Keeton was out of town. Mr. Hess stated that a large group of officers came in the afternoon and only two officers came in the evening. Mr. Hess stated that both times officers came they entered the apartment without permission and thoroughly searched the premises for Mr. Provenzano and stolen property. Mr. Hess claimed he was not at the front door when the officers walked in on their own because the door was unlocked. Mr. Hess stated the officers never had a warrant with them.

Officer D. only recalled being dispatched to the area with Officer S. in the afternoon. The call was based on information from an Illinois police agency that a fugitive, Mr. Provenzano from Illinois, was hiding out at the address provided. Officer D. did not remember going to the apartment at all. The only CAD that could be located for this address was the call in the afternoon where Officer D. was dispatched. The CAD showed the basic warrant information in the notes. The CAD showed Officer D. was likely at the apartment, but not for over an hour as Mr. Hess claimed. The complaint was filed about two-and-a-half years after the incident and Officer D. served in a backup capacity, so Officer D. having less memory of the events is reasonable. The total length of the call was about an hour and twenty minutes, which consisted of identifying which apartment, going to the apartment and searching the surrounding area for Mr. Provenzano. The information received from Mr. Hess and Ms. Keeton's written complaint does not match the evidence available. Mr. Hess admitted he was in possession of marijuana, which likely explained Officer S.' observation. Documentation from Illinois showed there was an extraditable valid warrant for Mr. Provenzano. The documentation from Illinois showed Ms. Keeton's address was the likely location to find Mr. Provenzano. If Mr. Provenzano had been located, a NCIC verification of the warrant would



have occurred, as officers generally do not carry paper warrants with them. There is no verifiable documentation to support the citizens' version of events. The citizens' versions were contradictory.

I find the allegation of a violation of this SOP against Officer D. was **UNFOUNDED**, which means the allegation is false or not based on valid facts.

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

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

Mr. Hess claimed the group of officers that came in the afternoon kicked the dog in the face, causing it to bleed. Mr. Hess claimed this occurred when he was told to leave the house. Ms. Keeton's complaint said nothing about her dog being kicked and injured.

There is no evidence to support that a group of officers went to the apartment in the afternoon, as only two went. There is no evidence to support that a dog was kicked and injured by officers.

I find the allegation of a violation of this SOP against Officer D. was **UNFOUNDED**, which means the allegation is false or not based on valid facts.

Your complaint and these findings will be placed in Officer S.' and Officer D.'s Internal Affairs personnel files.

You have the right to appeal this decision. Section 9-4-1-9(A) of the Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of the respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

**Letter to Ms. Keeton**

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cc: Albuquerque Police Department Chief of Police

M000808

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Ashley DeAguiro  
[REDACTED]

**Re: CPC #223-14**

Dear Mrs. DeAguiro:

The complaint you filed against Officer G., Officer L., and Sergeant G. of the Albuquerque Police Department (APD) was received by our office on December 16, 2014 for an incident which occurred on November 22, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) Officers involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

**I. THE COMPLAINT**

Ashley DeAguiro wrote that on November 22, 2014 at about 11:08 AM at the intersection of Wyoming and Osuna she and her family were stopped at a red light when they were rear ended by APD Officer G.. Officer G. allegedly called for other officers to respond before calling for an ambulance. The responding officer, Officer L., was from the same substation that Officer G. is from. Albuquerque Police Department Sergeant G. also responded to the scene. A witness to the accident named Robert Ruiz was also there. Ms. DeAguiro and her husband were concerned about APD investigating the crash and felt that it was a conflict of interest for APD to do so.

Ms. DeAguiro complained that Officer L. never got an official statement from Mr. Ruiz or her husband who was driving the car at the time of the crash. She also complained that

Officer L. put into his report several inaccurate statements. Ms. DeAguero alleged the first inaccurate statement was that the DeAguero's refused medical treatment. Ms. DeAguero said that they never refused treatment but chose to transport their child to the hospital on their own. She complained that Officer L. wrote in the report that her husband stated that he never saw the police car until it struck them from behind. She said that statement was false and that her husband explained to Officer L. that he saw Officer G. driving erratically prior to the crash. She also complained that Officer L. never documented in the report what the witness, Mr. Ruiz, had to say about the incident. Ms. DeAguero also complained that Officer G. wrote out a statement about the accident stating that he slammed on his brakes prior to the crash and if that were true, she and her husband would have heard squealing brakes prior to the crash.

Ms. DeAguero complained that Sergeant G. was unprofessional and argumentative in his behavior with her husband and the Sergeant allegedly told them not to worry about anything because the City has "deep pockets."

Ms. DeAguero summed up her complaint by stating that she felt that the police report did not paint an accurate picture of the accident scene. She was very disappointed in how the accident was handled and at how they were treated. She felt that an outside agency should have been called to investigate the matter and she wants the officers disciplined for trying to cover up certain facts.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Citizen Police Complaint, the original police report filed by Officer L., a review of Sergeant G.'s lapel video, a review of the recorded radio traffic from the call, interviews with the Complainant and her husband, and interviews with Officer G., Officer L., and Sergeant G..

A) The CPOA reviewed Standard Operating Procedure Order 1-19-10 (C) regarding Officer G.'s conduct, which states:

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

Mr. DeAguero and a witness stated that they saw Officer G. weaving in and out of traffic at a higher than normal rate of speed just prior to the crash. Officer G. stated that he was on his way to the Northeast Substation located at Osuna and Wyoming to assist a female officer who had called out for assistance with an unruly prisoner. Officer G. said that he accelerated, but not to the point of exceeding the speed limit, to get in front of traffic and to change lanes so he could make the turn onto Osuna from Wyoming. He said that he looked toward the substation, then glanced down at his computer to check the status of the assistance call. When

he looked back up, the traffic in front of him had come to a stop at the light but it was too late to avoid a collision with the DeAgüero family. Officer G. said that the anti-lock brake system activated in his car before the crash and that was why there were no skid marks or squealing tires that Ms. DeAgüero had complained of. Officer G. admitted fault in the accident.

Mr. DeAgüero complained that Officer G. allegedly called for other officers to respond before calling for an ambulance. The recorded radio transmissions showed that allegation is not true. Officer G. called out that he had been involved in an accident and he requested Rescue to respond to the scene not because there were any reported injuries but because of the DeAgüero baby that was in the back seat of the car that he rear ended. The radio transmissions showed that Officer G. did not call for Officer L. to respond to the scene but that Officer L. was dispatched to the scene.

The CPOA finds with regards to the allegation made by Ms. DeAgüero about Officer G's driving conduct, that the allegation was **SUSTAINED**. A preponderance of the evidence showed that the alleged misconduct did occur.

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

A) The CPOA reviewed Standard Operating Procedure Order 2-23-4 (F) regarding Officer L.'s conduct, which states:

#### ***Steps to be followed in conducting preliminary investigations:***

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

Ms. DeAgüero complained that Officer L. never got an official statement from the witness, Mr. Ruiz, or her husband who was driving the car at the time of the crash. She also complained that Officer L. wrote several inaccurate statements into the report. The first inaccurate statement was that the DeAgüero's refused medical treatment. She said that they never refused treatment but chose to transport their child to the hospital on their own. She complained that Officer L. wrote in the report that her husband stated that he never saw the police car until it struck them from behind. She said that statement was false and that her husband explained to Officer L. that he saw Officer G. prior to the crash driving erratically. She also complained that Officer L. never documented in the report what the witness, Mr. Ruiz, had to say about the incident. Ms. DeAgüero stated that she felt that the police report did not paint an accurate picture of the accident scene and that APD should not have investigated the crash because it was a conflict of interest for them to do so.

It was unclear what Ms. DeAgüero meant by an "official statement" but written statements from people involved in minor traffic accidents are not required under Albuquerque Police Department Standard Operating Procedures. Officer L. did speak with both drivers and each driver gave to him their version of how the accident occurred. Officer L. also interviewed Mr.

Ruiz who told Officer L. that he believed that Officer G. was speeding and changing lanes prior to the crash. Officer L. said that he wrote his report just after clearing the scene of the accident and he wrote the report from his memory of what both drivers had told him. He said that since the accident investigation was fresh in his mind at the time of the writing of the report that he believes that statement that he attributed to Mr. DeAguero was correct. Officer L. said that he inadvertently left out what Mr. Ruiz had told him, but he listed Mr. Ruiz's contact information so that the insurance companies or the City of Albuquerque could follow up with all parties to get recorded statements from all parties involved. Officer L. said that Mr. Ruiz only confirmed what the physical evidence at the scene showed which was Officer G. was at fault in the accident and the DeAguero family was hit from behind. The lack of entering what Mr. Ruiz said into the report, did not change those facts.

Officer L. said, and Ms. DeAguero admitted, that at the scene of the accident she signed a form from the rescue personnel on scene that stated that they did not want to be transported to the hospital for treatment by the Ambulance. That form is a Patient Refusal Form and it usually advises people to seek treatment on their own even though they had been evaluated at the scene by EMS personnel. The refusal was a signed document that stated that the patient refused to be transported for further medical care. Officer L. said that when a person signs that refusal form, it usually means that they do not want any further treatment at the scene, nor do they desire to be transported for further medical treatment. That was why he wrote in his report that the DeAguero family refused medical treatment.

The written police report was reviewed by the CPOA Investigator and by Sergeant G. who was actually at the scene of the crash. The police report was compared to the lapel video submitted by Sergeant G. and the report accurately fully and accurately reflected the accident investigation that was conducted by Officer L..

There is no APD policy that requires that an outside agency be called in to investigate a minor crash involving an APD vehicle. The only time an outside agency would be called out is if the police vehicle accident results in death or great bodily harm.

The CPOA finds with regards to the allegation made by Ms. DeAguero about Officer L.'s conduct that the allegation was **EXONERATED**. The investigation determined by a preponderance of the evidence that the alleged conduct did occur but it did not violate APD policies, procedures, or training.

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

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

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

Ms. DeAguero complained that Sergeant G. was unprofessional and argumentative in his behavior with her husband and the Sergeant allegedly told them not to worry about anything because the City has "deep pockets." Mr. and Mrs. DeAguero found that statement to be offensive. Ms. DeAguero also said that the Sergeant argued over the definition of reckless driving. Lastly, she complained that Sergeant G. wrote his name and a 242-COPS number on a piece of paper instead of the number for the substation the Sergeant works out of. She felt that action was deceptive.

There was a lapel video recording of Sergeant G. and his interactions with Mr. DeAguero and the witness, Mr. Ruiz. That lapel video recording showed that Sergeant G. acted professionally throughout the recording. He did not appear to be argumentative and was respectful when dealing with the witness and with Mr. DeAguero. The video showed that Sergeant G. was empathetic and he kept reassuring Mr. DeAguero and the witness that the City of Albuquerque would take care of the damages and that nothing would be covered up. While Ms. DeAguero and her husband felt that the "deep pockets" comment was not professional, it was clear from the recording that Sergeant G. was just trying to reassure Mr. DeAguero that everything would be taken care of.

Sergeant G. denied that he argued with Mr. DeAguero as to the definition of reckless driving. He said that he was not argumentative. He said that he was asked about reckless or careless driving and he explained to Mr. DeAguero the elements of the law that are required to charge a person with careless driving. Sergeant G. felt those elements were not present based on the evidence at the scene of the crash.

Sergeant G. also denied that he was being deceptive by his not providing the substation number to Mr. DeAguero. Sergeant G. said that he did not have any business cards with him at the time of the accident but that he did give Mr. DeAguero a piece of paper with his name and the 242-COPS number when he was asked to provide it. Sergeant G. provided the 242-COPS number instead of the substation number because Sergeant G. has odd days off and has often not received messages at the substation. By calling 242-COPS a message can be sent by the telephone operator to Sergeant G. over his in car computer which he will be sure to receive.

Sergeant G. reviewed and approved the accident report. He found the accident report to be sufficient in detail and said that it accurately reflected what occurred at the scene. There was no evidence found during the CPOA Investigation of this complaint that any of the APD officers at the scene covered up any of the facts of the incident.

The CPOA finds with regards to the allegation made by Ms. DeAguero about Sergeant G.'s conduct that the allegation was **EXONERATED**. The investigation determined by a preponderance of the evidence that the alleged conduct did occur but it did not violate APD policies, procedures, or training.

**Letter to Ms. DeAgüero**

**DATE**

**Page 6**

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000814



## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Dr. Susanne Brown*  
*Eric H. Cruz*      *Joanne Fine*      *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Darisha Sims



**Re: CPC # 229-14**

Dear Ms. Sims:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on December 23, 2014, for an incident which occurred on September 29, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The Acting Executive Director made findings of whether the officer involved violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Darisha Sims' complaint is based on Officer H.'s actions during the accident investigation on September 29, 2014. Officer H. was dispatched to an accident with injuries involving three cars. Officer H. spoke to all parties and Ms. Sims had no complaints about Officer H.'s conduct at the scene. However, Ms. Sims was upset about the accident investigation and statements in the police report once she received it.

Ms. Sims alleged that Officer H. did not investigate the accident because he attributed driver inattention only to her. Ms. Sims alleged that Officer H. was inaccurate when he characterized her injuries as scratches. Ms. Sims wrote that she had chemical burns from the airbag. Officer H. should have known chemical burns were a typical type of injury from

airbags. Ms. Sims stated that Officer H. told her that he documented driver inattention on her part because she was dazed from the airbag striking her. Ms. Sims complained that Officer H. did not do any sobriety tests, yet conclusively said in the report that no alcohol was involved. Ms. Sims also alleged that Officer H.'s description of the directions each car was traveling was inaccurate. Ms. Sims complained that Officer H. did not perform an adequate investigation.

The CPOA Investigator interviewed Ms. Sims. Ms. Sims repeated many of the same complaints in her interview. Ms. Sims agreed she told Officer H. all she knew was that she went through the intersection and the airbag went off in her face. Ms. Sims stated she did not know how severely the other individuals were injured. Ms. Sims stated she was bleeding from her face, even hours later. Ms. Sims stated that Officer H. downplayed the severity of her injury in the report. Ms. Sims stated that Officer H. treated her differently because in the narrative portion her statement was so short in comparison to the other drivers. Ms. Sims complained about the imprecision of language on the report when Officer H. wrote about alcohol use and direction of travel. Ms. Sims stated the various wordings she had complaint over were not just semantics, but deliberate. She felt she was treated differently.

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

I reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report, Albuquerque Police Report, Albuquerque Fire Department Medical Report, Officer H.'s lapel video, and the CPOA Investigator's interviews of Darisha Sims and Officer H.

(A) I, as Acting Executive Director, reviewed Standard Operating Procedure Order 2-24-3(F)(1) and (5) regarding Officer H.'s conduct, which states:

***Steps to be followed in conducting preliminary investigations: 1. Observe all conditions, events, and remarks. 5. Report the incident fully and accurately.***

Ms. Sims alleged that Officer H. did not do a proper investigation because he attributed driver inattention to her and no contributing factor to the other driver. Ms. Sims believed the other driver had a responsibility to look for traffic as well. The other driver acknowledged seeing her car and hit her anyway. Ms. Sims talked to Officer H. later and she believed Officer H. told her the notation of driver inattention was because she was dazed after being hit with the airbag. Ms. Sims stated there were several inaccuracies and imprecise language used on the report. Ms. Sims stated she and the other driver were traveling perpendicular directions, not going straight from opposite directions. Ms. Sims said it was not accurate to say definitively alcohol had not been used when Officer H. did not do any sobriety tests. Ms. Sims also said Officer H. did not document her injuries correctly by calling them scratches when she had chemical burns. Ms. Sims said she was bleeding a significant amount from her injuries.

The lapel video showed Officer H. asked all parties what happened. Each told their version of events. The lapel video showed Ms. Sims said she was traveling north and the next thing she knew, the airbag went off in her face. The lapel video showed the male driver described how he tried to avoid Ms. Sims. The other driver had the right-of-way and Ms. Sims had the traffic control device. The lapel video showed Ms. Sims was not bleeding profusely with gauze on her face as she stated in her interview. The AFD medical report showed no treatment was required and mentioned no injuries. The various areas on the report Ms. Sims criticized for wording are outside of the officer's control because they are drop down or check box selections and the officer chooses the closest applicable option. The report was accurate to the information presented to the officer at the time.

I find Officer H.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the incident that occurred was lawful or proper.

(B) I, as Acting Executive Director, reviewed Standard Operating Procedure Order 1-04-4(N) regarding Officer H.'s conduct, which states:

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

Ms. Sims felt the issues she had with Officer H.'s report were more than semantics, but deliberate different treatment. Ms. Sims claimed calling her injury a scratch diminished her injury versus calling the other driver's injury an abrasion. Ms. Sims complained that Officer H. only documented two sentences for her in the narrative, but put three or four for the other driver. Ms. Sims thought the entire situation was odd and biased against her.

The video showed Officer H. treated all three drivers in the same manner. The video showed Ms. Sims said very little about the accident. All Ms. Sims remembered was driving and then the airbag striking her. The video showed the other driver said more than Ms. Sims. The video showed there was no indication of a bias or personal feeling that influenced how the situation was handled.

I find the allegation of a violation of this SOP against Officer H. was **UNFOUNDED**, which means the allegation is false or not based on valid facts.

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

You have the right to appeal this decision. Section 9-4-1-9(A) of the Police Oversight Ordinance allows any person who has filed a citizen complaint and who is dissatisfied with the findings of the CPOA or the Chief to appeal that decision within 30 days of receipt of the respective letters. Please promptly communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

**Letter to Ms. Sims**

**Page 4**

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The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M000818

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## LA AGENCIA DE POLICÍA CIVIL

La Agencia de Policía Civil (CPOA) fue establecida en 2014 después de que la ciudad enmendó su ordenanza del descuido de policía y sustituyó la exco-misión del descuido de la policía y oficina de la revisión independiente. La Agencia de Policía Civil ofrece a las personas un independiente, imparcial, persona de investigación para investigar las denuncias y felicitaciones acerca de los empleados de el Departamento de Policía de Albuquerque.

Este folleto, le proveerá de instrucciones de cómo presentar su denuncia o complemento con el CPOA y explicarle el proceso de investigación.

# The Civilian Police Oversight Agency

### Dirección de postal:

CPOA, City of Albuquerque  
P.O. Box 1293, Albuquerque,  
NM 87103

### Dirección física:

600 2nd NW #813  
Albuquerque, NM, 87102  
(505) 924-3770

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

CIUDAD DE  
ALBUQUERQUE

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## La Agencia de Policía Civil



Una agencia independiente de investigadores profesionales civiles y miembros de la comunidad que reciben, investigan y examinan denuncias, así como complementos, sobre el Departamento de Policía de Albuquerque. La agencia también examina políticas APD, prácticas y procedimientos, haciendo recomendaciones al Jefe de la Policía.

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505-924-3770

## Cuenta sobre su experiencia con el Departamento de Policía de Albuquerque

### INFORMACIÓN DE ENTRADA

Hay muchas maneras que puede denunciar información; puede presentar un complemento (con la forma Trabajo Bien Hecho) o una denuncia (Denuncia de Policía Civil) sobre empleados de APD. Las denuncias serán a fondo investigadas, conclusiones hechas, y remitadas al Jefe de la policía. Tiene la opción de denunciar por varios medios:

- **Electronico**  
([www.cabq.gov/CPOA](http://www.cabq.gov/CPOA))
- **Correo**  
(Correo o entregar a mano)
- **Faxteléfono** (505-924-3775)
- **Verbal** (a CPOA o APD empleados)
- **Pregunte a un Supervisor de APD**
- **Teletipo** (800-659-8331)

Puede tener otra persona presentar una denuncia o complemento para usted mismo, usted puede presentar en nombre de otra persona, o también puede presentar anónimo. Por favor tenga en cuenta que las denuncias anónimas son más difíciles de investigar porque no podremos comunicarnos para obtener más información.

Las formas de denuncia o complemento se encuentran en el CPOA, instalaciones APD, bibliotecas públicas, centro comunitarios, pidiendo a cualquier uniformado policía APD o denunciar electrónico a [www.cabq.gov/CPOA](http://www.cabq.gov/CPOA)

### PROCESO DE INVESTIGACIÓN DE UNA DENUNCIA

Es animado presentar una denuncia tan pronto como sea posible y con toda la información para ayudar y asegurarse que su denuncia se investigue a fondo y de manera oportuna.

A pesar de como y cuando se recibe una denuncia, será expedida al CPOA para investigación. Al recibido de su denuncia, el CPOA le notificará por escrito, si proporciona una dirección de contacto. La oficina Asuntos Internos de APD no investiga denuncias. Las denuncias que hacen girar investigaciones criminales serán expedidas a la agencia criminal apropiada para investigar el acusación criminal; sin embargo, el CPOA conducirá una investigación administrativa. La mediación puede ser animada basada en la naturaleza de la acusación.

Al término de la investigación, el CPOA le notificará por escrito acerca de las conclusiones. Si es insatisfecho con conclusiones del CPOA o recomendaciones o los del Jefe de policía, puede solicitar una reconsideración dentro de 30 días.

**Si usted presenta una denuncia, es ilegal y contra políticas de APD para cualquiera de responder contra usted por la presentación de la denuncia.**



### LA AGENCIA DE POLICÍA CIVIL (CPOA)

La junta de consejo (POB-Police Oversight Board) de denuncias consiste de 9 voluntarios que dirigen el CPOA. Las juntas mensuales del POB están abiertas al público y televisadas en GovTV (television canal de gobierno). Las juntas son sostenidas en La Sala de Consejo de la Ciudad (City Council Chambers), en el Sótano de el edificio City Hall, One Civic Plaza, Albuquerque, 87102.

El POB típicamente se reúne el segundo jueves de cada mes. Calendario de juntas y agendas se pueden encontrar en [www.cabq.gov/CPOA](http://www.cabq.gov/CPOA)

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THE CITY OF  
ALBUQUERQUE

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**INPUT INFORMATION** There are many ways you can provide input; you can file a compliment (A Job Well Done Form) or a complaint (Citizen Police Complaint) about APD Employees. Complaints will be thoroughly investigated, findings made, and forwarded to the Chief of Police. You have the option of providing your input by several means:

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# LET'S PUT "COMMUNITY" into APD COMMUNITY POLICING

*Tell the Civilian Police Oversight Agency  
About your Experience with the  
Albuquerque Police Department*

*Your input is important to the Civilian Police Oversight Agency (CPOA) and APD. If you have something good or bad to say about APD employees, the CPOA wants to hear from you!*

There are many ways you can provide feedback about APD.

You can give a Compliment (A Job Well Done); or a  
Complaint (Citizen Police Complaint).

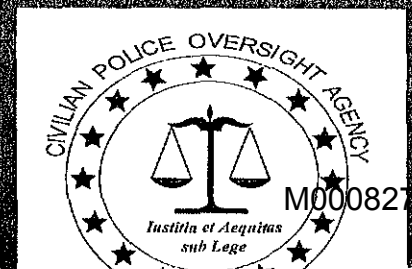
The CPOA's staff will investigate each fully and independently.  
You have the option of providing your input by several means:

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([www.cabq.gov/CPOA](http://www.cabq.gov/CPOA))
- **Written Forms**  
(Mail or hand-deliver)
- **Fax** (505-924-3775)
- **Verbal Statements**  
(to CPOA or APD employees)
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*Questions? Call the Civilian Police Oversight Agency at  
(505)924-3770 or APD Internal Affairs at (505)768-2880*



# COMUNIDAD" EN COMUNITARIA

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licía de Albuquerque*

*a Agencia de Policía Civil (CPOA)  
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.gov/CPOA)

# AY QUE PONER “ APD POLICÍA C

*Dile al La Agencia  
Sobre tu expe*

*Departament de Pol*

*Su entrada es importante para la  
y APD. Si tiene algo bueno o mal  
de APD, la CPOA quiere oír de usted*

Hay muchas maneras que puede  
Puede presentar un complemento

Denuncia (Denuncia)

El personal de CPOA investigará cada

Tiene la opción de denuncia

• **Elect**

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

MO6929

# Escritas

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(505-924-3775)

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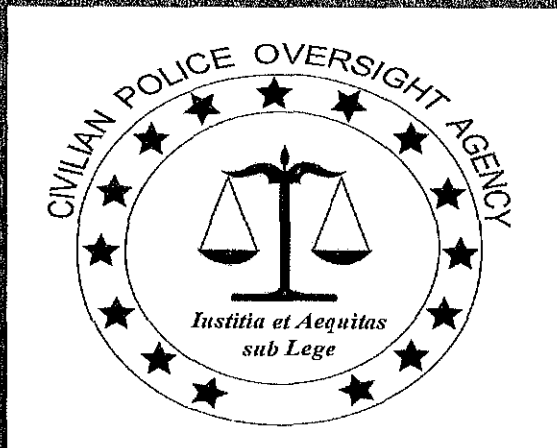
## upervisor de APD

800-659-8331)

plemento o una denuncia para usted mismo,  
tambien puede presentar anónimo. Por favor  
on más difíciles de investigar porque no podre-  
ción. **Si usted presenta una denuncia, es**  
**quiera de responder contra usted por la**

A, 600 2nd St. NW,  
as publicas; cen-  
formado policía  
/cabq.gov/CPOA

ht Agency  
768-2880





- **Formas**

(Correo o entr

- **Faxteléfono**

- **Declaración**

(a CPOA o API

- **Pregunte a un S**

- **Teletipo** (

Puede tener otra persona presentar un comp  
puede presentar en nombre de otra persona o  
tenga en cuenta que las denuncias anónimas se  
mos comunicarnos para obtener más informa  
**ilegal y contra políticas de APD para cua**  
**presentación de la denuncia.**

Las formas se encuentran en la oficina CPO  
#813; instalaciones APD; City Hall; bibliotec  
tros comunitarios; pidiendo a cualquier uni  
APD. Formas pueden ser entradas en [www](http://www)

*Preguntas? Llame a Civilian Police Oversight  
(505)924-3770 o APD Internal Affairs (505*

Type	Name	Address
Library	Alamosa	6900 Gonzales SW
Library	Central & Unser	8081 Central NW
Library	Cherry Hills	6901 Barstow
Library	East Mountain	1 Old Tijeras Rd. Tijeras NM
Library	Erna Furgusson	3700 San Mateo
Library	Ernie Pyle	900 Girard
Library	Juan Tabo	3407 Juan Tabo NE
Library	Los Griegos	1000 Griegos NW
Library	Main & Genealogy	501 Copper NW
Library	North Valley	7704 2nd Street NW
Library	San Pedro	5600 Trumbull SE
Library	South Broadway	1025 Broadway SE
Library	Special Collections	423 Central NE
Library	Taylor Ranch	5700 Bogart NW
Library	Tony Hillerman	8205 Apache NE
Library	Westgate	1300 Delgado SW
Library	Lomas Tramway	908 Eastridge NE
Community Center	Westgate	1400 Snow Vista SW
Community Center	Alamosa	6900 Gonzales SW
Community Center	West Mesa	5500 Glenrio NW
Community Center	Pat Hurley	3928 Rincon NW
Community Center	Los Duranes	2920 Leopodo NW
Community Center	Valle Del Norte	1812 Candelaria NW
Community Center	Don Newton	4900 Kachina NW
Community Center	Wells Park	500 Mountain NW
Community Center	Barelas	801 Barelas SW
Community Center	Herman Sanchez	1830 William SE
Community Center	Dennis Chavez	715 Kathryn SE
Community Center	Jack Candelaria	400 San Jose SE
Community Center	Thomas Bell	3001 University SE
Community Center	Loma Linda	1700 Yale SE
Community Center	Heights Community Center	823 Buena Vista SE
Community Center	Whittier	1100 Quincy SE
Community Center	Cesar Chavez	7505 Kathryn SE
Community Center	Mesa Verde	7900 Marquette NE
Community Center	Singing Arrow	13001 Singing Arrow SE
Community Center	Jeanne Bellamah	11516 Summer NE
Community Center	Snow Park	6501 Indian School NE
Community Center	Holiday Park	11710 Commanche NE
Community Center	Mckinley	3401 Monroe NE
Police Stations	Main	401 Roma NW
Police Stations	Foothills	12800 Lomas NE
Police Stations	Northeast	8201 Osuna NE
Police Stations	Southeast	800 Louisiana SE
Police Stations	Valley	5408 2nd St. NW

Police Stations	Southwest	6404 Los Volcanes NW
Police Stations	Northwest	10401 Cibola Loop NW
Police Stations	Academy/Recruiting	5412 2nd St. NW
Police Stations	James Dwyer	12700 Montgomery NE
Police Stations	Coronado	6600 Menaul
Police Stations	Triangle Substation	2901 Central NE
Police Stations	Old Town	2060 Central SW
Police Stations	NW Mini Sub	1111 Lomas NW
Police Stations	SE Mini Sub	1801 San Pedro NE
Police Stations	South Broadway	1501 Broadway SE
Police Stations	Traffic Sub	7520 Corona NE

**From:** Hammer, Robin  
**To:** Beth A. Mohr (CABO.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Hammer, Robin; Jeannette Baca (jybaca.pob@gmail.com); Jeffrey Scott Wilson (jswilsonnm@live.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (leonard.waites@yahoo.com); Moira Amado-McCoy (moiraamado@gmail.com)  
**Subject:** New Contact List, 2015 Meeting Dates and Preferred Name for Name Plates and Closed Captioning  
**Date:** Thursday, February 19, 2015 11:49:19 AM  
**Attachments:** POB Contact Info 2-17-15.doc  
POB Meeting Dates 2015.doc

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Dear Police Oversight Board Members:

Attached is an updated Contact List which reflects changes of email addresses by several Board members who have designated a new email address for POB business. Also included is the schedule of our meetings for 2015. We typically meet on the second Thursday of month from 4pm-7 pm or so in City Council Chambers. However, in May we will need to meet on the third Tuesday, May 19, to accommodate City Council's budget hearings. In April we will not meet until 5 pm, due to a conflict with a training for another department.

Below is the list of names and titles which we have for the Board. We need to determine what name and title, if any, each of you would like to have on your name plate. In the interest of consistency, we typically do not include middle initials. This name and title will also be used by the Closed Captioning company for the TV transcript. Please let me know by noon tomorrow, February 20, if you want to make any changes to your name as listed below, so that we may order the name plates for the March meeting.

Dr. Moira Amado-McCoy

Dr. Jeannette Baca

Eric Cruz

Joanne Fine

Beth Mohr

Rev. Dr. David Ring III

Eva Sandoval

Leonard Waites

Jeffrey Scott Wilson

I will be sending out another email soon to explain some up-coming training. Please let me know if you have any questions.

All the best,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

M000835

Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>



## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy   Dr. Jeannette Baca   Eric H. Cruz*  
*Joanne Fine   Beth Mohr   Rev. Dr. David Z. Ring III*  
*Eva P. Sandoval   Leonard Waites   Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

## **POLICE OVERSIGHT BOARD**

### **Meeting Schedule**

**March – December 2015**

**All Meetings are held in the  
Vincent E. Griego Chambers –  
One Civic Plaza NW - 5<sup>th</sup> & Marquette NW, Lower Level  
Albuquerque, NM 87102**

**Meetings Begin at 4:00 pm unless noted otherwise**

**Thursday, March 12, 2015  
4:00 pm to 7:00 pm**

**Thursday, August 13, 2015  
4:00 pm to 7:00 pm**

**Thursday, April 9, 2015 (note time change)  
5:00 pm to 8:00 pm**

**Thursday, September 10, 2015  
4:00 pm to 7:00 pm**

**Tuesday, May 19, 2015 (note day change)  
4:00 pm to 7:00 pm**

**Thursday, October 8, 2015  
4:00 pm to 7:00 pm**

**Thursday, June 11, 2015  
4:00 pm to 7:00 pm**

**Thursday, November 12, 2015  
4:00 pm to 7:00 pm**

**Thursday, July 9, 2015  
4:00 pm to 7:00 pm**

**Thursday, December 10, 2015  
4:00 pm to 7:00 pm**

**Meetings may extend beyond 7:00pm**

**From:** Hammer, Robin  
**To:** Jacobi, Jenica L; Beth Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Molra Amado-McCoy; Scott S. Wilson  
**Cc:** Bullock, Nicholas  
**Subject:** Open Meetings Act Training  
**Date:** Tuesday, April 07, 2015 3:42:20 PM

---

Dear POB Members and Jenica:

Board Member Joanne Fine has been in contact with the Foundation for Open Government (FOG) organization. A member of FOG would be willing to conduct training on the Open Meeting Act on Wednesday, April 29 for about two hours. The FOG staffer could be available after 5 pm.

I assume that the City Attorney's Office would like to be part of any further training on the Open Meetings Act.

Are Board Members interested in additional training on the Open Meeting Act?

Are Board Members available on April 29?

Jenica, would the City Attorney's Office like to be part of this training? If so, would the City Attorney like to be part of the proposed FOG training on April 29?

Please let me know your thoughts.

All the best,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Beth Mohr  
**To:** Scott, Mary L.  
**Subject:** Personnel matter for Citizen Police Oversight Board  
**Date:** Thursday, April 23, 2015 2:26:40 PM

---

Mary - This is Beth Mohr, formerly with the City, and now working with Janet McHard doing forensic accounting. I'm also the Chair of the Personnel Subcommittee for the Police Oversight Board, and acting Chair for the Board.

Could you call me at your earliest convenience? There is a matter of some urgency regarding the CPOA office employees that I need to speak with you about. My cell is [REDACTED] Thanks so much!

-B

Beth A. Mohr, Co-Vice Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing something you said couldn't be done. ~ Amelia Earhart*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.



**From:** Yermal, Vincent A.  
**To:** Beth Mohr; Eric H. Cruz; Joanne Fine  
**Cc:** Scott, Mary L.; Hammer, Robin  
**Subject:** Personnel Subcommittee - Executive Director Selection  
**Date:** Monday, March 23, 2015 11:16:41 AM

---

Subcommittee Members:

I have been informed by Ms. Robin Hammer, Acting Executive Director for the Civilian Police Oversight Agency (CPOA), that you have been appointed to a Personnel Subcommittee to oversee the process for the selection of an Executive Director. In the previous recruitment for the Independent Review Officer (IRO), I provided assistance to the Police Oversight Commission (POC), the predecessor to the CPOA. I am prepared to meet with you at your convenience to review the background and process followed in the IRO Recruitment. Please advise as to your availability and preference for a meeting time and location. Generally speaking, I am available any afternoon this week and can adjust my schedule to accommodate your needs.

Vincent A. Yermal  
Senior Human Resources/Labor Advisor  
City of Albuquerque  
400 Marquette, NW  
Albuquerque, NM 87103  
(505) 768-3700

**From:** Hammer, Robin  
**To:** Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Eva P. Sandoval; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson  
**Subject:** Personnel Sub-Committee  
**Date:** Wednesday, March 25, 2015 11:30:01 AM

---

The Personnel Sub-committee will meet on Tuesday, April 7, 2015 at 10:00 am.  
The meeting will be held in the hearing room 160, of Plaza del Sol, 600 Second Street NW.

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Beth Mohr  
**To:** Yermal, Vincent A.; Scott, Mary L.; POB; Hammer, Robin; Mark T. Baker  
**Subject:** POB Approved position description to post CPOA Director job  
**Date:** Friday, May 22, 2015 12:30:12 PM  
**Attachments:** CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR - FINAL POB APPROVED.docx  
CPOA Director Posting Online - FINAL.docx

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Mr. Yermal,

Please find the attached final job description for the CPOA Director, along with the "ad" format. This job description is the final version which was approved by the POB during our May 19th meeting, the "ad" flows directly out of that.

Please post this job as soon as possible on the City site, it is our understanding that you will also post in the NM Bar Bulletin, weekly, for at least 4 weeks, and that as a national search, you will post through NACOLE, and potentially other publications, as appropriate.

Please feel free to give me a call directly with any questions, my cell is 505-450-2818. Because we want to be sensitive to anyone who might wish to apply for this position who is currently at the CPOA office, such as Ms. Hammer or Mr. Cash, please utilize me as your first contact point with any questions.

Please notify me as publication of this is released. Thanks much, -B

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing something you said couldn't be done. ~ Amelia Earhart*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

# CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR

*Job descriptions are intended to present a general list of tasks/duties performed by employees within this job classification. Job Descriptions are not intended to reflect all duties performed within the job.*

## **POSITION SUMMARY:**

Under the direction and supervision of the Police Oversight Board (POB), the Director supervises and directs the operations of the Civilian Police Oversight Agency (CPOA). The Director oversees, monitors, and reviews all citizen police complaints or complements, serious uses of force including officer-involved shooting cases, and claims directed against officers and employees of the Albuquerque Police Department (APD). The Director will act as lead investigator and supervise the investigative and administrative staff of the CPOA; as well as assigning citizen police complaints to CPOA staff for investigation. The Director will provide recommendations and advice regarding Departmental policies and procedures to the POB; the Director will also provide advice, as appropriate, to the APD, the City Council, and the Mayor. The Director is responsible for the performance of the CPOA staff's duties in line with policy, guidance, and city ordinance.

## **SUPERVISION RECEIVED AND EXERCISED:**

Receives direction from, reports directly to, and is responsible to, and is evaluated by the Police Oversight Board (POB).

Exercises direct supervision over the investigative and administrative staff of the Civilian Police Oversight Agency, and manages the agency, in accordance with the Police Oversight Ordinance; is primarily responsible for all investigations and work product of the CPOA Agency and Agency staff.

## **ESSENTIAL FUNCTIONS:**

Essential functions may include, but are not limited to the following:

1. Oversees, reviews, and investigates all citizen police complaints against the officers and employees of the APD and delegates work as necessary to CPOA staff.
2. Analyzes citizen police complaints and assigns complaints for investigation by CPOA staff in accordance with policy, guidance, and city ordinance.
3. Monitors and conducts supervisory oversight of all of the investigations above, makes thorough and objective findings or disposition for each complaint, and reports these findings or other disposition of these citizen police complaints to the POB.
4. May refer cases to impartial mediation or other alternative dispute resolution as appropriate.
5. Provides recommendations and advises the APD, the City Council, and the Mayor in police department policies and procedures, as directed by the POB.
6. Monitors all claims of excessive force and lawsuits against the APD, acting as an ex-officio member of the Claims Review Board.
7. Reviews and reports on the investigations on all officer involved shootings to the POB as well as to the Chief of Police and other appropriate parties. Is available for response to officer involved shootings, or other incidents as appropriate.
8. Compiles data for the analysis of applicable areas of concern within citizen complaints. Coordinates with CPOA staff to provide recommendations, analysis, and comment to the POB from collected data.
9. Collects and compiles information so as to satisfy all reporting requirements under the Oversight Ordinance for the POB.
10. Participates in budget preparation, attends related meetings, monitors expenditures, recommends budgetary adjustments, and makes quarterly budget reports to the POB.

11. Plays an active role in providing pro-active outreach to the community regarding police oversight. Responsible for the development of an outreach plan with the goals to educate the public and publicize the citizen complaint process.
12. Develops recommendations to the POB regarding the APD on specific training, changes in policy, or standard operating procedures (SOPs).
13. Provides staff support and technical assistance to the POB. Ensures the appropriate support for the POB, its subcommittees, and meetings.
14. Oversees the creation and maintenance of a public website for the posting of POB-related material, to include social medial presence in coordination with the POB's Community Engagement Subcommittee and the Community Outreach Coordinator.
15. Works collaboratively with the POB, the APD, the community and other stakeholders in order to facilitate communication between the POB, APD, the community and other groups.
16. Promote a spirit of accountability and communication between citizens and the APD, while working to improve community-police relations.

**SUPPLEMENTAL FUNCTIONS:**

1. Attends and participates in professional group meetings related to police oversight; stays abreast of new trends and innovations in the field of police oversight, police professionalism and police-community relations.
2. Performs other related duties and responsibilities as required or requested by the POB.

**MINIMUM EDUCATION AND EXPERIENCE REQUIREMENTS:**

Whether an applicant is qualified for the position of Director shall be determined by the POB. However, the minimal qualifications shall include the following:

1. Must possess a professional law degree (J.D. or LL.B) from an ABA accredited law school.
2. Must be active members in good standing of the bar of any US state or territory, or the District of Columbia.
3. Experienced in criminal investigations.
4. Knowledge of administrative and judicial processes, policies, and procedures.
5. Knowledge of employment contract interpretation.
6. Proven track record of effective management experience.

All applicants must meet all minimum qualifications requirements described in this announcement by the closing date.

**ADDITIONAL REQUIREMENTS: (Licenses, Certifications, etc.):**

1. Possession of, or must obtain within ninety (90) days of employment, a valid New Mexico Driver's License.
2. Must undergo and pass a background check.
3. May require working non-traditional hours, including being on-call.

**PREFERRED KNOWLEDGE, SKILL AND ABILITY:**

**Knowledge of:**

Effective interpersonal communication skills  
Standard investigative techniques

Pertinent Federal Law, State Statutes, City Ordinances, City and State Traffic Codes, APD SOPs and Albuquerque Police Officers Association contract  
Investigative and procedural standards and guidelines that pertain to the CPOA Office  
Principles and practices of policy development and implementation  
Data collection and data related software  
Knowledge of Board dynamics; compliance with NM Open Meetings Act & NM Inspection of Public Records Act  
Experienced with conflict resolution and mediation.

**Skill and Ability to:**

Develop and administer program goals, objectives, policies and procedures  
Plan, organize, direct and coordinate the work of staff  
Select, supervise, train and evaluate staff  
Analyze and assess Investigative Review program, policies and operational needs and make appropriate adjustments  
Establish and maintain effective communication within the Agency, the community and the APD, as well as other stakeholders  
Prepare administrative reports; analyze factual trends  
Prepare business correspondence and reports  
Prepare and make public presentations  
Ability to develop collaborative working relationships with a variety of stakeholders and community members  
Maintain confidentiality  
Communicate clearly and concisely  
Explain complex procedural processes and analysis in common language  
Perform the essential functions of the job with or without reasonable accommodation  
Develop and maintain positive, productive internal and external professional relationships  
Demonstrated effective management skills.

**WORKING CONDITIONS:**

**Environmental:**

Office environment, exposure to computer screens.

**Physical:**

Essential and marginal functions may require maintaining physical condition necessary for sitting, walking or standing for prolonged periods.

## ***CITY OF ALBUQUERQUE***

### **CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

Under the direction and supervision of the Police Oversight Board (POB), the Director supervises and directs the operations of the Civilian Police Oversight Agency (CPOA). The Director oversees, monitors, and reviews all citizen police complaints or complements, serious uses of force including officer-involved shooting cases, and claims directed against officers and employees of the Albuquerque Police Department (APD). The Director will act as lead investigator and supervise the investigative and administrative staff of the CPOA; as well as assigning citizen police complaints to CPOA staff for investigation. The Director will provide recommendations and advice regarding Departmental policies and procedures to the POB; the Director will also provide advice, as appropriate, to the APD, the City Council, and the Mayor. The Director is responsible for the performance of the CPOA staff's duties in line with policy, guidance, and city ordinance. This position is open until filled. For more information or to apply for this position, please go to our website at [www.cabq.gov/jobs](http://www.cabq.gov/jobs).

**From:** Beth Mohr  
**To:** Hammer, Robin  
**Subject:** POB in the Journal  
**Date:** Thursday, February 12, 2015 9:59:21 AM

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Robin -

The POB finally made the Journal, and it didn't take long for me to get misquoted. What I said was that over the next several weeks the POB would go through training, not that we'd go through several weeks of training.

I've also specifically asked them, if they must mention my police service, to refer to me as a "retired San Diego police officer", not former police officer, which sounds like APD and sounds like a couple of years of service. If for some reason in the future you have occasion to discuss that aspect of my service, I'd appreciate having the correct information out there.

I'm looking forward to seeing you Friday. Thanks, -Beth



**From:** Hammer, Robin  
**To:** Davila, Natalee Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Bullock, Nicholas; Mark T. Baker; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** POB Minutes and CPOA Info given to DOJ Monitor  
**Date:** Friday, July 03, 2015 9:35:59 AM  
**Attachments:** June 11, 2015 Minutes CPOA- Draft-.doc  
CPCs Received Closed Completed 2-1-15--5-31-15.pdf

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POB Members:

Attached are the Minutes from the June POB Meeting. Also attached is a document which I provided to the DOJ Monitor at his request regarding Citizen Police Complaint cases received and closed or completed during the Monitor's first reporting period, 2/1/15-5/31/15. I will discuss this document and the CPOA Administrative Office staff's conversations with the DOJ Monitoring team during the Executive Director's Report at next week's POB Meeting.

Leonard is still finalizing the Agenda, which will be distributed and posted on Monday.

Please let me know if you have any questions. Happy 4<sup>th</sup> of July.

Regards,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

M000850

# **CIVILIAN POLICE OVERSIGHT AGENCY**

**Thursday, June 11, 2015**

**Vincent E. Griego Chambers, Basement Level  
City/County Government Center - One Civic Plaza NW  
Albuquerque, New Mexico**

## **Members Present:**

Leonard Waites (By Phone)  
Beth Mohr (Acting Chair)  
Jeffrey Scott Wilson (Co-Vice Chair)  
Dr. Jeannette Baca  
Susanne Brown  
Eric Cruz  
Joanne Fine  
Rev. Dr. David Ring III

## **Members Absent**

Dr. Moira Amado-McCoy

## **Others Present:**

Robin Hammer  
Paul Skotchdopole  
Diane McDermott  
Chris Davidson  
Erin O'Neil  
Paul Cash  
Michelle Contreras  
APD Lt. Jennifer Garcia  
Jessica Hernandez, City Attorney  
Nicholas Bullock, City Attorney  
Julian Moya, City Council

## **MINUTES**

**I. WELCOME AND CALL TO ORDER:** Acting Chair Mohr called the meeting to order at 4:10 p.m.

**II. PLEDGE OF ALLEGIANCE:** Board Member Amado-McCoy led the Board in the Pledge.

**III. APPROVAL OF AGENDA -** Acting Chair Mohr requested that there be a reorder of the agenda so that Item X will be discussed after Item VI. Board Member Fine made a motion to approve the Agenda with the above change. Board Member Wilson seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

**IV. APPROVAL OF MINUTES –** The Board discussed changes to the April 2015 minutes to better reflect what occurred at the April meeting. Board Member Ring made a motion to accept April 2015 minutes with revisions. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring. The Board discussed May 2015 minutes and Board Member Wilson made a motion to defer acceptance of May 2015 minutes until the revisions could be verified. Board Member Amado-McCoy seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

**V. PUBLIC COMMENTS –** There were no public comments.

## **VI. DISCUSSION AND POSSIBLE ACTION OF IPRA AND OMA RESOLUTION –**

Attorney Baker informed the Board that the draft resolutions for IPRA and OMA were on the way over to the Board. Attorney Baker discussed the appointment of a records custodian. Board Member Ring felt the records custodian should be an administrative office employee, and Attorney Baker agreed. Board Member Amado-McCoy raised the question of the administrative office staff's capacity for the position of records custodian. Board Member McCoy made a motion to defer this decision until more research can take place. Board Member Wilson seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Fine, Ring. Against: 1 – Cruz.

Board Member Ring spoke about IPRA requests that are now pending. Attorney Baker discussed the statutory process, and that there is a three-day time period to provide an initial response to the requestors. There is a 15-day normal response time to provide reports, but in the event the request is overly broad and burdensome, the statute allows for additional time. Attorney Baker informed the Board that the City has been providing assistance and that the statutory guidelines have been met. Attorney Baker informed the Board that his function is to provide legal advice to the Board. In response to Board Member Amado-McCoy's inquiry, the Acting Executive Director informed the Board that the requestors are in the loop regarding the status and timeline of their requests. Ms. Hammer informed the Board that it is a joint effort between the City Clerk, City Attorney, and herself to coordinate the IPRA requests.

## **X. MEETING WITH COUNSEL RE: PENDING LITIGATION AND PERSONNEL ISSUES -**

Board Member Fine made a motion that the Board go into Executive Session. Board Member Ring seconded the motion. A roll call vote was taken. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring. The Board went into Executive Session at 4:34 p.m.

The Board reconvened at 7:07 p.m. Acting Chair Mohr stated that the Board discussed select personnel matters and pending litigation. Nothing of merit was discussed during the dinner break.

Board Member Wilson made a motion to confirm Acting Chair Mohr's statement. A roll call vote was taken. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

## **VII. REPORTS FROM CITY STAFF**

**A. Acting Executive Director Hammer** – Acting Executive Director Hammer reported May 2015 statistics as follows:

### **May 2015:**

25 new Citizen Police Complaints  
10 Job Well Done Letters

Acting Executive Director Hammer informed the Board that the NACOLE conference will be held in Albuquerque in September 2016. Board Member Ring stated that some of the Board should attend the October NACOLE meeting. Acting Executive Director Hammer informed the Board that funds should be available so that the entire Board can attend the conference.

**B. SOP Update** – CPOA Lead Investigator Paul Skotchdopole reported that he is now back on the APD board, and attended a meeting on June 10, 2015. Prior to Mr. Skotchdopole returning to the board, ten SOPs were revised because of outdated and duplicate policies. Mr. Skotchdopole reported to the Board that the SOPs now indicate an effective date and expiration date, and the SOPs will come up for review every six months.

**C. Mayor's Staff** – No one was present to report.

**D. City Council Staff** – Mr. Moya stated that the budget for fiscal year 2016 has been approved, which includes increases for training and for Independent Legal Counsel.

**E. City Attorney's Staff** – City Attorney Hernandez stood for questions. None were presented in the open session.

**F. APD** – Lt. Jennifer Garcia from APD Internal Affairs presented the report for May 2015.

APD Calls for Service: 42,898

Internal Affair cases for May 2015

Received - 13

Inactivated - 2

Completed -20

Mediated - 0

Pending - 4

Discipline imposed in May 2015

4 verbal reprimands

9 letters of reprimands

1 8-hour suspension

1 15-hour suspension

1 32-hour suspension

1 40-hour suspension

1 48-hour suspension

1 termination

## **VIII. REPORT FROM SUBCOMMITTEES**

**A. Complaint Review Subcommittee** – Board Member Fine informed the Board that the Complaint Review Subcommittee met on June 9, 2015. Paul Cash will continue to refine the monthly reports submitted to the Board. Board Member Fine stated that the 90-day time frame seems to be a problem, and that staff keeps cases for up to seven times that period. The Subcommittee will continue to meet every two weeks. Board Member Fine wants open communication with the Chief, and suggested that the Board could meet with the Chief if necessary. Acting Executive Director Hammer informed the Board that cases received after the DOJ settlement agreement are priority cases. Board Member

Wilson will no longer serve on this committee. Board Member Amado-McCoy made a motion to replace Board Member Wilson with Board Member Fine. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

**B. Outreach Subcommittee** – Board Member Baca reported that the Subcommittee met on May 26, 2015. Human Resources provided a draft advertisement for the position of an outreach coordinator. The ad was posted immediately and will run for three weeks. The official title of the position will be Community Engagement Specialist. Board Member Baca reported that the Subcommittee will be involved and will work with Acting Executive Director Hammer in the selection for this position.

Board Member Baca reported on the New Mexico Youth Forum, and their desire for their organization to be involved with the Police Oversight Board. Board Member Baca desired more time to respond to the organization.

Board Member Baca discussed locations where information regarding the Citizen Police Complaints could be posted, such as on buses and at Healthcare for the Homeless. Board Member Baca observed handouts located at APD substations.

Board Member Baca discussed business cards for the Board. The Board requested that “volunteer member” be added after the Board Member’s name, with their personal e-mail address, and that no reference to “City” be listed on the card. Board Member Baca moved for the acceptance of the business card as revised. Board Member Ring seconded the motion. Passed. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

**C. Rules and Regulations Subcommittee** – There was no meeting of this Subcommittee.

**D. Personnel Subcommittee** – Acting Chair Mohr reported that the job positing for the Executive Director position went on line June 8, 2015, with a closing date of July 17, 2015. Acting Chair Mohr discussed the application process and timeline. The questionnaire that will be sent to the applicants was discussed by the Board. The finalists will be interviewed on live TV. Board Member Baca made a motion to approve the questionnaire with revisions. Board Member Ring seconded the motion. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

## **IX. POB TRAINING – INTERNAL AFFAIRS PROCESS**

Acting Chair Mohr made a motion to table this item. Board Member Wilson seconded the motion. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

## **XI. POB TRAINING – ATTORNEY BAKER**

### **A. Police Oversight Ordinance –**

**B. Consent Decree (formerly DOJ Settlement Agreement)**

Board Member Ring made a motion to table these items. Board Member Walker seconded the motion. For: 8 – Waites, Mohr, Wilson, Baca, Brown, Cruz, Fine, Ring.

**XII. OTHER BUSINESS** – No other business.

**XIII. ADJOURNMENT** - *Next POB meeting will be on Thursday, July 9, 2015, at 4:00 PM in the Vincent E. Griego Chambers.* The meeting adjourned at 9:00 p.m.

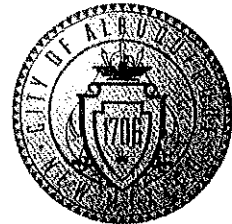
**APPROVED:**

\_\_\_\_\_  
**Beth Mohr, Acting Chair**  
**Civilian Police Oversight Agency**

\_\_\_\_\_  
DATE

CC: Julian Moya, City Council Staff  
Natalie Howard, City Clerk  
Rey Garduno, City Council President

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

**Police Oversight Board**     *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*     *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*     *Dr. Jeannette Baca*     *Susanne Brown*  
*Eric H. Cruz*     *Joanne Fine*     *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

## **Civilian Police Complaints (CPCs) Received and Closed/Completed** **February 1, 2015 to May 31, 2015**

### **I. CPCs RECEIVED: 71**

- A) Number of Received Cases during reporting period: 71  
B) Unique numbers assigned to received CPCs: CPC 15-014 through CPC 15-084

### **II. TOTAL CASES: FULLY INVESTIGATED AND ADMINISTRATIVELY CLOSED: 89**

- A) Fully Investigated Cases closed/completed during reporting period: 56  
B) Administratively Closed Cases closed/completed during reporting period: 33

### **III. FULLY INVESTIGATED CASES- 56 Total**

#### **A. Closed Fully Investigated CPC Cases: Included Review by APD and Executive Director Pre-Police Oversight Board or Review by Police Oversight Board at March 12, 2015 POB Meeting and APD:**

PO Box 1293

Albuquerque

New Mexico 87103

Fully-Investigated CPCs which were closed in the reporting period: 18  
  
Fully-Investigated CPCs Closed: CPC 13-064; 13-099; 13-102; 13-107; 13-246;  
14-149; 14-172; 14-175; 14-186; 14-189; 14-194; 14-196; 14-197; 14-198;  
14-209; 14-211; 14-230; 14-233

#### **B. Completed Fully-Investigated Cases: Sent to APD for review and possible imposition of discipline without POB Review, Post March 12, 2015:**

www.cabq.gov

Number of Fully-investigated cases completed and sent to APD for review without POB Review during reporting period: 38

Fully-Investigated CPCs Completed; Sent to APD without POB Review: CPC 13-064; 13-099; 13-102; 13-107; 13-132; 13-182; 13-246; 14-014; 14-149; 14-172; 14-175; 14-176; 14-186; 14-189; 14-194; 14-196; 14-197; 14-198; 14-202; 14-204; 14-207; 14-209; 14-210; 14-211; 14-216; 14-217; 14-219; 14-221; 14-223; 14-229; 14-230; 14-231; 14-233; 15-003; 15-006; 15-013; 15-014; 15-038

### III. ADMINISTRATIVELY CLOSED CPCs- 33 Total:

#### A. Administratively Closed CPC Cases: Included Review by APD and Executive Director Pre-Police Oversight Board or Review by Police Oversight Board at March 12, 2015 POB Meeting and APD:

Administratively Closed during reporting period: 12

Administratively Closed: CPC 13-083; 13-136; 13-153; 13-212; 14-164; 14-201; 14-226; 15-001; 15-007; 15-010; 15-011; 15-018

#### B. Administratively-Closed Cases Completed pending POB Review. Post March 12, 2015:

Completed Cases Pending POB approval to be Administratively Closed: 21

Pending to be Administratively Closed upon POB approval: CPC 13-025; 13-065; 14-098; 14-112; 14-141; 14-170; 14-205; 15-005; 15-009; 15-013; 15-017; 15-019; 15-022; 15-033; 15-034; 15-038; 15-042; 15-048; 15-052; 15-057; 15-062



4/2/2015

# CITY of ALBUQUERQUE

## TWENTY-FIRST COUNCIL

COUNCIL BILL NO. \_\_\_\_\_ ENACTMENT NO. \_\_\_\_\_

SPONSORED BY:

1 RESOLUTION

2 DIRECTING THAT THE POLICE OVERSIGHT BOARD PRIORITIZE TRAINING  
3 AND DEVELOPMENT OF CERTAIN RULES AND REGULATIONS AT ITS INITIAL  
4 MEETINGS.

5 WHEREAS, The Albuquerque City Council adopted O-14-13 (Enactment No. O-  
6 2014-019) on September 18, 2014, which abolished the Police Oversight  
7 Commission and replaced it with the Police Oversight Board (the "POB"), which is a  
8 component of the overall umbrella Civilian Police Oversight Agency (the "CPOA");  
9 and

10 WHEREAS, the POB has been populated with members, has held one meeting,  
11 and is continuing to build capacity, expertise, and staffing in order to best fulfill its  
12 important mission; and

13 WHEREAS, Per the Police Oversight Ordinance and the DOJ Agreement, POB  
14 members are required to undergo extensive, time consuming training that will  
15 ultimately create greater capacity for board members; and

16 WHEREAS, POB members have already been working diligently to complete all  
17 required training in order to be fully functional and to build expertise and capacity;  
18 and

19 WHEREAS, in addition to the training requirements, the Police Oversight  
20 Ordinance calls upon the POB to submit rules and regulations governing civilian  
21 complaint procedures to the City Council for approval, including rules and  
22 regulations relative to time limits, notice, and other measures to insure impartial  
23 review of civilians' complaints; and

24 WHEREAS, in order to ensure that the POB has all of the resources and  
25 background as may be necessary and useful in fulfilling its functions, it should  
26 prioritize the completion of training and development of its internal rules and  
27 regulations relating to Civilian Police Complaints.

4/2/2015

1 BE IT RESOLVED BY THE CITY COUNCIL, THE GOVERNING BODY OF THE  
2 CITY OF ALBUQUERQUE:

3 SECTION 1. INITIAL TRAINING TO BE PRIORITIZED; CERTAIN POLICIES  
4 AND PROCEDURES TO BE ADOPTED BEFORE REVIEWING CIVILIAN POLICE  
5 COMPLAINTS OR OFFICER INVOLVED SHOOTINGS. The POB shall make  
6 completion of its training and development of its internal rules and regulations  
7 relating to Civilian Police Complaints its first priority at its initial meetings; the POB  
8 shall not review, consider or act upon Civilian Police Complaints or officer involved  
9 shooting investigations until such time as:

10 a) A majority of its members have substantially completed all required training  
11 as prescribed by the Police Oversight Ordinance and DOJ Agreement; and

12 b) The POB has submitted its rules and regulations relating to the processing  
13 of Civilian Police Complaints; such rules and regulations shall at a minimum address  
14 notice standards with respect to all affected parties or persons including the  
15 complainant, APD IA, APD Command Staff and the Albuquerque Police Officer's  
16 Association, and shall include provisions for reasonable and appropriate  
17 coordination with the same.

18 SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause,  
19 word or phrase of this resolution is for any reason held to be invalid or unenforceable  
20 by any court of competent jurisdiction, such decision shall not affect the validity of  
21 the remaining provisions of this ordinance. The Council hereby declares that it  
22 would have passed this resolution and each section, paragraph, sentence, clause,  
23 word or phrase thereof irrespective of any provision being declared unconstitutional  
24 or otherwise invalid.

**From:** Beth Mohr  
**To:** Mayor Berry  
**Subject:** POB Vice-Chair - still waiting for an answer  
**Date:** Tuesday, March 31, 2015 8:50:00 AM

---

I wrote you about two weeks ago to express my disappointment in the fact that nobody from the Mayor's Staff felt it worth their time to attend to the first Police Oversight Board meeting. There was a spot on the agenda, and we all just sat there looking around, but nobody was there.

I know you were on vacation for a few days, so I've waited patiently, but have heard nothing. I would still appreciate hearing from you on this important issue.

Thanks much, -Beth

Beth A. Mohr, CFE, CAMS, MPA, PI  
Managing Partner  
McHard Accounting Consulting LLC  
933 San Mateo Blvd, NE 500-151  
Albuquerque, NM 87108  
[REDACTED] cell  
505-554-2968 office  
877-279-2942 fax  
NM-PI License #2503  
AZ-PI License #1639940  
CA-PI License #28441  
[bmohr@themchardfirm.com](mailto:bmohr@themchardfirm.com)

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THIS E-MAIL IS INTENDED ONLY FOR THE USE OF THOSE TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION WHICH IS PRIVILEGED, CONFIDENTIAL OR EXEMPT FROM DISCLOSURE UNDER THE LAW. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, DO NOT DISTRIBUTE OR COPY IT. WE RESPECTFULLY REQUEST YOU RETURN IT IMMEDIATELY TO THE SENDER WITH ATTACHMENTS, IF ANY, AND NOTIFY US BY TELEPHONE. THANK YOU.

*The greatest obstacle to discovery is not ignorance - it is the illusion of knowledge. ~ Daniel Boorstin*

**From:** Hammer, Robin  
**To:** ISD Helpdesk  
**Cc:** Cummings, Matt; "Maira Amado-McCoy"  
**Subject:** Police Oversight Board Email Forwarding  
**Date:** Thursday, April 09, 2015 9:10:34 AM

---

Dear Help Desk:

Please change the email address for Police Oversight Board Member Maira Amado-McCoy from

[REDACTED]

to

amadamccoy.pob@gmail.com

in the POB@cabq.gov email forwarding list.

Please confirm that former POB Member Eva Sandoval's email: [REDACTED]  
has been removed from this list.

Thank you for updating our list.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Hammer, Robin  
**To:** Roseman, William G.  
**Cc:** Saavedra, Sharon L.; Rodgers, Shane; Beth Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Mojra Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** Police Oversight Board Members Ride-Alongs  
**Date:** Thursday, May 21, 2015 3:43:37 PM

---

Deputy Chief Roseman:

At its May 19, 2015 Police Oversight Board Meeting, the Board decided that it desired for Board Members to be permitted to ride-along with any APD Officer, without restriction as to whether an officer had a pending matter before the Police Oversight Board. The Board agreed that the CPOA would list the names of APD officers with whom the Board Members went on the required ride-alongs. Therefore, the Board would like any prior restrictions as to riding along with officers who have pending Officer-Involved Shooting cases to be lifted.

Please let me know if you have any questions.

All the best,  
Robin Hammer

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Hammer, Robin  
**To:** Davila, Natalee Z.; Eunes, Ana B.; Gonzalez, Arturo E.; Medrano, Michael V.; Norris, Scott; Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Eva P. Sandoval; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson  
**Subject:** Proposed Draft of City Council Resolution re POB  
**Date:** Friday, April 03, 2015 3:39:25 PM  
**Attachments:** Police Oversight Board - Training and Rule Prioritization -DRAFT.doc

---

Dear POB Members:

I am forwarding an email sent to me from City Council's Director, Jon Zaman. Attached is the proposed City Council Resolution regarding the Police Oversight Board, which relates to Agenda Item 7 on the proposed Agenda for next Thursday's POB Meeting.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Zaman, Jon K.  
**Sent:** Friday, April 03, 2015 3:30 PM  
**To:** 'pmrinc@mac.com'; Hammer, Robin  
**Cc:** Melendrez, Chris P.; Gonzales, Jessica L.; Moya, Julian N  
**Subject:** FW: Intro and holdover

Jim and Robin,

Attached FYI is a copy of a resolution that is being sponsored by Councilors Winter and Garduño that addresses the concerns that were expressed during a meeting with the DOJ last week. We have not yet assigned it a bill number, but we will get that to you once it's given a number.

Please let me know if you have any questions or if you need any additional information.  
Thanks,  
Jon

*Jon K. Zaman*  
*Director of Council Services*  
*505-554-9900*

**From:** Garcia, Lucia D.  
**To:** "JOANNE FINE"  
**Cc:** Kelm, Michael X.  
**Subject:** RE: ABQ Museum Application and Agreement  
**Date:** Monday, April 06, 2015 9:53:47 AM

---

Sounds great, I am here all day today and tomorrow. Starting on Wednesday I will be on Vacation. Your contact on Sunday will be Michael Kelm, he will be setting up and breaking down your event. Please do not hesitate to contact me with any questions.

Best,

Lucia

**Lucia D. Garcia-Alderete**

*Events Supervisor*

CITY OF ALBUQUERQUE, CULTURAL SERVICES DEPARTMENT

400 Marquette Ave NW | 6<sup>th</sup> Floor-Suite 605 | Albuquerque, NM 87102

Phone: 505.768.3525 | Email: [ldgarcia@cabq.gov](mailto:ldgarcia@cabq.gov)

[cultureabq.com](http://cultureabq.com) | [Facebook](#) | [Twitter](#) | [Instagram](#)



---

**From:** JOANNE FINE [<mailto:fine.joanne@yahoo.com>]  
**Sent:** Monday, April 06, 2015 9:50 AM  
**To:** Garcia, Lucia D.  
**Cc:** 'Debbie Johnson'  
**Subject:** RE: ABQ Museum Application and Agreement

Lucia,

Thank you for your prompt response. Debbie Johnson, copied here, will be the renter. She will fill out the application today and pay the \$250 fee tomorrow on her credit card when your register is open.

Thank you so much for your help, Lucia.

Joanne Fine.

Sent from my Verizon Wireless 4G LTE smartphone

M000879

----- Original message -----

From: "Garcia, Lucia D."

Date: 04/06/2015 9:28 AM (GMT-07:00)

To: "'fine.joanne@yahoo.com'"

Subject: Application and Agreement

Hello Joanne,

Attached is the Museum rental agreement and application. Please fill out and send back ASAP, we would like to secure this event on our calendar. Please do not hesitate to contact me with any questions.

Best,

Lucia

**Lucia D. Garcia-Alderete**

*Events Supervisor*

CITY OF ALBUQUERQUE, CULTURAL SERVICES DEPARTMENT

400 Marquette Ave NW | 6<sup>th</sup> Floor-Suite 605 | Albuquerque, NM 87102

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[cultureabq.com](http://cultureabq.com) | [Facebook](#) | [Twitter](#) | [Instagram](#)





**From:** JOANNE FINE  
**To:** Garcia, Lucia D.  
**Cc:** "Debbie Johnson"  
**Subject:** RE: ABQ Museum Application and Agreement  
**Date:** Monday, April 06, 2015 9:50:08 AM

---

Lucia,  
Thank you for your prompt response. Debbie Johnson, copied here, will be the renter. She will fill out the application today and pay the \$250 fee tomorrow on her credit card when your register is open.  
Thank you so much for your help, Lucia.  
Joanne Fine.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Garcia, Lucia D."  
Date: 04/06/2015 9:28 AM (GMT-07:00)  
To: "'fine.joanne@yahoo.com'"  
Subject: Application and Agreement

Hello Joanne,

Attached Is the Museum rental agreement and application. Please fill out and send back ASAP, we would like to secure this event on our calendar. Please do not hesitate to contact me with any questions.

Best,

Lucia

Lucia D. Garcia-Alderete

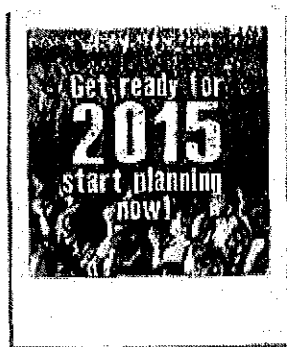
*Events Supervisor*

CITY OF ALBUQUERQUE, CULTURAL SERVICES DEPARTMENT  
400 Marquette Ave NW | 6<sup>th</sup> Floor-Suite 605 | Albuquerque, NM 87102

Phone: 505.768.3525 | Email: [ldgarcia@cabq.gov](mailto:ldgarcia@cabq.gov)

[culture.abq.gov](http://culture.abq.gov) | [Facebook](#) | [Twitter](#) | [Instagram](#)

M000881



**From:** Garcia, Lucia D.  
**To:** "JOANNE FINE"  
**Subject:** RE: ABQ Museum Application and Agreement  
**Date:** Monday, April 06, 2015 10:36:14 AM

---

I'm not at the Museum today, I am located at City Hall. Can you please have her contact me.

Thank you,

Lucia

**Lucia D. Garcia-Alderete**

*Events Supervisor*

CITY OF ALBUQUERQUE, CULTURAL SERVICES DEPARTMENT

400 Marquette Ave NW | 6<sup>th</sup> Floor-Suite 605 | Albuquerque, NM 87102

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[cultureabq.com](http://cultureabq.com) | [Facebook](#) | [Twitter](#) | [Instagram](#)



---

**From:** JOANNE FINE [mailto:[fine.joanne@yahoo.com](mailto:fine.joanne@yahoo.com)]  
**Sent:** Monday, April 06, 2015 10:28 AM  
**To:** Garcia, Lucia D.  
**Cc:** Kelm, Michael X.  
**Subject:** RE: ABQ Museum Application and Agreement

Debbie could not open the paperwork on her phone so she is heading over to the Museum to see you in person to complete the paperwork.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Garcia, Lucia D."  
**Date:** 04/06/2015 9:53 AM (GMT-07:00)  
**To:** 'JOANNE FINE'  
**Cc:** "Kelm, Michael X."

M000883

Subject: RE: ABQ Museum Applicaiton and Agreement

Sounds great, I am here all day today and tomorrow. Starting on Wednesday I will be on Vacation. Your contact on Sunday will be Michael Kelm, he will be setting up and breaking down your event. Please do not hesitate to contact me with any questions.

Best,

Lucia

Lucia D. Garcia-Alderete

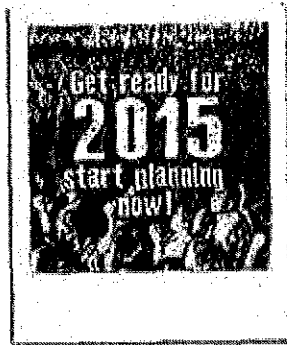
*Events Supervisor*

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---

**From:** JOANNE FINE [<mailto:fine.joanne@yahoo.com>]

**Sent:** Monday, April 06, 2015 9:50 AM

**To:** Garcia, Lucia D.

**Cc:** 'Debbie Johnson'

**Subject:** RE: ABQ Museum Applicaiton and Agreement

Lucia,

Thank you for your prompt reaponse. Debbie Johnson, copied here, will be the renter. She will fill out the application today and pay the \$250 fee tomorrow on her credit card when your register is open.

Thank you so much for your help, Lucia.

Joanne Fine.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Garcia, Lucia D."

M000884

Date:04/06/2015 9:28 AM (GMT-07:00)

To: "fine.joanne@yahoo.com"

Subject: Applicaiton and Agreement

Hello Joanne,

Attached Is the Museum rental agreement and application. Please fill out and send back ASAP, we would like to secure this event on our calendar. Please do not hesitate to contact me with any questions.

Best,

Lucia

**Lucia D. Garcia-Alderete**

*Events Supervisor*

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**From:** Hammer, Robin  
**To:** Saladin, David R.  
**Cc:** "Mark T. Baker"; Beth Mohr  
**Subject:** RE: Additional Training  
**Date:** Wednesday, May 20, 2015 2:50:49 PM

---

Sgt. Saladin:

The Police Oversight Board has retained Independent Council, Mark Baker, to assist the Board in their legal needs. Mr. Baker will be coordinating future DOJ-compliance training for the POB. Mr. Baker's email is above. His phone number is 247-4800. Please contact Mr. Baker regarding training to be provided by APD.

All the best,  
Robin Hammer

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

---

**From:** Saladin, David R.  
**Sent:** Wednesday, May 20, 2015 11:33 AM  
**To:** Hammer, Robin  
**Subject:** RE: Additional Training

Greetings,

I left you a message yesterday, but there has been progress since. I spoke with Lt. Garcia of IA and she informed me that she and Lt. Collins are already working on a presentation for the CPOA. I will coordinate with them to add our portion and satisfy the Settlement Agreement.

**Sergeant David R. Saladin**  
Advanced Training Unit  
Albuquerque Police Department  
(505) 343-5000  
[DSaladin@cabq.gov](mailto:DSaladin@cabq.gov)

---

**From:** Hammer, Robin  
**Sent:** Thursday, May 14, 2015 4:30 PM  
**To:** Saladin, David R.

M000886

**Subject:** Re: Additional Training

Sgt

No one has gotten back to me on this issue. We have 6 months from the date the POB Members were appointed, which will be 8/10/15.

Call me tomorrow , Friday and we can discuss this issue. My direct line is 924-3774

Thanks,  
Robin

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency

Sent from my iPhone

On May 14, 2015, at 2:14 PM, Saladin, David R. <[dsaladin@cabq.gov](mailto:dsaladin@cabq.gov)> wrote:

Hello Ma'am,

Has anyone from Internal Affairs contacted you in reference to the additional training needs of the CPOA?

Thank you,

**Sergeant David R. Saladin**  
**Advanced Training Unit**  
**Albuquerque Police Department**  
**(505) 343-5000**  
**[DSaladin@cabq.gov](mailto:DSaladin@cabq.gov)**

**From:** Hammer, Robin  
**To:** Davila, Natalee Z; Funes, Ana R.; Gonzalez, Arturo E.; Medrano, Michael V.; Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson  
**Subject:** RE: Agenda for April 9, 2015 Police Oversight Commission Meeting  
**Date:** Monday, April 06, 2015 3:40:52 PM  
**Attachments:** POB Agenda 4-9-15 Meeting.pdf

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Sorry. Here is the correct Agenda for April 9.

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**From:** Hammer, Robin  
**Sent:** Monday, April 06, 2015 3:32 PM  
**To:** Davila, Natalee Z; Funes, Ana R.; Gonzalez, Arturo E.; Medrano, Michael V.; Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Jeannette Baca (jvbaca.pob@gmail.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (phamason.lw@gmail.com); Moira Amado-McCoy (moiraamado@gmail.com); Scott Wilson (jswilsonpob@outlook.com)  
**Subject:** Agenda for April 9, 2015 Police Oversight Commission Meeting

Dear POB Members:

Attached is the Agenda for Thursday's meeting. Please remember we meet at 5 pm this month, due to a scheduling conflict with City Council Chambers.

We will be providing trays of fruits, veggies, and sandwich making meats and cheeses to the POB Members and CPOA Staff at this meeting to eat during a dinner break, if one is taken. We will also provide bottled water.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

M000888



## **CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**      *Leonard Waites, Chair*  
*Beth Mohr, Co-Vice Chair*      *Jeffery Scott Wilson, Co-Vice Chair*  
*Dr. Moira Amado-McCoy*      *Dr. Jeannette Baca*      *Eric H. Cruz*  
*Joanne Fine*      *Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

## **POLICE OVERSIGHT BOARD AGENDA**

**Thursday, April 9, 2015 – 5:00 PM**

**Vincent E. Griego Chambers**

- I. Welcome and Call to Order:** *Acting Chair Beth Mohr*
- II. Pledge of Allegiance:** *Dr. David Z. Ring III*
- III. Approval of the Agenda**
- IV. Approval of Minutes**
- V. Public Comments**
- VI. Settlement Agreement Discussion/Training**
- VII. Discussion of Role of CPOA and POB**
  - A) Discussion of proposed City Council Resolution to hold in abeyance POB review of Citizen Police Complaint and Officer Involved Shooting cases until mandated training is completed and Rules are adopted
- VIII. Reports from Subcommittees**
  - A. Outreach Subcommittee**

Presentation from New Mexico Forum for Youth for outreach involving youth
  - B. Personnel Subcommittee**
- IX. Discussion of Contract for Independent Legal Counsel**
- X. Discussion of City Council's Budget Questions posed to CPOA**
- XI. Discussion of Draft CPOA Rules**
- XII. Reports from City Staff:**
  - A. Executive Director** *Report by Acting Executive Director Robin Hammer*
  - B. SOP Update** – *Report by Assistant Lead Investigator Paul Skotchdopole*
  - C. Mayor's Staff** – *Report*
  - D. City Council Staff**– *Report*
  - E. City Attorney's Staff** – *Report*
  - F. APD**– *Report*
- XIII. Other Business**
- XIV. Adjournment** - *Next POB meeting will be on Tuesday, May 19, 2015 at 4:00 PM in the Vincent E. Griego Chambers. Note the change from Thursday to Tuesday for next month's meeting.*

**From:** Moira Amado-McCoy  
**To:** Hammer, Robin  
**Cc:** Davila, Natalie Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Scott S. Wilson; Susanne Brown  
**Subject:** Re: April POB Meeting Minutes  
**Date:** Sunday, May 17, 2015 12:54:30 PM  
**Attachments:** POB.4.9.2015\_CCStopOrdinance.docx

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Dear Ms. Hammer --

I have substantive concerns about this agenda, which I'll itemize here. I'm writing this on the fly, and will be glad to discuss it further, but I do believe substantive changes should be made to the version I see here, ahead of our upcoming meeting, or approval of the minutes will take much longer than necessary.

1) I don't understand why item VI begins with a vague and wordy description of Robin presenting something of a brief history, when the only issue here was: "Acting Director Hammer told the Board that Mr. Ginger requested that the Board receive training before hearing any future complaints." Further, the remainder of this section glosses over the real work the Board actually did on this item, while including a history lesson from Robin that is already on record.

2) This same paragraph (VI) should only reflect the conversation we had regarding our concerns about this meeting with the federal monitor. I am recorded as saying that Board was not asked for their input about the meeting, which is true. I also made the comment that it was nonsensical to me that the Board seemed to have been deemed qualified "last month" to hear complaints, but suddenly isn't qualified this month. That was attributed to Beth. That is a simple issue of fact, which should be corrected.

3) Please clarify the second sentence in the second paragraph of this section: "Acting Executive Director Hammer indicated there are CPSs ready to present, and there needs to be a game plan once the board is up and running." I'm not sure what either of these things mean (the Board should have a "game plan," and "once the Board is up and running"), but I think if this sort of thing is to be included in the minutes, it should be contextualized and accurate.

4) In section VII -- This seems to be an attempt to summarize what I said in my extended comments RE: the meeting with Ginger, Robin's directions to us about not seeing cases, the draft of the City Council resolution she used justify her interpretation and which seemed to be direct output of this meeting, and what this interpretation 1) intrinsically claims about the meaning of "training" for our particular purposes and 2) what it claims about the very nature of this Board. I understand the need to summarize, but the three sentences attempting to represent my extended comments, and which we've been given here to approve, not only fail to capture either the letter or the spirit of my comments, it distorts them. They seem to have been plucked at random from the real argument I was making (and which the Board endorsed enthusiastically). Further, the discussion as presented here provides very little correlation to either the actual circumstances we were explicitly responding to in this part of our agenda, OR to the activity that we then moved to enact as a result of this response. For example:

a) The first sentence attempting to summarize my comments is about not being

scheduled for ride-along's. This was an aside, and inappropriate for a three-sentence summary.

b) The second of these three sentences is about the Board being designed, approved, and built as a "neutral, third party, civilian" oversight board. This was certainly central to my argument, but not summarized as delivered.

c) The third sentence devoted to the comments I delivered at our last meeting is misleading (".....suggested that building a relationship with APD may not be appropriate"). I said that if we are to consider the number of hours that we are to spend at APD training ("648 cumulative hours of training" with a single stakeholder), many community members could consider this inappropriate, and that if we're going to "train" with stakeholders, then we need to think about training with other community agencies as well.

6) You can hardly summarize my comments here without noting that the central point was this: That the question is not whether we should or shouldn't attend training, but whether or not we are capable of performing our mandated function without it. This is, after all, the discussion we were having, the agenda item we were within, and the gist of my comments.

7) Please also note at the end of this section, that the motion was for both a meeting with City councilors (specifically to discover whether the history and intent of the Resolution was accurate to the way it was presented to us) AND that I should attend the CC meeting the next week, in order to articulate our objections to the suggestion that we see no further cases until some obscure version of "training" is met (a shifting target).

It is important that the comments I made at the last meeting, that the Board endorsed, and that were accepted by the Board as a reflection of our feelings as a body, are accurately represented here. I attach to this email the written comments, from which I read. Please refer to this document, and assure that our substantive arguments regarding both 1) the shabbiness of the information/direction that was given to us by Ms. Hammer, and on which we acted in good faith, and 2) the assumptions imbedded in the version of "training" we've been presented with, are more accurately summarized.

NOTE: My written comments are my working-draft. Other addressed members of this email thread may have further recollection about the actual thrust and reality of this important meeting. AND, you always have the video version, if we need it, but we cannot approve minutes that do not accurately reflect the difficult work we're doing on this board.

Moirá Amado-McCoy

On Wed, May 13, 2015 at 9:41 AM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

POB Members:

Attached is a draft of the Minutes from last Month's POB meeting for your review.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

9 April 2015

Comments RE:

- Meeting between Robin Hammer reports having with James Ginger, to which Board Members were not party, but which has effectively stopped the designated work of the Board this month.
- Robin Hammer's instruction to the Board that they would not review cases this month, as a result of this meeting, and her interpretation of the Monitor's instructions, and the draft of a City Council Resolution she has brought before us, which she also claims is a direct result of that meeting.
- Robin Hammer's claim to the members of the Case Review subcommittee that they would not need to meet this month, because of her claims about this meeting.
- The assumptions that the reporting that we have heard about this meeting makes about both "training" and the very definition and of this Board.

Moirira Amado-McCoy  
Board Member

This ordinance, which has affected our agenda tonight ahead of its enactment, seems to claim that the reason this Board will not see any cases, is, at first glance the reflection of a higher purpose: who could argue against "prioritizing training?"

However, knowing first-hand the manifestation of this "prioritizing" makes me see this language as a smokescreen of some sort. Who is trying to buy time against the substantive work of this board?

First, to head off, if I can, any misinterpretations of what I want to say as, "Dr. McCoy is against the POB having training," let me say that we, on this Board, are all agreeable to training. As an academic and a training and development specialist myself, I can scarcely be against training.

And, as a board, we have all been highly optimistic and compliant. We have already participated in more than 40 hours with the Citizen's Police Academy (as a board, that's 320 hours, so far). We have been waiting on calls to send us on our required "ride alongs," but after a month, few, if any of us have been contacted for ability to meet that requirement. All in all, we are being asked to participate in this academy for 6 hours a week for 12 weeks; that's 72 hours, or for all 9 of us, a whopping 648 cumulative hours of "training" with the CPA, on this one board.

And, as I say, for the most part, we're happy to be there.

We are also ready and willing to engage in "sensitivity training," even though nearly half of us, if I'm not mistaken, have at one time or another, either participated in such training, delivered such training ourselves, or as in my case, even to the point

of being responsible for sensitivity and diversity issues at my own institution and being a certified diversity trainer.

What I do want to say right now is that I believe it's important to remember, as we take this on, to recognize that this board is comprised of civilians for a reason – *trained, professionalized, experienced, educated, and vetted civilians for certain* – but civilians, nevertheless. It has never been the intention within any of the documents I have read, or in any conversations that I've had with officials in this process, that we would be expert in the specific field we are overseeing, any more than the board at Proctor and Gamble are all experts in manufacturing cereal or dish soap, or, for that matter, that the board at Microsoft, are all technology experts. That is not the function of any board, in general, and certainly not the function of a *3<sup>rd</sup> party, neutral, civilian oversight board* in particular.

**So, the question before us is not whether we should or shouldn't attend whatever version of "training" that has been designed by whoever it is that designed this particular scope of "training" program, but whether or not we are capable of performing our mandated function *without* it.**

There are several things we should consider as we continue this conversation:

- Is a board of chosen and vetted civilians capable of doing civilian oversight when seated, or must they have specialized training before they are entrusted with the work of civilian oversight? I wouldn't even bring this up, except in light of the fact that last month we were deemed qualified and this month we have been deemed unqualified to proceed in the work.
- We also need to look squarely at the actual elements of this training, with an impartial eye to discovering how and if this "training" will make us any more qualified to do the job, or more qualified *than some other training* would accomplish, if that's the claim: that is, is *this particular* training a *prerequisite* for our ability to do the job we were asked to do?
- Do the officials who met with an intention to decide these questions (outside of the majority of our knowledge) and who have peremptorily stripped us of the work of this board, know, for instance, that by the Police Department's own published admission, the primary "Goal" of the 47<sup>th</sup> Citizen Police Academy is to:
  - “Understand and appreciate the Albuquerque Police Department”?
  - and, to “Hear positive comments about APD”?
- If this is the thrust of the CPA, then it certainly raises the question of where else we should be going to learn how to appreciate and hear good things about the other stakeholders in this process.

In fact, the argument *could* be made about this "training" and the relationship/s we are building with APD by spending countless hours with them—AND the fact that this "training" will constitute a massive preponderance of the hours we actually spend on this volunteer work as a whole. We could make the argument that as a

consciously neutral and purposefully unaffiliated/independent CIVILIAN review board, this exposure is inappropriate or even a conflict of interest, but primarily, perhaps, not in the best interest of the citizen perspective that we were designed to offer.

We have agreed to provide citizen oversight and represent the sovereignty of the people of this community. This board represents the citizens of Albuquerque to the best of our ability.

We are a cross-section of professional skills and backgrounds, community experience, education, and involvement. A rigorous search and vetting process found us, as a group, appropriate to follow-up on these cases involving citizen complaints *from a citizen's perspective*. Looked at in this light, one could make the argument that we are over-qualified from the perspective of creating a body representative of our citizen-peers.

**But, I'm not making either of these arguments today, because I'm going to assume that the processes that choose the 8/9 of us were fair, and reasonable, and rigorous. AND, I'm going to assume that the "training" as it's been designed thus far, and indeed, that we've all agreed to IS useful and enriching. What I will question is that we are incapable of immediately performing our mandated functions *without* it.**

The POB is only one facet of the overview process, but a very specific, neutral, civilian piece of it.

SEE: Police Oversight and Review Bodies Overseeing Albuquerque Police Department, document.

We also do not even see cases before they have already been reviewed by a full agency comprised of professional investigators and directed by council fully immersed in matters relating locally and nationally to police oversight efforts.

If the question is whether or not we can attend to the business the people have brought before us, and the City Council has ordained us for, without having completed the full curricula of the APD's Citizen Police Academy, then I think it is perfectly obvious that we are absolutely capable and qualified for that mandate. So, for me, the larger question is now, if the reasons given—or implied—for keeping us from that work are insubstantial, what are the real reasons?

**From:** Jeannette Baca  
**To:** Green, Alan  
**Cc:** Herrera, Darlene H.; Hammer, Robin; Beth Mohr; Garcia, Christine; Yermal, Vincent A.  
**Subject:** Re: B3-Approval  
**Date:** Thursday, June 04, 2015 7:49:53 AM

---

Good morning Alan,

Thanks so much for the clarification. It is very helpful. Okay, so lets continue the process; I think we're on track. Posting the position for 3 weeks seems reasonable for our timeline.

I appreciate your help on this! Have a great day.

Jeannette

On Wed, Jun 3, 2015 at 5:02 PM, Green, Alan <[alangreen@cabq.gov](mailto:alangreen@cabq.gov)> wrote:

Hello Jeanette,

The process normally takes about two months. It can be shorter or longer depending on various factors. The largest time components are typically the review of applications and interviews. Here of some of the steps:

- The job description and position must be in place to begin the process.
- Create the requisition which identifies the position and initiates the approval process to fill the position. Budget and Class&Comp review and approve. 2-5 days
- Create the job posting with screening questions to assist in qualifying of applicants. 1-2 days
- Post the position on the CABQ site and other locations like NACOLE. For most positions we post on CABQ for two weeks, but we can post until filled, for two months, or any length you'd like. 2 weeks or more.
- A referred list or applicant list and applications are provided to the hiring manager or selection group for their review. This is normally the longest step. 1-3 weeks
- Preferred applicants are selected and scheduled for interviews. The selection is made. 1-2 weeks
- Background check is completed and the hire is routed for approval. 4-5 days

These are some of the basic steps. Let me know if you have questions.

With the job description and position in place, and your approval, Christine and Employment can proceed with next steps.



**From:** Jeannette Baca [mailto:[jvbaca.pob@gmail.com](mailto:jvbaca.pob@gmail.com)]

**Sent:** Wednesday, June 03, 2015 4:14 PM

**To:** Green, Alan

**Cc:** Herrera, Darlene H.; Hammer, Robin; Beth Mohr; Garcia, Christine; Yermal, Vincent A.

**Subject:** Re: B3-Approval

Hi Alan,

Perhaps I need some clarification regarding the "initiation process". As you correctly stated, we will not be able to hire the Community Engagement Specialist until the budget is in place. Please provide me with the timeline regarding the hiring process. I want to be sure we proceed through the process in a timely manner. Thanks again.

Jeannette

On Wed, Jun 3, 2015 at 2:38 PM, Jeannette Baca <[jvbaca.pob@gmail.com](mailto:jvbaca.pob@gmail.com)> wrote:

Good afternoon,

Although there was discussion regarding the start time for the position (based upon the budget), we decided at our last meeting to begin the recruitment process as soon as possible. As such, the recruitment process can be initiated at this time. Thank you.

Regards,

Jeannette

On Wed, Jun 3, 2015 at 1:31 PM, Green, Alan <[alangreen@cabq.gov](mailto:alangreen@cabq.gov)> wrote:

Hello,

I am emailing to confirm the recruitment process for the CPOA Community Engagement Specialist is to be initiated at this time. At one point I understood this position would not be filled until July and/or after the hiring of the CPOA Director. Please provide any information to help clarify. Thank you for your assistance.

M000967

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**From:** Herrera, Darlene H.  
**Sent:** Wednesday, June 03, 2015 10:36 AM  
**To:** Jeannette V. Baca  
**Cc:** Green, Alan  
**Subject:** RE: B3-Approval

Will forward your e-mail to him.

**From:** Jeannette Baca [<mailto:jvbaca.pob@gmail.com>]  
**Sent:** Wednesday, June 03, 2015 10:05 AM  
**To:** Herrera, Darlene H.  
**Subject:** Re: B3-Approval

Thanks Darlene,

Do you think I should contact Alan? I would like to confirm that he received the information regarding the correct position title for the CPOA Community Engagement Specialist; I can email him or give him a call. Feel free to give him my telephone number, [REDACTED] Have a great day!

Thank you,

Jeannette

On Tue, Jun 2, 2015 at 7:54 AM, Herrera, Darlene H. <[DHerrera@cabq.gov](mailto:DHerrera@cabq.gov)> wrote:

Jeannette, this will be advertised by the employment division, will forward this on to the Employment Manager, Alan Green.

**From:** Jeannette Baca [<mailto:jvbaca.pob@gmail.com>]  
**Sent:** Monday, June 01, 2015 8:11 PM  
**To:** Hulsey, Peter  
**Cc:** Herrera, Darlene H.; Hammer, Robin; Leonard Waites; David Ring; Garcia, Christine  
**Subject:** Re: B3-Approval

M000968

Greetings,

I have been out of town and just read my emails. I'm happy to see we are moving forward on the CPOA Community Engagement Specialist.

As per our meeting the title is Community Engagement Specialist. Please make sure the position title is advertised correctly.

Thank you,

Jeannette Baca, Chair

POB Outreach Subcommittee

On Monday, June 1, 2015, Hulsey, Peter <[phulsey@cabq.gov](mailto:phulsey@cabq.gov)> wrote:

Thank you!

Peter W. Hulsey PEC

City of Albuquerque / Human Resources Department

Sr. Human Resources Analyst

Classification and Compensation

[+\(505\) 768-3780](tel:+15057683780)

[+\(505\) 768-3777](tel:+15057683777) fax

---

**From:** Herrera, Darlene H.  
**Sent:** Monday, June 01, 2015 1:14 PM  
**To:** Hammer, Robin; Hulsey, Peter  
**Cc:** Jeannette V. Baca; Leonard Waites; David Ring; Garcia, Christine  
**Subject:** RE: B3-Approval

Please pass info from Robin to Alan Green, he will take the role of advertising, thank you

---

**From:** Hammer, Robin  
**Sent:** Monday, June 01, 2015 1:03 PM  
**To:** Hulsey, Peter

M000969

**Cc:** Herrera, Darlene H.; Jeannette V. Baca; Leonard Waites; David Ring; Garcia, Christine  
**Subject:** RE: B3-Approval

Peter,

Please proceed with advertising the position for three weeks. In the past, Christine Garcia at DFA has assisted our Department with advertising and receiving applications for positions. We would also like to advertise on the National Association Civilian Oversight of Law Enforcement (NACOLE)'s website. <https://nacole.org/> The NACOLE advertisement is free.

Please let me know what I need to do to assist in this process.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

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**From:** Hulsey, Peter

M000970

**Sent:** Monday, June 01, 2015 12:31 PM  
**To:** Hammer, Robin  
**Cc:** Herrera, Darlene H.  
**Subject:** B3-Approval

Good afternoon Robin: I just received the B3 approval back from CAO and CPOA Engagement Specialist position and it now can be created in our HR PEOPLESOFT system. It will remain active and is ready to begin the recruitment process when you are. I believe in the last Sub-Committee meeting they wanted to go ahead and start to advertise.

Please advise on how you wish to proceed. If you have questions, please do not hesitate to contact us. Thank you!

Peter W. Hulseley PEC

City of Albuquerque / Human Resources Department

Sr. Human Resources Analyst

Classification and Compensation

+(505) 768-3780

+(505) 768 -3777 fax

**From:** [Herrera, Darlene H.](#)  
**To:** [Green, Alan](#); [Jeannette V. Baca](#)  
**Cc:** [Hammer, Robin](#); [Beth Mohr](#); [Garcia, Christine](#); [Yermal, Vincent A.](#)  
**Subject:** RE: B3-Approval  
**Date:** Thursday, June 04, 2015 7:57:57 AM

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The job description is good to go.

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**From:** Green, Alan  
**Sent:** Wednesday, June 03, 2015 5:03 PM  
**To:** Jeannette V. Baca  
**Cc:** Herrera, Darlene H.; Hammer, Robin; Beth Mohr; Garcia, Christine; Yermal, Vincent A.  
**Subject:** RE: B3-Approval

Hello Jeanette,

The process normally takes about two months. It can be shorter or longer depending on various factors. The largest time components are typically the review of applications and interviews. Here of some of the steps:

- The job description and position must be in place to begin the process.
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- Post the position on the CABQ site and other locations like NACOLE. For most positions we post on CABQ for two weeks, but we can post until filled, for two months, or any length you'd like. 2 weeks or more.
- A referred list or applicant list and applications are provided to the hiring manager or selection group for their review. This is normally the longest step. 1-3 weeks
- Preferred applicants are selected and scheduled for interviews. The selection is made. 1-2 weeks
- Background check is completed and the hire is routed for approval. 4-5 days

These are some of the basic steps. Let me know if you have questions.

With the job description and position in place, and your approval, Christine and Employment can proceed with next steps.

**From:** Jeannette Baca [<mailto:jvbaca.pob@gmail.com>]  
**Sent:** Wednesday, June 03, 2015 4:14 PM  
**To:** Green, Alan  
**Cc:** Herrera, Darlene H.; Hammer, Robin; Beth Mohr; Garcia, Christine; Yermal, Vincent A.  
**Subject:** Re: B3-Approval

Hi Alan,

Perhaps I need some clarification regarding the "initiation process". As you correctly stated, we will not be able to hire the Community Engagement Specialist until the budget is in place. Please provide me with the timeline regarding the hiring process. I want to be sure we proceed through the process in a timely manner. Thanks again.

Jeannette

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Regards,  
Jeannette

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Hello,

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---

**From:** Herrera, Darlene H.  
**Sent:** Wednesday, June 03, 2015 10:36 AM  
**To:** Jeannette V. Baca  
**Cc:** Green, Alan  
**Subject:** RE: B3-Approval

Will forward your e-mail to him.

**From:** Jeannette Baca [mailto:jvbaca.pob@gmail.com]  
**Sent:** Wednesday, June 03, 2015 10:05 AM  
**To:** Herrera, Darlene H.  
**Subject:** Re: B3-Approval

Thanks Darlene,

Do you think I should contact Alan? I would like to confirm that he received the information regarding the correct position title for the CPOA Community Engagement Specialist. I can email him or give him a call. Feel free to give him my telephone number, [REDACTED]  
Have a great day!

Thank you,  
Jeannette

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**Sent:** Monday, June 01, 2015 8:11 PM  
**To:** Hulsey, Peter  
**Cc:** Herrera, Darlene H.; Hammer, Robin; Leonard Waites; David Ring; Garcia, Christine  
**Subject:** Re: B3-Approval

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As per our meeting the title is Community Engagement Specialist. Please make sure the position title is advertised correctly.

Thank you,  
Jeannette Baca, Chair  
POB Outreach Subcommittee

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Thank you!

Peter W. Hulsey PEC  
City of Albuquerque / Human Resources Department  
Sr. Human Resources Analyst  
Classification and Compensation  
+(505) 768-3780  
+(505) 768-3777 fax

---

**From:** Herrera, Darlene H.  
**Sent:** Monday, June 01, 2015 1:14 PM  
**To:** Hammer, Robin; Hulsey, Peter  
**Cc:** Jeannette V. Baca; Leonard Waites; David Ring; Garcia, Christine  
**Subject:** RE: B3-Approval

Please pass info from Robin to Alan Green, he will take the role of advertising, thank you

---

**From:** Hammer, Robin  
**Sent:** Monday, June 01, 2015 1:03 PM  
**To:** Hulsey, Peter  
**Cc:** Herrera, Darlene H.; Jeannette V. Baca; Leonard Waites; David Ring; Garcia, Christine  
**Subject:** RE: B3-Approval

Peter,

Please proceed with advertising the position for three weeks. In the past, Christine Garcia at DFA has assisted our Department with advertising and receiving applications for positions. We would also like to advertise on the National Association Civilian Oversight of Law Enforcement (NACOLE)'s website. <https://nacole.org/> The NACOLE advertisement is free.

Please let me know what I need to do to assist in this process.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque

M000974



P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

---

**From:** Hulse, Peter  
**Sent:** Monday, June 01, 2015 12:31 PM  
**To:** Hammer, Robin  
**Cc:** Herrera, Darlene H.  
**Subject:** B3-Approval

Good afternoon Robin: I just received the B3 approval back from CAO and CPOA Engagement Specialist position and it now can be created in our HR PEOPLESOFT system. It will remain active and is ready to begin the recruitment process when you are. I believe in the last Sub-Committee meeting they wanted to go ahead and start to advertise.

Please advise on how you wish to proceed. If you have questions, please do not hesitate to contact us. Thank you!

Peter W. Hulse, PEC  
City of Albuquerque / Human Resources Department  
Sr. Human Resources Analyst  
Classification and Compensation  
+(505) 768-3780  
+(505) 768-3777 fax

**From:** Beth Mohr  
**To:** Zaman, Jon K.  
**Subject:** RE: Budget for Police Oversight Board  
**Date:** Friday, March 13, 2015 7:18:38 PM

---

OK, I set it for Forque but feel free to pick somewhere else.

Composed with haste from my "smart" phone.

Beth A. Mohr, Board Member  
Albuquerque Police Oversight Board

The contents of this email may be subject to disclosure under the NM Inspection of Public Records Act. Please be thoughtful when replying to or forwarding this email.

On Mar 13, 2015 3:32 PM, "Zaman, Jon K." <[jzaman@cabq.gov](mailto:jzaman@cabq.gov)> wrote:  
Lunch on the 18th will work. Can you send a mtg invite?

Jon K. Zaman  
Director of Council Services

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Beth Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)>  
Date: 03/13/2015 5:30 PM (GMT-05:00)  
To: "Zaman, Jon K." <[jzaman@cabq.gov](mailto:jzaman@cabq.gov)>  
Cc: [jmchard@themchardfirm.com](mailto:jmchard@themchardfirm.com)  
Subject: Re: Budget for Police Oversight Board

Jon - We could do lunch on Monday, March 15th, or something after 5:30 that day. We could do breakfast on Wednesday, March 18th, or I could do lunch the 18th, but Janet has a Housing Authority Board meeting. Do any of those work? -B

Beth A. Mohr, Board Member  
Albuquerque Police Oversight Board

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On Fri, Mar 13, 2015 at 3:10 PM, Zaman, Jon K. <[jzaman@cabq.gov](mailto:jzaman@cabq.gov)> wrote:  
Berth, we should DEFINITELY talk about this. How's your schedule look early next week?

Jon K. Zaman  
Director of Council Services

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Beth Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)>

Date: 03/13/2015 4:27 PM (GMT-05:00)

To: "Zaman, Jon K." <[jzaman@cabq.gov](mailto:jzaman@cabq.gov)>, [jmchard@themchardfirm.com](mailto:jmchard@themchardfirm.com)

Subject: Budget for Police Oversight Board

Dear Jon -

I'm hoping to spend a few minutes discussing with you the budget for the new Police Oversight Board (POB) and the Civilian Police Oversight Agency (CPOA), perhaps Janet and I could take you to lunch?

So far we have been told by the Acting CPOA Director, Robin Hammer, that due to budget constraints, we will not be provided with printed copies of any of the Board materials, we will not be provided with any food or even water at the POB meetings regardless of length, that there is no money to hire independent counsel for the POB now, and that may not be in the FY2016 budget either, and due to budget, we will not have the opportunity for all of the Board Members and CPOA staff members to attend the NACOLE training conference.

I am very concerned that it is the intention of some to try and "starve us out", to ensure that the POB and CPOA cannot be effective. The FY2016 budget submitted by Ms. Hammer does not even include adequate funding for all of the POB members and CPOA staff to attend any outside training.

Currently, the Board is provided with no fewer than 72 hours of training by the APD, and a few hours of training from other City Staff, as well as ride-along assignments and tours. While I do appreciate the opportunity to receive this training from the APD, in my experience, the people responsible for causing the problem are generally not the most qualified to provide training regarding how to solve the problem. It is very important that all of the Board Members have the opportunity to receive additional training, such as the NACOLE training available this fall.

I am disappointed that Ms. Hammer failed to submit a budget that included NACOLE training for all Board Members and staff. Her budget does include money for the DOJ mandated community outreach position, and some money for independent counsel, but there is concern that that will be stripped from her budget, along with funding for badly needed equipment. The copy machine at the CPOA office is the one that Ann Steinmetz bought back in 2000, which was inadequate even back then.

I have no way of knowing what the Administration will do with the budget, but I would like to discuss this with you to ensure that Council considers adding adequate funds to the POB/CPOA budget for the mandated position, training, and independent counsel, at least.

Very truly yours,

Beth A. Mohr, Co-Vice Chair  
Albuquerque Police Oversight Board

NOTICE: This email may be subject to disclosure under the New Mexico

M000977

Inspection of Public Records Act. Please be thoughtful when replying to or forwarding this email.

**From:** Beth A. Mohr  
**To:** Zaman, Jon K.  
**Subject:** Re: Budget for Police Oversight Board  
**Date:** Wednesday, March 18, 2015 8:13:06 AM

---

Yes, we're on and I'm happy to have Julian there. Thanks, -B

*Sent from my Verizon Wireless 4G LTE DROID*

"Zaman, Jon K." <jzaman@cabq.gov> wrote:

Beth,  
Are we still on for lunch? If so, do you mind if I bring Julian Moya if his schedule permits? He's Council's point person on this and I'd love for him to hear your concerns.  
Jon

Jon K. Zaman  
Director of Council Services

*Sent from my Verizon Wireless 4G LTE smartphone*

----- Original message -----

**From:** Beth Mohr <cabq.pob.mohr@gmail.com>  
**Date:** 03/13/2015 7:18 PM (GMT-07:00)  
**To:** "Zaman, Jon K." <jzaman@cabq.gov>  
**Subject:** RE: Budget for Police Oversight Board

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Albuquerque Police Oversight Board

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Jon K. Zaman  
Director of Council Services

*Sent from my Verizon Wireless 4G LTE smartphone*

----- Original message -----

**From:** Beth Mohr <cabq.pob.mohr@gmail.com>  
**Date:** 03/13/2015 5:30 PM (GMT-05:00)

M000979

To: "Zaman, Jon K." <jzaman@cabq.gov<mailto:jzaman@cabq.gov>>  
Cc: jmchard@themchardfirm.com<mailto:jmchard@themchardfirm.com>  
Subject: Re: Budget for Police Oversight Board

Jon - We could do lunch on Monday, March 15th, or something after 5:30 that day. We could do breakfast on Wednesday, March 18th, or I could do lunch the 18th, but Janet has a Housing Authority Board meeting. Do any of those work? -B

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Albuquerque Police Oversight Board

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M000980

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I have no way of knowing what the Administration will do with the budget, but I would like to discuss this with you to ensure that Council considers adding adequate funds to the POB/CPOA budget for the mandated position, training, and independent counsel, at least.

Very truly yours,

Beth A. Mohr, Co-Vice Chair  
Albuquerque Police Oversight Board

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**From:** Zaman, Jon K.  
**To:** Beth Mohr  
**Subject:** RE: Budget for Police Oversight Board  
**Date:** Wednesday, March 18, 2015 6:38:41 AM

---

Beth,  
Are we still on for lunch? If so, do you mind if I bring Julian Moya if his schedule permits? He's Council's point person on this and I'd love for him to hear your concerns.  
Jon

Jon K. Zaman  
Director of Council Services

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Beth Mohr <cabq.pob.mohr@gmail.com>  
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To: "Zaman, Jon K." <jzaman@cabq.gov>  
Subject: RE: Budget for Police Oversight Board

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Albuquerque Police Oversight Board

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Beth A. Mohr, Co-Vice Chair  
Albuquerque Police Oversight Board

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**From:** Roseman, William G.  
**To:** JOANNE FINE  
**Bcc:** Eden, Gordon; Huntsman, Robert Y.  
**Subject:** Re: Call  
**Date:** Monday, March 30, 2015 1:19:47 PM

---

Yes both cases were still in the review process of the chain of command when you received them to review. I will call you when I get back and we can figure this out.

Deputy Chief William Roseman  
Special Services Bureau  
Albuquerque Police Department

On Mar 30, 2015, at 12:14 PM, JOANNE FINE <[REDACTED]> wrote:

Sure. Thank you. I have process and timing questions relative to the POB. I learned today that the Chief had not known about the DV case we discussed at the March POB meeting. At that meeting I asked specifically where that case was in the disciplinary process within APD. We cannot get these processes mixed up. We need to agree on an order for these things to occur or we will have no hope of improving communication between the community and APD. So, I am seeking to understand how you process works. I want to be confident we are moving forward in the POB in a reasonable and fair way for ALL parties. Your guidance would help me understand more and reach that goal.

Thank you,  
Joanne Fine

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Roseman, William G."  
Date: 03/30/2015 12:41 PM (GMT-07:00)  
To: JOANNE FINE  
Subject: Re: Call

I'm traveling from Vegas back to abq, can I call you when I get back? My cell is [REDACTED]

Deputy Chief William Roseman  
Special Services Bureau  
Albuquerque Police Department

On Mar 30, 2015, at 11:19 AM, JOANNE FINE <[REDACTED]> wrote:

Would you call me?  
I don't have your number..Mine is [REDACTED]

Sent from my Verizon Wireless 4G LTE smartphone

M000986

**From:** Roseman, William G.  
**To:** JOANNE FINE  
**Subject:** Re: Call  
**Date:** Monday, March 30, 2015 12:41:40 PM

---

I'm traveling from Vegas back to abq, can I call you when I get back? My cell is [REDACTED]  
[REDACTED]

Deputy Chief William Roseman  
Special Services Bureau  
Albuquerque Police Department

On Mar 30, 2015, at 11:19 AM, JOANNE FINE <[fine.joanne@yahoo.com](mailto:fine.joanne@yahoo.com)> wrote:

Would you call me?  
I don't have your number..Mine is [REDACTED]

Sent from my Verizon Wireless 4G LTE smartphone

M000987

**From:** Hammer, Robin  
**To:** Saavedra, Sharon L.; "Beth Mohr"  
**Cc:** Roseman, William G.; Slauson, Bill R.; Archibeque, Michael E.  
**Subject:** RE: Citizen Police Academy for POB member  
**Date:** Friday, February 20, 2015 4:10:19 PM

---

Dear Beth and Officer Saavedra:

Under the City's Police Oversight Ordinance, POB Members are required to complete the Citizen's Police Academy (CPA) within 6 months of appointment. Unless APD is planning another CPA to begin soon after this one has concluded, I would recommend enrolling in the current CPA and attending as many classes as your schedule permits. Perhaps APD could record sessions, so POB Members could view videos of meetings missed.

I am sure other members of the POB will need to miss some of the 24 sessions of the CPA. Please let me know if you wish to discuss this further.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

---

**From:** Saavedra, Sharon L.  
**Sent:** Friday, February 20, 2015 2:07 PM  
**To:** Beth Mohr; Hammer, Robin  
**Subject:** RE: Citizen Police Academy for POB member  
**Importance:** High

Hello Ms. Mohr,

I am sorry you received information of the start date late. I myself didn't have much notice. However, the show must go on. I'm sure you have notified the conflict with whom you answer to. However, the next CPA has not been scheduled but I will definitely place your application for that next class. Please notify me if anything changes. I will be sending you a waiver and liability release form so that a background check can be completed. I am sure you have already had one but I was told that I can not single any one person out. Thank you. Call or email me if you have any other questions.

Officer Sharon Saavedra  
Citizen Police Academy Coordinator  
Albuquerque Police Department  
Email: [ssaavedra@cabq.gov](mailto:ssaavedra@cabq.gov)  
Phone: (505) 224-6641

M000988

---

**From:** Beth Mohr [cabq.pob.mohr@gmail.com]  
**Sent:** Friday, February 20, 2015 1:45 PM  
**To:** Saavedra, Sharon L.; Hammer, Robin  
**Subject:** Citizen Police Academy for POB member

Officer Saavedra - I am a member of the new Police Oversight Board, and have completed the online application for the Citizen Police Academy, as requested.

Unfortunately, because I was only just today notified of the start date of the classes, March 3, which is less than 2 week away, I am already booked for extensive travel for my job over the next few weeks, and those obligations cannot be changed. My understanding is that the course will be Tuesday and Thursday evenings, starting March 3rd, although I haven't seen anything officially to that effect.

I am out of town the week of March 2-6th conducting an investigation for an out-of-state client, and then the POB meetings themselves will conflict with the citizen's academy on March 12th, April 9th, and so on. I am also gone the week of March 23rd conducting site visit for John Jay College of Criminal Justice in NY to evaluate their continued accreditation. I'm also gone the first and third week of April....you get the picture.

Is there a different or later Academy that you could schedule me for that would still meet the requirements? Otherwise, I'll attend everything I possibly can; I'm retired from the San Diego Police Department and am still certified under HB220, if that helps.

Thanks much, -B

Beth A. Mohr, Board Member  
Albuquerque Police Oversight Board

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**From:** Beth Mohr  
**To:** DuBois, John E.  
**Subject:** Re: Congratulations Madame Co-chair  
**Date:** Saturday, March 14, 2015 10:18:15 PM

---

Will do. And happy Pi day!

Beth A. Mohr CFE, CAMS, MPA, PI  
Managing Partner  
McHard Accounting Consulting LLC

*Composes with haste and sent from my Verizon Wireless 4G LTE DROID*

"DuBois, John E." <jdubois@cabq.gov> wrote:

At least the lawyer the City provided sat fairly close to you....you know....within shouting distance at least. For a while there the City was not going to send anyone at all. Why you might ask? Call me on Monday and I will inform you.

Thx

jed

---

**From:** Beth Mohr [mailto:Bmohr@themchardfirm.com]  
**Sent:** Friday, March 13, 2015 2:30 PM  
**To:** Bob; Janet McHard; DuBois, John E.  
**Subject:** RE: Congratulations Madame Co-chair

Thanks. You can tell that Acting Director Robin Hammer failed to communicate anything to anyone, and we all got to sit up there and stare at each other over nomination for co-chair. Duh. -B

Beth A. Mohr, CFE, CAMS, MPA, PI  
Managing Partner  
McHard Accounting Consulting LLC  
933 San Mateo Blvd, NE 500-151  
Albuquerque, NM 87108  
[REDACTED] cell  
505-554-2968 office  
877-279-2942 fax  
NM-PI License #2503  
AZ-PI License #1639940  
CA-PI License #28441  
[bmohr@themchardfirm.com](mailto:bmohr@themchardfirm.com)

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THIS E-MAIL IS INTENDED ONLY FOR THE USE OF THOSE TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION  
WHICH IS PRIVILEGED, CONFIDENTIAL OR EXEMPT FROM DISCLOSURE UNDER THE LAW. IF YOU HAVE RECEIVED THIS

M000997



E-MAIL IN ERROR, DO NOT DISTRIBUTE OR COPY IT. WE RESPECTFULLY REQUEST YOU RETURN IT IMMEDIATELY TO THE SENDER WITH ATTACHMENTS, IF ANY, AND NOTIFY US BY TELEPHONE. THANK YOU.

*The greatest obstacle to discovery is not ignorance - it is the illusion of knowledge. ~ Daniel Boorstin*

**From:** Bob [<mailto:rwhite20@comcast.net>]  
**Sent:** Friday, March 13, 2015 9:21 AM  
**To:** Beth Mohr; Janet McHard; DuBois, John E.  
**Subject:** Congratulations Madame Co-chair

**From:** Janet McHard  
**To:** DuBois, John E.  
**Cc:** Beth Mohr; Robert M. White  
**Subject:** Re: Congratulations Madame Co-chair  
**Date:** Sunday, March 15, 2015 8:29:57 AM

---

Unknown. She's charting new territory.

Janet M. McHard  
Founding Partner  
McHard Accounting Consulting LLC  
[REDACTED] cell  
505-554-2968 office

*Sent from my Verizon Wireless 4G LTE DROID*

"DuBois, John E." <jdubois@cabq.gov> wrote:

So she is one and one-half heart beats from the Chair or what? How does that work?

---

**From:** Janet McHard [mailto:Jmchard@themchardfirm.com]  
**Sent:** Sunday, March 15, 2015 7:28 AM  
**To:** DuBois, John E.  
**Cc:** Beth Mohr; Robert M. White  
**Subject:** Re: Congratulations Madame Co-chair

Just for the sake of clarity, Beth is Co-VICE--Chair with Scott Wilson. Leonard is chair by him lonesome. Egads. How confusing....

Janet M. McHard  
Founding Partner  
McHard Accounting Consulting LLC  
[REDACTED] cell  
505-554-2968 office

*Sent from my Verizon Wireless 4G LTE DROID*

"DuBois, John E." <jdubois@cabq.gov> wrote:

At least the lawyer the City provided sat fairly close to you....you know....within shouting distance at least. For a while there the City was not going to send anyone at all. Why you might ask? Call me on Monday and I will inform you.

Thx  
jed

---

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NM-PI License #2503  
AZ-PI License #1639940  
CA-PI License #28441  
[bmohr@themchardfirm.com](mailto:bmohr@themchardfirm.com)

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*The greatest obstacle to discovery is not ignorance - it is the illusion of knowledge. ~ Daniel Boorstin*

**From:** Bob [<mailto:rwhite20@comcast.net>]  
**Sent:** Friday, March 13, 2015 9:21 AM  
**To:** Beth Mohr; Janet McHard; DuBois, John E.  
**Subject:** Congratulations Madame Co-chair

**From:** [Agliodoro, Cilia E.](#)  
**To:** [Janet McHard](#)  
**Cc:** [Beth Mohr](#)  
**Subject:** RE: Congratulations to Beth Mohr on her appointment to the Police Oversight Board  
**Date:** Wednesday, February 04, 2015 1:30:00 PM

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Well said Janet.

Congratulations Beth! I am very happy for you and wish you the best on your new appointment.

Cilia

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**CILIA AGLIALORO, CTP**

Treasurer | City of Albuquerque | Treasury Division  
One Civic Plaza NW Ste. 1080B | Albuquerque, NM 87102  
505-768-3309 (Direct) | 505 768-3447 (Fax)  
[CAgliodoro@cabq.gov](mailto:CAgliodoro@cabq.gov)

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**From:** Janet McHard [mailto:[Jmchard@themchardfirm.com](mailto:Jmchard@themchardfirm.com)]  
**Sent:** Wednesday, February 04, 2015 1:25 PM  
**To:** Janet McHard  
**Cc:** Beth Mohr  
**Subject:** Congratulations to Beth Mohr on her appointment to the Police Oversight Board

Friends and Colleagues,

Please join me in congratulating Beth Mohr, CFE, CAMS, MPA, PI, on her appointment to the City of Albuquerque's new Police Oversight Board of the Civilian Police Oversight Agency. Beth, along with 8 other very qualified appointees will have the job of analyzing and recommending policy changes for the Albuquerque Police Department, as well as reviewing citizen complaints against the APD and hearing appeals of citizen complaints. This new Board is part of the solution crafted between the City of Albuquerque and the Department of Justice concerning allegations of civil rights violations by APD. The nine appointees were approved in a unanimous vote in the Albuquerque City Council meeting on Monday February 2, 2015.

Beth was one of 120 applicants who were considered for Board appointment and her experience will make her an excellent addition to the Board. Beth is Managing Partner of McHard Accounting Consulting LLC, a firm dedicated exclusively to forensic and investigative accounting. In addition to her experience with financial and white collar crime investigations, she has investigated death penalty mitigation cases, allegations of police misconduct and civil rights violations, allegations of discrimination in housing, and many other high-profile criminal and civil cases. Beth is retired from the San Diego Police Department.

Beth has a master's degree in Public Administration from the University of New Mexico, and is a Certified Fraud Examiner, Certified Anti-Money Laundering Specialist and private investigator

licensed in three states, including New Mexico.

Congratulations, Beth, on your appointment and thank you for helping to improve Albuquerque.

Janet

Janet M. McHard, CPA, CFE, MAFF, CFF  
Founding Partner  
McHard Accounting Consulting LLC  
933 San Mateo Blvd, NE 500-151  
Albuquerque, NM 87108  
Email: [JMcHard@TheMcHardFirm.com](mailto:JMcHard@TheMcHardFirm.com)  
Web: [www.TheMcHardFirm.com](http://www.TheMcHardFirm.com)  
505-554-2968 office  
[REDACTED] cell  
877-279-2942 fax

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*The miracle is this: the more we share the more we have.*

- Leonard Nimoy

*The winds of grace are always blowing; all we need to do is raise our sails.*

- Anonymous

**From:** Beth A. Mohr  
**To:** Zaman, Jon K.  
**Cc:** Moya, Julian N; Mark T. Baker; Hernandez, Jessica M.; Hammer, Robin  
**Subject:** Re: CPOA Budget  
**Date:** Wednesday, May 20, 2015 2:33:27 PM

---

Precisely correct, thank-you.

Beth A. Mohr  
Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing what you said couldn't be done. ~Amelia Earhart*

*Sent with haste from my "smart" phone.*

*Notice: This email may be subject to disclosure as public record. Please be thoughtful when forwarding or replying to this email.*

"Zaman, Jon K." <jzaman@cabq.gov> wrote:

Beth,

Thank you for the update and the additional data regarding your budgetary needs. As it turns out, staff is going to meet with the budget chair this afternoon, so we will bring your recommendations to her for her consideration. To be clear about your request, you are asking for an additional \$23,000 for training *in FY/16*, and an additional \$105,000 in contractual services (bringing the total for Mr. Baker to \$180,000) *in FY/16*. Is that correct?

Jon

*Jon K. Zaman*

*Director of Council Services*

*505-554-9900*

**From:** Beth Mohr [mailto:cabq.pob.mohr@gmail.com]  
**Sent:** Wednesday, May 20, 2015 2:05 PM  
**To:** Zaman, Jon K.; Moya, Julian N; Mark T. Baker; Hernandez, Jessica M.; Hammer, Robin  
**Subject:** CPOA Budget

Mr. Zaman & Mr. Moya - I wanted to touch base with you after last night's meeting. As you know, the POB selected our independent counsel, Mark T. Baker, and he is already at work on behalf of the POB. In a single meeting, we have already tasked him with the following:

- Drafting our rules and policies, in order to comply with the DOJ settlement agreement.
- Providing or supervising our training, in order to comply with the DOJ settlement agreement.
- Meeting with the DOJ, the Monitor, the APD and others to try and open up the lines of communication which seemingly have been closed up to this point, for a variety of reasons.
- Pinning down the required hours and subjects of our training, which has been a moving target up until now,. Asking the APD to stop treating the POB members differently than our cohort at the Citizen Police Academy. (The top brass said that the POB members cannot miss even a single class and graduate, while the written policies for the rest of the group, including the members of the CPC, are that they may miss 3 sessions and still graduate).
- Represent the POB in any litigation arising out of our work, or that of our investigative arm, the CPOA.
- Attend our meetings, and provide day-to-day legal advice, etc.

For all of these reasons, in my opinion, the currently budgeted sum of \$75,000 for Mr. Baker's work in FY2016 is woefully insufficient. I think we'll be lucky to squeak by with the \$15,000 (~80 hours of Mr. Baker's time) that we are allotted between now and June 30th, although that can be addressed in year-end clean-up, if need be.

Additionally, it is my understanding that CPOA staff have not all had the opportunity to participate in available training, for whatever reason. In order to get the staff back on track, the CPOA's current and future staff will need a decent amount of money to provide staff with training and support; some of this may include travel, or software, such that required for the POB's statistical analysis of data.

For example, as the Board moves into the real analysis of trends and our actual mission as a Board, we will have questions like "Is an increase (or decrease) in use of force correlated with the number of hours an officer has worked within the past week, to a statistically significant degree?" In order to collect and utilize such data, the POB we will definitely need our analyst, Mr. Cash, to have the training and appropriate software to be able to assist us in answering questions. I would suggest that an additional \$23,000 be budgeted for CPOA staff training and travel for CPOA staff (6 employees x \$2,500 for travel + \$4500 for tuition + \$3,500 for SPSS or similar software). Depending on who is selected to be permanent Director, that person may have training or travel needs as well.

In addition to the increase for CPOA staff training, I am requesting that the CPOA budget for our independent counsel's legal services be raised to \$180,000 for

FY2016, this gives us up to 1,000 hours of his work over the next year. Hopefully, we won't need to use all of that, and things will settle down as we get moving forward. Since this is contract professional services money, it could be utilized elsewhere in the City before year-end FY16 if not needed. I do agree that once we have a permanent Director of our selection, the amount of \$75-\$100K would be appropriate for FY2017, but not for FY2016 under our current circumstances.

I should note that Mr. Baker has agreed to work for the City's median hourly rate of \$180 an hour, which far below his regular billable rate, so nobody can argue that we're not getting an exceptional value from his work. Mr. Baker is copied on this email, if you have any questions, please feel free to contact him directly. I have also included Ms. Hernandez, who will be coordinating Mr. Baker's services through City legal, and is also already assisting us with some other issues.

If you have any questions, please feel free to call me, and do let me know if you wish the POB members to spend time lobbying their Councilors, or if you can take care of amongst yourselves.

Thanks much,

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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**From:** Zaman, Jon K.  
**To:** "Beth Mohr"; Moya, Julian N; Mark T. Baker; Hernandez, Jessica M.; Hammer, Robin  
**Subject:** RE: CPOA Budget  
**Date:** Wednesday, May 20, 2015 2:29:47 PM

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Beth,

Thank you for the update and the additional data regarding your budgetary needs. As it turns out, staff is going to meet with the budget chair this afternoon, so we will bring your recommendations to her for her consideration. To be clear about your request, you are asking for an additional \$23,000 for training *in FY/16*, and an additional \$105,000 in contractual services (bringing the total for Mr. Baker to \$180,000) *in FY/16*. Is that correct?

Jon

*Jon K. Zaman*  
*Director of Council Services*  
*505-554-9900*

**From:** Beth Mohr [mailto:cabq.pob.mohr@gmail.com]  
**Sent:** Wednesday, May 20, 2015 2:05 PM  
**To:** Zaman, Jon K.; Moya, Julian N; Mark T. Baker; Hernandez, Jessica M.; Hammer, Robin  
**Subject:** CPOA Budget

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If you have any questions, please feel free to call me, and do let me know if you wish the POB members to spend time lobbying their Councilors, or if you can take care of amongst yourselves.

Thanks much,

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Albuquerque Police Oversight Board

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**From:** Beth A. Mohr  
**To:** Duran, Roberta M.  
**Subject:** Re: CPOA Outside Counsel Fees for FY2015  
**Date:** Monday, July 06, 2015 6:43:33 PM

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Thanks Roberta! Mark is a good egg so we want to take good care of him! -B

Beth A. Mohr  
Albuquerque Police Oversight Board

*The only thing necessary for the triumph of evil is for good men to do nothing. ~  
Edmund Burke*

*Sent with haste from my "smart" phone.  
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thoughtful when forwarding or replying to this email.*

"Duran, Roberta M." <RDuran@cabq.gov> wrote:

Thank you, I will work with Michelle and CPOA staff to assist them with the edits.

---

**From:** Mark Baker [mailto:mbaker@peiferlaw.com]  
**Sent:** Monday, July 06, 2015 6:19 PM  
**To:** Duran, Roberta M.  
**Cc:** Contreras, Michelle; Jessica 'Hernandez, GOV'; Beth Mohr  
**Subject:** CPOA Outside Counsel Fees for FY2015

Roberta,

Our total fees through June 30 are \$34,688.53, excluding taxes. As I've discussed with Jessica, there was a lot more front-loaded work than I think anyone contemplated when I was first hired. Please let me know if you have any questions or need anything more from me.

Thanks for your help.

Mark

*Mark T. Baker*

Peifer, Hanson & Mullins, P.A.

Post Office Box 25245

Albuquerque, New Mexico 87125

Tel: (505) 247-4800

Fax: (505) 243-6458

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**From:** Duran, Roberta M.  
**To:** Mark Baker  
**Cc:** Contreras, Michelle; Jessica "Hernandez, GOV"; Beth Mohr  
**Subject:** RE: CPOA Outside Counsel Fees for FY2015  
**Date:** Monday, July 06, 2015 6:20:00 PM

---

Thank you, I will work with Michelle and CPOA staff to assist them with the edits.

---

**From:** Mark Baker [mailto:mbaker@peiferlaw.com]  
**Sent:** Monday, July 06, 2015 6:19 PM  
**To:** Duran, Roberta M.  
**Cc:** Contreras, Michelle; Jessica 'Hernandez, GOV'; Beth Mohr  
**Subject:** CPOA Outside Counsel Fees for FY2015

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Thanks for your help.

Mark

*Mark T. Baker*  
Peifer, Hanson & Mullins, P.A.  
Post Office Box 25245  
Albuquerque, New Mexico 87125  
Tel: (505) 247-4800  
Fax: (505) 243-6458

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**From:** Beth A. Mohr  
**To:** Hammer, Robin  
**Cc:** Jacobi, Jenica L; Eden, Gordon; Huntsman, Robert Y.; "Jerry A Walz (jerryawalz@walzandassociates.com)"; "Killebrew, Paul (CRT) (Paul.Killebrew@usdoj.gov)"; "Sanders, Corey (CRT)"; "Fred Mowrer"; "Scott Greenwood" (law@scottgreenwood.com); "Elizabeth M. Martinez (elizabeth.martinez@usdoj.gov)"; Willoughby, Shaun T.; Lopez, Stephanie K.; "luis.e.saucedo@usdoj.gov"; Leonard Waltes; "Scott West (Scott.west@oig.dhs.gov)"  
**Subject:** Re: DOJ/COA/APOA Directives to CPOA and POB  
**Date:** Wednesday, March 25, 2015 5:19:46 AM

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Ms. Hammer and All: Thank-you for putting this information together in such a concise way, however, parts of this account are not precisely consist with either my memory or my notes of this meeting. Perhaps I missed something.

Unfortunately, I do not have access to my notes as am at the airport getting ready to fly to NYC to conduct an evaluation of John Jay college of Criminal Justice, to determine their continued accreditation as a school of public administration. I am out of town for the rest if the week.

Ms. Martinez, were minutes taken of this meeting? I do want to ensure that we are all on the same page going forward.

Thanks very much, -B

Beth A. Mohr  
Co-Vice Chair  
Albuquerque Police Oversight Board

*Sent with haste from my "smart" phone.*

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"Hammer, Robin" <rhammer@cabq.gov> wrote:

Dear Colleagues:

I am writing to confirm the outcome of the meeting held on Friday, March 20, 2015 at the Albuquerque U.S. Attorney's Office between the parties in the matter United States of America v. City of Albuquerque, 1:14-cv-01205-RB-SMV, consisting of the City of Albuquerque, the Department of Justice (DOJ), and the intervener, Albuquerque Police Officers' Association (APOA), the Federal Independent Monitor, Dr. James Ginger, the two Vice-Co-Chairs of the Police Oversight Board (CPOA), and myself, the Acting Executive Director of the Civilian Police Oversight Agency (CPOA). It was my understanding that all parties of lawsuit agreed that the CPOA should be precluded from reviewing Officer-Involved Shooting cases until the members of the Police Oversight Board (POB) have completed their training required in the Settlement Agreement and the City's Police Oversight Ordinance. It was discussed that the POB Training is currently scheduled to be completed mid-June 2015. It was my understanding that Dr. Ginger, also agreed that the CPOA should cease reviewing Officer-Involved Shooting cases until the POB Members have

completed their mandated training.

The parties to the lawsuit also agreed that the Police Oversight Board should discontinue its review of individual Citizen Police Complaint (CPC) cases until such time as the flow of CPC case review can be altered to meet the goals and objectives of DOJ, APD, APOA, the community, and the CPOA. The parties discussed that perhaps a legislative amendment to the City's Police Oversight Ordinance would be needed to obtain the best practices for administrative review of CPC cases. The parties also stipulated that the Administrative Office of the CPOA would continue to receive, investigate, and draft findings in CPC cases. The Administrative Office would continue to forward its completed cases to the Chief of Police for his review and to impose any appropriate discipline within the prescribed time limits, pending the parties' review of the process. It was discussed that there would need to be an amendment to the City's Police Oversight Ordinance if the parties wished to permit the Administrative Office to send out Finding Letters to complainants without POB review during this interim period. It was also my understanding that Dr. Ginger agreed that POB should cease their review of individual CPC cases until the process can be formally fine-tuned.

The two Vice-Co-Chairs, Beth Mohr and Scott Wilson, along with myself, were present at this meeting. The POB Chair, Leonard Waites, was unavailable to attend. None of us can implement these changes in practices on our own accord. While the POB Chair sets the POB Meeting Agenda, POB members must approve the Agenda, and may overrule the Chair. Therefore, in order to accomplish DOJ, the City, and APOA's directives to cease CPOA review of Officer-Involved Shootings until POB training is completed and POB review of individual CPC's until the process is modified, a majority of the POB members must consent at an open meeting. Or in the alternative, there needs to be some action from the parties and/or the Dr. Ginger and/or the Court formally directing the CPOA and POB to cease reviewing the cases as outlined above. It was discussed that perhaps Dr. Ginger or someone from his team could address the POB at their next meeting to discuss the Settlement Agreement and the requirements of the POB and CPOA's practices and procedures under the Settlement Agreement, as well.

I am writing to request that the parties determine how to accomplish their stipulated directives to the CPOA and POB and then follow-through with the agreed upon action. The next POB meeting will be held in approximately two weeks on Thursday, April 9 in City Council Chambers at 5 pm. The POB Chair will send the proposed Agenda to the POB Members next Thursday, April 2, and will post it for the public on Monday, April 6. I am requesting that all three parties respond by Monday, March 30, 2015 with the agreed upon actions which the parties plan to take to accomplish these changes to the CPOA and POB practices and procedures.

Please also contact me if you have any questions or concerns.

All the best,

Robin Hammer

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3774

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>



**From:** [Beth A. Mohr](#)  
**To:** [Leonard Waites](#)  
**Cc:** [Hammer, Robin](#); [Jacobi, Jenica L](#); [Eden, Gordon](#); [Huntsman, Robert Y.](#); [Jerry A Walz](#) ([jerryawalz@walzandassociates.com](mailto:jerryawalz@walzandassociates.com)); [Killebrew, Paul \(CRT\)](#) ([Paul.Killebrew@usdoj.gov](mailto:Paul.Killebrew@usdoj.gov)); [Sanders, Corey \(CRT\)](#); [Fred Mowrer](#); ["Scott Greenwood"](#) ([jaw@scottgreenwood.com](mailto:jaw@scottgreenwood.com)); [Elizabeth M. Martinez](#) ([elizabeth.martinez@usdoj.gov](mailto:elizabeth.martinez@usdoj.gov)); [Willoughby, Shaun T.](#); [Lopez, Stephanie K.](#); [luis.e.saucedo@usdoj.gov](mailto:luis.e.saucedo@usdoj.gov); [Scott West](#) ([Scott.west@olg.dhs.gov](mailto:Scott.west@olg.dhs.gov))  
**Subject:** Re: DOJ/COA/APOA Directives to CPOA and POB  
**Date:** Tuesday, March 24, 2015 5:44:14 PM  
**Attachments:** [32A.png](#)

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Leonard, I was worried that it was something like this, but I'm so glad to hear you'll be OK. Just rest up and get well. Scott and I can handle things until you feel well enough to take back over the duties of Chair. Please call if you or your wife needs anything at all. -Beth

Beth A. Mohr  
Co-Vice Chair  
Albuquerque Police Oversight Board

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Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)> wrote:

First of all I need to thank Robin, Beth and Scott for attending this meeting and representing myself and the rest of the committee. I also need to bring everyone up to date as to what's happening to me and my current health situation. Last Monday I went in for what was thought to be a routine stint operation. Well it turned out to be a triple by pass surgery. They found two 100 % blockages and 1 50%. fortunate for me my doctor is one of the best in the state and preformed the surgery. I'm doing great, I got out of the hospital on Saturday and feel good. I'm still wondering if anyone got the number of the bus that ran over me ☹. The plan is to just rest for the next 3 weeks. I am available by email or phone if anyone needs to contact me. Keep up the good work, and I will be with you all soon  
Leonard

[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)

On Tue, Mar 24, 2015 at 3:17 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Dear Colleagues:

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Please also contact me if you have any questions or concerns.

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Robin Hammer

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3774

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

**From:** Eden, Gorden  
**To:** Leonard Waites  
**Cc:** Hammer, Robin; Jacobi, Jenica L; Huntsman, Robert Y; Jerry A Walz (jerryawalz@walzandassociates.com); Killebrew, Paul (CRT) (Paul.Killebrew@usdoj.gov); Sanders, Corey (CRT); Fred Mowrer; "Scott Greenwood" (law@scottgreenwood.com); Elizabeth M. Martinez (elizabeth.martinez@usdoj.gov); Willoughby, Shaun T; Lopez, Stephanie K; Luis E. Saucedo (luis.e.saucedo@usdoj.gov); Beth Mohr; Scott West (scott.west@olq.dhs.gov)  
**Subject:** Re: DOJ/COA/APOA Directives to CPOA and POB  
**Date:** Tuesday, March 24, 2015 5:38:27 PM  
**Attachments:** 32A.png

---

Great well soon! We all are hoping for a speedy recovery!

Best regards,

Gorden

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Leonard

  
[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)

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**From:** [Eden, Gorden](#)  
**To:** [Leonard Waites](#)  
**Cc:** [Hammer, Robin](#); [Jacobi, Jenica L](#); [Huntsman, Robert Y](#); [Jerry A Walz \(jerryawalz@walzandassociates.com\)](#); [Killebrew, Paul \(CRT\) \(Paul.Killebrew@usdoj.gov\)](#); [Sanders, Corey \(CRT\)](#); [Fred Mowrer](#); ["Scott Greenwood" \(law@scottgreenwood.com\)](#); [Elizabeth M. Martinez \(elizabeth.martinez@usdoj.gov\)](#); [Willoughby, Shaun T](#); [Lopez, Stephanie K](#); [Luis.e.saucedo@usdoj.gov](#); [Beth Mohr](#); [Scott West \(Scott.west@oig.dhs.gov\)](#)  
**Subject:** Re: DOJ/COA/APOA Directives to CPOA and POB  
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**From:** Leonard Waites  
**To:** Hammer, Robin  
**Cc:** Jacobi, Jenica L; Eden, Gordon; Huntsman, Robert Y.; Jerry A Walz (jerryawalz@walzandassociates.com); Killebrew, Paul (CRT) (Paul.Killebrew@usdoj.gov); Sanders, Corey (CRT); Fred Mowrer; "Scott Greenwood" (law@scottgreenwood.com); Elizabeth M. Martinez (elizabeth.martinez@usdoj.gov); Willoughby, Shaun T.; Lopez, Stephanie K.; Luis.e.saucedo@usdoj.gov; Beth Mohr; Scott West (Scott.west@olq.dhs.gov)  
**Subject:** Re: DOJ/COA/APOA Directives to CPOA and POB  
**Date:** Tuesday, March 24, 2015 5:24:26 PM  
**Attachments:** 32A.png

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**From:** [Martinez, Elizabeth \(USANM\)](#)  
**To:** [Beth Mohr](#)  
**Cc:** [Hammer, Robin](#); [Jacobi, Jenica L](#); [Eden, Gordon](#); [Huntsman, Robert Y](#); [Jerry A Walz](#) ([jerryawalz@walzandassociates.com](mailto:jerryawalz@walzandassociates.com)); [Killebrew, Paul \(CRT\)](#); [Sanders, Corey \(CRT\)](#); [Fred Mowrer](#); ["Scott Greenwood"](#) ([law@scottgreenwood.com](mailto:law@scottgreenwood.com)); [Willoughby, Shaun T](#); [Lopez, Stephanie K](#); [Saucedo, Luis E \(CRT\)](#); [Leonard Waites](#); [Scott West](#) ([Scott.west@oig.dhs.gov](mailto:Scott.west@oig.dhs.gov))  
**Subject:** Re: DOJ/COA/APOA Directives to CPOA and POB  
**Date:** Wednesday, March 25, 2015 5:50:21 AM

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My assistant took notes and we will share them with you. Safe travels.

Elizabeth M. Martinez  
Executive Assistant U.S. Attorney  
U.S. Attorney's Office  
District of New Mexico  
Tel: (505) 224-1469  
Cell: (505) 239-4060

Sent from my iPhone

On Mar 25, 2015, at 5:19 AM, Beth A. Mohr  
<[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)<<mailto:cabq.pob.mohr@gmail.com>>> wrote:

Ms. Hammer and All: Thank-you for putting this information together in such a concise way, however, parts of this account are not precisely consist with either my memory or my notes of this meeting. Perhaps I missed something.

Unfortunately, I do not have access to my notes as am at the airport getting ready to fly to NYC to conduct an evaluation of John Jay college of Criminal Justice, to determine their continued accreditation as a school of public administration. I am out of town for the rest if the week.

Ms. Martinez, were minutes taken of this meeting? I do want to ensure that we are all on the same page going forward.

Thanks very much, -B

Beth A. Mohr  
Co-Vice Chair  
Albuquerque Police Oversight Board

Sent with haste from my "smart" phone.

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**From:** Beth A. Mohr  
**To:** Yermal, Vincent A.  
**Cc:** Hammer, Robin; Hernandez, Jessica M.; Scott, Mary L.; Joanne Fine; Eric Cruz; Jacobi, Jenica L; Moira Amado-McCoy; Mark T. Baker  
**Subject:** Re: Draft Personnel Subcommittee meeting agenda  
**Date:** Thursday, June 04, 2015 10:49:37 AM

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Thanks much. We'll adjust the agenda around your ability to appear. Thanks, -B

Beth A. Mohr  
Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing what you said couldn't be done. ~Amelia Earhart*

*Sent with haste from my "smart" phone.*

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"Yermal, Vincent A." <vyermal@cabq.gov> wrote:

Ms. Mohr:

Thank you for the agenda. I have an offsite appointment at 1:00 PM on June 9<sup>th</sup>; but anticipate I can make the subcommittee meeting albeit a little late.

Vincent A. Yermal

Senior Human Resources/Labor Advisor

City of Albuquerque

400 Marquette, NW

Albuquerque, NM 87103

(505) 768-3700

**From:** Beth Mohr [mailto:cabq.pob.mohr@gmail.com]

**Sent:** Thursday, June 04, 2015 10:17 AM

**To:** Hammer, Robin; Hernandez, Jessica M.; Yermal, Vincent A.; Scott, Mary L.; Joanne Fine; Eric Cruz; Jacobi, Jenica L; Moira Amado-McCoy; Mark T. Baker

**Subject:** Re: Draft Personnel Subcommittee meeting agenda

All: Attached is the corrected agenda for the Personnel Subcommittee meeting for Tuesday, June 9th. Thanks, -B

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing something you said couldn't be done. ~ Amelia Earhart*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

On Wed, Jun 3, 2015 at 5:38 PM, Beth Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

All - Please peruse this draft agenda for June 9th and modify or approve by tomorrow, June 4th. Sorry for the short notice.

It appears that the CPC committee has the whole CPC process well in hand, so I would propose that we confine our efforts to the Director search, and dealing with personnel matters, and leave the CPC process in the capable hands of that committee for now.

Ms. Hammer - Could you please ensure that Mr. Yermal and Ms. Hernandez or their respective designees are invited to the meeting? Perhaps Mary Scott would be available?

Unless there are changes, please post this in time to meet the deadline.

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing something you said couldn't be done. ~ Amelia Earhart*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.



**From:** Yermal, Vincent A.  
**To:** Beth Mohr; Hammer, Robin; Hernandez, Jessica M.; Scott, Mary L.; Joanne Fine; Eric Cruz; Jacobi, Jenica L; Moira Amado-McCoy; Mark T. Baker  
**Subject:** RE: Draft Personnel Subcommittee meeting agenda  
**Date:** Thursday, June 04, 2015 10:46:28 AM

---

Ms. Mohr:

Thank you for the agenda. I have an offsite appointment at 1:00 PM on June 9<sup>th</sup>; but anticipate I can make the subcommittee meeting albeit a little late.

Vincent A. Yermal  
Senior Human Resources/Labor Advisor  
City of Albuquerque  
400 Marquette, NW  
Albuquerque, NM 87103  
(505) 768-3700

**From:** Beth Mohr [mailto:[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)]  
**Sent:** Thursday, June 04, 2015 10:17 AM  
**To:** Hammer, Robin; Hernandez, Jessica M.; Yermal, Vincent A.; Scott, Mary L.; Joanne Fine; Eric Cruz; Jacobi, Jenica L; Moira Amado-McCoy; Mark T. Baker  
**Subject:** Re: Draft Personnel Subcommittee meeting agenda

All: Attached is the corrected agenda for the Personnel Subcommittee meeting for Tuesday, June 9th. Thanks, -B

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All - Please peruse this draft agenda for June 9th and modify or approve by tomorrow, June 4th. Sorry for the short notice.

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Ms. Hammer - Could you please ensure that Mr. Yermal and Ms. Hernandez or their respective designees are invited to the meeting? Perhaps Mary Scott would be available?

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**Subject:** Re: Draft Personnel Subcommittee meeting agenda  
**Date:** Thursday, June 04, 2015 10:17:22 AM  
**Attachments:** June 9, 2015 Personnel Subcommittee Agenda.docx

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**CIVILIAN POLICE OVERSIGHT AGENCY  
POLICE OVERSIGHT BOARD  
PERSONNEL SUBCOMMITTEE MEETING**

*Eric Cruz*

*Joanne Fine*

*Beth Mohr*

Robin S. Hammer, Acting Executive Director

**POLICE OVERSIGHT BOARD  
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE**

**Tuesday, June 9, 2015 – 1:30 pm  
Plaza del Sol, 600 2nd Street NW –  
Basement, Hearing Room 160**

**A G E N D A**

- I. Welcome and Call to Order: *Beth Mohr***
- II. Approval of the Agenda**
- III. Approval of Minutes & Prior Minutes**
- IV. Public Comments**
- V. Discussion of Executive Director Search & Hiring Process**
  - A. Report from HR regarding job posting – Vince Yermal, or designee**
  - B. Discussion of hiring process**
  - C. Creation of hiring process timeline**
  - D. Creation of hiring process materials**
  - E. Assignments & action items list**
- VI. Discussion of CPOA Office Personnel Issue**
  - A. Report from City Attorney's Office – Jessica Hernandez, or designee**
  - B. Other HR reports or issues, as appropriate**
- VII. Other business**
- VIII. Next Meeting date to be determined at meeting**
- IX. Adjournment**

**From:** Scott, Mary L.  
**To:** Beth Mohr  
**Subject:** RE: Draft Personnel Subcommittee meeting agenda  
**Date:** Wednesday, June 03, 2015 6:27:00 PM

---

Hi Beth,

Is the meeting Friday June 5<sup>th</sup>? June 9<sup>th</sup> is a Tuesday.

**From:** Beth Mohr [mailto:cabq.pob.mohr@gmail.com]  
**Sent:** Wednesday, June 03, 2015 5:39 PM  
**To:** Hammer, Robin; Hernandez, Jessica M.; Yermal, Vincent A.; Scott, Mary L.; Joanne Fine; Eric Cruz; Jacobi, Jenica L; Moira Amado-McCoy  
**Subject:** Draft Personnel Subcommittee meeting agenda

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**From:** Beth A. Mohr  
**To:** Scott, Mary L.; Hammer, Robin  
**Subject:** Re: Draft Personnel Subcommittee meeting agenda  
**Date:** Wednesday, June 03, 2015 7:24:11 PM

---

Thanks, we'll fix that. Robin, can you correct the agenda please? I changed the date but forgot the day change when I started with the agenda. -B

Beth A. Mohr  
Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing what you said couldn't be done. ~Amelia Earhart*

*Sent with haste from my "smart" phone.*

*Notice: This email may be subject to disclosure as public record. Please be thoughtful when forwarding or replying to this email.*

"Scott, Mary L." <[mscott@cabq.gov](mailto:mscott@cabq.gov)> wrote:

The agenda says Friday June 9th.

Sent from my iPhone

On Jun 3, 2015, at 6:35 PM, Beth A. Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

It's Tues June 9th at 1:30. Did I have it wrong somewhere? Thanks! -B

Beth A. Mohr  
Acting Chair  
Albuquerque Police Oversight Board

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**Sent:** Wednesday, June 03, 2015 5:39 PM

**To:** Hammer, Robin; Hernandez, Jessica M.; Yermal, Vincent A.; Scott, Mary L.; Joanne Fine; Eric Cruz; Jacobi, Jenica L; Moira Amado-McCoy

**Subject:** Draft Personnel Subcommittee meeting agenda

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**From:** [Scott, Mary L.](#)  
**To:** [Beth Mohr](#)  
**Subject:** Re: Draft Personnel Subcommittee meeting agenda  
**Date:** Wednesday, June 03, 2015 7:06:56 PM

---

The agenda says Friday June 9th.

Sent from my iPhone

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**From:** Joanne Fine  
**To:** Beth Mohr  
**Cc:** Hammer, Robin; Hernandez, Jessica M.; Yermal, Vincent A.; Scott, Mary L.; Eric Cruz; Jacobi, Jenica L.; Molra Amado-McCoy  
**Subject:** Re: Draft Personnel Subcommittee meeting agenda  
**Date:** Thursday, June 04, 2015 12:05:22 PM

---

Change the header to Personnel Subcommittee instead of Policy and Procedure Review Subcommittee. With that change, you have my approval.

On Wed, Jun 3, 2015 at 5:38 PM, Beth Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:  
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--  
Joanne Fine  
Police Oversight Board Member

**From:** Hammer, Robin  
**To:** Beth Mohr; Hernandez, Jessica M.; Yermal, Vincent A.; Scott, Mary L.; Joanne Fine; "Eric Cruz"; Jacobi, Jenica L.; Moira Amado-McCoy  
**Subject:** RE: Draft Personnel Subcommittee meeting agenda  
**Date:** Thursday, June 04, 2015 2:17:20 PM  
**Attachments:** June 9 2015 Personnel Subcommittee Agenda.docx

---

Attached is the 6-9-15 Personnel Subcommittee Agenda which will be posted today.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

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**CIVILIAN POLICE OVERSIGHT AGENCY  
POLICE OVERSIGHT BOARD  
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE**

*Dr. Moira Amado-McCoy*

*Beth Mohr*

*Susanne Brown*

*Scott Wilson*

Robin S. Hammer, Acting Executive Director

**POLICE OVERSIGHT BOARD  
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE**

**Tuesday, June 9, 2015 – 1:30 pm  
Plaza del Sol, 600 2nd Street NW –  
Basement, Hearing Room 160**

**A G E N D A**

- I. Welcome and Call to Order: *Beth Mohr***
- II. Approval of the Agenda**
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  - A. Report from HR regarding job posting – Vince Yermal, or designee**
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  - B. Other HR reports or issues, as appropriate**
- VII. Other business**
- VIII. Next Meeting date to be determined at meeting**
- IX. Adjournment**

**From:** Beth Mohr  
**To:** Hammer, Robin  
**Cc:** David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; Davila, Natalee Z; Funes, Ana R.; Gonzalez, Arturo E.; Medrano, Michael V.  
**Subject:** Re: Flow Charts  
**Date:** Sunday, April 26, 2015 2:34:51 PM

---

Thank-you Ms. Hammer, This is very helpful. We will discuss this at the personnel subcommittee meeting.

As an aside, that meeting is this Monday, at 1:30 in the basement of Plaza del Sol, and is a public meeting. Any POB members who wish to attend as non-voting delegates are welcome to do so. If they'd like to volunteer to work on this project or any other project, they could do so at that time. (Please do not reply-all to this email, which might be perceived as having the unintended effect of creating a quorum. You may reply to myself as personnel subcommittee chair if needed.)

Thanks much, -B

Beth A. Mohr, Co-Vice Chair  
Albuquerque Police Oversight Board

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On Sun, Apr 26, 2015 at 1:59 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

POB Members:

Attached are two flow chart. One reflects the initial review of Citizen Police Complaint (CPC) Cases through the CPOA Administrative Office. The second is a flow chart which you received at your February training which explains an overview of the CPOA process for Citizen Police Complaint Cases.

Please let me know if you have any questions.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

M001042

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

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**Subject:** Re: Flow Charts  
**Date:** Sunday, April 26, 2015 2:31:09 PM

---

What appears to be missing here is the timeline for this process. You have emphasized to us the 90 day time requirement under which CPOA operates. Please show that timeline and other time expectations in the work flow sheets. Also, the complaint committee will be injected into this work flow process. Where should they be placed, in your view, in this process? Also, it is vague using these charts, to decipher how exactly the investigators on your staff get their cases. We will need a clearer picture for our meeting.

The Personnel Committee will need more that we have in these two documents.  
Joanne Fine

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--

Joanne Fine  
Police Oversight Board Member



**From:** Beth Mohr  
**To:** Hammer, Robin  
**Cc:** David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; Davila, Natalee Z; Funes, Ana R.; Gonzalez, Arturo E.; Medrano, Michael V.  
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Albuquerque Police Oversight Board

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Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

M001046

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

**From:** Joanne Fine  
**To:** Archibeque, Michael E.  
**Subject:** RE: FW: Basic information about Citizen Police Academy for Police Oversight Board Members  
**Date:** Friday, February 20, 2015 12:46:28 PM

---

I am so glad you wrote and that I may see you soon. Best to you and your family.  
Joanne

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Archibeque, Michael E."  
**Date:** 02/20/2015 12:16 PM (GMT-07:00)  
**To:** Joanne Fine  
**Subject:** RE: FW: Basic information about Citizen Police Academy for Police Oversight Board Members

Joanne Fine.... that's a name from the past. Glad to see you are signing up for the CPA. I am at the academy now. I will make sure to come say hi.

Lieutenant Michael Archibeque  
Interim Director of training  
Albuquerque Police Academy  
(505) 250-9712  
Academy Patch Digital



---

**From:** Joanne Fine [mailto:joannefine413@gmail.com]  
**Sent:** Friday, February 20, 2015 11:40 AM  
**To:** Hammer, Robin; Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Jeannette Baca (jvbaca.pob@gmail.com); Jeffrey Scott Wilson (jswilsonnm@live.com); Leonard Waites (leonard.waites@yahoo.com); Moira Amado-McCoy (moiraamado@gmail.com)  
**Cc:** Saavedra, Sharon L.; Roseman, William G.; Slauson, Bill R.; Gonzalez, Arturo E.; Archibeque, Michael E.; Saladin, David R.

M001048

**Subject:** RE: FW: Basic Information about Citizen Police Academy for Police Oversight Board Members

I applied just now. FYI

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Hammer, Robin"

Date: 02/20/2015 10:22 AM (GMT-07:00)

To: "Beth A. Mohr ([CABQ.POB.Mohr@gmail.com](mailto:CABQ.POB.Mohr@gmail.com))" , "David Z. Ring ([dzr3@juno.com](mailto:dzr3@juno.com))" , "Eric H. Cruz ([eric.huizar.cruz@gmail.com](mailto:eric.huizar.cruz@gmail.com))" , "Eva P. Sandoval ([Evaps3716@yahoo.com](mailto:Evaps3716@yahoo.com))" , "Hammer, Robin" , "Jeannette Baca ([jvbaca.pob@gmail.com](mailto:jvbaca.pob@gmail.com))" , "Jeffrey Scott Wilson ([jswilsonnm@live.com](mailto:jswilsonnm@live.com))" , "Joanne Fine ([joannefine413@gmail.com](mailto:joannefine413@gmail.com))" , "Leonard Waites ([leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com))" , "Moirira Amado-McCoy ([moiraamado@gmail.com](mailto:moiraamado@gmail.com))"

Cc: "Saavedra, Sharon L." , "Roseman, William G." , "Slauson, Bill R." , "Gonzalez, Arturo E." , "Archibeque, Michael E." , "Saladin, David R."

Subject: FW: Basic information about Citizen Police Academy for Police Oversight Board Members

Dear Board Members:

Below is an email from Officer Sharon Saavedra regarding the Citizen's Police Academy (CPA), which is scheduled to begin March 3. The City's Police Oversight Ordinance mandates that POB Members complete the Citizen's Police Academy within the first six months after appointment. I waited a few days to forward this information regarding the CPA because a bill was pending before the City Council this week which would have required APD to offer a weekend version of the CPA to POB Members. The bill was amended to permit APD to offer a shortened CPA, but would not require APD to do so. It is my understanding that APD will not be offering a shortened version of the CPA to POB Members at this time.

Therefore, each of you need to apply on-line to Citizen's Police Academy. Here is the <http://www.cabq.gov/police/programs/citizen-police-academy>

M001049

Please let me know if you have any questions.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3774

City Cell: (505) 205-6169

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

---

**From:** Saavedra, Sharon L.  
**Sent:** Tuesday, February 17, 2015 2:20 PM  
**To:** Hammer, Robin  
**Cc:** Archibeque, Michael E.; Saladin, David R.  
**Subject:** RE: Basic information about Citizen Police Academy  
**Importance:** High

Ms Hammer,

I am glad to announce the official start date for the 47th Citizen's Police Academy, March 3, 2015. We will now be contacting applicants from applications already received and begin the background and seating process. In order to seat the Police Oversight Commission for the CPA, I will need their application. Could you please urge the POC to fill out their applications online at <http://www.cabq.gov/police/programs/citizen-police-academy> . Please ensure they put down the POC as their Neighborhood, community, or civic Organization so that I know they need to be in the first

M001050

available class. Or have them email me when they do. Could you also please send me a list of names so that I can ensure they get in. It is also important I get these applications as soon as possible due to the high interest from the community for the CPA. I have received a large amount of applications to go through. If you have any questions please feel free to email or call me. Thank you.

Officer Sharon Saavedra<

**From:** Archibeque, Michael E.  
**To:** Joanne Fine  
**Subject:** RE: FW: Basic Information about Citizen Police Academy for Police Oversight Board Members  
**Date:** Friday, February 20, 2015 12:16:00 PM  
**Attachments:** Image001.png

---

Joanne Fine.... that's a name from the past. Glad to see you are signing up for the CPA. I am at the academy now. I will make sure to come say hi.

Lieutenant Michael Archibeque  
Interim Director of training  
Albuquerque Police Academy  
(505) 250-9712



---

**From:** Joanne Fine [mailto:joannefine413@gmail.com]  
**Sent:** Friday, February 20, 2015 11:40 AM  
**To:** Hammer, Robin; Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Jeannette Baca (jvbaca.pob@gmail.com); Jeffrey Scott Wilson (jswilsonnm@live.com); Leonard Waites (leonard.waites@yahoo.com); Moira Amado-McCoy (moiraamado@gmail.com)  
**Cc:** Saavedra, Sharon L.; Roseman, William G.; Slauson, Bill R.; Gonzalez, Arturo E.; Archibeque, Michael E.; Saladin, David R.  
**Subject:** RE: FW: Basic information about Citizen Police Academy for Police Oversight Board Members

I applied just now. FYI

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Hammer, Robin"  
**Date:** 02/20/2015 10:22 AM (GMT-07:00)  
**To:** "Beth A. Mohr (CABQ.POB.Mohr@gmail.com)" , "David Z. Ring (dzt3@juno.com)" , "Eric H. Cruz (eric.huizar.cruz@gmail.com)" , "Eva P. Sandoval (Evaps3716@yahoo.com)" , "Hammer, Robin" , "Jeannette Baca (jvbaca.pob@gmail.com)" , "Jeffrey Scott Wilson (jswilsonnm@live.com)" , "Joanne Fine (joannefine413@gmail.com)" , "Leonard Waites (leonard.waites@yahoo.com)" , "Moira Amado-McCoy (moiraamado@gmail.com)"  
**Cc:** "Saavedra, Sharon L." , "Roseman, William G." , "Slauson, Bill R." , "Gonzalez, Arturo E." , "Archibeque, Michael E." , "Saladin, David R."  
**Subject:** FW: Basic information about Citizen Police Academy for Police Oversight Board Members

Dear Board Members:

Below is an email from Officer Sharon Saavedra regarding the Citizen's Police Academy (CPA), which is scheduled to begin March 3. The City's Police Oversight Ordinance mandates that POB Members complete the Citizen's Police Academy within the first six months after appointment. I waited a few days to forward this information regarding the CPA because a bill was pending before the City Council this week which would have required APD to offer a weekend version of the CPA to POB Members. The bill was amended to permit APD to offer a shortened CPA, but would not require APD to do so. It is my understanding that APD will not be offering a shortened version of the CPA to POB Members at this time.

Therefore, each of you need to apply on-line to Citizen's Police Academy. Here is the <http://www.cabq.gov/police/programs/citizen-police-academy>

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
City Cell: (505) 205-6169  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

---

**From:** Saavedra, Sharon L.  
**Sent:** Tuesday, February 17, 2015 2:20 PM  
**To:** Hammer, Robin  
**Cc:** Archibeque, Michael E.; Saladin, David R.  
**Subject:** RE: Basic information about Citizen Police Academy  
**Importance:** High

Ms Hammer,

I am glad to announce the official start date for the 47th Citizen's Police Academy, March 3, 2015. We will now be contacting applicants from applications already received and begin the background and seating process. In order to seat the Police Oversight Commission for the CPA, I will need their application. Could you please urge the POC to fill out their applications online at <http://www.cabq.gov/police/programs/citizen-police-academy>. Please ensure they put down the POC as their Neighborhood, community, or civic Organization so that I know they need to be in the first available class. Or have them email me when they do. Could you also please send me a list of names so that I can ensure they get in. It is also important I get these applications as soon as possible due to the high interest from the community for the CPA. I have received a large amount of applications to go through. If you have any questions please feel free to email or call me. Thank you.



Officer Sharon Saavedra  
Citizen Police Academy Coordinator  
Albuquerque Police Department  
Email: ssaavedra@cabq.gov  
Phone: (505) 224-6641

**From:** Joanne Fine  
**To:** Hammer, Robin; Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Jeannette Baca (jvbaca.pob@gmail.com); Jeffrey Scott Wilson (jswilsonnm@live.com); Leonard Waites (leonard.waites@yahoo.com); Moira Amado-McCoy (moiraamado@gmail.com)  
**Cc:** Saavedra, Sharon L.; Roseman, William G.; Slauson, Bill R.; Gonzalez, Arturo E.; Archibeque, Michael E.; Saladin, David R.  
**Subject:** RE: FW: Basic information about Citizen Police Academy for Police Oversight Board Members  
**Date:** Friday, February 20, 2015 12:03:51 PM

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I applied just now. FYI

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Hammer, Robin"  
Date: 02/20/2015 10:22 AM (GMT-07:00)  
To: "Beth A. Mohr (CABQ.POB.Mohr@gmail.com)", "David Z. Ring (dzt3@juno.com)", "Eric H. Cruz (eric.huizar.cruz@gmail.com)", "Eva P. Sandoval (Evaps3716@yahoo.com)", "Hammer, Robin", "Jeannette Baca (jvbaca.pob@gmail.com)", "Jeffrey Scott Wilson (jswilsonnm@live.com)", "Joanne Fine (joannefine413@gmail.com)", "Leonard Waites (leonard.waites@yahoo.com)", "Moira Amado-McCoy (moiraamado@gmail.com)"  
Cc: "Saavedra, Sharon L.", "Roseman, William G.", "Slauson, Bill R.", "Gonzalez, Arturo E.", "Archibeque, Michael E.", "Saladin, David R."  
Subject: FW: Basic information about Citizen Police Academy for Police Oversight Board Members

Dear Board Members:

Below is an email from Officer Sharon Saavedra regarding the Citizen's Police Academy (CPA), which is scheduled to begin March 3. The City's Police Oversight Ordinance mandates that POB Members complete the Citizen's Police Academy within the first six months after appointment. I waited a few days to forward this information regarding the CPA because a bill was pending before the City Council this week which would have required APD to offer a weekend version of the CPA to POB Members. The bill was amended to permit APD to offer a shortened CPA, but would not require APD to do so. It is my understanding that APD will not be offering a shortened version of the CPA to POB Members at this time.

Therefore, each of you need to apply on-line to Citizen's Police Academy. Here is the <http://www.cabq.gov/police/programs/citizen-police-academy>

Please let me know if you have any questions.

M001055

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3774

City Cell: (505) 205-6169

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

---

**From:** Saavedra, Sharon L.

**Sent:** Tuesday, February 17, 2015 2:20 PM

**To:** Hammer, Robin

**Cc:** Archibeque, Michael E.; Saladin, David R.

**Subject:** RE: Basic information about Citizen Police Academy

**Importance:** High

Ms Hammer,

I am glad to announce the official start date for the 47th Citizen's Police Academy, March 3, 2015. We will now be contacting applicants from applications already received and begin the background and seating process. In order to seat the Police Oversight Commission for the CPA, I will need their application. Could you please urge the POC to fill out their applications online at <http://www.cabq.gov/police/programs/citizen-police-academy>. Please ensure they put down the POC as their Neighborhood, community, or civic Organization so that I know they need to be in the first available class. Or have them email me when they do. Could you also please send me a list of names so that I can ensure they get in. It is also important I get these applications as soon as possible due to the high interest from the community for the CPA. I have received a large amount of applications to go through. If you have any questions please feel free to email or call me. Thank you.

M001056

Officer Sharon Saavedra

Citizen Police Academy Coordinator

Albuquerque Police Department

Email: [ssaavedra@cabq.gov](mailto:ssaavedra@cabq.gov)

Phone: (505) 224-6641

**From:** Hammer, Robin  
**To:** "Beth Mohr"  
**Cc:** DuBois, John E.  
**Subject:** RE: FW: Basic information about Citizen Police Academy for Police Oversight Board Members  
**Date:** Friday, February 20, 2015 3:57:22 PM

---

Beth,

Thank you for your concern. The entire Board can be together at a training, person cannot discuss Board business. It is a public training. Anyone who want to observe should be permitted to observe the training.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Beth Mohr [mailto:[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)]  
**Sent:** Friday, February 20, 2015 12:37 PM  
**To:** Hammer, Robin  
**Subject:** Re: FW: Basic information about Citizen Police Academy for Police Oversight Board Members

Robin - Have you considered the public meeting implications of the entire Board attending together? -B

Composed with haste from my "smart" phone.

Beth A. Mohr, Board Member  
Albuquerque Police Oversight Board

The contents of this email may be subject to disclosure under the NM Inspection of Public Records Act. Please be thoughtful when replying to or forwarding this email.

On Feb 20, 2015 10:22 AM, "Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:  
Dear Board Members:

Below is an email from Officer Sharon Saavedra regarding the Citizen's Police Academy (CPA), which is scheduled to begin March 3. The City's Police Oversight Ordinance mandates that POB Members complete the Citizen's Police Academy within the first six months after appointment. I waited a few days to forward this information regarding the

CPA because a bill was pending before the City Council this week which would have required APD to offer a weekend version of the CPA to POB Members. The bill was amended to permit APD to offer a shortened CPA, but would not require APD to do so. It is my understanding that APD will not be offering a shortened version of the CPA to POB Members at this time.

Therefore, each of you need to apply on-line to Citizen's Police Academy. Here is the <http://www.cabq.gov/police/programs/citizen-police-academy>

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

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[\(505\) 924-3774](tel:(505)924-3774)  
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Fax: [\(505\) 924-3775](tel:(505)924-3775)  
<http://www.cabq.gov/cpoa>

---

**From:** Saavedra, Sharon L.  
**Sent:** Tuesday, February 17, 2015 2:20 PM  
**To:** Hammer, Robin  
**Cc:** Archibeque, Michael E.; Saladin, David R.  
**Subject:** RE: Basic information about Citizen Police Academy  
**Importance:** High

Ms Hammer,

I am glad to announce the official start date for the 47th Citizen's Police Academy, March 3, 2015. We will now be contacting applicants from applications already received and begin the background and seating process. In order to seat the Police Oversight Commission for the CPA, I will need their application. Could you please urge the POC to fill out their applications online at <http://www.cabq.gov/police/programs/citizen-police-academy>. Please ensure they put down the POC as their Neighborhood, community, or civic Organization so that I know they need to be in the first available class. Or have them email me when they do. Could you also please send me a list of names so that I can ensure they get in. It is also important I get these applications as soon as possible due to the high interest from the community for the CPA. I have received a large amount of applications to go through. If you have any questions please feel free to email or call me. Thank you.

Officer Sharon Saavedra  
Citizen Police Academy Coordinator  
Albuquerque Police Department  
Email: [ssaavedra@cabq.gov](mailto:ssaavedra@cabq.gov)  
Phone: [\(505\) 224-6641](tel:(505)224-6641)

**From:** Rodgers, Shane  
**To:** "Beth Mohr"  
**Subject:** RE: FW: Ride-Along  
**Date:** Wednesday, May 20, 2015 1:10:44 PM

---

SE should be or have contacted you again for confirmation. Please call me if there are any issues

Lieutenant Shane Rodgers  
Operations Review  
Office (505)768-2200  
Cell [REDACTED]

**From:** Beth Mohr [mailto:cabq.pob.mohr@gmail.com]  
**Sent:** Monday, May 18, 2015 7:15 PM  
**To:** Rodgers, Shane  
**Subject:** Re: FW: Ride-Along

I just wanted to confirm my ride-along for Friday, May 23rd at 3pm at the Southeast Sub. I've can't find where I wrote down the name of the sergeant and the officer I'll be riding along with; if you could let me know who to ask for, that would be helpful.

Also, if possible, I'd like to have a few minutes of the Squad's briefing to chat with officers about the POB, and answer any questions they may have. The upcoming POB meeting on Tuesday, May 19th, will be an interesting one. After that meeting, officers may have questions, and I'd be happy to try to field those questions.

Thanks much, -Beth  
[REDACTED] (cell)

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing something you said couldn't be done. ~ Amelia Earhart*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

On Tue, Apr 14, 2015 at 3:13 PM, Rodgers, Shane <srodgers@cabq.gov> wrote:  
No problem, I just spoke to the Commander of the SE and he will be contacting you shortly. Please let me know if there is anything else I can do

**From:** Beth Mohr [mailto:cabq.pob.mohr@gmail.com]  
**Sent:** Tuesday, April 14, 2015 3:10 PM  
**To:** Rodgers, Shane  
**Subject:** Re: FW: Ride-Along

Thanks very much. I don't know if they told/warned you about me, but I'm a retired San Diego Police Officer. I'd take it as a kindness if you're put me with someone who likes to

work, which is to say is high in the self-initiated activity category, and in an area where it's busy. There's nothing worse than spending an ride-along watching someone catch up on reports, or worse, ducking radio calls.

I don't care who the officer is, they don't have to like the POB, and they don't have to watch what they say for my benefit; I'm not overly sensitive. Thanks much, -B

Beth A. Mohr, Board Member  
Albuquerque Police Oversight Board

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

On Tue, Apr 14, 2015 at 3:01 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:  
Lt. Rodgers,

Please assist Police Oversight Board Member Beth Mohr in setting up a second Ride-Along. Ms. Mohr provided her available dates below.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Beth Mohr [<mailto:cabq.pob.mohr@gmail.com>]  
**Sent:** Tuesday, April 14, 2015 2:59 PM  
**To:** Hammer, Robin  
**Subject:** Ride-Along

Robin - A sergeant has contacted me about scheduling one ride-along as part of the Citizen Academy. I'd also like to get the second one scheduled, and I think that's going to be done through you.

Here are the dates I'm currently available to ride-along; I'd prefer Southeast or Valley on Swing Shift, but will go anywhere. Thanks much, -B

Sat, April 25th  
Sun, April 26th  
Sat, May 9th



Fri, May 15th (this is a little iffy because I'm doing expert testimony in San Francisco, and am not sure about flights home yet)

Sat, May 16th

Fri, May 22nd

Sat, May 23rd

Beth A. Mohr, Board Member  
Albuquerque Police Oversight Board

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

**From:** Hammer, Robin  
**To:** "Mark Baker"  
**Cc:** Leonard Waites; Garcia, Jennifer  
**Subject:** RE: IA Training  
**Date:** Thursday, July 02, 2015 1:35:34 PM

---

Mark,

I spoke with Lt. Garcia. Lt. Garcia was told by the members of the DOJ Monitoring Team that they wished to approve all training prior to its implementation. Lt. Garcia has left a message with Jessica Hernandez in order to get some guidance on whether it would be appropriate for IA to give training to the POB without receiving prior approval from the Monitoring Team.

Until Lt. Garcia receives an approval from City Legal and the Monitoring Team, Lt. Garcia does not feel comfortable giving the IA Training to the POB. The phone number for IA is 768-2880, if you wish to speak directly with Lt. Garcia.

Please let me know if you have any other questions.

Thanks,  
Robin

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

-----Original Message-----

From: Mark Baker [<mailto:mbaker@peiferlaw.com>]  
Sent: Thursday, July 02, 2015 12:17 PM  
To: Hammer, Robin  
Cc: Leonard Waites  
Subject: IA Training

Robin,

I'm out of the office and don't have Lt. Garcia's number. Can you confirm that IA can do its training session during the meeting week? She estimated it only would run about 30 minutes.

Mark

Sent from my iPhone

**From:** Mojra Amado-McCoy  
**To:** Charles Arasim  
**Cc:** POB; Iroller@nmag.gov; PMRinc@mac.com; Martinez, Elizabeth (USANM); Zaman, Jon K.; Garduno, Rey; Sanchez, Ken; Lewis, Dan P.; Gibson, Diane G.; Pena, Klarissa J.  
**Subject:** Re: Inspection of Public Records request (shadow email account) 6-8-15  
**Date:** Monday, June 08, 2015 10:01:25 AM

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Dear Mr. Arisim --

I am the Chair of the Case Review Committee, and it was my unfortunate absence that caused a lack of quorum at the meeting you refer to.

I am not sure what you overheard exactly, but I believe I can clear up any misunderstanding very easily. If Mr. Wilson and Mr. Waits were discussing the IPRA requests, I can assure you that the conversation revolved around how best to respond to this part of our duty, and most likely, to our need to set up separate POB-specific email accounts in order to \_facilitate\_, not dodge, this responsibility.

Responding to these request was something we were not first, as a Board, prepared for, and the request came so quickly that as we were finding a way to organize ourselves during the first two months, we struggled individually and as a group, regarding the best way to get all emails to the right place.

I can assure you, most genuinely, that this is all the Board has worked toward in relation to these requests: how best and most efficiently to respond. We had to figure out how to get the early emails out of our private accounts, before most of us had created POB-specific email accounts -- not "shadow" accounts, but rather, the very opposite: accounts that would in the future \_not\_ be commingled with our personal accounts, so that we could very quickly respond to IPRA requests in the future.

Speaking for myself, for instance (and I know each of the Board members had their own individual struggles, though some were more experienced with the process itself than others), I wasn't quickly able to export the file folder in which I had placed all my POB related email, within my private account. Since hiring Attorney Baker (just a few weeks ago, as I know you'll remember), I have learned something about "MFiles" and how to export and convert them. Mr. Baker's office will actually be helping me to complete that even now.

I do apologize for the extra time this has taken me/us, but please understand that \_everything\_ we've tried to do so far has taken us "extra time" -- it is simply a function of starting from scratch on many things and of having to unravel many administrative problems.

What we've now come to, as we all tried to fulfill these requests at our own desks, is that we each created a separate email account for POB email only. This was suggested on the first day we met for training, but some of us were slower than others to figure out the wisdom of that method (I count myself as one of the slower responders). We now, I believe, all have POB specific email accounts.

These are the ONLY second accounts that anyone on the Board has for POB business, and they really can't even fairly be considered "second accounts," as they are the only accounts we ever set up for POB business. So, they would be the only

accounts Mr. Waits and Mr. Wilson could have been speaking about before the meeting you refer to, and they were created to facilitate the IPRA request process.

We are doing our absolute best to assure that we comply with each IPRA request, and that we do it efficiently. We've made some progress in that direction, and as I understand it, we will solve some more issues related to access to our POB-specific email accounts during Thursday's meeting, with the help of our new attorney. I will be glad to see you at our next meeting, and glad to address any further questions you have on this issue, to the best of my ability.

But, again, I do assure you with great confidence, that Mr. Waits and Mr. Wilson could only have been speaking about the POB-specific email address that we've all set up now to facilitate IPRA requests. We have absolutely no reason to try to hide or obfuscate our work; in fact, we have been working diligently and without stop to set an example for transparency.

Thank you for your interest in our work. Please know that we are doing our best to get firmly on our feet so that we can best serve the entire Albuquerque community in the capacity they have entrusted to us.

Best,

Moir

Moir Amado-McCoy  
POB Member  
Chair, Case Review Committee  
505-553-1818

On Mon, Jun 8, 2015 at 8:40 AM, Charles Arasim <[crarasim@gmail.com](mailto:crarasim@gmail.com)> wrote:  
Board Members,

On June 5th 2015 while waiting for the POB Policy and Procedure Review Subcommittee to come to order, meeting was eventually called off due to a failure to convene a quorum, I witnessed a conversation between your acting Executive Director Robin Hammer (who acted as if she was aware/in the loop), Board member Scott Wilson and POB Chairman Leonard Waites.

During that discussion the subject of POB email IPRA requests came up and it was revealed that the CPOA has established a, for lack of a better term, 'shadow' email account for the IPRA clerk inside the ABQ City Clerk's office.

I believe that the "Independent" CPOA has now removed its responsibility to maintain an internal records custodian and placed it in the hands of a third party who has already admitted to be operating under secret IPRA request policies and has failed to respond to a verbal IPRA request for those policies as evidenced here:

<https://www.youtube.com/watch?v=qj75PvZewVM>

Under the NM Inspection of Public Records Act I request the following documents:

1. The CPOA ABQ City Council approved policies and procedures concerning the CPOA maintaining, or not, an internal records custodian. This is to include any POB meeting or POB subcommittee meeting minutes (even if only in draft form) where public comments were allowed to address these policies.
2. Any communications, including private phone records (dates/times of conversations or messages/texting), concerning this topic between any CPOA Investigative/Office Staff/POB Member, the acting Executive Director, the City Clerk/Staff, any other member of the City Legislative/Staff or Administrative/Staff branches, any member of the ABQ DOJ Team/Staff, any member of Mr. Ginger's Team/Staff or Federal Court Judge Robert Brack's Staff.
3. Any documents showing these actions by the CPOA/POB/City Clerk fall within the requirements of the NM Inspection of Public Records Act.

Respectfully,  
Mr. Charles Arasim

Confidentiality Notice: This email, including all attachments, is for the sole use of the intended recipient(s) and likely contains confidential and privileged information, and attorney opinion work product produced in the course of or in anticipation of litigation. If you are not a specifically named recipient, any viewing, use, disclosure, distribution, or retention of any part of this email is prohibited. If you are not a specifically named recipient, please contact me and delete all copies of this message.

**From:** Beth A. Mohr  
**To:** Hammer, Robin; Mark T. Baker  
**Cc:** David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fing; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown; Mark T. Baker; Yntema IV, Hessel E.; Howard, Natalie Y.; Casados, Trina M.; Oney, Kathleen; Eva P. Sandoval  
**Subject:** Re: IPRA  
**Date:** Tuesday, June 02, 2015 8:40:19 AM  
**Attachments:** Image001.png

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Ms. Hammer,

Thank-you for your efforts to date with the IPRA requests, however, Mr. Baker has taken over this task on behalf of the POB. Therefore, please don't concern yourself with this matter in the future.

Beth A. Mohr  
Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing what you said couldn't be done. ~Amelia Earhart*

*Sent with haste from my "smart" phone.*

*Notice: This email may be subject to disclosure as public record. Please be thoughtful when forwarding or replying to this email.*

"Hammer, Robin" <rhammer@cabq.gov> wrote:

POB Members:

The CPOA has received an IPRA request for all POB Member's emails, which is included in this email string. Please forward as soon as possible any and all of your POB emails which you have not previously sent to the City Staff to Assist. City Clerk Kathleen Oney at [POBIPRA@cabq.gov](mailto:POBIPRA@cabq.gov). This most recent IPRA includes the additional time frame of April 12-May 31, 2015, which had not been previously requested.

Ms. Oney has not received emails from Leonard Waites. Moira Amada-McCoy, and Eva Sandoval in response to prior IPRA's.

Please let Ms. Oney or me know if you have any questions.

Thanks,

M001070

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

---

**From:** Oney, Kathleen  
**Sent:** Monday, June 01, 2015 11:25 AM  
**To:** Hammer, Robin  
**Cc:** Mark Baker; Yntema IV, Hessel E.; Howard, Natalie Y.; Casados, Trina M.  
**Subject:** FW: IPRA

Hello Robin,

As per our phone conversation, I have put Ms. Vargas on a 100 email schedule. She will start off with what we currently have, which is March – April 11. However, we are still missing emails from:

Mccoy

Waites

Sandoval (I am aware she resigned, but we haven't gotten a confirmation on whether she had emails or not)

M001071

Will you please have all members send me their relevant emails to [POBIPRA@cabq.gov](mailto:POBIPRA@cabq.gov) from April 12-May 31 as soon as possible.

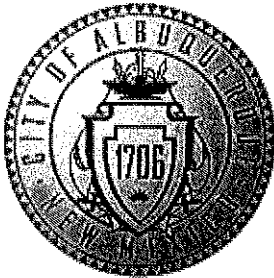
Your help is appreciated. Thank you!

*Kathleen Oney*

IPRA / Codification Specialist

Office of the City Clerk

505-924-3657



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**From:** Oney, Kathleen  
**Sent:** Wednesday, May 13, 2015 10:01 AM  
**To:** 'Dinah Vargas'  
**Cc:** Casados, Trina M.  
**Subject:** RE: IPRA

Hello Ms. Vargas,

The Office of the City Clerk received your public records request on 05/13/2015 regarding all emails of the POB members during the month of March, April, and May. I see your request for specific order however, we do not have the resources to produce them in a specific order.

Although it may be sooner before we process and fulfill your request, please allow us 15 calendar days to respond with an update on which will be 05/28/2015.

M001072



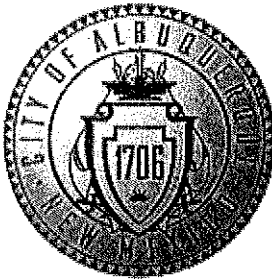
Thank you and have a great day!

*Kathleen Oney*

IPRA / Codification Specialist

Office of the City Clerk

505-924-3657



---

**From:** Dinah Vargas [<mailto:vargagirl@live.com>]

**Sent:** Wednesday, May 13, 2015 7:09 AM

**To:** City Clerk Staff

**Cc:** [burquemediaproductions@gmail.com](mailto:burquemediaproductions@gmail.com); [contact@burquemediamedia.com](mailto:contact@burquemediamedia.com); [dinah@burquemediamedia.com](mailto:dinah@burquemediamedia.com); [steve@burquemediamedia.com](mailto:steve@burquemediamedia.com); [andy@burquemediamedia.com](mailto:andy@burquemediamedia.com)

**Subject:** IPRA

To: Trina Gurule, Interim City Clerk

Office of the City Clerk

P: (505) 924-3650

F: (505) 924-3660

Ms. Gurule,

This is a formal request under the New Mexico Inspection of Public Records Act

M001073

("IPRA") also known as the New Mexico Sunshine Law (NMSA 1978, Chapter 14, Article 2).

I am formally requesting a copy of:

**1. All Emails of the POB members during the months of March, April, and May of 2015.**

**Please provide the following email correspondence of each POB member in this order:**

1. Joanne Fine
2. Dr. Moira Amado-McCoy
3. Beth Mohr
4. Jeffery Scott Wilson
5. Leonard Waites
6. Rev. Dr. David Z. Ring III
7. Eric H. Cruz
8. Dr. Susanne B. Brown
9. Dr. Jeannette Baca

**2. The individual email addresses of the POB members.**

**3. Where do emails sent to pob@cabq.gov get sent/ forwarded to.**

**4. When (please provide the date) were the POB members given email addresses.**

AS you are aware "'public records' means all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and relate to public business, whether or not the records are required by law to be created or maintained." (14-2-6 NMSA 1978)

As you also know there has been no statutory exemption enacted that would pertain to these records. (14-2-1 NMSA 1978) You will also be further aware that according to the New Mexico Supreme Court "a citizen's right to know is the rule and secrecy is the exception."

Furthermore, as clearly and explicitly set forth in the "Purpose of the act; declaration of public policy" (14-2-4 NMSA 1978) the New Mexico Legislature established that

their intent was to ensure, by declaring it public policy, that all persons are entitled to the "greatest possible information regarding the affairs of government and the official acts of public officers and employees."

The Legislature further unambiguously stated its intent and established as public policy that providing persons with such records "is an essential function of a representative government and an integral part of the routine duties of public officers and employees.(14-2-5 NMSA)

As the designated Public Records Custodian for the City you have an obligation to provide reasonable access to copies of such public records "during usual business hours." (14-2-8 NMSA).

And while, at maximum, the legislation provides a fifteen day period to provide records and a three day period upon receipt of the request to explain, in writing, when such records, if not provided prior to that date, the date when the request will be fulfilled - the clear intent of the Legislature is not to deem this maximum period as reasonable in all cases but only when necessary to fulfill the request.

Otherwise, the legislation requires records that are readily at hand and easily produced, to be provided without unnecessary delay - or in other words - "immediately or as soon as is practicable under the circumstances." (14-2-8(D) NMSA)

This requirement for timely production becomes even more important when a record is either or both of great public interest and needed in a timely manner.

The records requested, herein, are already available with nothing to cause a minimal delay beyond the time it takes to make an electronic copy. Thus this request is clearly neither "excessively burdensome" nor "over broad" in nature.

Furthermore, by their very nature, it is without question these are records both in their entirety and in any and every portion thereof that is a non-exempt record covered under this law.

In the event that you are unable to send the records I have requested via email, I am prepared to pay a reasonable cost for the duplication and CD or DVD for this request.

The law requires "the actual costs associated with downloading copies of public records to a computer disk or storage device, including the actual cost of the computer disk or storage device" alone be assessed for these records.

If that cost is to exceed the \$5 established by the City of Albuquerque's published policy for records fees that establishes that the cost for each CD or DVD is to be set at \$5 I request that you notify me immediately in writing (you can use the email listed herein for all communications to me pertaining to this request in order to ensure the most expedited process) as to the claimed cost and the legal basis upon which that fee has been established.

Although, clearly there are no statutory exemptions for this record if you intend to claim such and thus to withhold either the whole or any portion of the records please notify me in writing as to the explicit statutory exemption being claimed and relied upon.

Furthermore, if portions thereof are claimed exempt, please provide me those records that have no exemptions claimed prior to and at the first possible time and do not delay those portions until the other records, containing exemptions, are provided.

Given the public importance and interest in this record I request that you provide this record to me as soon as reasonably possible, within the legal time established by law or earlier if possible.

However, if you are unable to produce this record in that reasonable time frame please notify me in writing as to the reason for the delay and the date when the record will be made available.

Please contact me as soon as the records I have requested are ready.

I also give formal permission for the following persons to receive this request (if necessary) via hand delivery:

Steve Kramer

Andy Christophersen

Or other Burque Media staff member who obtains a BurqueMedia.com Press Pass.

Best Regards,

Dinah Vargas

505-920-2861

[vargagirl@live.com](mailto:vargagirl@live.com)

**From:** Hammer, Robin  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Cc:** "Mark Baker"; Yntema IV, Hessel E.; Howard, Natalie Y.; Casados, Trina M.; Oney, Kathleen; Eva P. Sandoval  
**Subject:** RE: IPRA  
**Date:** Monday, June 01, 2015 11:37:30 AM  
**Attachments:** Image001.png

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POB Members:

The CPOA has received an IPRA request for all POB Member's emails, which is included in this email string. Please forward as soon as possible any and all of your POB emails which you have not previously sent to the City Staff to Assist. City Clerk Kathleen Oney at [POBIPRA@cabq.gov](mailto:POBIPRA@cabq.gov) . This most recent IPRA includes the additional time frame of April 12-May 31, 2015, which had not been previously requested.

Ms. Oney has not received emails from Leonard Waites, Moira Amada-McCoy, and Eva Sandoval in response to prior IPRA's.

Please let Ms. Oney or me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

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**From:** Oney, Kathleen  
**Sent:** Monday, June 01, 2015 11:25 AM  
**To:** Hammer, Robin  
**Cc:** Mark Baker; Yntema IV, Hessel E.; Howard, Natalie Y.; Casados, Trina M.  
**Subject:** FW: IPRA

Hello Robin,

As per our phone conversation, I have put Ms. Vargas on a 100 email schedule. She will start off with what we currently have, which is March – April 11. However, we are still missing emails from:

- McCoy
- Waites
- Sandoval (I am aware she resigned, but we haven't gotten a confirmation on whether she

M001078

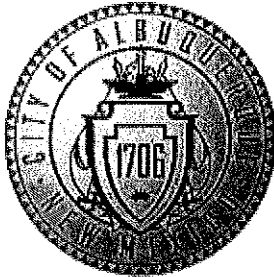
had emails or not)

Will you please have all members send me their relevant emails to [POBIPRA@cabq.gov](mailto:POBIPRA@cabq.gov) from April 12-May 31 as soon as possible.

Your help is appreciated. Thank you!

*Kathleen Oney*

IPRA / Codification Specialist  
Office of the City Clerk  
505-924-3657



---

**From:** Oney, Kathleen  
**Sent:** Wednesday, May 13, 2015 10:01 AM  
**To:** 'Dinah Vargas'  
**Cc:** Casados, Trina M.  
**Subject:** RE: IPRA

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Thank you and have a great day!

*Kathleen Oney*

IPRA / Codification Specialist  
Office of the City Clerk  
505-924-3657



---

**From:** Dinah Vargas [<mailto:vargagirl@live.com>]  
**Sent:** Wednesday, May 13, 2015 7:09 AM  
**To:** City Clerk Staff  
**Cc:** [burquemediaproductions@gmail.com](mailto:burquemediaproductions@gmail.com); [contact@burquemediamedia.com](mailto:contact@burquemediamedia.com); [dinah@burquemediamedia.com](mailto:dinah@burquemediamedia.com); [steve@burquemediamedia.com](mailto:steve@burquemediamedia.com); [andy@burquemediamedia.com](mailto:andy@burquemediamedia.com)  
**Subject:** IPRA

To: Trina Gurule, Interim City Clerk

Office of the City Clerk

P: (505) 924-3650

F: (505) 924-3660

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3. Beth Mohr
4. Jeffery Scott Wilson
5. Leonard Waites
6. Rev. Dr. David Z. Ring III



7. Eric H. Cruz
8. Dr. Susanne B. Brown
9. Dr. Jeannette Baca

2. The individual email addresses of the POB members.
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fulfilled - the clear intent of the Legislature is not to deem this maximum period as reasonable in all cases but only when necessary to fulfill the request.

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Steve Kramer

Andy Christophersen

Or other Burque Media staff member who obtains a BurqueMedia.com Press Pass.

Best Regards,

Dinah Vargas

505-920-2861

[vargagirl@live.com](mailto:vargagirl@live.com)

**From:** Slauson, Bill R.  
**To:** Hammer, Robin  
**Cc:** Cruz, Gabriel; Gassner, Sean D.; "Mark T. Baker"; Leonard Waites  
**Subject:** RE: List of CPC cases during First Reporting Period  
**Date:** Wednesday, July 01, 2015 4:59:00 PM

---

Submitted to CA's for review and submission to the monitor.

---

**From:** Hammer, Robin  
**Sent:** Wednesday, July 01, 2015 1:20 PM  
**To:** Slauson, Bill R.  
**Cc:** Cruz, Gabriel; Gassner, Sean D.; 'Mark T. Baker'; Leonard Waites  
**Subject:** List of CPC cases during First Reporting Period

Bill,

DOJ Monitor Team Member Dan Giaquinto requested the CPOA to provide him with a listing of Citizen Police Complaints Received and Completed during the first reporting period, February 1, 2015 through May 31, 2015. A document containing the requested information is attached. Please submit this information for legal review and forward it to Mr. Giaquinto.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Beth Mohr  
**To:** DuBois, John E.  
**Cc:** Janet McHard  
**Subject:** RE: March 13th at 4 pm --- a Pi Day's Eve celebration --- you are invited  
**Date:** Monday, March 09, 2015 8:19:51 PM

---

I'm sorry we won't be able to join you for this celebration, but we'll be thinking of you on this special day. -B

Beth A. Mohr, CFE, CAMS, MPA, PI  
Managing Partner  
McHard Accounting Consulting LLC  
933 San Mateo Blvd, NE 500-151  
Albuquerque, NM 87108  
[REDACTED] cell  
505-554-2968 office  
877-279-2942 fax  
NM-PI License #2503  
AZ-PI License #1639940  
CA-PI License #28441  
[bmohr@themchardfirm.com](mailto:bmohr@themchardfirm.com)

In accordance with applicable professional regulations, please understand that, unless expressly stated otherwise, any written advice contained in, forwarded with, or attached to this e-mail is not intended by McHard Accounting Consulting, LLC, to be used, and cannot be used, by any person for the purpose of avoiding any penalties that may be imposed under the Internal Revenue Code.

THE UNAUTHORIZED DISCLOSURE OR INTERCEPTION OF E-MAIL IS A FEDERAL CRIME. SEE 18 U.S.C. SEC. 2517 (4). THIS E-MAIL IS INTENDED ONLY FOR THE USE OF THOSE TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION WHICH IS PRIVILEGED, CONFIDENTIAL OR EXEMPT FROM DISCLOSURE UNDER THE LAW. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, DO NOT DISTRIBUTE OR COPY IT. WE RESPECTFULLY REQUEST YOU RETURN IT IMMEDIATELY TO THE SENDER WITH ATTACHMENTS, IF ANY, AND NOTIFY US BY TELEPHONE. THANK YOU.

*The greatest obstacle to discovery is not ignorance - it is the illusion of knowledge. ~ Daniel Boorstin*

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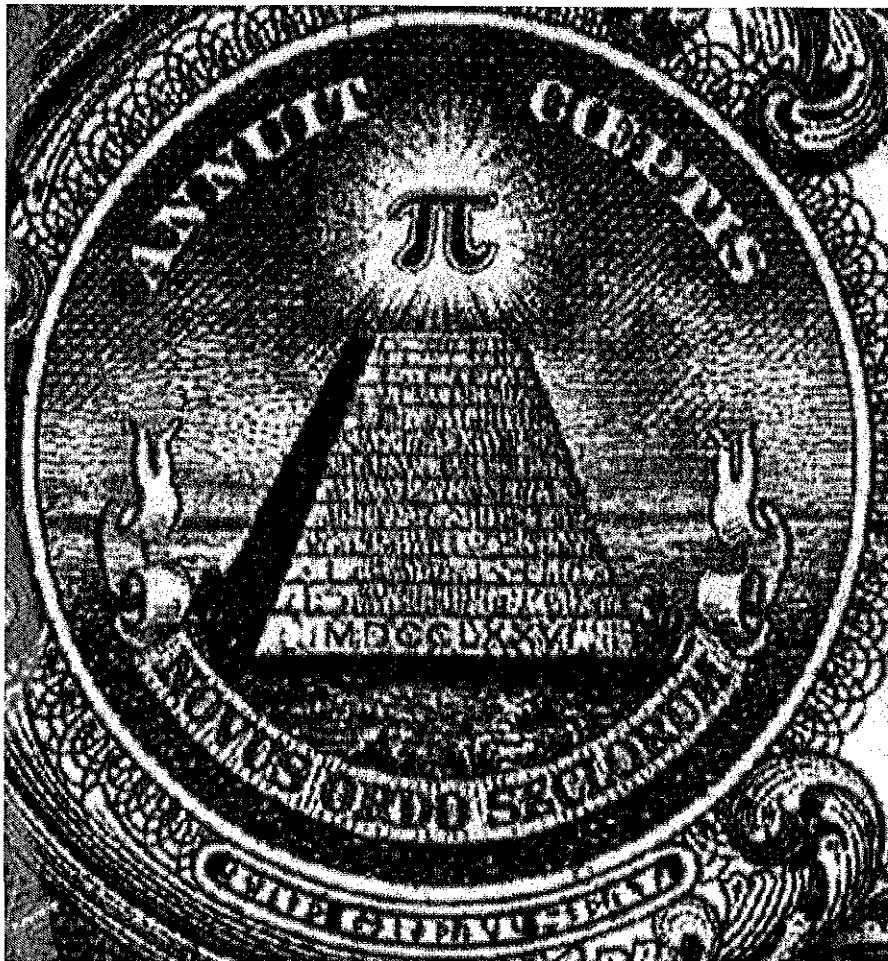
**From:** DuBois, John E. [mailto:[jdubois@cabq.gov](mailto:jdubois@cabq.gov)]  
**Sent:** Friday, March 06, 2015 7:16 AM  
**Subject:** March 13th at 4 pm --- a Pi Day's Eve celebration --- you are invited

Saturday, March 14 at 9:26:53 am or pm will make for a once in a life time super special Pi Day (3/14/15/ 9:26:53 --- the date and time represent the first 10 digits of pi\*). We should also not forget that it will be the 136<sup>th</sup> anniversary of the birth of Albert Einstein.

Please join me at 4 pm in RELU conference room on the fourth floor of the City/County Building on Friday, March 13<sup>th</sup> for a Pi Day's Eve celebration. There, of course, will be pie plus other refreshments. For those who wish to participate (no pressure), there will be a Pi and Einstein trivia contest with great prizes, and Jenica Jacobi will be defending her crown in the Digits of Pi Memorization Contest. No RSVP necessary, just come and enjoy.

Thanks,  
John E. DuBois

\*However, some may argue that 9:26:54 a.m. and p.m. on 3/14/15 are more accurate because the 11th digit of pi is 5, which would cause the 10th digit to round up to 4.



**From:** [Hammer, Robin](#)  
**To:** [Beth Mohr](#)  
**Cc:** [DuBois, John E.](#)  
**Subject:** Re: Materials for March 12, 2015 POB Meeting  
**Date:** Sunday, March 08, 2015 4:56:28 PM

---

Beth,  
We typically do not provide hard copies of the meeting materials. Many members in the past have downloaded copies to their personal laptops or iPads to use electronically at the meeting. John Dubois does this.

As far as reference to August date in the email, is referring to the time frame of previously reviewed OIS cases.

Please let me know if you have any other questions.

Thanks,  
Robin

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency

Sent from my iPhone

On Mar 8, 2015, at 3:48 PM, Beth Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

I have received these materials. Will they be provided to us in hard copy at the meeting, or will we each need to print and bring them?

Also, Robin or John, you may wish to inform members whether or not their markings or notes become part of the public record.

Finally, the email makes reference to August 6th, I assume that's an artifact from a previous email version, and is not related to the upcoming March 2015 meeting? Thanks, -B

Beth A. Mohr, Board Member  
Albuquerque Police Oversight Board

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful when replying to or forwarding this email.

On Thu, Mar 5, 2015 at 4:40 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Dear Police Oversight Board Members:

Below is a link to a DropBox containing materials for next Thursday's Police Oversight Board Meeting. These include:

- 1) The proposed Agenda
- 2) The Citizen Police Complaints to be reviewed by the POB
- 3) The Officer Involved Shooting of a dog case, I-49-14 and the case police report
- 4) A statistical review of Officer Involved Shooting (OIS) cases
- 5) A Chronological listing of all OIS cases 2009-present
- 6) A list of OIS cases presented POC 12/12 to 8/14 with listing of completed investigation OIS cases remaining to be presented to POB,
- 7) and An updated POB Member contact list.

<https://www.dropbox.com/sh/scfqk8llhkzv8ml/AAC7t2mynuEceMiEzcG7XvZ2a?dl=0>

Please let me know if you are unable to access the materials through this link.

I will be placing a few more materials in the DropBox in the next day or so. The currently included materials constitute all the cases which POB Members will be required to make a ruling next week. Additional materials provided will be to supplement your discussion of the role of the CPOA and POB and discussion of revised Rules.

Regarding proposed Rules changes for POB Meetings item on the Agenda, I previously provided you a copy of the POC's Rules in the binders handed out at our training. My staff and I are drafting proposed revisions to the Rules to conform to the Amended Ordinance and the Settlement Agreement. The POB Chair may wish to name a sub-committee of POB Members to review and make recommendations to the full Board at the April Meeting regarding the revision of Meeting Rules. Or in the alternative, everyone could receive a copy of the proposed changes in the near future and just vote on the revisions at the April meeting, after having more time to individually review the staff's proposed changes. By placing an Item on the Agenda regarding Rules, it is my intention for the full Board to discuss its wishes regarding Rules revisions, and not to be prepared to vote on the staff's



first draft of Rules revisions submitted prior to the meeting. The City of Albuquerque Police Department is currently reviewing the

If any POB Member will be unable to attend next Thursday's meeting and desires to appear by telephone, please let me know by tomorrow, Friday, August 6, so we can make arrangements with the staff at City Hall.

Please let me know if you have any questions.

All the best,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3774

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

**From:** JOANNE FINE  
**To:** Garcia, Lucia D.  
**Subject:** RE: Museum Survey  
**Date:** Thursday, April 16, 2015 7:49:44 AM

---

Thank you Lucia. It was a very special event. It was in the perfect place.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Garcia, Lucia D."  
**Date:** 04/15/2015 5:04 PM (GMT-05:00)  
**To:** 'JOANNE FINE'  
**Subject:** Museum Survey

Hello Joanne,

Hope your event with us met your expectations. Is there something we did well?  
And, is there something we can do better? Would you kindly complete our Museum Survey?

As always, we sincerely appreciate you choosing The Albuquerque Museum for you event needs.

Best Regards,

Lucia

<https://www.surveymonkey.com/s/museumrental>

Lucia D. Garcia

*Events Supervisor*

CITY OF ALBUQUERQUE, CULTURAL SERVICES DEPARTMENT  
400 Marquette Ave NW | 6<sup>th</sup> Floor-Suite 605 | Albuquerque, NM 87102

M001090

Phone: 505.768.3525 | Email: [ldgarcia@cabq.gov](mailto:ldgarcia@cabq.gov)

[cultureabq.com](http://cultureabq.com) | [Facebook](#) | [Twitter](#) | [Instagram](#)

Ren



**From:** Jeannette Baca  
**To:** Beth Mohr  
**Cc:** POB; Mark T. Baker; Hammer, Robin; Skotchdopole, Paul A.; Contreras, Michelle; Davidson, Christopher; McDermott, Diane L.; O'Neil, Erin; Hernandez, Jessica M.; Zaman, Jon K.  
**Subject:** Re: NACOLE is coming to ABQ in 2016  
**Date:** Monday, June 29, 2015 7:57:05 AM

---

Good morning Beth,

Yes, this is exciting news! Thanks to all who have worked diligently to bring the NACOLE conference to Albuquerque in 2016. Having worked at the National level on conferences, I know this is quite an honor and privilege.

As chair of the Outreach Subcommittee, I am happy to work closely with you to discuss preliminary planning. I agree, it is a good idea to schedule a time to meet with NACOLE Board members during the conference this fall. This should be a topic of discussion during our next Board meeting; that is, if it is "official" by then.

Have a wonderful day,  
Jeannette

On Fri, Jun 26, 2015 at 12:58 PM, Beth Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:  
All: I just had a very nice conversation with Cameron McEllhiney of NACOLE. She confirmed that even though it's not yet official because the contracts aren't signed, (and even though it really wasn't supposed to be announced yet), that NACOLE is indeed coming to Albuquerque in 2016. The other choice was Detroit, but Detroit dropped the ball and missed a deadline, so ABQ was chosen.

Jay Rowland originally put in for the NACOLE conference about 10 years ago, and folks have been trying every since, so it's very exciting that this is finally going to happen. Cudos to Robin and the CPOA Staff for continuing to work on this with the Convention & Visitor's Bureau folks.

Cameron stated that they normally don't select a City when there is a potential change in Executive Directors, but she told me that since so many of the NACOLE Board members still keep in touch with me, and they knew I was one of the POB members, that they decided to select Albuquerque anyway. They are a really nice group at NACOLE, and it was very kind of her to say that.

Carmon is looking forward to meeting many of you this fall at the NACOLE conference in Riverside. We should schedule a time for POB and CPOA Staff members to meet with NACOLE Board members and do some advance planning. We will be expected to speak at the Conference in at least one slot, and I've already spoken there a couple of times, so we need other POB members who are willing to participate to think about doing that.

Thanks again to all who made this possible - the official announcement will be forthcoming in the next few weeks. Thanks, -B

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

*The only thing necessary for the triumph of evil is for good men to do nothing. ~ Edmund Burke*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

**From:** Beth Mohr  
**To:** Sarah Gustavus  
**Subject:** RE: New Mexico In Focus  
**Date:** Wednesday, February 18, 2015 7:09:52 PM

---

Sarah – Thanks for reaching out to me, *New Mexico In Focus* is a very well respected show, and I'm pleased that you offered to include me as a panelist. However, the POB hasn't yet held our first meeting, nor even set our first agenda, so I'm not sure that I have anything to discuss about the role of the new Board that would be particularly meaningful. At the moment, anything I would have to say would just be my own personal opinion, however well informed or uninformed, and anything else would be completely speculative. This is particularly true, because City Council is working on changing the ordinance that governs our Board, it's priorities, training requirements and tasks.

Once the Board actually gets up and running, I might feel like I would have something to say which could be helpful, at least in terms of Board outreach and public education. Until then, I don't feel that I'd have anything very relevant or helpful to say to your viewers. Thanks very much for contacting me. -Beth

Beth A. Mohr, CFE, CAMS, MPA, PI  
Managing Partner  
McHard Accounting Consulting LLC  
933 San Mateo Blvd, NE 500-151  
Albuquerque, NM 87108  
[REDACTED] cell  
505-554-2968 office  
877-279-2942 fax  
NM-PI License #2503  
AZ-PI License #1639940  
CA-PI License #28441  
[bmohr@themchardfirm.com](mailto:bmohr@themchardfirm.com)

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*The greatest obstacle to discovery is not ignorance - it is the illusion of knowledge. ~ Daniel Boorstin*

**From:** Sarah Gustavus [mailto:[sgustavus@nmpbs.org](mailto:sgustavus@nmpbs.org)]  
**Sent:** Tuesday, February 17, 2015 9:35 AM  
**To:** Beth Mohr  
**Subject:** New Mexico In Focus

Ms. Mohr,

Good morning. I'm the producer of *New Mexico In Focus* on New Mexico PBS. Our weekly public

affairs program takes an in-depth view of news headlines through thoughtful discussions with community members and local and state leaders. I'm working on a segment right now on the role of the new Police Oversight Board in Albuquerque. I saw in the ABQ Journal that you are both a board member and retired police officer. I think our viewers would learn a great deal from you in our discussion about the board. Do you have some time to chat briefly this week about details of the segment and whether you can join us as a panelist?

Best,

Sarah Gustavus

Producer, New Mexico In Focus

New Mexico PBS, KNME-TV

Cell: 505-750-8049

**From:** Hammer, Robin  
**To:** "Eric Cruz"  
**Subject:** RE: New Mexico In Focus  
**Date:** Monday, February 23, 2015 4:20:45 PM

---

Eric,

It was my pleasure to meet with you today.

Until there is a Chair of the Police Oversight Board, there really aren't any rules or guidelines about speaking with the press. Once a Chair is selected, he/she may want to be the spoke person for the Board for the official positions of the Board. In the past, some Chairs have done so and some have not.

That said, you are free to express any opinion, indicating that you are speaking your own opinion as a community member or as a Board Member, but your opinions do not represent the Board's position as a whole.

Please let me know if you have any other questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Eric Cruz [mailto:eric.huizar.cruz@gmail.com]  
**Sent:** Monday, February 23, 2015 2:41 PM  
**To:** Hammer, Robin  
**Subject:** New Mexico In Focus

Robin,  
Thank you again for meeting me today.

Just FYI i received a phone call from PBS asking if i would be interested in going on the show to discuss the POB.

The producer also mentioned that she was contacting other members of the POB.

Thought i would let you know and ask what we should do if the media asks us for interviews.

R,



Eric

**From:** Hammer, Robin  
**To:** Joanne Fine; Beth Mohr; Bullock, Nicholas  
**Cc:** Eric H. Cruz; DuBois, John E.; Yermal, Vincent A.  
**Subject:** RE: Personnel Committee  
**Date:** Monday, March 23, 2015 11:53:55 AM

---

Dear CPOA Personnel Subcommittee Members:

I would suggest meeting on Tuesday, April 7, which would be prior to the next POB Meeting on Thursday, April 9. Vince Yermal indicated that he would be available at 10 am on April 7, but has a previously scheduled meeting in the afternoon of April 7.

Please let me know that April 10 at 10 am is an acceptable date and time, so that we may notice the public meeting.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

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Albuquerque, NM 87103  
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Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

---

**From:** Joanne Fine [mailto:joannefine413@gmail.com]  
**Sent:** Monday, March 23, 2015 11:18 AM  
**To:** Beth Mohr; Bullock, Nicholas  
**Cc:** Eric H. Cruz; DuBois, John E.; Hammer, Robin  
**Subject:** Re: Personnel Committee

Both work for me. Thanks, Beth.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** Beth Mohr  
**Date:** 03/23/2015 9:49 AM (GMT-07:00)  
**To:** "Bullock, Nicholas"  
**Cc:** Joanne Fine, "Eric H. Cruz", "DuBois, John E.", "Hammer, Robin"  
**Subject:** Re: Personnel Committee

All: My schedule is really booked, with work obligations, including out-of-state travel. The next dates that would work for me would be April 7th (from 10am - 2 pm) and April 10th

(between 11am-3pm). If any of those work for you all, let's get two meetings scheduled in that room and announced as public meetings.

The sole agenda on the item is looking at the process for putting a permanent CPOA Director in place. Robin, once we set this meeting, can you see if Vince Yermal can attend? If not, how about Loc Tran, the Deputy HR Director (last I knew). It would be good to have someone from HR there to tell us how the process would go for accepting applications, and what our time frame would be.

Please let me know as soon as you can if these time blocks work for people, and let's get this scheduled right away. Thanks, -B

Beth A. Mohr, Board Member  
Albuquerque Police Oversight Board

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful when replying to or forwarding this email.

On Thu, Mar 19, 2015 at 11:23 AM, Beth A. Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:  
Robin, Can you or your staff give us some dates when a room is available and we'll schedule a couple of meetings? Thanks, -B

Beth A. Mohr  
Co-Vice Chair  
Albuquerque Police Oversight Board

*Sent with haste from my "smart" phone.*

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Co-Vice Chair  
Albuquerque Police Oversight Board

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"Bullock, Nicholas" <[nbullock@cabq.gov](mailto:nbullock@cabq.gov)> wrote:



----- Forwarded message -----

From: JOANNE FINE <[fine.joanne@yahoo.com](mailto:fine.joanne@yahoo.com)>

Date: Mon, Mar 16, 2015 at 1:17 PM

Subject: Personnel Committee

To: "Eric H. Cruz, ([eric.huizar.cruz@gmail.com](mailto:eric.huizar.cruz@gmail.com))" <[eric.huizar.cruz@gmail.com](mailto:eric.huizar.cruz@gmail.com)>, "Beth A. Mohr, ([CABQ.POB.Mohr@gmail.com](mailto:CABQ.POB.Mohr@gmail.com))" <[CABQ.POB.Mohr@gmail.com](mailto:CABQ.POB.Mohr@gmail.com)>

Since we three are the Personnel Committee, I thought I would ask how you think we should proceed with those chores.

Robin has offered to put us in touch with the HR person who ran the search for her position. What are your thoughts?

Joanne

Sent from my Verizon Wireless 4G LTE smartphone

**From:** Hammer, Robin  
**To:** Beth Mohr; Bullock, Nicholas  
**Cc:** "Joanne Fine"; Eric H. Cruz; DuBois, John E.; Yermal, Vincent A.  
**Subject:** RE: Personnel Committee  
**Date:** Thursday, March 19, 2015 12:51:37 PM  
**Attachments:** Copy of Hearing Room Schedule.xlsx

---

Dear Beth, Joanne and Eric:

Attached is the schedule for the Hearing Room, #160, of Plaza del Sol, where we hold our committee meetings. We need to give public notice and provide an Agenda on our web cite at least 72 hours prior to any meeting.

Please let me know when you wish to meet and I will schedule the room.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Beth A. Mohr [mailto:[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)]  
**Sent:** Thursday, March 19, 2015 11:24 AM  
**To:** Bullock, Nicholas  
**Cc:** Joanne Fine; Eric H. Cruz; DuBois, John E.; Hammer, Robin  
**Subject:** Re: Personnel Committee

Robin, Can you or your staff give us some dates when a room is available and we'll schedule a couple of meetings? Thanks, -B

Beth A. Mohr  
Co-Vice Chair  
Albuquerque Police Oversight Board

*Sent with haste from my "smart" phone.*

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"Bullock, Nicholas" <[nbullock@cabq.gov](mailto:nbullock@cabq.gov)> wrote:

----- Forwarded message -----

From: **JOANNE FINE** <[fine.joanne@yahoo.com](mailto:fine.joanne@yahoo.com)>

Date: Mon, Mar 16, 2015 at 1:17 PM

Subject: Personnel Committee

To: "Eric H. Cruz, ([eric.huizar.cruz@gmail.com](mailto:eric.huizar.cruz@gmail.com))" <[eric.huizar.cruz@gmail.com](mailto:eric.huizar.cruz@gmail.com)>, "Beth A. Mohr, ([CABQ.POB.Mohr@gmail.com](mailto:CABQ.POB.Mohr@gmail.com))" <[CABQ.POB.Mohr@gmail.com](mailto:CABQ.POB.Mohr@gmail.com)>

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Joanne

Sent from my Verizon Wireless 4G LTE smartphone

March 23-April 10, 2015

March 23-April 10, 2015

M001104





Green = Available

Yellow = Unavailable

**From:** Bullock, Nicholas  
**To:** Beth Mohr; Joanne Fine; Eric H. Cruz; DuBois, John E.; Hammer, Robin  
**Subject:** RE: Personnel Committee  
**Date:** Wednesday, March 18, 2015 10:54:15 AM

---

----- Forwarded message -----

**From:** JOANNE FINE <[jfine.joanne@yahoo.com](mailto:jfine.joanne@yahoo.com)>  
**Date:** Mon, Mar 16, 2015 at 1:17 PM  
**Subject:** Personnel Committee  
**To:** "Eric H. Cruz, ([eric.huizar.cruz@gmail.com](mailto:eric.huizar.cruz@gmail.com))" <[eric.huizar.cruz@gmail.com](mailto:eric.huizar.cruz@gmail.com)>, "Beth A. Mohr, ([CABQ.POB.Mohr@gmail.com](mailto:CABQ.POB.Mohr@gmail.com))" <[CABQ.POB.Mohr@gmail.com](mailto:CABQ.POB.Mohr@gmail.com)>

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Robin has offered to put us in touch with the HR person who ran the search for her position. What are your thoughts?

Joanne

Sent from my Verizon Wireless 4G LTE smartphone

M001107

**From:** Beth Mohr  
**To:** Bullock, Nicholas  
**Cc:** Joanne Fine; Eric H. Cruz; DuBois, John E.; Hammer, Robin  
**Subject:** Re: Personnel Committee  
**Date:** Monday, March 23, 2015 9:49:58 AM

---

All: My schedule is really booked, with work obligations, including out-of-state travel. The next dates that would work for me would be April 7th (from 10am - 2 pm) and April 10th (between 11am-3pm). If any of those work for you all, let's get two meetings scheduled in that room and announced as public meetings.

The sole agenda on the item is looking at the process for putting a permanent CPOA Director in place. Robin, once we set this meeting, can you see if Vince Yermal can attend? If not, how about Loc Tran, the Deputy HR Director (last I knew). It would be good to have someone from HR there to tell us how the process would go for accepting applications, and what our time frame would be.

Please let me know as soon as you can if these time blocks work for people, and let's get this scheduled right away. Thanks, -B

Beth A. Mohr, Board Member  
Albuquerque Police Oversight Board

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Robin, Can you or your staff give us some dates when a room is available and we'll schedule a couple of meetings? Thanks, -B

Beth A. Mohr  
Co-Vice Chair  
Albuquerque Police Oversight Board

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Beth A. Mohr  
Co-Vice Chair  
Albuquerque Police Oversight Board

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"Bullock, Nicholas" <[nbullock@cabq.gov](mailto:nbullock@cabq.gov)> wrote:

----- Forwarded message -----

From: **JOANNE FINE** <[fine.joanne@yahoo.com](mailto:fine.joanne@yahoo.com)>

Date: Mon, Mar 16, 2015 at 1:17 PM

Subject: Personnel Committee

To: "Eric H. Cruz, ([eric.huizar.cruz@gmail.com](mailto:eric.huizar.cruz@gmail.com))" <[eric.huizar.cruz@gmail.com](mailto:eric.huizar.cruz@gmail.com)>,  
"Beth A. Mohr, ([CABQ.POB.Mohr@gmail.com](mailto:CABQ.POB.Mohr@gmail.com))" <[CABQ.POB.Mohr@gmail.com](mailto:CABQ.POB.Mohr@gmail.com)>

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M001109

Robin has offered to put us in touch with the HR person who ran the search for her position. What are your thoughts?

Joanne

Sent from my Verizon Wireless 4G LTE smartphone

**From:** Hammer, Robin  
**To:** Beth Mohr; Joanne Fine  
**Cc:** Bullock, Nicholas; Eric H. Cruz; DuBois, John E.; Yermal, Vincent A.; Contreras, Michelle; Cash, Paul  
**Subject:** RE: Personnel Committee  
**Date:** Monday, March 23, 2015 2:47:57 PM

---

Beth,

The CPOA staff will handle reserving the room for April 7 at 10 am, giving notice, drafting an Agenda and audio recording the meeting for the Open Meeting portions.

Please let me know if you require any additional assistance.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Beth Mohr [mailto:[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)]  
**Sent:** Monday, March 23, 2015 12:45 PM  
**To:** Joanne Fine  
**Cc:** Hammer, Robin; Bullock, Nicholas; Eric H. Cruz; DuBois, John E.; Yermal, Vincent A.  
**Subject:** Re: Personnel Committee

All: Let's set the meeting for Tuesday, April 7th at 10:00 am, we will be in the basement of the Plaza del Sol building, in the public meeting room. I look forward to seeing you all there. Robin, your staff will take care of the required notifications? Thanks, -B

Beth A. Mohr, Board Member  
Albuquerque Police Oversight Board

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On Mon, Mar 23, 2015 at 12:25 PM, Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:  
Works for me.

Sent from my Verizon Wireless 4G LTE smartphone

M001111

----- Original message -----

From: "Hammer, Robin"

Date: 03/23/2015 11:53 AM (GMT-07:00)

To: Joanne Fine , Beth Mohr , "Bullock, Nicholas"

Cc: "Eric H. Cruz" , "DuBois, John E." , "Yermal, Vincent A."

Subject: RE: Personnel Committee

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City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

---

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]

**Sent:** Monday, March 23, 2015 11:18 AM

**To:** Beth Mohr; Bullock, Nicholas

**Cc:** Eric H. Cruz; DuBois, John E.; Hammer, Robin

**Subject:** Re: Personnel Committee

Both work for me. Thanks, Beth.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Beth Mohr

Date: 03/23/2015 9:49 AM (GMT-07:00)

To: "Bullock, Nicholas"

Cc: Joanne Fine , "Eric H. Cruz" , "DuBois, John E." , "Hammer, Robin"

Subject: Re: Personnel Committee

M001112

All: My schedule is really booked, with work obligations, including out-of-state travel. The next dates that would work for me would be April 7th (from 10am - 2 pm) and April 10th (between 11am-3pm). If any of those work for you all, let's get two meetings scheduled in that room and announced as public meetings.

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Beth A. Mohr  
Co-Vice Chair  
Albuquerque Police Oversight Board

*Sent with haste from my "smart" phone.*

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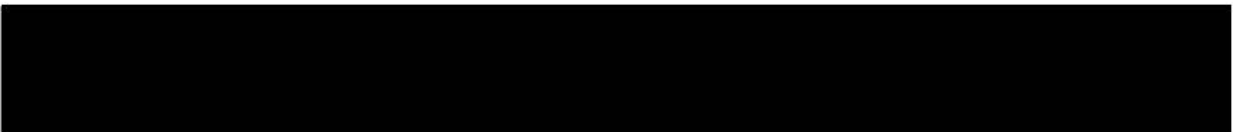
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Albuquerque Police Oversight Board

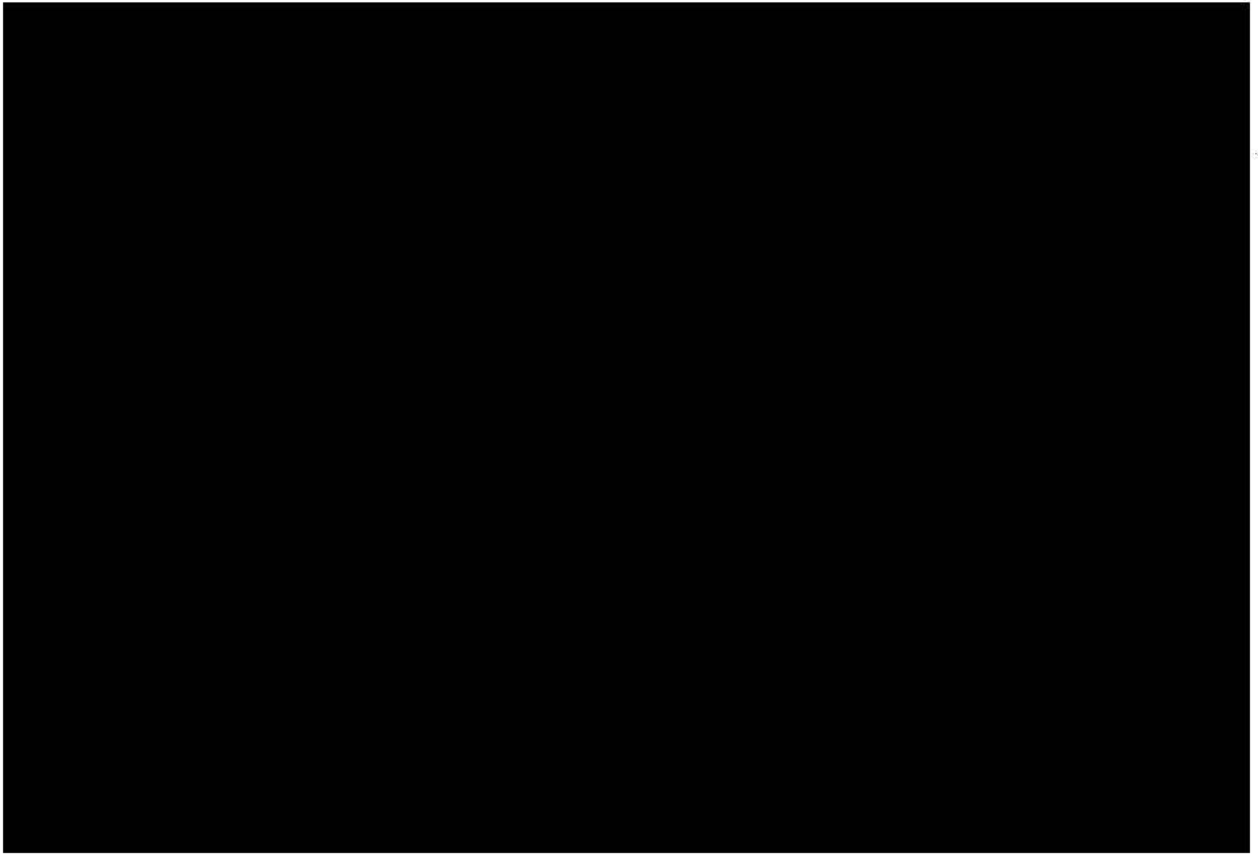
*Sent with haste from my "smart" phone.*

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"Bullock, Nicholas" <[nbullock@cabq.gov](mailto:nbullock@cabq.gov)> wrote:







**From:** Beth A. Mohr  
**To:** Scott, Mary L.  
**Subject:** Re: Personnel Issue re: Citizen Police Oversight Agency  
**Date:** Thursday, May 14, 2015 3:43:24 PM

---

Thanks!

Beth A. Mohr  
Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing what you said couldn't be done. ~Amelia Earhart*

*Sent with haste from my "smart" phone.*

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"Scott, Mary L." <msscott@cabq.gov> wrote:

Hello Beth,

The hiring process has not yet started. Our Compensation and Classification Division has drafted the position description and it's my understanding they are meeting with a couple of the Board members on Tuesday, May 26<sup>th</sup> to get their input and approval of the position prior to it being advertised. I can update you on the status after their meeting. Given the timelines, I don't anticipate it will be filled prior to July 1.

Mary L. Scott, SPHR

Director Human Resources

City of Albuquerque

400 Marquette NW Room 703

P.O. Box 1293

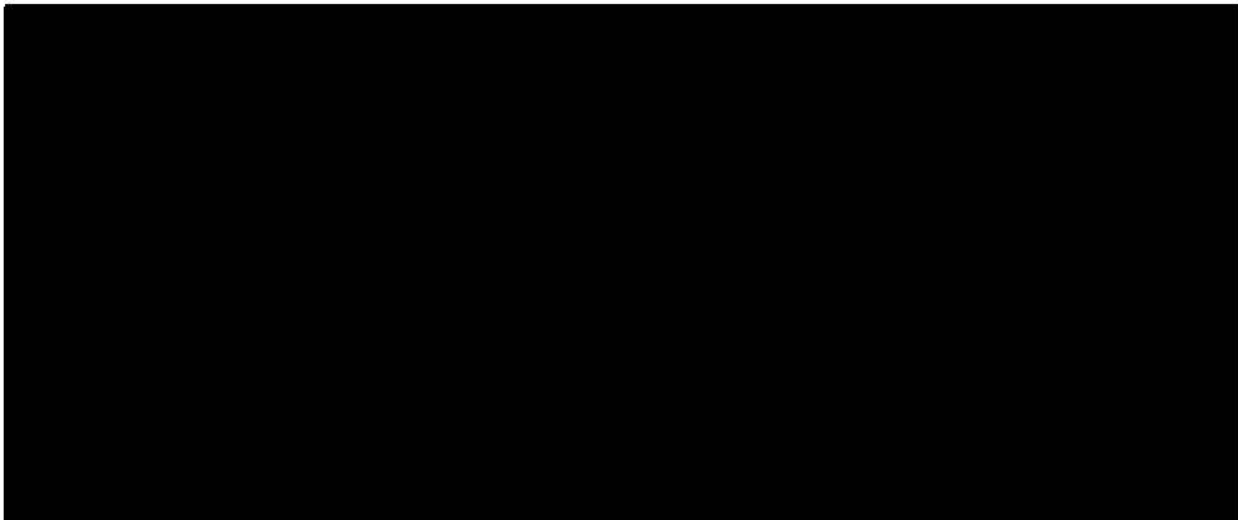
Albuquerque NM 87103

Office (505) 768-3714

Fax: (505) 768-3777

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**From:** Beth Mohr [mailto:[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)]  
**Sent:** Wednesday, May 13, 2015 12:48 PM  
**To:** Hults, Samantha M.; Scott, Mary L.; Leonard Waites; Scott S. Wilson  
**Subject:** Personnel issue re: Citizen Police Oversight Agency



Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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**From:** Scott, Mary L.  
**To:** Beth Mohr; Hults, Samantha M.; Leonard Waites; Scott S. Wilson  
**Subject:** RE: Personnel Issue re: Citizen Police Oversight Agency  
**Date:** Thursday, May 14, 2015 3:06:00 PM

---

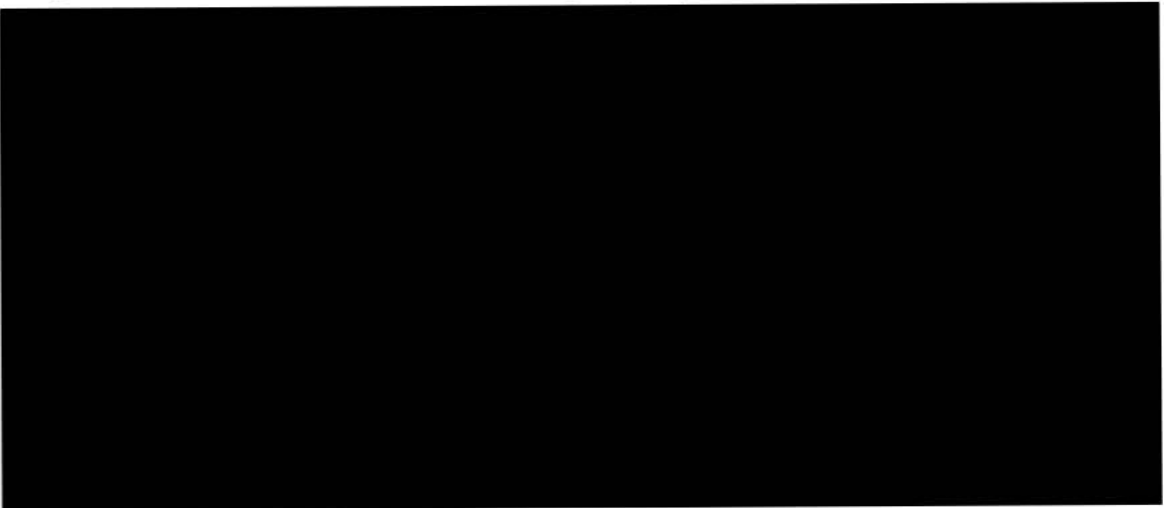
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400 Marquette NW Room 703  
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Albuquerque NM 87103  
Office (505) 768-3714  
Fax: (505) 768-3777

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**Sent:** Wednesday, May 13, 2015 12:48 PM  
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**Subject:** Personnel issue re: Citizen Police Oversight Agency



Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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**From:** [Beth A. Mohr](#)  
**To:** [Yermal, Vincent A.](#)  
**Cc:** [Eric H. Cruz](#); [Joanne Fine](#); [Scott, Mary L.](#); [Hammer, Robin](#)  
**Subject:** Re: Personnel Subcommittee - Executive Director Selection  
**Date:** Monday, March 23, 2015 12:11:49 PM

---

Thanks much, We are contemplating a meeting either April 7th or 10th mid-day.  
Would either of those work for you? -B

Beth A. Mohr  
Co-Vice Chair  
Albuquerque Police Oversight Board

*Sent with haste from my "smart" phone.  
Notice: This email may be subject to disclosure as public record. Please be  
thoughtful when forwarding or replying to this email.*

"Yermal, Vincent A." <[vyermal@cabq.gov](mailto:vyermal@cabq.gov)> wrote:

Subcommittee Members:

I have been informed by Ms. Robin Hammer, Acting Executive Director for the Civilian Police Oversight Agency (CPOA), that you have been appointed to a Personnel Subcommittee to oversee the process for the selection of an Executive Director. In the previous recruitment for the Independent Review Officer (IRO), I provided assistance to the Police Oversight Commission (POC), the predecessor to the CPOA. I am prepared to meet with you at your convenience to review the background and process followed in the IRO Recruitment. Please advise as to your availability and preference for a meeting time and location. Generally speaking, I am available any afternoon this week and can adjust my schedule to accommodate your needs.

Vincent A. Yermal  
Senior Human Resources/Labor Advisor  
City of Albuquerque  
400 Marquette, NW  
Albuquerque, NM 87103  
(505) 768-3700

**From:** Beth Mohr  
**To:** Yermal, Vincent A.; Scott, Mary L.  
**Cc:** POB; Mark T. Baker  
**Subject:** Re: POB Approved position description to post CPOA Director job  
**Date:** Tuesday, June 02, 2015 1:54:49 PM

---

Mr. Yermal,

It's been a couple of weeks now, since the POB provided you with the job description that we approved on May 19th. In the Personnel Subcommittee meeting, you stated that once the POB completed that task, that you could get the job advertisement on the website "within a couple of days".

It's been a couple of weeks now, and still the job has not been advertised. Initially you stated that the holiday weekend was the problem, and most recently you stated that there were still some outstanding administrative tasks.

Please prioritize this posting, it has already been a couple of weeks longer than you told the Personnel Subcommittee, in our public meeting.

Thank-you, -B

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing something you said couldn't be done. ~ Amelia Earhart*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

On Thu, May 28, 2015 at 9:10 AM, Beth A. Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

Thanks much, -B

Beth A. Mohr  
Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing what you said couldn't be done. ~Amelia Earhart*

*Sent with haste from my "smart" phone.*

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Thanks much, -B

Beth A. Mohr  
Acting Chair  
Albuquerque Police Oversight Board

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"Yermal, Vincent A." <[vyermal@cabq.gov](mailto:vyermal@cabq.gov)> wrote:

Ms. Mohr:

There are some administrative tasks to be completed, such as creating the approved job description in our applicant management system. These are underway, albeit delayed somewhat due to the holiday and some absences due to vacation. I have asked this be treated as a priority and fully expect the position advertising to be launched by early next week. My apologies for the delay.

Vincent A. Yermal

Senior Human Resources/Labor Advisor

City of Albuquerque

400 Marquette, NW

Albuquerque, NM 87103

(505) 768-3700

**From:** Beth A. Mohr [<mailto:cabq.pob.mohr@gmail.com>]

**Sent:** Thursday, May 28, 2015 6:01 AM

**To:** Yermal, Vincent A.; POB; Mark T. Baker

**Subject:** Re: POB Approved position description to post CPOA Director job

How are we doing on this? I had hoped to see this job out today. Please let me know what I can do to facilitate this process. Thanks, -B

Beth A. Mohr

Acting Chair

Albuquerque Police Oversight Board



*Never interrupt someone doing what you said couldn't be done. ~Amelia Earhart*

*Sent with haste from my "smart" phone.*

*Notice: This email may be subject to disclosure as public record. Please be thoughtful when forwarding or replying to this email.*

"Yermal, Vincent A." <[vyermal@cabq.gov](mailto:vyermal@cabq.gov)> wrote:

Ms. Mohr:

We are in receipt of the job description and posting advertisement. We will mostly likely start the advertising process next week and will provide you notice when the ads are placed.

Best regards,

Vincent A. Yermal

Senior Human Resources/Labor Advisor

City of Albuquerque

400 Marquette, NW

Albuquerque, NM 87103

(505) 768-3700

**From:** Beth Mohr [<mailto:cabq.pob.mohr@gmail.com>]

**Sent:** Friday, May 22, 2015 12:30 PM

**To:** Yermal, Vincent A.; Scott, Mary L.; POB; Hammer, Robin; Mark T. Baker

**Subject:** POB Approved position description to post CPOA Director job

Mr. Yermal,

Please find the attached final job description for the CPOA Director, along with the "ad" format. This job description is the final version which was approved by the POB during our May 19th meeting, the "ad" flows directly out of that.

Please post this job as soon as possible on the City site, it is our understanding that you will also post in the NM Bar Bulletin, weekly, for at least 4 weeks, and that as a national search, you will post through NACOLE, and potentially other publications, as appropriate.

Please feel free to give me a call directly with any questions, my cell is 505-450-2818. Because we want to be sensitive to anyone who might wish to apply for this position who is currently at the CPOA office, such as Ms. Hammer or Mr. Cash, please utilize me as your first contact point with any questions.

Please notify me as publication of this is released. Thanks much, -B

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

**From:** Yermal, Vincent A.  
**To:** Beth Mohr; Scott, Mary L.; POB; Hammer, Robin; Mark T. Baker  
**Subject:** RE: POB Approved position description to post CPOA Director job  
**Date:** Friday, May 22, 2015 1:10:25 PM

---

Ms. Mohr:

We are in receipt of the job description and posting advertisement. We will mostly likely start the advertising process next week and will provide you notice when the ads are placed.

Best regards,

Vincent A. Yermal  
Senior Human Resources/Labor Advisor  
City of Albuquerque  
400 Marquette, NW  
Albuquerque, NM 87103  
(505) 768-3700

**From:** Beth Mohr [mailto:cabq.pob.mohr@gmail.com]  
**Sent:** Friday, May 22, 2015 12:30 PM  
**To:** Yermal, Vincent A.; Scott, Mary L.; POB; Hammer, Robin; Mark T. Baker  
**Subject:** POB Approved position description to post CPOA Director job

Mr. Yermal,

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Please notify me as publication of this is released. Thanks much, -B

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

**From:** Roseman, William G.  
**To:** Hammer, Robin  
**Cc:** Saavedra, Sharon L.; Rodgers, Shane; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Maira Amado-McCoy; Scott S. Wilson; Susanne Brown; Hernandez, Jessica M.; Levy, Kathryn C.  
**Bcc:** Eden, Gordon  
**Subject:** Re: Police Oversight Board Members Ride-Alongs  
**Date:** Thursday, May 21, 2015 4:20:24 PM

---

We will need to have city legal review this request. Once they have completed their review, we will get back with you.

Deputy Chief William Roseman  
Special Services Bureau  
Albuquerque Police Department

On May 21, 2015, at 3:43 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Deputy Chief Roseman:

At its May 19, 2015 Police Oversight Board Meeting, the Board decided that it desired for Board Members to be permitted to ride-along with any APD Officer, without restriction as to whether an officer had a pending matter before the Police Oversight Board. The Board agreed that the CPOA would list the names of APD officers with whom the Board Members went on the required ride-alongs. Therefore, the Board would like any prior restrictions as to riding along with officers who have pending Officer-Involved Shooting cases to be lifted.

Please let me know if you have any questions.

All the best,  
Robin Hammer

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Roseman, William G.  
**To:** Hammer, Robin  
**Cc:** Saavedra, Sharon L.; Rodgers, Shane; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Molra Amado-McCoy; Scott S. Wilson; Susanne Brown; Hernandez, Jessica M.; Levy, Kathryn C.  
**Subject:** Re: Police Oversight Board Members Ride-Alongs  
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We will need to have city legal review this request. Once they have completed their review, we will get back with you.

Deputy Chief William Roseman  
Special Services Bureau  
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Please let me know if you have any questions.

All the best,  
Robin Hammer

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Beth Mohr  
**To:** Yermal, Vincent A.  
**Cc:** Green, Alan; Scott, Mary L.  
**Subject:** Re: Requesting electronic copies of all former IRO documents  
**Date:** Thursday, April 23, 2015 4:14:37 PM

---

Thanks so much. If either you or a designee could be at the Personnel Subcommittee meeting that would be very helpful. The meeting is Monday, April 27th at 1:30pm in the basement of Plaza del Sol. All are welcome. Thanks, -B

Beth A. Mohr, Co-Vice Chair  
Albuquerque Police Oversight Board

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On Thu, Apr 23, 2015 at 3:25 PM, Yermal, Vincent A. <[vyermal@cabq.gov](mailto:vyermal@cabq.gov)> wrote:

Ms. Mohr:

Happy to assist. Attached are the IRO job description as well as an advertisement used in posting the position at online sites such as the Municipal League and in the Bar Bulletin. I have taken the liberty to include Mr. Alan Green, HR Manager over Employment and HRIS and Mary Scott, Director of Human Resources to provide back-up and continuity of my assistance.

Please do not hesitate to contact me if you need additional information.

Vincent A. Yermal

Senior Human Resources/Labor Advisor

City of Albuquerque

400 Marquette, NW

Albuquerque, NM 87103

(505) 768-3700

**From:** Beth Mohr [<mailto:cabq.pob.mohr@gmail.com>]  
**Sent:** Thursday, April 23, 2015 2:54 PM  
**To:** Yermal, Vincent A.; Joanne Fine; Eric H. Cruz; Hammer, Robin

**Subject:** Requesting electronic copies of all former IRO documents

Mr. Yermal - Please send to the group included on this email the editable electronic copies of the Independent Review Officer job description and other documents used in the last IRO job search. Mr. Cruz has agreed to take the first crack at updating these for us. I thought you were going to send these, but perhaps I dropped the ball in requesting those officially.

Also, I don't know if Ms. Hammer informed you or not, but the Police Oversight Board voted unanimously to request that you assist us collecting applications for the CPOA Director position. The ordinance states that staff at the CPOA office will assist us in collecting applications. The procedure that was used previously under similar circumstances, (ie: when the then-current IRO was also an applicant) was that the Chair of the POB accompanied the CPOA administrative assistant to the HR department, and the HR Director handed the applications to the administrative assistant, who handed them to the Chair, and everyone signed the log as having received each one individually. That is the process which the Board has unanimously requested you to follow again. Hopefully Ms. Hammer communicated that to you, as was the Board's direction.

If you have any questions, please feel free to contact me directly. If you would like to discuss this further, our next Personnel Subcommittee meeting is Monday, April 7th at 1:30 in the afternoon. We have an item on the agenda for this discussion and would welcome your continued assistance and input at that meeting.

Thanks very much, -B

Beth A. Mohr, Co-Vice Chair  
Albuquerque Police Oversight Board

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**From:** Yermal, Vincent A.  
**To:** Beth Mohr; Joanne Fine; Eric H. Cruz; Hammer, Robin  
**Cc:** Green, Alan; Scott, Mary L.  
**Subject:** RE: Requesting electronic copies of all former IRO documents  
**Date:** Thursday, April 23, 2015 3:25:49 PM  
**Attachments:** Independent Review Officer Job Description 02.28.12.doc  
IRO Posting Online.docx

---

Ms. Mohr:

Happy to assist. Attached are the IRO job description as well as an advertisement used in posting the position at online sites such as the Municipal League and in the Bar Bulletin. I have taken the liberty to include Mr. Alan Green, HR Manager over Employment and HRIS and Mary Scott, Director of Human Resources to provide back-up and continuity of my assistance.

Please do not hesitate to contact me if you need additional information.

Vincent A. Yermal  
Senior Human Resources/Labor Advisor  
City of Albuquerque  
400 Marquette, NW  
Albuquerque, NM 87103  
(505) 768-3700

**From:** Beth Mohr [mailto:cabq.pob.mohr@gmail.com]  
**Sent:** Thursday, April 23, 2015 2:54 PM  
**To:** Yermal, Vincent A.; Joanne Fine; Eric H. Cruz; Hammer, Robin  
**Subject:** Requesting electronic copies of all former IRO documents

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Albuquerque Police Oversight Board

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# INDEPENDENT REVIEW OFFICER

*Job descriptions are intended to present a general list of tasks/duties performed by employees within this job classification. Job Descriptions are not intended to reflect all duties performed within the job.*

## **POSITION SUMMARY:**

Under the direction of the Police Oversight Commission (POC), the Independent Review Officer (IRO) supervises and directs the operations of the Independent Review Office. Oversees, monitors, and reviews all citizen police complaints and claims directed against officers and employees of the Albuquerque Police Department (APD). The IRO will act as lead investigator and supervise the investigative and administrative staff of the Independent Review Office. The IRO will review all citizen police complaints and assign them for investigation. The IRO will provide recommendations and advice regarding Departmental policies and procedures to the Police Oversight Commission (POC), the Albuquerque Police Department (APD), the City Council, and the Mayor.

## **SUPERVISION RECEIVED AND EXERCISED:**

Receives direction from and reports to the Police Oversight Commission

Exercises direct supervision over the investigative and administrative staff of the Independent Review Office.

## **ESSENTIAL FUNCTIONS:** *(Essential functions may include, but are not limited to the functions listed below)*

1. Oversees, reviews, and investigates all citizen police complaints against the officers and employees of the Albuquerque Police Department (APD).
2. Analyzes citizen police complaints, assigns such complaints for investigation to an IRO investigator or, in some instances, refers investigation of such complaints to the Internal Affairs Unit of the Albuquerque Police Department.
3. Monitors and conducts supervisory oversight of all of the investigations above; makes thorough and objective findings or disposition for each complaint; and reports these findings or other disposition of these citizen police complaints to the Police Oversight Commission.
4. Refer, as appropriate, cases to impartial mediation or other alternative dispute resolution.
5. Provide recommendations and give advice regarding Police Department policies and procedures to the POC, the Albuquerque Police Department, the City Council and the Mayor as appropriate.
6. Monitors all claims of excessive force and police shootings (acting as an ex-officio member of the Claims Review board); and reviewing and reporting to the Chief of Police on the investigations being conducted and completed on all police involved shootings.
7. Compile information and data to permit analysis of applicable trends and patterns of citizen complaints, and provides recommendations to the POC.
8. Collect and compile information so as to satisfy the POC's reporting requirements under the Oversight Ordinance.
9. Participates in the preparation of the budget, attend budget meetings; monitors expenditures and recommends budgetary adjustments.
10. Play an active public role in providing appropriate outreach to the community concerning police oversight, including the development of an outreach plan to educate the public and to advertise the citizen complaint process.
11. Develop recommendations to the POC and APD on specific training, changes in policy, or duty manuals.
12. Provide staff support and technical assistance to the POC; coordinate and provide support for all scheduled Police Oversight Commission meetings; document, and publicize when appropriate all findings and reports, recommendations and/or suggested policy changes.

### **SUPPLEMENTAL FUNCTIONS:**

1. Attend and participate in professional group meetings; stay abreast of new trends and innovations in the field of police investigations and of police oversight.
2. Respond to and, where appropriate, attempt to resolve difficult and sensitive citizen inquiries and complaints involving the Albuquerque Police Department...
3. Perform related duties and responsibilities as required.

### **MINIMUM EDUCATION AND EXPERIENCE REQUIREMENTS:**

Juris Doctorate Degree from an accredited law school; experience in criminal investigations; knowledge of administrative and judicial processes, policies, and procedures as well as employment contract interpretation. Whether an applicant is qualified for the position of Independent Review Officer shall be determined by the Police Oversight Commission; however, the qualifications minimally shall include the requirement of a law degree from an accredited law school and experience in criminal investigations.

### **ADDITIONAL REQUIREMENTS: *(Licenses, Certifications, etc.):***

Possession of, or must obtain within ninety days of employment, a valid New Mexico Driver's License  
Must undergo and pass a Police Department background check  
May require working non/traditional hours

### **PREFERRED KNOWLEDGE, SKILL AND ABILITY:**

#### **Knowledge of:**

Interpersonal communication skills  
Standard investigative techniques  
Pertinent Federal Law, State Statutes, City Ordinances, City and State Traffic Codes, APD SOP's and APOA contract  
Investigative and procedural standards and guidelines that pertain to the IRO Office  
Principles and practices of policy development and implementation  
Data collection and data relational software

#### **Skill and Ability to:**

Develop and administer program goals, objectives, policies and procedures  
Plan, organize, direct and coordinate the work of staff  
Select, supervise, train and evaluate staff  
Analyze and assess Investigative Review program, policies and operational needs and make appropriate adjustments  
Establish programmatic effective communication within the community and the Albuquerque Police Department  
Prepare administrative reports; analyze factual trends  
Prepare business correspondence and reports  
Prepare and make public presentations  
Maintain confidentiality  
Communicate clearly and concisely  
Explain complex procedural processes and analysis in common language  
Perform the essential functions of the job with or without reasonable accommodation.

### **WORKING CONDITIONS:**

#### **Environmental:**

Office environment, exposure to computer screens.

**Physical:**

Essential and marginal functions may require maintaining physical condition necessary for sitting, walking or standing for prolonged periods.

## ***CITY OF ALBUQUERQUE***

### **INDEPENDENT REVIEW OFFICER**

Under the direction of the Police Oversight Commission (POC), the Independent Review Officer (IRO) supervises and directs the operations of the Independent Review Office, oversees, monitors, and reviews all citizen police complaints and claims directed against officers and employees of the Albuquerque Police Department (APD). The IRO will act as lead investigator and supervise the investigative and administrative staff of the Independent Review Office. The IRO will review all citizen police complaints and assign them for investigation. The IRO will provide recommendations and advice regarding Departmental policies and procedures to the Police Oversight Commission (POC), the Albuquerque Police Department (APD), the City Council and the Mayor. First review of applications will take place on March 21, 2012. This position is open until filled. To apply for this position, please go to our website at [www.cabq.gov/jobs](http://www.cabq.gov/jobs).

**From:** Maira Amado-McCoy  
**To:** Hammer, Robin  
**Cc:** POB; Mark T. Baker; Rodgers, Shane; Gonzalez, Arturo E.; Cash, Paul  
**Subject:** Re: Required Ride-Alongs  
**Date:** Thursday, July 09, 2015 7:43:26 AM

---

I completed my first ride-along with Eric Nelson during the weeks of the Academy. I don't have the exact date easily accessible, but I'd imagine ABD is keeping track. Lt. Rodgers doesn't have these?

The second is to be scheduled this month, though I had to tell Lt. Rodgers that I wasn't available until after the week of July 13th; I believe he is working on the last week of August. Lt. Rodgers has been responsive and proactive in this work, but I've had scheduling issues.

I will let Paul know as soon as the 2nd is complete.

Best,

Maira

On Wed, Jul 8, 2015 at 9:43 AM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

POB Board Members:

We are trying to document completed Ride-Alongs and to schedule the second Ride-Alongs required by the DOJ Consent Decree and Ordinance. Dave Ring is the only Board Member who has emailed me with the dates and times that he completed both his required Ride-Alongs. Beth Mohr indicated that she went on a Ride-Along on Saturday, May 9, 2015 but we do not have the name of the officer. If you have completed any Ride-Alongs, please email me and Paul Cash, the date, time, and name of the officer, so that we may update the CPOA Records.

If you have not completed two Ride-Alongs, please email me and Lt. Shane Rodgers at APD to schedule these. Lt. Rodgers is assigned to coordinate POB Ride-Alongs. His email is above. His phone number is 768-2232.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

**From:** joannefine413  
**To:** Hammer, Robin; POB  
**Cc:** Mark T. Baker; Rodgers, Shane; Gonzalez, Arturo E.; Cash, Paul  
**Subject:** RE: Required Ride-Alongs  
**Date:** Wednesday, July 08, 2015 10:02:10 AM

---

I don't have the date but I did one with Officer Drew Hsu when he was in the NE Area Command. (He is now in the Valley) It was during the swing shift. I have a new phone and the calendar did not transfer. Sharon Saavedra may have the date.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Hammer, Robin" <rhammer@cabq.gov>

**Date:** 07/08/2015 9:43 AM (GMT-07:00)

**To:** POB <pob@cabq.gov>

**Cc:** "Mark T. Baker" <mbaker@peiferlaw.com>, "Rodgers, Shane" <srodgers@cabq.gov>, "Gonzalez, Arturo E." <aegonzalez@cabq.gov>, "Cash, Paul" <pcash@cabq.gov>

**Subject:** Required Ride-Alongs

POB Board Members:

We are trying to document completed Ride-Alongs and to schedule the second Ride-Alongs required by the DOJ Consent Decree and Ordinance. Dave Ring is the only Board Member who has emailed me with the dates and times that he completed both his required Ride-Alongs. Beth Mohr indicated that she went on a Ride-Along on Saturday, May 9, 2015 but we do not have the name of the officer. If you have completed any Ride-Alongs, please email me and Paul Cash, the date, time, and name of the officer, so that we may update the CPOA Records.

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Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

M001155



Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

**From:** Beth A. Mohr  
**To:** Swanson, Michael D.  
**Subject:** Re: Ride along  
**Date:** Sunday, April 26, 2015 3:36:08 PM

---

Thanks much. I have booked up since then, so let's chat before we finalize. My pal Tom Grover had ride-along suggestions for me from SE Swing - whether that's good or bad probably depends on your perspective. I'll let you decide. Someone high-activity please. I'm a retired cop; they don't need to like the POB or be politically correct, I'm not overly sensitive. Thanks, -B

Cell is [REDACTED]

Beth A. Mohr  
Co-Vice Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing what you said couldn't be done. ~Amelia Earhart*

*Sent with haste from my "smart" phone.*

*Notice: This email may be subject to disclosure as public record. Please be thoughtful when forwarding or replying to this email.*

"Swanson, Michael D." <mswanson@cabq.gov> wrote:

Hello,  
Sorry for the delayed response, I was training all week. I will be in on Monday and will take a look at the dates again and then touch base with you. I'm thinking any of your available dates would work but just want to verify.  
Thanks,

Lt. M. Swanson  
Southeast Area Command  
Watch III

**From:** Archibogue, Michael E.  
**To:** Joanne Fine  
**Cc:** Saveedra, Sharon L.  
**Subject:** Re: Sharon Saveedra  
**Date:** Friday, May 08, 2015 4:50:30 PM

---

Joanne,

Thank you so much for the email. Sharon has worked very hard to make this go well.

We are proud of the work she's done.

Hopefully you guys are learning and having a good time on top of it.

Thanks so much have a great weekend

On May 8, 2015, at 4:03 PM, "Joanne Fine" <[REDACTED]> wrote:

I just wanted to take a minute and thank APD and you for the work of Sharon Saveedra who put together the training for the Citizen Police Academy. I believe the information helps me to see the component parts of APD and affords me the chance to listen to and to ask questions directly of the staffs of those sections.

It was particularly challenging, I expect, for Officer Saveedra when she inherited an influx of Police Oversight Board members who were not able to completely clear their calendars for twelve weeks on short notice. She is to be commended for her tireless efforts to help us through the class while accommodating all the other class members as well.

It is a job well done and much appreciated.

Thank you,  
Joanne Fine

Sent from my Verizon Wireless 4G LTE smartphone

**From:** Janet McHard  
**To:** DuBois, John E.; rwhite20  
**Cc:** Beth Mohr  
**Subject:** RE: Time tonight?  
**Date:** Thursday, February 19, 2015 3:55:54 PM

---

Cool. We'll be there.

Janet M. McHard, CPA, CFE, MAFF, CFF  
Founding Partner  
McHard Accounting Consulting LLC  
933 San Mateo Blvd, NE 500-151  
Albuquerque, NM 87108  
Email: [JMcHard@TheMcHardFirm.com](mailto:JMcHard@TheMcHardFirm.com)  
Web: [www.TheMcHardFirm.com](http://www.TheMcHardFirm.com)  
505-554-2968 office  
[REDACTED] cell  
877-279-2942 fax

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THIS E-MAIL IS INTENDED ONLY FOR THE USE OF THOSE TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION WHICH IS PRIVILEGED, CONFIDENTIAL OR EXEMPT FROM DISCLOSURE UNDER THE LAW. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, DO NOT DISTRIBUTE OR COPY IT. WE RESPECTFULLY REQUEST YOU RETURN IT IMMEDIATELY TO THE SENDER WITH ATTACHMENTS, IF ANY, AND NOTIFY US BY TELEPHONE. THANK YOU.

*The miracle is this: the more we share the more we have.*  
- Leonard Nimoy

*The winds of grace are always blowing; all we need to do is raise our sails.*  
- Anonymous

---

**From:** DuBois, John E. [mailto:[jdubois@cabq.gov](mailto:jdubois@cabq.gov)]  
**Sent:** Thursday, February 19, 2015 2:11 PM  
**To:** rwhite20; Janet McHard  
**Cc:** Beth Mohr  
**Subject:** RE: Time tonight?

I will be there as close to 5:30 pm as work and traffic will allow.  
thx  
jed

---

**From:** rwhite20 [mailto:[rwhite20@comcast.net](mailto:rwhite20@comcast.net)]  
**Sent:** Thursday, February 19, 2015 2:03 PM  
**To:** Janet McHard; DuBois, John E.  
**Cc:** Beth Mohr  
**Subject:** RE: Time tonight?

5:30 works for me.

From my Android phone on T-Mobile. The first nationwide 4G network.

Janet McHard <[Jmchard@themchardfirm.com](mailto:Jmchard@themchardfirm.com)> wrote:  
O'Niells. Anytime 5:30 or later works for me and Beth.

J

Janet M. McHard, CPA, CFE, MAFF, CFF  
Founding Partner  
McHard Accounting Consulting LLC  
933 San Mateo Blvd, NE 500-151  
Albuquerque, NM 87108  
Email: [JMcHard@TheMcHardFirm.com](mailto:JMcHard@TheMcHardFirm.com)  
Web: [www.TheMcHardFirm.com](http://www.TheMcHardFirm.com)  
505-554-2968 office  
[REDACTED] cell  
877-279-2942 fax

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*The miracle is this: the more we share the more we have.*  
- Leonard Nimoy

*The winds of grace are always blowing; all we need to do is raise our sails.*  
- Anonymous

**From:** Maira Amado-McCoy  
**To:** Hammer, Robin  
**Cc:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Scott S. Wilson; Susanne Brown (susanne.brown37@yahoo.com); Cash, Paul; Contreras, Michelle; Davidson, Christopher; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, Paul A.; Davila, Natalee Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.  
**Subject:** Re: Work flow chart  
**Date:** Thursday, May 07, 2015 6:33:24 AM

---

Please bring copies for all of us this morning, Robin.

Somehow, this document doesn't seem to be compatible with my Word for Mac.

Maira

On Wed, May 6, 2015 at 3:58 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

POB Members:

Attached is a work flow chart of the initial Civilian Police Complaint (CPC) Process.

Please let me know if you have any questions.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

**From:** [Beth Mohr](#)  
**To:** [Maira Amado-McCoy](#)  
**Cc:** [Hammer, Robin](#); [David Ring](#); [Eric H. Cruz](#); [Jeannette V. Baca](#); [Joanne Fine](#); [Leonard Waites](#); [Scott S. Wilson](#); [Susanne Brown \(susanne.brown37@yahoo.com\)](#); [Cash, Paul](#); [Contreras, Michelle](#); [Davidson, Christopher](#); [McDermott, Diane L.](#); [O'Neil, Erin](#); [Skotchdopole, Paul A.](#); [Davila, Natalee Z](#); [Funes, Ana R.](#); [Garcia, Jennifer](#); [Gonzalez, Arturo E.](#)  
**Subject:** Re: Work flow chart  
**Date:** Wednesday, May 06, 2015 7:31:31 PM

---

Ms. Hammer,

This is a much more meaningful depiction, thank-you.

I wonder, does the Executive Director really have nothing whatsoever to do with a complaint until the 80th day? No staff meeting, no supervision or shepherding of the complaints? I'm sure I'll have other questions as I study this, but this is a great start, thanks. -B

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing something you said couldn't be done. ~ Amelia Earhart*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

On Wed, May 6, 2015 at 6:40 PM, Maira Amado-McCoy  
<[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)> wrote:

This looks great -- in my thumbnail window. When I download and open, though, the boxes aren't filled in. Anyone else having the same problem?

Maira

On Wed, May 6, 2015 at 3:58 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

POB Members:

Attached is a work flow chart of the initial Civilian Police Complaint (CPC) Process.

Please let me know if you have any questions.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>



**From:** Green, Alan  
**To:** Beth Mohr; Hammer, Robin; POB; Yermal, Vincent A.; Mark T. Baker; Scott, Mary L.  
**Subject:** RE: Writing assignment - ad to CPOA Director Posting  
**Date:** Friday, June 12, 2015 2:37:38 PM

---

Ms. Mohr,

At this point we have received three applicants for the CPOA Director position. None of them meet the minimum requirements of the position. An option is to only send the written assignments to applicants meeting minimum requirements. Please advise.

In reference to the written assignment your email includes, "The deadline is the same as the closing date for the position". Later you indicate, "I can pick up the applications and assignments every week or so". To be consistent we could give each qualified applicant one week from distribution of the emailed written assignment to complete and return. Please advise.

I can print or email the applications, attachments, and returned written assignments on a weekly bases.

A Release form is not needed for references. There is an acceptance statement presented for all applicants at the time of application that covers this. I can provide a background check authorization form. Typically these are given to the few that are selected to participate in an interview.

Mr. Yermal has forwarded the timeline document to me.

Thank you for information and please contact me if you have questions.

Alan Green  
768-3715

**From:** Beth Mohr [mailto:cabq.pob.mohr@gmail.com]  
**Sent:** Friday, June 12, 2015 1:03 PM  
**To:** Green, Alan; Hammer, Robin; POB; Yermal, Vincent A.; Mark T. Baker; Scott, Mary L.  
**Subject:** Writing assignment - ad to CPOA Director Posting

Mr. Green & Mr. Yermal,

Attached is the writing assignment/questionnaire for the CPOA Director position. Please attach this so that it goes to all future applicants for the job, and send it to anyone who has already applied. The deadline is the same as the closing date for the position. I have also attached the timeline for you, Mr. Green, because my guess at your email using the typical city naming convention failed, so you missed that email.

In order to avoid a huge glut of work for HR on July 17th and July 19th, let's coordinate so that I can pick up the applications and assignments every week or so, or you can upload them to a website that I can create to which the entire POB will be given access. This way we can at least skim the applications and assignments as they come in, and you'll only have a few left to push to us when the position closes.

Additionally, we'll need to come up with a release form that allows the POB to conduct our own reference and background checks, in addition to whatever City HR would perform, unless you think that the Board would be included in whatever release is part of the City's application process.

The initial delay in job posting was most distressing to the Board, so we want to ensure that we can stick to a schedule now that we have one.

Please call me with any questions. I am taking responsibility for this process, as Chair of the Personnel Subcommittee, and will absolutely ensure its success, so just let me know what you need from me so we can all stay on schedule.

Thanks much, -B

Beth A. Mohr  
Albuquerque Police Oversight Board

***The only thing necessary for the triumph of evil is for good men to do nothing. ~ Edmund Burke***

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

**From:** Hammer, Robin  
**To:** Davila, Natalee Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Bullock, Nicholas; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waltes; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** Reminder of Mandatory Training for POB Members and CPOA Staff, tomorrow 6/24  
**Date:** Tuesday, June 23, 2015 11:45:30 AM

---

POB Members and CPOA Staff:

I wanted to remind you that CPOA Independent Counsel Mark Baker will conduct DOJ-mandated training tomorrow, June 24 from 6:00 pm to 8:30 pm. This training is reset from the June 11, 2015 POB Meeting. Mark will train on the topics of the Police Oversight Ordinance and the DOJ Consent Decree/Settlement Agreement.

The training will be held in the Basement Hearing Room #160 in Plaza del Sol Building. There is free parking in front of the building. We will audio-record the training and obtain a copy of Mark's PowerPoint slides for any POB Member who is unable to make this training.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Hammer, Robin  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; susanne.brown37@gmail.com  
**Cc:** Yntema IV, Hessel E.; Bullock, Nicholas; Locher, Eric J.; DuBois, John E.  
**Subject:** Reminder of Open Meetings Act Training tonight from 5-7 pm  
**Date:** Wednesday, April 29, 2015 2:35:51 PM

---

POB Members:

The Open Meetings Act Training put on by Foundation for Open Government will be held at Plaza del Sol, 600 2<sup>nd</sup> St NW, Basement Hearing Room, # 160 from 5-7 pm.

We will be videotaping the training. If you are not available attend the training, hopefully we will be able to provide a DVD of it.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Hammer, Robin  
**To:** Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.huizar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Hammer, Robin; Jeannette Baca (jybaca.pob@gmail.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (phamason.lw@gmail.com); Moira Amado-McCoy (moiraamado@gmail.com); Scott Wilson (jswilsonpob@outlook.com)  
**Cc:** Bullock, Nicholas; Yermal, Vincent A.  
**Subject:** Representative from Human Resources  
**Date:** Thursday, March 12, 2015 1:35:00 PM

---

Dear POB Members:

I spoke with the Vince Yermal, Senior Human Resources Labor Advisor. Mr. Yermal lead the national search which resulted in my hire in 2012. Mr. Yermal and the Human Resources Director are both unavailable to attend this afternoon's POB meeting. Mr. Yermal would be available for the April 9 POB meeting.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Swanson, Michael D.  
**To:** Beth Mohr  
**Subject:** Ride along  
**Date:** Sunday, April 26, 2015 3:25:20 PM

---

Hello,  
Sorry for the delayed response, I was training all week. I will be in on Monday and will take a look at the dates again and then touch base with you. I'm thinking any of your available dates would work but just want to verify.  
Thanks,

Lt. M. Swanson  
Southeast Area Command  
Watch III

**From:** Maira Amado-McCoy  
**To:** Rodgers, Shane  
**Subject:** second ride-along  
**Date:** Monday, June 15, 2015 9:34:19 AM

---

Dear Lt. Rodgers --

I've made a couple of inquiries about scheduling my second ride-along (as a member of the POB).

I see now that I should have gone directly to you. Before writing out my preferences and availability again, will you let me know if that's already been forwarded to you?

Thanks for all you do,

Maira Amado-McCoy  
POB Board Member  
Case Review Committee, Chair  
505-553-1818

**From:** Beth Mohr  
**To:** Janet McHard  
**Subject:** Submit questions for CPOA Director Applicants  
**Date:** Tuesday, July 21, 2015 5:55:51 PM

---

The Police Oversight Board will interview applicants on July 29<sup>th</sup> and selected the top three to go to City Council for a final choice; as you may know, I'm on the POB, and I'm the Chair of the Personnel Subcommittee that is coming up with the questions.

I'm interested in what interview questions you'd like to see asked of the Citizen Police Oversight Agency Executive Director candidates during their interviews on Gov-TV live. I need these proposed questions sent to me by noon on July 23<sup>rd</sup>, so that they can be reviewed and selected by the POB Personnel Subcommittee during our July 24<sup>th</sup> meeting.

I'm interested in complex questions that will tease out which applicants really understand the issues in Albuquerque, and might be best suited to lead the CPOA in the future. I'm interested in both open ended interview questions, and any legal hypothetical that would shed light on the applicants understanding of issues like search and seizure, excessive force or false arrest. Any legal hypotheticals need to be something that a person could simply discuss, without having to write a brief or cite case law; but it's important to have a sense of how this person will judge cases.

Send this to anyone you want, but in order to be considered, these questions have to come back to me no later than noon on July 23<sup>rd</sup>. Thanks! -B

Beth A. Mohr, CFE, CAMS, MPA, PI  
Managing Partner  
McHard Accounting Consulting LLC  
933 San Mateo Blvd, NE 500-151  
Albuquerque, NM 87108  
[REDACTED] cell  
505-554-2968 office  
877-279-2942 fax  
NM-PI License #2503  
AZ-PI License #1639940  
CA-PI License #28441  
[bmohr@themchardfirm.com](mailto:bmohr@themchardfirm.com)

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*The greatest obstacle to discovery is not ignorance - it is the illusion of knowledge. ~ Daniel Boorstin*



**From:** Beth Mohr  
**To:** Smalls, Tasha S  
**Subject:** Thank-you for your email RE: Attorney Work Product - Privileged and Confidential  
**Date:** Wednesday, April 29, 2015 3:43:29 PM

---

Thank-you for your email. I am a Police Oversight Board member; this is a volunteer position for which I have limited availability. If your email requires a response from me, I will endeavor to do so within 72 hours. Thank-you for your patience.

--

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing something you said couldn't be done. ~ Amelia Earhart*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

**From:** Beth Mohr  
**To:** Herrera, Darlene H.  
**Subject:** Thank-you for your email RE: B3-Approval  
**Date:** Thursday, June 04, 2015 7:58:05 AM

---

Thank-you for your email. I am a Police Oversight Board member; this is a volunteer position for which I have limited availability. If your email requires a response from me, I will endeavor to do so within 72 hours. Thank-you for your patience.

--

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

**From:** Beth Mohr  
**To:** Zaman, Jon K.  
**Subject:** Thank-you for your email RE: CPOA Budget  
**Date:** Wednesday, May 20, 2015 2:29:55 PM

---

Thank-you for your email. I am a Police Oversight Board member; this is a volunteer position for which I have limited availability. If your email requires a response from me, I will endeavor to do so within 72 hours. Thank-you for your patience.

--

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

**From:** Beth Mohr  
**To:** Scott, Mary L.  
**Subject:** Thank-you for your email RE: Draft Personnel Subcommittee meeting agenda  
**Date:** Wednesday, June 03, 2015 6:27:49 PM

---

Thank-you for your email. I am a Police Oversight Board member; this is a volunteer position for which I have limited availability. If your email requires a response from me, I will endeavor to do so within 72 hours. Thank-you for your patience.

--

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing something you said couldn't be done. ~ Amelia Earhart*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

**From:** Beth Mohr  
**To:** Rodgers, Shane  
**Subject:** Thank-you for your email RE: FW: Ride-Along  
**Date:** Wednesday, May 20, 2015 1:11:11 PM

---

Thank-you for your email. I am a Police Oversight Board member; this is a volunteer position for which I have limited availability. If your email requires a response from me, I will endeavor to do so within 72 hours. Thank-you for your patience.

--

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing something you said couldn't be done. ~ Amelia Earhart*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

**From:** Beth Mohr  
**To:** Cummings, Matt  
**Subject:** Thank-you for your email Re: Internal Test @ 7:29  
**Date:** Tuesday, April 14, 2015 7:30:11 AM

---

Thank-you for your email. I am a Police Oversight Board member; this is a volunteer position for which I have limited availability. If your email requires a response from me, I will endeavor to do so within 72 hours. Thank-you for your patience.

--

Beth A. Mohr, Board Member  
Albuquerque Police Oversight Board

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

**From:** Beth Mohr  
**To:** Scott, Mary L.  
**Subject:** Thank-you for your email RE: Personnel issue re: Citizen Police Oversight Agency  
**Date:** Thursday, May 14, 2015 3:10:11 PM

---

Thank-you for your email. I am a Police Oversight Board member; this is a volunteer position for which I have limited availability. If your email requires a response from me, I will endeavor to do so within 72 hours. Thank-you for your patience.

--

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing something you said couldn't be done. ~ Amelia Earhart*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

**From:** Beth Mohr  
**To:** Roseman, William G.  
**Subject:** Thank-you for your email Re: Police Oversight Board Members Ride-Alongs  
**Date:** Thursday, May 21, 2015 4:20:35 PM

---

Thank-you for your email. I am a Police Oversight Board member; this is a volunteer position for which I have limited availability. If your email requires a response from me, I will endeavor to do so within 72 hours. Thank-you for your patience.

--

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.



**From:** Beth Mohr  
**To:** Swanson, Michael D.  
**Subject:** Thank-you for your email Re: Ride along  
**Date:** Sunday, April 26, 2015 3:25:26 PM

---

Thank-you for your email. I am a Police Oversight Board member; this is a volunteer position for which I have limited availability. If your email requires a response from me, I will endeavor to do so within 72 hours. Thank-you for your patience.

--

Beth A. Mohr, Co-Vice Chair  
Albuquerque Police Oversight Board

*Never interrupt someone doing something you said couldn't be done. ~ Amelia Earhart*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

**From:** Beth Mohr  
**To:** POB Auto-Forward  
**Subject:** Thank-you for your email Re: Test @ 10:07  
**Date:** Tuesday, April 14, 2015 10:08:07 AM

---

Thank-you for your email. I am a Police Oversight Board member; this is a volunteer position for which I have limited availability. If your email requires a response from me, I will endeavor to do so within 72 hours. Thank-you for your patience.

--

Beth A. Mohr, Board Member  
Albuquerque Police Oversight Board

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

**From:** Beth Mohr  
**To:** Moya, Julian N; Zaman, Jon K,  
**Subject:** Update re: POB  
**Date:** Wednesday, May 13, 2015 4:52:40 PM

---

Jon & Julian - I just wanted to check in with you. We had discussed the possibility of getting together last week, at least by phone, but that didn't happen. The next POB meeting is May 19<sup>th</sup>, and I am setting the Agenda today. Should we talk? Thanks, -B

Beth A. Mohr, CFE, CAMS, MPA, PI  
Managing Partner  
McHard Accounting Consulting LLC  
933 San Mateo Blvd, NE 500-151  
Albuquerque, NM 87108  
[REDACTED] cell  
505-554-2968 office  
877-279-2942 fax  
NM-PI License #2503  
AZ-PI License #1639940  
CA-PI License #28441  
[bmohr@themchardfirm.com](mailto:bmohr@themchardfirm.com)

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*The greatest obstacle to discovery is not ignorance - it is the illusion of knowledge. ~ Daniel Boorstin*

**From:** Hammer, Robin  
**To:** Davila, Natalie Z.; Funes, Ana R.; Gonzalez, Arturo E.; Medrano, Michael V.; Norris, Scott; DuBois, John E.; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; Beth A. Mohr (CABO.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.hulzar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Jeannette Baca (jvbaca.pob@gmail.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (phamason.lw@gmail.com); Moira Amado-McCoy (moiraamado@gmail.com); Scott Wilson (jswilsonpob@outlook.com)  
**Subject:** Updated POB Contact Listing and Revised POB Meeting Dates  
**Date:** Tuesday, March 03, 2015 10:35:27 AM  
**Attachments:** POB Contact Info 3-3-15.doc  
Published POB Meeting Dates 2015.pdf

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Dear POB Members:

Attached is an updated POB Member Contact sheet which contains new POB-specific email addresses for Leonard Waites and Scott Wilson. Also attached is a revised POB Meeting Schedule, which changed the date of the October 2015 meeting to the third Thursday of the Month, October 15, to accommodate attendance at the National Civilian Oversight of Law Enforcement (NACOLE) conference. The Meeting Schedule is also published on our website: [www.cabq.gov/cpoa](http://www.cabq.gov/cpoa)

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3774  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Hammer, Robin  
**To:** Davila, Natalie Z; Funes, Ana R.; Gonzalez, Arturo E.; Medrano, Michael V.; Norris, Scott; DuBois, John E.; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neill, Erin; Skotchdopole, Paul A.; Beth A. Mohr (CABQ.POB.Mohr@gmail.com); David Z. Ring (dzt3@juno.com); Eric H. Cruz (eric.hulzar.cruz@gmail.com); Eva P. Sandoval (Evaps3716@yahoo.com); Jeannette Baca (jvbaca.pob@gmail.com); Joanne Fine (joannefine413@gmail.com); Leonard Waites (phamason.lw@gmail.com); Moira Amado-McCoy (moiraamado@gmail.com); Scott Wilson (iswilsonpob@outlook.com)  
**Subject:** Updated POB Contact Listing and Revised POB Meeting Dates  
**Date:** Tuesday, March 03, 2015 10:35:28 AM  
**Attachments:** POB Contact Info 3-3-15.doc  
Published POB Meeting Dates 2015.pdf

---

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Attached is an updated POB Member Contact sheet which contains new POB-specific email addresses for Leonard Waites and Scott Wilson. Also attached is a revised POB Meeting Schedule, which changed the date of the October 2015 meeting to the third Thursday of the Month, October 15, to accommodate attendance at the National Civilian Oversight of Law Enforcement (NACOLE) conference. The Meeting Schedule is also published on our website: [www.cabq.gov/cpoa](http://www.cabq.gov/cpoa)

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## **CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy   Dr. Jeannette Baca   Eric H. Cruz*  
*Joanne Fine   Beth Mohr   Rev. Dr. David Z. Ring III*  
*Eva P. Sandoval   Leonard Waites   Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

## **POLICE OVERSIGHT BOARD**

### **Meeting Schedule**

**March – December 2015**

**All Meetings are held in the  
Vincent E. Griego Chambers –  
One Civic Plaza NW - 5<sup>th</sup> & Marquette NW, Lower Level  
Albuquerque, NM 87102**

**Meetings Begin at 4:00 pm unless noted otherwise**

**Thursday, March 12, 2015  
4:00 pm to 7:00 pm**

**Thursday, April 9, 2015 (note time change)  
5:00 pm to 8:00 pm**

**Tuesday, May 19, 2015 (note day change)  
4:00 pm to 7:00 pm**

**Thursday, June 11, 2015  
4:00 pm to 7:00 pm**

**Thursday, July 9, 2015  
4:00 pm to 7:00 pm**

**Thursday, August 13, 2015  
4:00 pm to 7:00 pm**

**Thursday, September 10, 2015  
4:00 pm to 7:00 pm**

**Thursday, October 15, 2015  
4:00 pm to 7:00 pm**

**Thursday, November 12, 2015  
4:00 pm to 7:00 pm**

**Thursday, December 10, 2015  
4:00 pm to 7:00 pm**

**Meetings may extend beyond 7:00pm**

**From:** Hammer, Robin  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown (susanne.brown37@yahoo.com); Cash, Paul; Contreras, Michelle; Davidson, Christopher; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, Paul A.  
**Cc:** Davila, Natalee Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.  
**Subject:** Work flow chart  
**Date:** Wednesday, May 06, 2015 3:59:00 PM  
**Attachments:** Swimlane.OVERVIEW OF THE INITIAL OFFICE COMPLAINT PROCESS.docx

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POB Members:

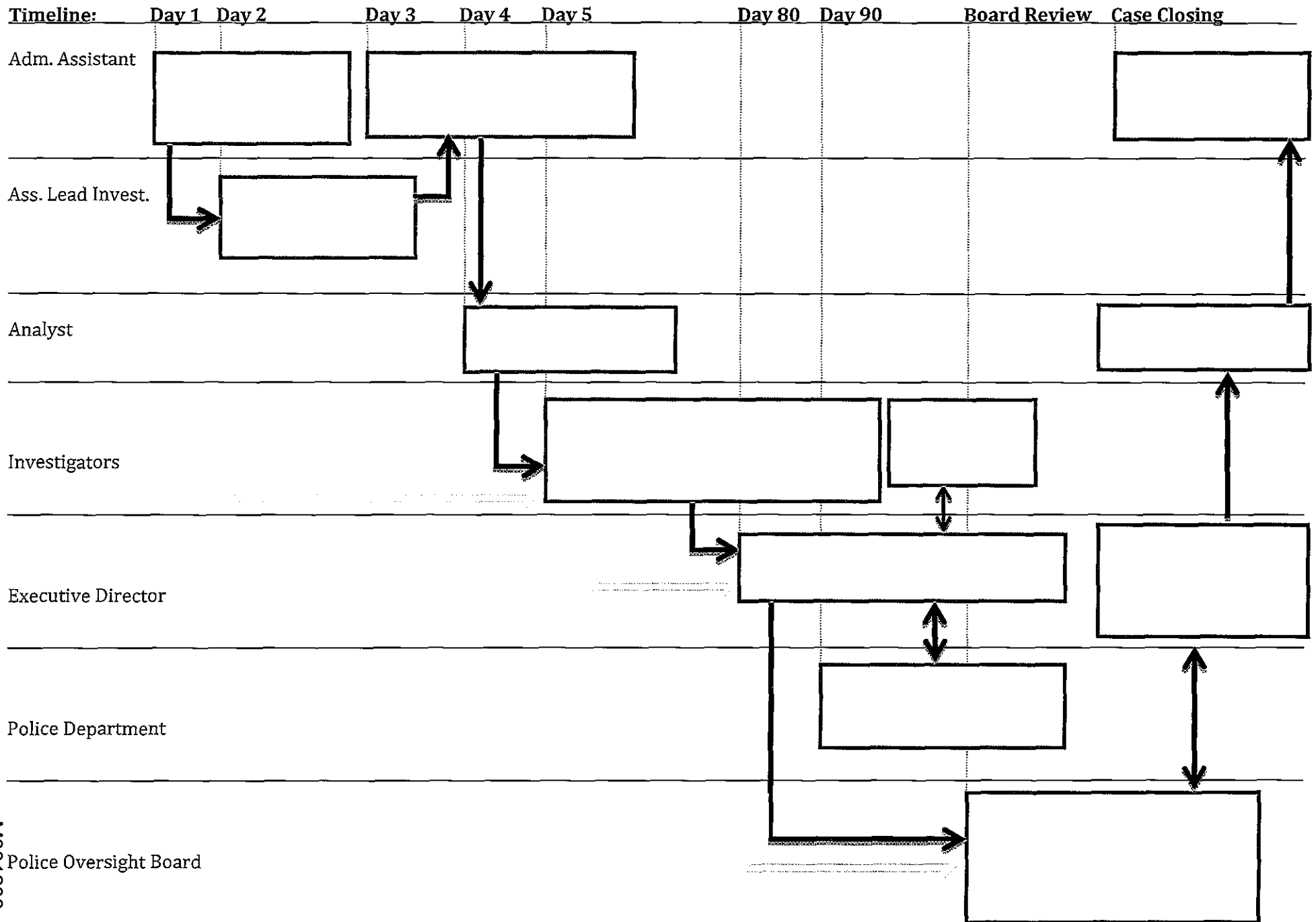
Attached is a work flow chart of the initial Civilian Police Complaint (CPC) Process.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**  
Acting Executive Director  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

## OVERVIEW OF THE INITIAL CPC COMPLAINT PROCESS





**From:** Beth Mohr  
**To:** Green, Alan; Hammer, Robin; POB; Yermal, Vincent A.; Mark T. Baker; Scott, Mary L.  
**Subject:** Writing assignment - ad to CPOA Director Posting  
**Date:** Friday, June 12, 2015 1:03:00 PM  
**Attachments:** Approved Writing Assignment for CPOA Director Applicants.docx

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Mr. Green & Mr. Yermal,

Attached is the writing assignment/questionnaire for the CPOA Director position. Please attach this so that it goes to all future applicants for the job, and send it to anyone who has already applied. The deadline is the same as the closing date for the position. I have also attached the timeline for you, Mr. Green, because my guess at your email using the typical city naming convention failed, so you missed that email.

In order to avoid a huge glut of work for HR on July 17th and July 19th, let's coordinate so that I can pick up the applications and assignments every week or so, or you can upload them to a website that I can create to which the entire POB will be given access. This way we can at least skim the applications and assignments as they come in, and you'll only have a few left to push to us when the position closes.

Additionally, we'll need to come up with a release form that allows the POB to conduct our own reference and background checks, in addition to whatever City HR would perform, unless you think that the Board would be included in whatever release is part of the City's application process.

The initial delay in job posting was most distressing to the Board, so we want to ensure that we can stick to a schedule now that we have one.

Please call me with any questions. I am taking responsibility for this process, as Chair of the Personnel Subcommittee, and will absolutely ensure its success, so just let me know what you need from me so we can all stay on schedule.

Thanks much, -B

Beth A. Mohr  
Albuquerque Police Oversight Board

*The only thing necessary for the triumph of evil is for good men to do nothing. ~  
Edmund Burke*

NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due July 17, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to CITY HR TO BE INSERTED. Completed questionnaire is required or application is not complete and candidate will not be considered.

The CPOA Director will be interacting with the POB during televised monthly meetings. In order to demonstrate that an applicant is comfortable with interacting with the POB on live TV (and to comply with a court order) the final interview for the Director position will take place on Gov-TV. You must be willing and able to participate in the job interview on Gov-TV in order to be considered for this position.

Please provide the following information:

Name:  
Firm/Employer:  
Address:  
Phone:

1. After reviewing the City of Albuquerque Settlement Agreement/Consent Decree\*, what strikes you as the most important goal for the CPOA (and POB, if applicable) to achieve within the next 12 months, in order to demonstrate to the community that civilian oversight is meaningful and effective?
2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.
3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.
4. Which of your legal cases are you the most proud of and why?
5. Describe your investigative philosophy.
6. The CPOA as an organization has gone through a period of transition and is currently dealing with a variety of issues, including a large backlog of cases. What in your background makes you uniquely qualified to take the helm of this organization and move it forward?
7. What is your vision for the CPOA?
8. What do you view as the top five assets you bring to this position, whether personality traits, knowledge-based skills or experiences. Explain why each is important and how it is uniquely beneficial to the CPOA. Also provide at least one challenging area of your personality or skill set that you struggle with or are working to improve.
9. This position requires working with diverse groups of stakeholders, such as community groups, union officials, elected officials, Department of Justice attorneys, a DOJ monitor, and others. Please describe your experience working with disparate groups of stakeholders, such as community groups, union officials, elected officials, Department of Justice attorneys, a DOJ monitor, and others. Describe a situation where you were involved with a group that started out with conflict or opposite points of view, where you were able to help achieve the group's goals through a collaborative process of your facilitation or management. Describe the stakeholders, your role and responsibility, and also give the outcome.

10. Is there anything else we should have asked? Feel free to share anything you wish the POB to know about you that will help us make a decision.

Provide three professional references that we may contact, please include their full name, firm and position, phone number(s) and email address, as well as a few words detailing their knowledge of you.

Settlement agreement/Consent Decree and related documents are available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>