

**From:** Beth Mohr  
**To:** Joanne Fine; Eric Cruz; Mark T. Baker  
**Subject:** Personnel - Applicants for Exec Director Position  
**Date:** Tuesday, July 07, 2015 6:45:43 PM  
**Attachments:** [CPOA Director Applicant Bradley Brown w-writing assignment.pdf](#)  
[CPOA Director Applicant Edward Harness w-writing assignment.pdf](#)  
[CPOA Director Applicant Herbert Strassberg w writing assignment.pdf](#)  
[CPOA Director Applicant John Grubestic w writing assignment.pdf](#)  
[CPOA Director Applicant Julia Petrucelli w-writing assignment-resume-cover letter.pdf](#)  
[CPOA Director Applicant Niva Lind w writing assignment resume.pdf](#)  
[CABO HR - CPOA Director Applicant Summary.xlsx](#)

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All - I'm enclosing the completed applications with writing assignments that I have received. There are 3 additional people who have applied and their writing assignments are not yet due, and I don't have their applications yet, they are: Duncan Bradley, Robin Dozier Otten and Jennifer Romero. I'm not sending you resumes of people who failed to complete the writing assignment, if you want those, let me know - for whatever reason, Allen sent me some of those and not others. I'm also enclosing the spreadsheet tracking people.

Please confirm receipt of these. 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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 24847172**

Name: Bradley J Brown Address: [REDACTED] Las Vegas, Nevada 89123 US  
Home Phone: [REDACTED] Alternate Phone:  
Email: [REDACTED] Notification Preference: Email  
Former Last Name: Month and Day of Birth:

**Personal Information**

Driver's License: Yes  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
Are you willing to relocate? Yes  
I have contacts in ABQ healthcare community that allow for easy relocation  
Types of positions you will accept: Regular  
Types of work you will accept: Full Time  
Types of shifts you will accept: Day , Evening , Night , Rotating , Weekends , On Call (as needed)

**Objective**

**Education**

**Professional**  
*University of Kansas*  
6/1996 - 8/1998  
Lawrence, Kansas

Did you graduate: Yes  
College Major/Minor: Law  
Degree Received: Professional

**Graduate School**  
*Purdue University*  
6/1990 - 6/1992  
West Lafayette, Indiana

Did you graduate: Yes  
College Major/Minor: Management  
Degree Received: Master's

**College**  
*Friends University*  
[Unspecified Start] - 1990  
Wichita, Kansas

Did you graduate: Yes  
College Major/Minor: Human Resource Management  
Degree Received: Bachelor's

**Work Experience**

**General Counsel and VP of Business Development**  
10/2013 - Present

Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 4  
May we contact this employer?

Anterro, LLC  
Miami, Florida

**Duties**

responsible for negotiating provider-supplier relationships under Obamacare regulations. Assist in formation and operation of accountable care organizations (ACOs) under the Affordable Care Act.

**Reason for Leaving**

Change in business objectives

**General Counsel**

Hours worked per week: 40

7/2009 - 9/2013

Access Healthcare, LLC  
Spring Hill, Florida

Monthly Salary: \$0.00  
# of Employees Supervised: 8  
May we contact this employer?

**Duties**

in charge of the legal department of a management company managing 50 other companies, including commercial real estate operating companies and medical practices. Responsible for litigation management, including mediation, negotiation, and settlement of claims as well as overseeing outside business litigation counsel.

**Reason for Leaving**

Company was purchased by a hospital and ceased further growth.

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**Attorney**

1/2003 - 6/2009

Brown Law Office  
Wichita, Kansas

Hours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?

**Duties**

General practice focused on healthcare and intellectual property, including healthcare M&A, regulation compliance, drafting and negotiation of commercial real estate leases, commercial contracts, IP licenses, and infringement litigation and corporate administration.

**Reason for Leaving**

Economic conditions

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**Associate**

8/2001 - 1/2003

Martin, Pringle LLP  
Wichita, Kansas

Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 1  
May we contact this employer?

**Duties**

Engaged in M&A, entity formation, commercial retail leasing, contract drafting, negotiation, litigation document review, and litigation for large and medium businesses conducting business on an international basis. Business contract and license drafting. Primary and secondary litigator for civil litigation. Prosecution of appeals representing both Appellants and Appellees. Member of the court appointment panel for indigent criminal defendants serving as primary counsel for several felony jury trials.

**Reason for Leaving**

Major client was a supplier to Walmart and the firm commenced representation of Walmart creating conflict of interest

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**Managing Attorney**

8/1998 - 8/2001

Brown and Kent  
Wichita, Kansas

Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 8  
May we contact this employer?

**Duties**

Principal in a general practice firm focusing on business matters transactions involving entity formation, drafting and negotiating commercial leases, contract and licensing agreements, client counseling, and including copyright, trademark and patent litigation. Served as primary counsel on over 800 criminal cases.

**Reason for Leaving**

Recruited by Martin Pringle as a result of a patent litigation case I retained them to second-chair for me.

**Certificates and Licenses**

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

**References**

**Resume**

**Text Resume**

**Attachments**

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: University of Kansas School of Law

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: Kansas and Florida

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**5. Q:** How many years of management experience do you possess related to this position?

A: 6 or more years

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**6. Q:** Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

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**7. Q:** Briefly describe your experience in criminal investigation.

A: Represented criminal defendants in possibly over 1,000 cases involving criminal investigations. Worked with law enforcement expert witnesses in evaluating criminal investigations.

I have never been employed by a law enforcement or prosecuting agency. My experience has focused on investigating and defending against criminal claims to assure appropriate resolution of the controversy.

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**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: Represented clients in both civil and criminal litigation for over 1,000 cases. Practiced healthcare law involving administrative law and procedure.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due June 24, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov). The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: Bradley Brown  
Firm/Employer: Anterro, LLC  
Address: [REDACTED], Albuquerque, NM 87108  
Phone: [REDACTED]

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?

The City of Albuquerque has attempted some form of public oversight continuously since June of 1978. During the intervening decades, the city has explored a variety of methods with limited or no success. In fact, the April 2014 DOJ Findings letter opined that the then current approach to public oversight was a contributor to what it considered to be unconstitutional conduct of the Albuquerque Police Department (APD). There may be no greater failure of public oversight.

In September 2014, the City of Albuquerque instituted the POB and CPOA as a new form of public oversight in attempt to address the short comings believed to be present in the prior implementations. As with all previous forms of public oversight, under the current system the APD remains free to ignore the recommendations of the POB. However, the present environment makes it far more likely that the APD will be receptive to change as a result of information it receives from the community. The single most important element in the success of public oversight is APD's willingness to participate.

As a result, the most important goal for the CPOA and POB to achieve within the next 12 months is to objectively demonstrate on a consistent basis that the APD is meaningfully responsive to recommendations of the POB and CPOA. If the APD fails or refuses to adopt the recommendations of the POB as a general practice, the POB and CPOA will fail at effective public oversight within far less than twelve months.

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

During my representation of a company, I became aware that a high level executive, who was my superior, had purchased and was operating an independent business venture. The existence of that business venture may have exposed the company to the possibility of civil and criminal claims. Knowing that my employment was in jeopardy, I reported my concerns to the CEO of the company and the executive. The executive obtained legal counsel and divested of that business venture. I took action because my ethical responsibility to the company is of greater importance than my continued employment. Fortunately though, our working relationship successfully survived the situation.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

Prior to law school during my employment at The Boeing Company I was given responsibility for a software quality assurance department that made the final delivery decisions for a number of multi-billion dollar programs including nuclear capable weapon systems. At the time of my promotion, I was the sole member of the department and confronted with the challenge of budgeting, obtaining facilities, and staffing in the face of rapidly growing business demand. I located facilities, obtained equipment, and hired a number of employees in a matter of weeks. Over the course of the next few years, I recruited and hired more than 30 employees. During this time, I created company-wide policies and procedures that outlined the philosophy of the organization and allowed employees quickly to become productive. I dealt with this challenge by creating a well-rounded cohesive team that could be relied upon to effectively accomplish their responsibilities independently. Managing delegation of tasks was critical, because the scope of work was broad and some of my employees were located remotely where communication was limited to phone calls with months passing between in person visits.

My second example is when, as general counsel, I was asked to terminate the HR director of a 650 employee company. I proposed to the executives the alternative of demoting of the HR director to an administrative position and the transfer another partially qualified employee to the director position. Having anticipated the situation over a year previously, I had arranged for the employee to be transferred to the HR department as an administrative assistant to gain HR experience, followed by coordinating her promotion and transfer to the business development department engaged in HR facilitation activity. By the time the situation with the incumbent HR director developed, the employee had sufficient experience to handle the position. The executives approved my proposal and tasked me with carrying it out, which I did in a matter of weeks.

The reason I proposed this alternative was that termination and replacement of the HR director could have caused significant disruption to the company. The incumbent was an experienced HR professional who enjoyed the administrative aspects of the job and had significant corporate memory, but disliked the conflict inherent in the HR director position. The proposed employee was adept at handling conflict and resolving disputes, but had insufficient experience in HR to serve a 650 employee company alone. However, with the enthusiastic support of the former HR director, she successfully performed as HR director while gaining experience in the position. The two of them work well as a team. Both individuals are still serving in those positions now after nearly three years.

A final example involves a situation when a physician-employee of the company related a racially charged joke in the presence of two minority employees, one of whom took offense. Another physician in the office reported the incident to me and I immediately investigated to confirm the occurrence, engaged in a discussion with the offending physician regarding the inappropriate conduct, then scheduled sensitivity training which included a final examination. My outside legal counsel included a female minority attorney who agreed to provide the sensitivity training as well as to counsel the offended employee to ensure that future performance was not affected. I followed up three months later to verify that the intervention had been successful and the office continued to be productive. Ensuring appropriate respect for all persons is vital to ensuring that an organization is able to function at optimal productivity.

4. Which of your legal cases are you the most proud of and why?

One case of which I am proud involves a mentally disadvantaged youth who had been charged with two counts of statutory rape with an initial proposed plea of one count with a 40 year sentence and no possibility of parole. A multi-state investigation revealed that an older sister who was alienated from

her father had made false claims about her younger sister in an attempt to harm her father, which gave rise to the false charges against my client. A court appointed medical expert re-examined the alleged victim and reported that the investigative findings presented in three reports all had been fabricated. After over a year involving many hearings before the court, I reached a plea agreement with the prosecutor for a misdemeanor conviction. The judge accepted a plea of no contest, entered a misdemeanor conviction and a sentence of time served. I am proud of this case because it represents defending a vulnerable person in an unpopular cause in the face of seemingly insurmountable odds.

Another case involved a claim of commercial fraud perpetrated by the relative of a sitting judge in the same district. After having engaged in a protracted uphill struggle to get the case in front of a jury, the presiding judge interrupted my examination of the defendant and allowed those of my claims that he previously had disallowed. Deliberation took less than 20 minutes. I am proud of this example because it represents pursuing justice in a difficult case with significant opposition.

One final case of many involved a court appointed representation relating to counts of attempted murder, kidnapping, felony evade and elude, and felony criminal damage to property. At the first preliminary hearing, the judge refused to bind over two of the counts for want of probable cause. The prosecutor dropped charges and refiled, and I was reappointed to the same defendant by mere chance. At the second preliminary hearing in front of a different judge, the judge bound the two charges, but refused to bind over the charges that had been bound in the previous hearing. Again, the prosecutor dropped the charges and refiled, but this time in anticipation, I had requested the assignment clerk to assign the case to me. The third preliminary hearing in front of a still different judge resulted again in only two charges being bound over, at which point the prosecutor entered into a plea for two misdemeanor counts with time served. My success largely was a result of my long-term relationship with an out of state law enforcement officer who served as an investigator. I am proud of this case because of my persistence in seeking a better outcome for my client. The traditional approach would have been to waive the preliminary hearing and let the case go to trial, but that would have meant the defendant would have spent perhaps close to a year in custody awaiting trial.

5. Describe your investigative philosophy.

The POB and CPOA exist to assure the community of the quality of the APD. Quality in this case being compliance with the US Constitution, New Mexico laws, the Settlement Agreement/Consent Decree, and other specifications of the APD system. Verification of quality can be expected to involve both a systemic audit program and a complaint resolution program. The audit program investigates both that the policies and procedures are correct and adequate, and verification of operational compliance with those policies and procedures. The complaint resolution program uses information provided by complaint investigations to further examine and verify the adequacy of the APD policies and procedures.

An investigation is an important step in a process of ensuring and improving the quality of the APD system. The investigation, however, is merely the information gathering portion of the process. The critical and possibly more difficult activity is that of implementing effective resolution of the identified concerns. The typical reaction of an organization to audit findings or complaints is to defend, deny and avoid taking any corrective action. But, with education and persistence, organizations can understand that all systems are imperfect, and that investigative findings are critical information necessary to continuously improve the system.

Part of my investigation philosophy is that among the most damaging conduct possible with respect to public oversight is false statements made by public servants in the course of an investigation. The Fifth Amendment does not shield false statements. See U.S. v. Wong (1977), U.S. v. Mandujano (1976), and U.S. v. Knox (1969). Consequently, Garrity rights do not apply to perjured or false statements made by a government employee under Garrity protection. I vigorously will encourage prosecution of any

government employee who participates in sworn false statements made during the course of an investigation, whether they utter the false statement or knowingly allow it to be uttered.

Furthermore, it is my opinion that *Garrity* rights do not require that the City of Albuquerque knowingly to expose the public to a risk of danger merely because information regarding that danger was elicited through compelled self-incriminating statements. It is my expectation and belief that the constitutional rights of government employees can be protected while simultaneously protecting the constitutional rights of the public at large.

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?

The POB and CPOA are tasked with verifying the quality of the APD as defined by the US constitution, New Mexico laws, the Settlement Agreement/Consent Decree, and other quality specifications. I have extensive experience with quality verification that is relevant here. In addition to my experience with criminal defense attorney, which will help with interpretation of the quality specifications for the APD, I also have fifteen years of quality assurance and industrial statistics experience that will allow rapid implementation of a comprehensive and cost effective program to verify APD's compliance with the identified requirements. In the past, I have been certified by the American Society for Quality, as a Quality Engineer, a Quality Auditor, and a Reliability Engineer, representing the possession of specific knowledge relating to the investigation of compliant and noncompliant systems and the resolution of noncompliance.

My background in industrial statistics also may be especially useful in rapidly responding to a large backlog of cases in a timely manner. Although sometimes criticized by people who do not understand, statistics is a science of decision making and problem solving that involves taking quantities of data and identifying information contained therein. The efficiency of investigations may be increased with the appropriate use of such analytic methods. Statistics can be used not only to identify the priority of investigations to pursue, but also to identify which cases are likely to be isolated events and which may be signals of systemic issues, and to objectively measure the success of implemented recommendations.

Statistical methods allow for an objective determination whether the POB and CPOA are effective. CPOA's report to the community and the City be expressed with a scientific level of confidence. For example, appropriate implementation of statistical methods can allow measurement of community confidence, and the change in that confidence over time, regarding whether the POB and CPOA have been able to achieve effective public oversight. Among the many other factors of quality that can be objectively measured are whether the frequency of observations of putative unconstitutional conduct has changed to a statistically significant extent and whether recommendations implemented by APD are likely to have contributed to an improvement in system performance.

7. What is your vision for the CPOA?

The POB is the voice of the community seeking to ensure the quality of the APD. Among the factors of quality that can be measured is the level of community confidence that the APD is appropriately protecting the community and that the CPOA is effective in supporting public oversight. The CPOA is the administrative function that supports the POB and empowers it with appropriate resources and systems to ensure that the concerns of the community have been satisfactorily addressed and that the APD is maintaining appropriate quality.

The primary purpose of the POB and the CPOA is to ensure that the community has confidence that the APD is complying with the US Constitution and other quality requirements while allowing the APD the

appropriate operational secrecy necessary to engage in effective law enforcement. It is my expectation based on prior experience with quality systems, that the APD can be persuaded to be responsive voluntarily to the recommendations of the POB from its own self-interest. It will be my goal to persuade the APD to take objectively verifiable action with respect to every recommendation of the POB.

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.

Prior experience with similar quality assurance systems. I have created and managed many quality assurance and complaint resolution systems in similar politically charged and conflict-filled environments under tight time constraints and high pressure to perform. I can create and have in operation an objectively verifiable system producing results visible to the community in a very short period of time.

Focus on the goal. The important goal of public oversight is for the community to have confidence in the APD. I am able to evaluate mountains of data to determine which are important versus merely urgent, and develop a strategy to satisfactorily accomplish large numbers of assignments in a short period of time. The CPOA has a large backlog of cases and being able to address and resolve that backlog quickly and effectively is important for establishing confidence in the CPOA and the APD.

Willingness to forgive insult to get the job done. I do not hold grudges and easily forgive insults. In an environment of conflict and divergent motivations, holding grudges for past insults or seeking retaliation can politicize an environment and destroy consensus building necessary for conflict resolution. Having implemented quality systems before, I have extensive experience de-escalating the natural defensiveness of organizations against perceived criticism and induced change.

Independence. I am an outsider. I have no prior relationships with the APD, the City Attorney, or any other employee of the City of Albuquerque. I have never been a police officer, a prosecutor, nor a city attorney. No one justifiably can accuse me of bias or favoritism.

Development of effective relationships. I have experience with developing effective relationships with people of all perspectives, cultures and backgrounds. Having an appropriate understanding of our different world views is important to ensuring effective community engagement and support.

As for one of my challenging characteristics, I have a tendency to be intense with a laser-like focus on completing important assignments that can cause distress for those who work for me. At times I have been given the nicknames, 'Bulldog' and 'Missile-lock.' I gravitate toward situations that involve more work than can be done in the given amount of time and lose sight of the clock to ensure the completion of an important goal. Sometimes this results in giving employees more work than they accomplish leading to stress and distress. To address this characteristic, I intentionally develop a rapprochement with my staff that allows them to coordinate the scheduling of their assignments and identify appropriate deadlines. We discuss the distinction between important and urgent assignments, and coordinate a priority that assures the appropriate assignment is accomplished at the required time.

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.

An advantage of having many years of life experience is that I have had numerous opportunities to be involved as officer, chairman or member of numerous community groups, including branches of the

American Red Cross, American Cancer Society, Habitat for Humanity, and other organizations. I have represented multiple independent practice associations, which are a type of union for physicians, with respect to their labor negotiations with contracted health plans and in matters relating to discipline of individual physicians, including navigation of the contractual dispute resolution and appeals provisions. I have served as an intern for a state senator, and coordinated lobbying action seeking reformation of state law. I have interacted with DOJ attorneys with respect to multi-million dollar civil and criminal claims. I have no prior experience working with a DOJ monitor, but my employment with The Boeing Company involved years of working closely with numerous defense procurement officers that served in an analogous role of monitoring that our system was complying with the requirements of the procuring government department. My fifteen year career at Boeing, and seventeen as an attorney, has centered on resolving disputes between groups having different interests in order to create a consensus necessary to achieve a common goal.

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.

My situations are myriad, but unfortunately the most interesting examples involving legal cases, the DOJ and others, are cloaked in confidentiality or involve classified programs. One example I can relate involved the assembly and installation of the aft access and blow out door that precludes a catastrophic failure mode for the 737 commercial aircraft; the door keeps the aircraft from blowing apart in midair. The installation process took nearly 8 hours to complete but the production line was being accelerated necessitating a more efficient process. There was significant conflict with the installation crew blaming assembly, assembly blaming tooling, and tooling blaming engineering; these conflicts related to hundreds of millions of dollars and involved perhaps 100 people all highly motivated to place blame on others with negative impact on process improvement. My responsibility was to improve the process to allow the airplane assembly to move faster while maintaining appropriate quality, which caused increased work but no reward for all of the supporting organizations. My role was to mediate disputes and obtain engagement from those disputing organizations. As a result of my facilitation and in a period of less than a week, the process was adjusted to allow completion of installation in less than 20 minutes.

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.

A Wichita, Kansas television news station used me as an on-air legal expert for a period of years. They would call me with an issue of criminal or civil law as they were on their way to my office to televise the interview. In most cases, I had less than ten minutes notice of the interviews on a wide variety of legal subjects.

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.

Laura Bunting  
R&D Manager  
Spirit AeroSystems, Inc  
PO Box 780008; MC K78-10  
Wichita, KS 67278-0008  
[laura.a.bunting@spiritaero.com](mailto:laura.a.bunting@spiritaero.com)  
316 - 214 - 7930

Laura Bunting was the first employee that I hired into the Software Quality Assurance organization at The Boeing Company. She worked with me in the development and operation of complaint resolution

systems and quality programs for hundreds of projects involving tens of thousands of people including government monitoring and oversight. She currently is a member of several corrective action boards. She has known me for nearly 30 years.

Courtney Elam  
Assistant District Attorney in Atlanta, Georgia

[REDACTED]  
[REDACTED]

Courtney Elam served as outside counsel on contract drafting and personnel matters. She has worked with me in resolving company personnel conflicts. She has known me for approximately 5 years.

Edmund J. McKenna  
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
100 North Tampa Street, Suite 3600 Tampa, FL 33602  
Telephone: 813-289-1247  
Fax: 813-289-6530  
[edmund.mckenna@ogletreedeakins.com](mailto:edmund.mckenna@ogletreedeakins.com)

Ed McKenna served as outside counsel for employment practices. We worked together on numerous employment dispute related matters including EEOC complaints and employment practice litigation. He has known me for 6 years.

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR****Contact Information -- Person ID: 24856880**

Name: Edward W. Harness Address: [REDACTED]  
Milwaukee, Wisconsin 53202 US  
Home Phone: [REDACTED] Alternate Phone: [REDACTED]  
Email: [REDACTED]m Notification Preference: Email  
Former Last Name: [REDACTED] Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, Wisconsin, [REDACTED]  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
Are you willing to relocate? Yes  
Types of positions you will accept: Regular  
Types of work you will accept: Full Time  
Types of shifts you will accept: Day , Evening , Night , Weekends , On Call (as needed)

**Objective****Education**

**Graduate School** Did you graduate: Yes  
*Marquette University Law School* College Major/Minor: Law  
8/1997 - 5/2000 Degree Received: Doctorate  
Milwaukee, Wisconsin

**College** Did you graduate: Yes  
*Concordia University* College Major/Minor: Management of Criminal  
[Unspecified Start] - 5/1996 Justice Operations  
Mequon, Wisconsin Degree Received: Bachelor's

**Professional** Did you graduate: No  
*California State Polytechnic University at Pomona* College Major/Minor: Resources and Small  
9/1977 - 12/1981 Business Management  
Pomona, California Degree Received: Professional

**Work Experience**

**Attorney & Counselor at Law** Hours worked per week: 40  
11/2001 - Present Monthly Salary: \$0.00  
# of Employees Supervised: 2  
Harness Law Offices, LLC Name of Supervisor: Edward Harness -  
www.bankruptcymke.com Owner/Attorney  
310 E Buffalo St May we contact this employer?  
Milwaukee, Wisconsin 53202  
4146472222

**Duties**

Private practice of law representing individuals in two federal areas. Accredited by the Department of Veterans Affairs, & a designated Federal Debt Relief Agency. Gross receipts \$0 - \$224,000

**Founder/Mediator** Hours worked per week: 10  
5/1998 - 9/2010 Monthly Salary: \$0.00

E-Mediate(TM)  
Milwaukee, Wisconsin

Name of Supervisor: Edward Harness -  
Owner/Mediator  
May we contact this employer?

**Duties**

National Panelist, 1999 - 2010, United States Postal  
Service REDRESS Program Mediator, Workplace dispute, formal and informal EEO  
complaints.

**Director-Dispute Resolution**  
5/1999 - 7/2002

Hours worked per week: 40  
Monthly Salary: \$0.00  
Name of Supervisor: Ran Hoth - CEO  
May we contact this employer?

Better Business Bureau of Wisconsin  
www.bbbwi.org  
10101 W Greenfield Ave  
Milwaukee, Wisconsin 53214  
414-847-6000

**Duties**

The center provides dispute resolution services for the statewide organization including BBB Auto Line  
program for Wisconsin. Duties  
included system design, recruiting, training, implementing policy and programs.  
Salary Range \$35,000 - \$50,000

**Police Officer**  
7/1991 - 8/1997

Hours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?

Milwaukee Police Department  
749 W State Street  
Milwaukee, Wisconsin 53233  
4149334444

**Duties**

Conducted all phases of law enforcement including;  
investigation, crime suppression, new officer training, report writing, and court  
testimony. Salary Range \$30,000 - \$45,000

**Certificates and Licenses**

**Skills**

Office Skills  
Typing:  
Data Entry:

**Additional Information**

Professional Associations

Wisconsin Bar Association, Admitted to practice law in the state of Wisconsin  
Eastern District of WI Federal Bar - Admitted to practice law in the Eastern District of WI.

Professional Associations

National Association for Civilian Oversight of Law Enforcement

Professional Associations

National Association of Consumer Bankruptcy Attorneys

Professional Associations

National Organization of Veterans Advocates

Professional Associations

Board of Directors - Wisconsin Association of Mediators

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Honors & Awards

Bachelor of Arts, Cum Laude, May 1996

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Honors & Awards

Marquette University Law School - The Saint Thomas More Law Scholarship, 1997

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Honors & Awards

The W. Dale Phillips Scholarship, 1998, The Honorable Noel P. Fox Law Scholarship

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Honors & Awards

1998, The Clifford I. Bitker Memorial Law Scholarship, 1999

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Honors & Awards

Milwaukee Police Department - Chief of Police Superior Achievement Award, 1995

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Honors & Awards

United States Army - Army Commendation Medal, 1988, (2) Army Good Conduct

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Honors & Awards

American Registry Highest Rated Professionals, 2014

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Honors & Awards

M' Milwaukee Lifestyle Magazine's Top Rated Attorneys, 2012 - 2015

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Honors & Awards

National Academy for Bankruptcy Attorneys Top Ten Attorney, 2014

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Honors & Awards

Wisconsin Rising Star SuperLawyers, 2008 - 2010

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Honors & Awards

(4) Meritorious Arrest Awards, 1991-1995

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Honors & Awards

US Army Commendation Medals, 1985 & 1988

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Professional Associations

Vice Chair, Police Commission - Whitefish Bay, Wisconsin. Citizen oversight of police hiring, discipline, and civilian complaints

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Volunteer Experience

Volunteer Instructor - Make A Difference Wisconsin, Inc. teaching financial literacy

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Volunteer Experience

Volunteer Attorney - Marquette Volunteer Veterans' Legal Clinic

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Volunteer Experience

Peer Mentor - Milwaukee County Veteran's Court facilitated by Dryhootch

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Volunteer Experience

Expert Presenter - Wisconsin Women's Business Initiative Corporation, Inc

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**References**

Personal

**Leibold, Kurt**

Assistant Chief of Police Milwaukee Police Dept

Milwaukee, 53233

Professional

**Young, Michael**

Chief of Police Whitefish Bay

5300 N Marlborough Dr

Whitefish Bay, Wisconsin 53217

414-962-3830

Professional

**Harron, Denise**

Attorney-Chair Police Commission

1200 N Mayfair Rd

Suite 290

Milwaukee, Wisconsin 53226

414-777-0000

Personal

**Inger, Alma**

Paralegal

735 W Wisconsin Ave

12th Floor

Milwaukee, Wisconsin 53233

**Resume****Text Resume****Attachments**

Attachment	File Name	File Type
DD Form 214.pdf	DD Form 214.pdf	Other

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: Yes

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and

relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: Marquette University Law School

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: State Bar of Wisconsin  
Federal Bar - Eastern District of Wisconsin

5. Q: How many years of management experience do you possess related to this position?

A: 6 or more years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

7. Q: Briefly describe your experience in criminal investigation.

A: My experience in criminal investigations is 6 years as a City of Milwaukee Police Officer. Additionally, I spent 6 years as a Military Policeman.

8. Q: Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: In addition to the experience I described above, for the past seven years I've served as a Commission for the Village of Whitefish Bay police department.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due July 1, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov) . The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: Edward W. Harness  
Firm/Employer: Harness Law Offices  
Address: [REDACTED] Milwaukee, WI 53202  
Phone: 4 [REDACTED]

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?

**ANSWER:** Use of Force is the issue on which the public will focus. What is the CPOA going to do about it? I propose the following:

- a. Within 30 days the Chief of APD must present an overview of the department's Use of Force Training for new hires and in-service training. This report must include a detailed use of force continuum. Additionally, the Chief must present a comparison between APD standards and national standards.
- b. Within 90 days the Chief must submit an action plan to conform with national standards for use of force with a timeline for department wide training.

At the same time the Director must initiate an aggressive media campaign to highlight the work of the CPOA relating to the use of force issue. That campaign must include individual meetings with stakeholders, media availability, and use of social media.

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

**ANSWER:** A few years ago a client came to my office needing to protect assets from garnishment. The garnishment effective date was just a few days away. I filed an action in federal court on an emergency basis.

After the case was filed I discovered my clients had an interest in a business they had not disclosed to me or to the court. Because I filed the case on an emergency basis, the case status was still pending. Therefore, the clients' assets had not been finalized with the court.

Upon discovering these facts I met with my clients and discussed their options. They could continue the case and possibly face criminal charges; and I would file a motion to withdraw as their attorney, or they could voluntarily dismiss their case and find another way to protect their assets.

My clients voluntarily dismissed their case.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

**ANSWER:** An employee presented a challenge to me. For a time my law office ran commercials on a local Spanish TV station. The campaign was successful and I needed to add a Spanish speaking assistant. My Office Manager and I interviewed applicants and we hired a part-time assistant to answer phones, do client intake, and data entry.

After the employee started it became apparent she was comfortable speaking Spanish in the office, but not interacting with clients. My office manager began to tutor the employee in Spanish to help the employee's confidence.

Another problem developed, the employee fell behind on data entry tasks. I counseled the employee on the data entry tasks, and offered to increase her hours to help complete the tasks. She said she would get caught up and did not need the extra hours.

The employee's interaction with our Spanish speaking clients did not improve. The data entry tasks fell behind again, so I terminated her employment.

4. Which of your legal cases are you the most proud of and why?

**ANSWER:** The legal case I'm most proud of is Feerick v. Matrix Moving Systems, Inc. et.al. I'm proud because I received a fair and just outcome for my client, and proud of the work it took to get it.

The case involved interstate transportation of household goods and exploitation of the elderly. My clients moved from Wisconsin to Florida. The moving company charged the Feericks \$20,000.00 more than the original quote (a violation of federal statute). The moving company held the household goods hostage until my clients paid the extra \$20,000.00.

The Feericks hired me to help them recover the extra money paid. I filed a claim and complaint with the Better Business Bureau. The BBB conducted an arbitration hearing. The arbitrator ruled in our favor.

The moving company hired new attorneys and the appeals process began. I filed an action in state court to confirm the arbitrator's decision. Meanwhile, the moving company sought relief from the decision through federal statute. During the state court action the defendants through their attorneys claimed the arbitration award money was in the moving company's lawyer's trust account.

The state court ruled in my client's favor ordering the money be paid, and that is when it got complicated. The law firm for the moving company then stated it did not have the money. I filed a Contempt Motion to compel the law firm to turn over the money. The court ruled in our favor and the law firm paid the money from its general business account.

The case then moved to the Wisconsin Court of Appeals. After submissions from all parties the appellate court ruled judicial estoppel was not the correct legal theory to hold the law firm liable and remanded the case back to state court for further proceedings.

Upon remand my clients were dismissed from the case and allowed to keep the arbitration award, based upon the legal theory of equitable estoppel. The case took 5 years to complete.

5. Describe your investigative philosophy.

**ANSWER:** It is important to understand investigations of the police have a special nature, because police hold a special place in our society. First and foremost every complaint matters. Each complaint can be analyzed as a management tool for the CPOA.

Investigations must be timely and thorough: Were all the identified witnesses interviewed? Were there efforts to identify additional witnesses? Was a neighborhood canvas conducted? Did the investigation include any photographs or diagrams? Were there any conflicts of interest for the parties involved? Was there any conflict of interest that existed between the parties? Is this a pattern and practice? These are questions that should be answered for each investigation.

My philosophy is to treat each and every investigation with the care it deserves, because each complaint is a tool to better the police department.

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?

**ANSWER:** In 1999, the Better Business Bureau of Wisconsin hired me to lead its Dispute Resolution Center during a time of transition. The BBBWI wanted to add mediation as a dispute resolution process, but more importantly the organization needed to upgrade its arbitrator cadre to comply with federal warranty laws and state administrative code. When I came to the BBBWI the arbitrators were volunteers and non-lawyers. To gain compliance the arbitrators needed to be attorneys.

Over the next 18 months I recruited and trained a new cadre of arbitrators across the state of Wisconsin. Additionally, I designed and implemented a mediation program for resolution of consumer complaints.

7. What is your vision for the CPOA?

**ANSWER:** My vision for CPOA is that it conducts thorough and fair investigations of both internal and external complaints. That CPOA deter future police misconduct by ensuring discipline in cases of proven misconduct. That CPOA provides a satisfactory procedure for citizens to seek redress for grievances against the police. That CPOA provide fair treatment of officers accused of misconduct. That CPOA enhance public confidence in the police by providing a professional complaint review process.

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.

**ANSWER:** Five assets I bring to the position are:

- o Experience – My work as a police officer in a major city, an administrator of a statewide organization, an attorney, a mediator, and Vice Chair of a civilian oversight of police commission.
- o Demeanor- I'm calm, pragmatic, and decisive.
- o Education – BA in Criminal Justice Operations, Law Degree from Marquette University Law School
- o Accomplished - Most recently as a Leading Lawyer in Milwaukee for 2015

- o Marketer – I took my firm from \$0 to over \$200,000.00 of gross revenues by learning how to market. I've done trade-shows, community events, designed websites, and used social media including blogging.

I struggle with finding a balance between work and off time. I'd rather check email or phone messages instead of letting them go until the next day.

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.

**ANSWER:** I am a professionally trained Mediator. My training is in the evaluative, facilitative, and transformative models of mediation. The issues I've mediated have been quite diverse: federal land use issues, discrimination complaints, consumer issues, and employee/employer to name a few.

Most of the mediations I conducted were for the United States Postal Service. These mediations involved union workers, union representatives and management officials. Over 80 % of the cases I mediated resulted in resolution of the dispute.

My achievements and recognition as an attorney have presented other opportunities for community involvement. State Senator Lena Taylor requested my participation in a series of workshops related to homeownership. Alderperson Linda Lubotsky requested I participate in a workshop for the citizens of Greenfield when new property assessments threatened homeowner's ability to meet their property tax obligations.

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.

**ANSWER:** The CPOA has a big task ahead. My breadth of experience, education, and training make me uniquely qualified to fill the position. I will be ready from Day 1 to assume the duties of the position.

Based upon the current make-up of the committee, not a single member has police experience. According to news reports, there is already pushback from police staff and the police union. My experience shows me a committee comprised of all civilian personnel will meet great resistance to change. I can change the dynamic.

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.

**Kurt Leibold**

Assistant Chief of Police

Milwaukee Police Department

749 W State St

Milwaukee, WI 53233

414-935-7802

M004434

Chief Leibold is a friend and a former squad partner from my days working for the Milwaukee Police Department.

**Michael D. Young**  
Chief of Police

Village of Whitefish Bay Police Department

5300 N. Marlborough Dr.

Whitefish Bay, WI 53217

414-962-3830

Chief Young will describe my role in his hiring as the Chief of Police for the village in my capacity as a Commissioner.

**Denise M. Harron**  
Attorney – Chair Police Commission

Emile Banks & Associates LLC

1200 N Mayfair Rd Ste 290

Milwaukee, WI 53226

414-777-0000

Attorney Harron recruited me to serve on the police commission. She and I serve together on the commission. We met as Supervising Mediators for Marquette Law Schools Mediation Workshop at Milwaukee County Small Claims Court.

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 4765545**

Name: Herbert M Strassberg Address: [REDACTED] Hobbs, New Mexico 88240-1074 US

Home Phone: [REDACTED] Alternate Phone: [REDACTED]

Email: [REDACTED] Notification Preference: Email

Former Last Name: [REDACTED] Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, New Mexico, [REDACTED]

Can you, after employment, submit proof of your legal right to work in the United States? Yes

What is your highest level of education? Doctorate

**Preferences**

Preferred Salary: \$45,000.00 per year

Are you willing to relocate? Yes  
I will relocate to appropriate city to where an accepted job is.

Types of positions you will accept: Regular , Temporary

Types of work you will accept: Full Time

Types of shifts you will accept: Day , Evening , Weekends

**Objective**

Attorney position

**Education**

**Professional**

*Southwestern University School of Law*  
www.swlaw.edu  
8/1999 - 5/2003  
Los Angeles, California

Did you graduate: Yes  
College Major/Minor: Law (J.D.)  
Units Completed: 87 Semester  
Degree Received: Professional

**College**

*UCLA Extension*  
www.uclaextension.edu  
4/1995 - 3/1996  
Los Angeles, California

Did you graduate: Yes  
College Major/Minor:  
Corporations/Litigation focus: Paralegal Certificate  
Units Completed: 32 Quarter  
Degree Received: Vocational

**College**

*California State University Northridge*  
www.csun.edu  
9/1981 - 6/1988  
Northridge, California

Did you graduate: Yes  
College Major/Minor: Industrial Engineering/Computer Science  
Units Completed: 181 Semester  
Degree Received: Bachelor's

**Work Experience**

**Assistant Public Defender**

12/2014 - 5/2015  
State of New Mexico, Public Defender Department

Hours worked per week: 40  
Monthly Salary: \$4,853.00  
# of Employees Supervised: 0  
Name of Supervisor: Larry Bishop - Public

1601 N. Turner Street, Suite 300  
Hobbs, New Mexico 88241  
575-263-2272

Defneder 4  
May we contact this employer? Yes

**Duties**

Represent juvenile clients in Children's Court in Court in Lovington, NM for Probation Violations and for criminal charges filed in Criminal Informations as well as representing adult clients in Eunice and Jal Magistrate Courts and District Court in Lovington, NM for Probation Violations and for criminal charges filed in Criminal Informations, negotiate plea deals with Assistant District Attorneys

**Reason for Leaving**

Supervising attorney just resigned and there is no managing attorney currently (his supervisor quit too); office workloads being redistributed and I was laid off during probation while they reorganize the workflow of the office.

**Legal Analyst/Case Manager/Paralegal**  
1/2014 - 12/2014

Hours worked per week: 40  
Monthly Salary: \$3,843.00  
# of Employees Supervised: 0  
Name of Supervisor: Sean Cotulla -  
Regional Manager I  
May we contact this employer? No

State of California, Attorney General's Office,  
Department of Justice  
455 Golden gate Avenue, 12th Floor  
San Francisco, California 94115  
(415) 703-5500

**Duties**

Provided consultative services to attorneys and paralegals on litigation support systems and for managing complex discovery plans, electronically stored information, litigation support projects and trial presentation systems; consulted with attorney and paralegal staff as well as with client agency staff to develop strategies for managing complex litigation; scanned documents, manipulated images, imported PDF files into databases & did document productions.

**Reason for Leaving**

Quit to accept an attorney position with the Public Defender's Office in Hobbs, NM

**Paralegal**  
6/2013 - 12/2013

Hours worked per week: 30  
Monthly Salary: \$2,300.00  
# of Employees Supervised: 0  
Name of Supervisor: Beti Bergman -  
Managing Partner  
May we contact this employer? No

Peninsula Law  
<http://www.peninsulalaw.org>  
3655 Torrance Boulevard, 3rd Floor  
Torrance, California 90503  
(424) 247-1196

**Duties**

Scanned and coded documents; organized/maintained physical and electronic files; calendared due dates; billed costs and time; answered client phone calls and email messages; prepared probate court accounting schedules (spreadsheets); prepared and sent correspondence to clients; performed research; filed documents with Los Angeles Superior Court; prepared and served various probate related legal documents

**Reason for Leaving**

Needed a full-time job

**Job Seeker**  
12/2012 - 5/2013

Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 0  
Name of Supervisor: self - Herbert

None - Unemployed Job Seeker

[REDACTED]  
Torrance, California 90501  
[REDACTED]

Strassberg - Job Seeker  
May we contact this employer? Yes

**Duties**

Search websites for jobs, fill-out job applications, email resumes, follow-up via telephone re job leads and application status, go to job interviews applications

**Temporary Document Reviewer**  
11/2012 - 11/2012

Hours worked per week: 60  
Monthly Salary: \$4,330.00  
# of Employees Supervised: 0  
Name of Supervisor: Bernadette Savage -  
Managing director  
May we contact this employer? Yes

Hire Counsel  
hirecounsel.com  
800 Wilshire Blvd., Suite 450  
Los Angeles, California 90071  
(213) 258-4630

**Duties**

Reviewed and coded electronic discovery documents utilizing Concordance database for a trademark infringement and trade dress federal action

**Reason for Leaving**

Temporay project was completed

**Temporary Document Reviewer**  
10/2011 - 10/2011

Hours worked per week: 40  
Monthly Salary: \$4,330.00  
# of Employees Supervised: 0  
Name of Supervisor: Bernadette Savage -  
Managing Director  
May we contact this employer? Yes

Hire Counsel  
hirecounsel.com  
800 Wilshire Blvd., Suite 450  
Los Angeles, California 90071  
(213) 258-4630

**Duties**

Reviewed and coded intellectual property electronic discovery documents for a patent infringement ITC action in the biotechnology field

**Reason for Leaving**

Temporary projects were completed

**Temporary Discovery Paralegal**  
12/2010 - 3/2011

Hours worked per week: 40  
Monthly Salary: \$44,458.00  
# of Employees Supervised: 0  
Name of Supervisor: Kevin Loew - Partner  
May we contact this employer? Yes

Waters & Kraus LLP  
222 North Sepulveda Boulevard Suite 1900  
El Segundo, California 90245  
(310) 414-8146

**Duties**

Plaintiff's personal injury representation for asbestos exposure in personal injury and wrongful death litigation; responded to discovery requests consisting of Requests for Production, Requests for Admissions, Form & Special Interrogatories; researched medical and factual documents and file history; summarized deposition transcripts in order to complete discovery responses

**Reason for Leaving**

Not selected to stay on as regular employee after temporary period ended

**Temporary Patent Paralegal**

6/2010 - 9/2010

Kleinberg & Lerner LLP  
1875 Century Park East, Suite 1150  
Los Angeles, California 90067  
(310) 557-1511

Hours worked per week: 24

Monthly Salary: \$2,078.00

# of Employees Supervised: 0

Name of Supervisor: Marshall Lerner -  
Managing Partner

May we contact this employer? Yes

**Duties**

Prepared Accelerated Examination Support Documents for utility patent applications; analyzed patent claims for freedom to operate and infringement opinion letters; performed due diligence searches on patent portfolios; prepared information disclosure statements; corresponded with foreign associate attorneys regarding foreign trademark annuities; drafted preliminary amendments for utility patent applications; assisted in filing PCT applications

**Reason for Leaving**

Temporary projects were completed

**Communications Specialist/Customer Service Representative**

3/2009 - 5/2009

Robert Half Legal  
www.roberthalflegal.com/  
865 S. Figueroa Street, Suite 2600  
Los Angeles, California 90017  
(213) 624-8335

Hours worked per week: 40

Monthly Salary: \$3,667.00

Name of Supervisor: Todd Drucker -  
Director of Legal Placement

May we contact this employer? Yes

**Duties**

Responded to live and recorded telephone calls for national Chapter 11 bankruptcies from stakeholders including shareholders, vendors, investment advisors, landlords, employees, attorneys, etc.; responded to website and email inquiries regarding same; analyze and review bankruptcy laws, court dockets, press releases, motions, orders, etc. in order to respond to stakeholder inquiries; worked effectively as part of a team with local and remote co-workers

**Reason for Leaving**

Temporary assignment concuded

**Patent Agent/Intellectual Property Paralegal**

9/2006 - 2/2008

O'Melveny & Myers LLP  
www.omm.com  
400 South Hope Street  
Los Angeles, California 90071  
(213) 430-6000

Hours worked per week: 45

Monthly Salary: \$5,916.00

Name of Supervisor: Brian Berliner, Esq. -  
Partner

May we contact this employer? Yes

**Duties**

Drafted provisional and non-provisional computer, electrical & electro-mechanical patent applications; performed patentability searches and analysis; filed PCT applications; performed due diligence searches on patent & trademark portfolios; electronically filed patent prosecution documents; drafted patent office action responses; corresponded with clients and foreign associates re national phase applications; prepared information disclosure statements; recorded patent and trademark assignments

**Reason for Leaving**

Laid-off due to lack of available work

**IP Paralegal**  
5/2005 - 9/2006

Adeli and Tollen LLP  
<http://www.adelitollen.com/>  
11859 Wilshire Blvd., Suite 500  
Los Angeles, California 90025  
(213) 442-9300

Hours worked per week: 40  
Monthly Salary: \$4,333.00  
# of Employees Supervised: 0  
Name of Supervisor: Mani Adeli, Esq. -  
Partner  
May we contact this employer? Yes

**Duties**

Prepared utility patent applications, amendments and responses to office actions and communications via mail, fax and EFS-Web; drafted terminal disclaimers, information disclosure statements, requests for certificate of correction, PCT patent applications; corresponded with clients and foreign associates re national phase applications; tracked and charted status of pending U.S. and foreign patent applications; updated/maintained patent docketing system; performed trademark searches, responded to trademark office actions, prepared and filed U.S. trademark applications

**Reason for Leaving**

Found a higher paying job with technical work in my area of education

**Senior Paralegal**  
2/2005 - 5/2005

Law Office of Barry L. Silver (out go  
business/deceased in 2011))  
1901 Avenue of the Stars, Suite 1900  
Los Angeles, California 90067  
(310) 277-9955

Hours worked per week: 40  
Monthly Salary: \$3,500.00  
# of Employees Supervised: 2  
Name of Supervisor: Barry Silver, Esq. -  
Principal  
May we contact this employer? Yes

**Duties**

Performed legal, factual & public records research; draft complaints and discovery responses, including trademark & patent infringement matters; maintained office computer systems & billing software; supervised law clerk & typist; prepared trademark specimens, performed trademark searches, prepared and filed U.S. trademark applications; prepared trademark statements of use, extensions of time, and section 8 & 15 affidavits

**Reason for Leaving**

Found higher paying job in an area of law I preferred (intellectual property)

**Law Clerk**  
5/2004 - 12/2004

ICPEIR, Inc. Law Offices  
[www.icpeir.com/](http://www.icpeir.com/)  
626 Wilshire Blvd., Suite 711  
Los Angeles, California 90017  
(213) 488-9632

Hours worked per week: 20  
Monthly Salary: \$1,818.00  
# of Employees Supervised: 0  
Name of Supervisor: E. Robert Sorroco -  
Executive Director  
May we contact this employer? Yes

**Duties**

Performed legal, factual & public records research; draft motions and appellate briefs in immigration matters

**Reason for Leaving**

REsigned to study for and take the CA Bar Exam

**Volunteer Judicial Extern**

1/2002 - 9/2002

United States Bankruptcy Court, Central District of California

www.cacb.uscourts.gov

255 East Temple Street, Rm 1058

Los Angeles, California 90012

(213) 894-3129

Hours worked per week: 15

Monthly Salary: \$0.00

# of Employees Supervised: 0

Name of Supervisor: Honorable Kathleen

March - U.S. Bankruptcy Judge

May we contact this employer? No

**Duties**

Analyzed motions and orders; performed legal research; drafted memoranda with recommended rulings; attended Bankruptcy Court hearings

**Reason for Leaving**

The Judges term ended and was non-renewed

**Volunteer Legal Extern**

6/2002 - 7/2002

United States Attorney, Tax Division, Central District of California

www.usdoj.gov/usao/cac/

312 N. Spring Street, Suite 1200

Los Angeles, California 90012

(213) 894-2400

Hours worked per week: 20

Monthly Salary: \$0.00

# of Employees Supervised: 0

Name of Supervisor: Richard Stack, Esq. -

Assistant U.S. Attorney

May we contact this employer? No

**Duties**

Analyzed and reviewed IRS files and exhibits recommending that U.S. Attorney file suit; performed legal research; drafted memoranda and complaints; attended U.S. District Court hearings and trials

**Reason for Leaving**

Summer School term ended and so did this position which was for law school credit

**Law Clerk**

2/2001 - 12/2001

Law Offices of Judith L. Wood and Jesse Moorman

201 South Santa Fe Ave., Suite 101

Los Angeles, California 90012

(213) 680-7801

Hours worked per week: 18

Monthly Salary: \$1,403.00

# of Employees Supervised: 0

Name of Supervisor: Judith Wood, Esq. -

Partner

May we contact this employer? Yes

**Duties**

Performed legal research; drafted legal memorandum, motions &amp; appellate briefs in immigration litigation matters

**Reason for Leaving**

Left to start judicial externship with the US Bankruptcy Court

**Law Clerk/Paralegal**

1/2001 - 9/2001

Kathy Dockery Chapter 13 Standing Trustee  
(formerly Edwina E. Dowell)<http://www.13network.com/laxdocs/laxemail.htm>

700 South Flower Street, Suite 1950

Los Angeles, California 90017

Hours worked per week: 20

Monthly Salary: \$1,732.00

# of Employees Supervised: 0

Name of Supervisor: Sheila Psitone, Esq. -

Senior Staff Attorney

May we contact this employer? Yes

(213 ) 996-4400

**Duties**

Researched and drafted motions, objections, applications, orders, notices, letters to the U.S. Trustee; analyzed, and made recommendations regarding fee applications to Senior Staff Attorney; reviewed case status of Bankruptcy Court documents on PACER; proofread legal documents for Senior Staff Attorney

**Reason for Leaving**

Part-time work was no longer available, only full time offered, but I declined so I could continue attending law school

**Legal and Accounting Manager**  
3/2000 - 6/2001

Strassberg Internet, Inc.  
<http://www.1stoppictures.com/>  
33 Reef Street, Suite 8  
Marina Del Rey, California 90292  
(310) 785-7414

Hours worked per week: 30  
Monthly Salary: \$3,000.00  
# of Employees Supervised: 0  
Name of Supervisor: Neil Strassberg -  
President  
May we contact this employer? Yes

**Duties**

Established and maintained corporate minutes book and corporate bookkeeping system; prepared corporate resolutions and corporate tax documents; reviewed, modified and negotiated intellectual property contracts

**Reason for Leaving**

Lack of available work due to major decline in volume of business for the firm

**Paralegal II**  
6/1999 - 3/2000

Katten Muchin Rosenman LLP  
[www.kattenlaw.com/](http://www.kattenlaw.com/)  
2029 Century Park East, Suite 2600  
Los Angeles, California 90067  
(310) 788-4400

Hours worked per week: 30  
Monthly Salary: \$3,250.00  
# of Employees Supervised: 0  
Name of Supervisor: Thomas Leanse, Esq.  
- Partner  
May we contact this employer? Yes

**Duties**

Developed spreadsheets computing lease rejection damages; prepared bankruptcy claims; reviewed and analyzed commercial leases regarding damages for bankruptcy claims; prepared memos re reorganization plans

**Reason for Leaving**

Laid-off since I was not available to work overtime at night when needed because I attended law school at night

**Paralegal**  
5/1998 - 3/1999

Levene Neale Bender Yoo & Brill LLP (Formerly  
Robinson, Diamant & Wolkowitz)  
<http://www.lnrb.com>  
10250 Constellation Boulevard, Suite 1700  
Los Angeles, California 90067  
(310) 229-1234

Hours worked per week: 40  
Monthly Salary: \$3,750.00  
# of Employees Supervised: 1  
Name of Supervisor: Douglas Kappler,  
Esq. - Partner  
May we contact this employer? Yes

**Duties**

Drafted fee applications and Trustee's Final Report; performed public records on-line research; drafted bankruptcy employment applications, motions, notices and orders; reviewed residential real estate escrow and title documents re sale of estate property; drafted objections to claims

**Reason for Leaving**

I was transferred to a different department after another employee quit and I did not like the new job duties, so I sought other employment

**Paralegal**

6/1996 - 5/1998

Moneymaker & Moneymaker  
 515 S. Figueroa St. #1020  
 Los Angeles, California 90071  
 (213) 622-1088

Hours worked per week: 40  
 Monthly Salary: \$3,125.00  
 # of Employees Supervised: 0  
 Name of Supervisor: Richard Moneymaker, Esq. - Partner  
 May we contact this employer? Yes

**Duties**

Prepared bankruptcy petitions, schedules and statements of financial affairs; prepared Bankruptcy Court orders, applications for employment, notices, motions, orders, subpoenas, & deposition notices; performed legal research

**Reason for Leaving**

I found a higher paying job with more interesting work duties

**Certificates and Licenses**

Type: New Mexico State Bar License (conditional due to ADD)

Number: [REDACTED]

Issued by: New Mexico Supre Court

Date Issued: 1 /2015 Date Expires: 12 /2015

Type: Amateur Radio License (Extra Class)

Number: [REDACTED]

Issued by: Federal Communications Commission

Date Issued: 4 /1976 Date Expires: 3 /2025

Type: USPTO Patent Agent Registration

Number: 55,812

Issued by: United States Patent & Trademark Office

Date Issued: 2 /2004 Date Expires:

Type: Paralegal Certificate

Number:

Issued by: UCLA Extension Paralegal Program

Date Issued: 3 /1996 Date Expires:

Type: NSC Defensive Driving Course completed - accepted by State of New Mexico

Number: 782051

Issued by: National Safety Counsel - New Mexico GSD/Transportation Services Division

Date Issued: 3 /2015 Date Expires: 3 /2019

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Type: Bridge the Gap Mentorship Program for new attorneys

Number: N/A (program completed)

Issued by: State Bar of New Mexico

Date Issued: 5 /2015 Date Expires:

#### **Skills**

Office Skills

Typing: 48

Data Entry: 0

#### **Additional Information**

Honors & Awards

Graduated law school in the top 40%;

Lead Articles Editor and Staff Member for the Southwestern Journal of Law and Trade in the Americas;

Winner of a CALI Award in Software & Internet Law;

Justice Marshall F. McComb Memorial Scholarship: 2000-2002

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Publications

Publication: Comment, IX Southwestern Journal of Law and Trade in the Americas, 1, 221-243 (2002 - 2003)

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Miscellaneous

From 05/2009 to present, I have been an unemployed job seeker.

From 02/2008 to 07/2008, I studied for and took the CA State Bar Exam for the 5th time and was not employed.

From 08/1999 to 05/2003, I was an evening program law school student and held various part-time jobs and externships.

From 05/2003 to 02/2005 I studied for and took the CA State Bar Exam and worked part-time and sporadically between examination periods.

#### **References**

Professional

**Berliner, Brian**

Partner

O'Melveny & Myers LLP

400 South Hope Street

Los Angeles, California 90071

(213) 430-7424

[bberliner@omm.com](mailto:bberliner@omm.com)

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Professional

**Nulud, Phillip**

Associate Attoreny

Buchalter Nemer

1000 Wilshire Blvd Ste 1500  
Los Angeles, California 90017  
(213) 891-0700  
[pnulud@buchalter.com](mailto:pnulud@buchalter.com)

Professional  
**March, Kathleen**  
Attorney at Law  
10524 Pico Boulevard, Suite 212  
Los Angeles, California 90064  
(310) 559-9224  
[kmarch@bkylawfirm.com](mailto:kmarch@bkylawfirm.com)

Professional  
**Fitzsimmons, Todd**  
Partner  
Fitzsimmons IP Law  
14739 S Vermont Ave  
Gardena, California 90247  
(213) 500-1178  
[todd@fitzplaw.com](mailto:todd@fitzplaw.com)

Professional  
**Castillo, Laura**  
Attorney  
309 W. Broadway St.  
Hobbs, New Mexico 88240  
575-391-0101  
[lkcastillolaw@yahoo.com](mailto:lkcastillolaw@yahoo.com)

Professional  
**Bishop, Larry**  
Assistant Public Defender  
1601 N. Turner St.  
Suite 300  
Hobbs, New Mexico 88241  
575-391-0101  
[lkcastillolaw@yahoo.com](mailto:lkcastillolaw@yahoo.com)

Professional  
**Adepoju, Ibukun**  
Assistant Public Defender  
1601 N. Turner St.  
Suite 300  
Hobbs, New Mexico 88241  
915-731-6119  
[ibukun.adepoju@lopdm.us](mailto:ibukun.adepoju@lopdm.us)

**Resume**

**Text Resume**

**Attachments**

<b>Attachment</b>	<b>File Name</b>	<b>File Type</b>
NM Bar License.pdf	NM Bar License.pdf	License
NM Driv Lic.pdf	NM Driv Lic.pdf	License
Def Driv Cert 03-20-15.pdf	Def Driv Cert 03-20-15.pdf	Other

Attorney_chrono_Doc_6-12-15.pdf	Attorney_chrono_Doc_6-12-15.pdf	<b>Resume</b>
REFERENCES 05-15.pdf	REFERENCES 05-15.pdf	<b>References</b>
Final Law School Transcripts 6.pdf	Final Law School Transcripts 6.pdf	<b>Transcripts</b>
Final_Undergraduate_Transcripts_6 NID.pdf	Final_Undergraduate_Transcripts_6 NID.pdf	<b>Transcripts</b>
Final_Paralegal_Transcripts_5 NID.pdf	Final_Paralegal_Transcripts_5 NID.pdf	<b>Transcripts</b>

### City-Wide Questions

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A: N/A

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A: N/A

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A: N/A

7. Q: Are you receiving a PERA pension?

A: Neither of these

### Supplemental Questions

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: Southwestern University School of Law, Los Angeles, CA (2003)

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: NM, license inception date: 1/9/2015, Expires: 12/31/2015

**5. Q:** How many years of management experience do you possess related to this position?

A: 1 year to less than 2 years

**6. Q:** Select the number of years of work experience you possess which relate to this position.

A: 2 years to less than 3 years

**7. Q:** Briefly describe your experience in criminal investigation.

A: As a public defender, I have been involved with our office investigator in obtaining discovery from police agencies including video and audio camera recordings, investigative reports, DWI filed exam reports and communication authority call logs, radio dispatch call traffic recordings, interviews of witnesses and police officers, investigation reports, subpoenas, etc.

**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: I have been an attorney, law clerk, paralegal, patent agent and judicial extern since 1996 in many areas of the law. As such, I have been involved in many aspects of dealing with courts and administrative governmental bodies in many ways including obtaining court information, filing court documents, appearing in court on behalf of clients, preparing motion, complaints, briefs, etc. for clients and serving documents, etc.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due June 24, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov) . The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: Herbert Strassberg  
Firm/Employer: None  
Address: [REDACTED] Hobbs, NM 88240  
Phone: [REDACTED]

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?
  - a. It seems that more transparency is needed and the availability of the results of investigations into particular police complaints be made available to the public and while the number of complaints filed by citizens has fallen over the last couple of years, there is still a backlog that needs to be addressed. Perhaps some additional procedures being put into place and more defined roles of investigative personnel involved would help to resolve the complaints more quickly. The shifting of financial resources to improve law enforcement training and the number of trained professionals in dealing with mentally ill citizens as well as those high on illegal substances in reducing the use of force especially in situations involving mentally ill citizens as well as minimizing racial profiling and constitutionally proper search and seizure procedures together with increased documentation of the particular procedures being followed in police reports would go a long way to reduce further the number of citizen complaints filed.
2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.
  - a. As an Assistant Public Defender, there is often the ethical conflict of expediency in urging a client to accept a plea deal from the Assistant District Attorney (ADA) versus going to trial. Because we (as well as the Assistant District Attorneys) have a heavy caseload and there is not enough work time to take all or most of our cases to trial, there is the ever present ethical conflict of having our clients best interests served vs. getting his or her case resolved quickly. In my case, I have often been able to get charges dropped (usually the most serious ones) and an offer of no jail time, but supervised probation in exchange for their pleading guilty and the clients usually prefer that certainty vs. taking their case to trial when the evidence appears to weigh in favor of the ADA. Of course there are often times when I filed a motion to suppress improper evidence to try to get the ADA' cases dismissed instead of the client accepting a plea deal. When that failed and/or the evidence is weak on the prosecution side, then I have taken the client's case forward towards a trial. Again, most of these have been settled along the

way with revised plea deals more to the clients liking. Of course, sometimes I had to take cases to trial and I won about 50% of those cases that went all the way to a judge or jury verdict.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.
  - a. As a supervisor of employees that had multiple supervisors, I encountered the challenge of getting the underlying employees to treat my projects with appropriate priority. I have dealt with these situations by asking what the other projects were for the other supervisors and letting the employee know how mine fit into their workload. At times, I contacted the other supervisors to inform them of my project so that we could work out the appropriate priority of the pending projects for the effected employees as well as to inform them of the work I have given to those employees. This way, all the supervisors can better coordinate the workload on the effected employees.
  
4. Which of your legal cases are you the most proud of and why?
  - a. I am most proud of my criminal defendant cases where I got the ADA to dismiss or reduce charges against my client in light of the motions I told them I was going to file after I discussed with them why the evidence and law was in my clients favor. I am most proud of such cases as I was able to resolve these cases quickly in my clients favor without the expense and time needed to take their cases to trial and that my being able to convince the ADA of this meant I was on the right path in achieving justice for my clients. In such cases, the ADA could see that I would likely win given the law and evidence in such situations.
  
5. Describe your investigative philosophy.
  - a. As an Assistant Public Defender, I usually didn't just depend on the ADAs to provide me with discovery for a particular case as they often drag their feet in timely getting me the legally required evidence against my client. Also, they often don't give me all or even most the possible exculpatory evidence available; but rather, tend to turn over only the standard items of evidence, usually the items in their prosecutorial favor. My standard mode of practice was early after I am assigned a case, I review our case file and criminal information we have initially and then make a list of items that are likely available (such as audio and video recordings, call logs and reports) and request them from our in-house investigator. Not only do I obtain additional exculpatory evidence this way, but it also puts pressure on the ADAs to turn over evidence more quickly to my office.
  
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?
  - a. One part of my background that makes me uniquely qualified to attack the backlog of cases is that I earned a Bachelor's of Science Degree in Industrial Engineering. In that major, I was taught how to optimize the flow of labor and materials not just in a factory setting, but also in an office setting. Since obtaining my degree, I have always worked towards optimization of not only handling my assigned projects, but the layout and handling of papers and projects coming across my workstations in just about every job I have held since graduation.
  
7. What is your vision for the CPOA?
  - a. My vision is that the CPOAI is able to effectively and efficiently handle citizen complaints in a timely manner to the satisfaction of the constituents and citizens of Albuquerque so as to eliminate most of the backlog and more importantly, to properly educate and oversee the training of the law enforcement personnel of the Albuquerque Police Department as to just and proper procedures in light of the

constitutional rights of its citizens to be free from improper searches and seizures as well as to be treated with the respect they deserve regardless of their race, income level and place they reside or are encountered in by law enforcement personnel. One area in particular, not just for the Albuquerque Police Department, but also for most police departments across the United States is proper psychological training in dealing with mentally ill citizens as well as those that are high on illegal substances causing them to act irrationally. Perhaps there can be on call a staff of mental health care professionals and/or substance abuse counselors around the clock to serve as a resource for law enforcement personnel. Many encounters with mentally ill patients and/or those high on illegal substances lead to violent encounters with law enforcement, as the proper recognition of their illnesses and limitations as well and how best to handle such encounters so as to calm them down without violent shows of force is not part of standard law enforcement training.

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.
  - a. I am a dedicated worker, often putting my work first ahead of personal commitments and don't mind working overtime to get the job done when needed. This is important to meet the goals of the organization, especially in light of the current backlog.
  - b. I am an ethical person and like to do the right thing whenever possible not just on the job, but in my personal life as well. The CPOA is all about law enforcement personnel acting ethically and respecting the rights of others, so this is a key quality.
  - c. I prefer to be collaborative and please as many people involved in a particular work project or assignment as possible vs. doing whatever is needed to get the job done at the cost of causing acrimonious relationships. Many diverse stakeholders are affected by actions by the CPOA, so it is important to work as collaboratively as possible to work out arrangements that can please as many people as possible while still achieving the goals of the CPOA.
  - d. I am a person of high integrity and professionalism. I strive for keeping my word whenever possible and keeping other effected individuals informed when things cause deadlines to shift. I do not make false promises to others.
  - e. I strive to not mix personal and work relationships by not getting too personal and prying into the lives of co-workers, but stick to the work at hand, yet show my concern for the welfare of my co-workers. This is important to not implicate insinuations by member of the public and other stakeholders, especially in a neutral oversight body such as the CPOA that must maintain its independence from any particular group of stakeholders to accomplish its mission.
  - f. One challenging area to improve is that I am a bit of a shy person and can sometimes be a little intimidated in public speaking situations before large groups, but I have been active in Toastmasters in the past and have practiced overcoming my nervousness in such situations. In fact, once I start speaking for 30 seconds or so, I usually get over my apprehensiveness. My recent position as an Assistant Public defender has helped a great deal in this respect as well.
  
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.
  - a. At one of my former positions, I worked for a bankruptcy claims agent as a communications specialist and paralegal for national level chapter 7 and 11 bankruptcies. I effectively dealt with a wide array of stakeholders, employees, stockbrokers, landlords, creditors, attorneys and investors. I answered phone

bank calls and email requests for all sorts of information effecting these stakeholders as to how the bankruptcy effected their salaries, investments, pension plans, etc. and how to file a claim for what is owed to them in a number of bankruptcy proceedings. As a paralegal for various bankruptcy law firms and intellectual property law firms, I also communicated with a variety of people and organizations including creditors, patent examiners, technical support and customer service agents. In other employment, I was an extern to a United State Bankruptcy Judge and for a United State Attorney's Office where I interfaced with attorneys, judges and court staff personnel. More recently, I was a paralegal in litigation support for the California Attorney General's office where I interfaced with staff attorneys, the executive office and attorneys and paralegals at many CA State agencies that the Attorney General's Office represented in litigation proceedings. Finally, in my last job as an Assistant Public Defender, I represented indigent persons accused of crimes and I regularly negotiated and communicated with police officers, Assistant District Attorneys and of course appeared before magistrate and district court judges.

- b. As a paralegal for a patent prosecution firm, I was assigned the task of figuring out how to electronically file patent applications and amendments when that procedure was still new to many law firms. In a series of staff meetings that were held, I informed the other firm members (lawyers, paralegals, patent agents and legal secretaries) of the information I found out and we openly discussed the procedures and protocols that we could use as a firm to implement the use of electronic filing in place of the tried and true filing by mail and facsimile. I was the point person on the project and I learned how to do the electronic filing for the firm. Some of the long time firm members were a bit old school and hesitant of the trustworthiness of electronic filing, preferring to follow the old tried and true methods, but after we discussed how we can change office procedures and workflow in the office in these meetings, I volunteered to be the person to do all of the electronic filing initially, then slowly train others to do so both one on one and by developing training documentation for the office. Eventually, most everyone came to appreciate the speed and almost immediate confirmations we received in filing electronically with the US Patent Office vs. our old methods of filing documents and that became the new norm for the firm within 6 months of beginning the process.

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.

- a. I am a detailed oriented person, yet I like to know the bigger picture to keep things in perspective. I also like to be more of a collaborator than a dictator type manager giving people I supervise some autonomy and authority over their own work, but within reasonable limits of course. When new and difficult situations arise, I like to involve co-workers in some brain storming for ideas and possible solutions when the standard protocols and procedures do not seem to be able to efficiently resolve the situations at hand.

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.

- a. Larry K. Bishop  
Law Office of the Public Defender, State of New Mexico  
Assistant Public Defender  
1601 N. Turner St., Suite 300  
Hobbs, NM 88241  
Phone Number: [REDACTED]  
Email Address: [REDACTED]  
Mr. Bishop was my mentor at the Public Defender's Office in Hobbs and has been an attorney there for 17 years.

b. Laura K. Castillo  
Castillo Law Offices  
Attorney  
309 W. Broadway St.  
Hobbs, NM 88240  
Phone Number: (575) 391-0101  
Email Address: lkcastillolaw@yahoo.com  
Ms. Castillo was my colleague and she serves as the Public Guardian on many juvenile cases I handled.

c. Philip Nulud  
Associate Attorney  
Buchalter Nemer  
1000 Wilshire Blvd Ste 1500  
Los Angeles, CA 90017  
Phone Number: (213) 891-0700  
pnulud@buchalter.com  
Mr. Nulud was a project manager at Kleinberg & Lerner where I worked as a patent paralegal. He supervised patent related projects I worked on and has since changed firms to Buchalter Nemer.

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR****Contact Information -- Person ID: 24778266**

Name: JOHN T. L. GRUBESIC Address: [REDACTED]  
Albuquerque, New Mexico 87111  
US

Home Phone: [REDACTED] Alternate Phone: [REDACTED]

Email: [REDACTED] Notification Email Preference:

Former Last Name: Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, New Mexico , Class D

Can you, after employment, submit proof of your legal right to work in the United States? Yes

What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:

Are you willing to relocate? No

Types of positions you will accept:

Types of work you will accept: Full Time

Types of shifts you will accept:

**Objective****Education**

**Professional** Did you graduate: Yes  
*University of Denver College of Law* College Major/Minor: Juris Doctor  
1989 - 1992 Degree Received: Professional  
Denver, Colorado

**College** Did you graduate: Yes  
*Fort Lewis College* College Major/Minor: English  
1984 - 1989 Degree Received: Bachelor's  
Durango, Colorado

**Work Experience**

**Partner** Hours worked per week: 60  
8/2008 - Present Monthly Salary: \$0.00  
# of Employees Supervised: 3  
Kanter & Grubestic, P.A Name of Supervisor: self  
4209 Montgomery Blvd. NE May we contact this employer?  
Albuquerque, New Mexico 87109 Yes  
505-273-5533

**Duties**

Partner in general practice law firm, areas of practice include utilities, civil litigation, criminal defense, personal injury, real estate and domestic relations. 2008-2013 Mora County Attorney, served as County Attorney, handled all litigation and legal matters on behalf of the County

**County Attorney**

12/2008 - 5/2013

Kanter & Grubestic, P.A  
4209 Montgomery Blvd. NE  
Albuquerque, New Mexico 87109  
505-273-5533

Hours worked per week: 20  
Monthly Salary: \$0.00  
# of Employees Supervised: 3  
Name of Supervisor: self  
May we contact this employer?  
Yes

**Duties**

Mora County Attorney, served as County Attorney, handled all litigation and legal matters on behalf of the County

**New Mexico State Senator, District**

7/2004 - 12/2008

New Mexico Legislature  
Santa Fe, New Mexico 87501

Hours worked per week: 15  
Monthly Salary: \$0.00  
May we contact this employer?  
Yes

**Duties**

Represented Senate District 25  
Significant legislation - (primary sponsor/signed into law) SB 399, allowed state to take over improperly run healthcare facilities, SB 439, increased criminal penalties for sex offenders, SB 440, strengthened DWI laws by allowing three hour window for BAT, SB 931-Gift Ban, first major piece of ethics legislation passed by the Legislature and signed into law.

**Partner**

4/2004 - 8/2008

Clark, Grubestic, Jones & Baur, LLC  
Santa Fe, New Mexico  
505-820-1825

Hours worked per week: 60  
Monthly Salary: \$0.00  
# of Employees Supervised: 3  
May we contact this employer?  
Yes

**Duties**

General practice, including civil litigation, utilities, criminal defense, personal injury, real estate and domestic relations.

**Trial Attorney - Environmental Enforcement  
Division/Deputy Director Civil Division**

1/2001 - 5/2004

Attorney General's Office  
Santa Fe, New Mexico

Hours worked per week: 55  
Monthly Salary: \$0.00  
# of Employees Supervised: 25  
Name of Supervisor: Albert Lama  
- Deputy Director  
May we contact this employer?

**Duties**

responsible for enforcement of various environmental statutes, including Clean Air Act, Clean Water Act and Comprehensive Environmental Response, Compensation and Liability Act. Attorney -- Civil Division, general counsel to Museum of New Mexico, NM Taxation and Revenue Department, NM Law Enforcement Academy, NM Real Estate Commission, NM Game Commission, NM Department of Game and Fish, Cumbres and Toltec Scenic Railroad Commission and Department of Public Safety Advisory Commission. Lead counsel on all litigation matters within division. Deputy Director - Civil Division, supervised/trained eighteen attorneys who were responsible for providing general counsel to various boards and commissions, assisted in formulation of litigation strategies, assigned to assist hearing officer for the New Mexico Law Enforcement Academy and State Personnel Board, provided training to various agencies on Open Meetings/Inspections of Public Records Act, Procurement Code. Reviewed and/or prepared all administrative appeals.

**Reason for Leaving**

Elected to New Mexico Legislature

**Assistant District Attorney**

1/1999 - 5/2001

First Judicial District Attorney's Office  
Santa Fe, New Mexico 87501Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 8  
Name of Supervisor: Angela  
"Spence" Pacheco  
May we contact this employer?**Duties**Responsible for prosecution of felony cases in Rio Arriba and Los Alamos  
County. Supervised Magistrate Court Division.**Reason for Leaving**

Higher Salary

**Assistant District Attorney**

1/1998 - 4/2001

First Judicial District District Attorney's Office  
Santa Fe, New MexicoHours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 8  
May we contact this employer?**Duties**

Supervised Magistrate Court Division.

**Senior Trial Prosecutor**

1/1998 - 5/1999

Magistrate Division  
Santa Fe, New MexicoHours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?**Duties**responsible for supervision and training of five magistrate attorneys, handled full caseload before  
Santa Fe, Los  
Alamos, Rio Arriba and Bernalillo County Magistrate and District Courts. Senior Trial Prosecutor-  
Rio**Associate**

1/1996 - 8/1998

White, Koch, Kelly & McCarthy, P.A  
Santa Fe, New Mexico 87501Hours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?**Duties**Associate, general practice, including civil litigation, criminal defense, real estate, utility, water  
and commercial law.**Trial Attorney - Litigation Division**

12/1993 - 8/1996

Attorney General's Office  
Santa Fe, New MexicoHours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?

**Duties**

handled all types of litigation, including administrative prosecutions and appeals in State District Court, Supreme Court and Federal Court.

**Certificates and Licenses**

Type: State Bar of New Mexico

Number: [REDACTED]

Issued by: State Bar of NM

Date Issued: 5 /1993 Date Expires:

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

Honors & Awards

Graduated Cum Laude

**References**

Professional

**Lama, Albert**

Chief of Staff National Association of Attorneys General  
[REDACTED]

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Professional

**Hull, Arthur**

[REDACTED]  
Albuquerque, 87124  
[REDACTED]

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Professional

**Payne, Bill**

Senator  
[REDACTED]

Albuquerque, New Mexico 87191  
[REDACTED]

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Professional

**Torraco, Lisa**

Senator  
[REDACTED]

Albuquerque, New Mexico 87102  
[REDACTED]

**Resume**

**Text Resume**

**Attachments**

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

- 
2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

- 
3. Q: Do you have relatives working for the City of Albuquerque?

A: No

- 
4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

- 
5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

- 
6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

- 
7. Q: Are you receiving a PERA pension?

A: Neither of these

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### Supplemental Questions

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

- 
2. Q: If you possess a professional law degree identify the accredited law school.

A: University of Denver College of Law

- 
3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

- 
4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico

- 
5. Q: How many years of management experience do you possess related to this position?

A: 6 or more years

- 
6. Q: Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

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**7. Q:** Briefly describe your experience in criminal investigation.

**A:** As an assistant district attorney, assistant attorney general and a criminal defense attorney I have worked closely with various law enforcement agencies/private investigators in developing cases and preparing them for trial. I have coordinated investigations and assisted law enforcement personnel through all stages of investigation/trial preparation.

**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

**A:** Over the past 22 years, I have practiced before all New Mexico State Courts and have also appeared in Federal Court in New Mexico. I served as an administrative prosecutor for the Law Enforcement Academy, the State Personnel Board, the Real Estate Commission and the Board of Chiropractic Examiners. I have trained employees in State Government regarding the New Mexico Open Meetings Act and the Inspection of Public Records Act. I have drafted ordinances for Mora County and drafted policy and procedure manuals for Mora County.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due June 24, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov). The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: John Grubestic  
Firm/Employer: Kanter & Grubestic, PA  
Address: 4209 Montgomery Blvd. NE, Albuquerque, NM 87109  
Phone: [REDACTED]

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?

I believe an immediate need is to establish a simple, efficient and reliable system to administer civilian complaints and coordinate the effective investigation of these complaints. This requires the development of easily understood procedures and guidelines. This will eliminate confusion and assist in the just resolution of civilian complaints. This step is critical in order to establish confidence that members of law enforcement will be held accountable for their actions. It is necessary to implement a well-thought-out system to ensure that the oversight board is accountable, equitable and gives both the law enforcement community and the general public confidence that their concerns will not be overlooked and that they will be treated fairly.

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

A client appeared for a court hearing and he was highly intoxicated. Unfortunately, he hid it very well and I was the only one in the courtroom aware of his condition. He was my client so I was obligated to advocate on his behalf and keep him out of jail. I also had to make sure that he didn't do any harm to himself or others. I discussed this with my client and informed him that we needed to address the court regarding his condition. He was angry and threatened to leave. I quickly discussed the matter with the Assistant District Attorney and he agreed that if I made sure that he did not drive we could request a reset of the hearing and not have my client taken into custody. I took the client back to my office. He slept in my conference room for the rest of the day and his wife picked him up after she got off work.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

When I was supervising the Magistrate Court Division of the First Judicial District Attorney's Office, one of my duties was to make sure that we had adequate coverage for the Magistrate Courts in Santa Fe, Rio Arriba and Los Alamos Counties. There were four attorneys including me to make sure that all three courts were covered. This was challenging given the number of cases and the size of the area that needed to be covered. There were

courthouses located in Chama, Espanola, Los Alamos and Santa Fe. One of the lawyers I supervised constantly complained about the size of his caseload and what he perceived as the unfair distribution of cases. I sat with him on numerous occasions and attempted to resolve it without much success. I finally hit upon the idea to put him in charge of case coverage. Much to my surprise he adapted well to the new assignment, worked closely with the other attorneys and flourished in his new role. I was able to focus on other needs within the division and could count on him as a reliable back up.

4. Which of your legal cases are you the most proud of and why?

I represented a single mother who suffered significant injuries as a result of an arrest. Once her case was resolved she used the proceeds to purchase a home and pursue her college degree. I have found that the most rewarding moments of my career are those that result in helping my clients obtain resolutions that allow them to improve their lives.

5. Describe your investigative philosophy.

Investigation is the key to obtaining a just result. It is a process that requires a patient, step by step inquiry into conflicting and sometimes confusing fact patterns. A professional investigation exonerates those who are wrongly accused and establishes a basis to proceed when the facts point to misconduct. The foundation of effective investigation is developing facts, weeding out inconsistent and false statements and arriving at a just resolution.

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?

I have been a solo practitioner in a very busy criminal defense practice. I have done this without a support staff for the last five years. I have handled hundreds of difficult cases and clients and have provided excellent service and representation under challenging circumstances. I have the focus to ensure I handle my caseload in a manner that is efficient and effective. I work well under pressure and I am used to handling multiple cases at the same time, all of which will allow me to move the backlog of cases efficiently.

7. What is your vision for the CPOA?

I believe that the core function of the CPOA should be establishing and maintaining Albuquerque citizens' confidence that members of law enforcement will be held accountable for their actions. Above all, the community must believe in the CPOA's integrity to ensure that this confidence is developed. Trust in law enforcement is the cornerstone of a vibrant community. The CPOA must actively monitor and work closely with law enforcement; when necessary the CPOA must be willing to make difficult decisions to foster community belief in its legitimacy. I have unique perspectives from the several different positions I have held in the legal system, including those of prosecutor, defense attorney, civil litigator and legislator. I have tried many cases in these various roles. As a result of this background, I have developed an ability to work effectively with a variety of individuals. My previous experience ensures that I will be able to fulfill my role as Executive Director based on my current knowledge and my ability to adapt quickly and effectively. My extensive and diverse experience will allow me to define challenges and quickly develop solutions.

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.

1. Honesty. This is a key asset in establishing credibility with all stakeholders involved in this process.
2. Integrity. I hold myself to high standards and believe it reflects in the work that I do. I trust myself to do the right thing in a variety of circumstances. If you can't trust yourself then you can't expect others to trust your insight or observation.

3. Candor. I feel a direct approach results in the efficient use of a limited amount of time to resolve issues.
  4. Ability to work well with others. Throughout my career I have been most effective when I recognized other points of view and worked with people in arriving at a solution rather than trying to force someone to accept my view.
  5. Sense of humor. This quality has allowed me to see trying situations as challenges to overcome and not as roadblocks without a solution.
  6. I struggle with being somewhat direct in addressing an issue. There are circumstances that require a more delicate touch and I am working on that.
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.

As a New Mexico State Senator I carried and passed the first major piece of ethics legislation passed by the legislature and signed into law. Senate Bill 931 governed ethical conduct by legislators and substantially cut monetary awards and gifts to legislators. There was significant opposition to my proposal. Several legislators felt it was unnecessary and that it created more oversight than was needed. Proponents of the legislation did not think that it went far enough and asked for significant penalties to be attached to the bill. I spent a great deal of time convincing legislators that we were obligated to our constituency to monitor our own conduct and control any appearance of impropriety. I met with vocal constituents who wanted stiff penalties and worked out a compromise to ensure that the legislation passed. This Bill proved to be an important first step in the development of additional ethics legislation.

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.

When I first started at the Attorney General's Office as an administrative prosecutor, I presented cases to the Law Enforcement Academy Board for the revocation of law enforcement officers' certifications. This gave me valuable insight into the function of a board that monitors law enforcement and the challenges a board has in maintaining high standards of professionalism in a sometimes adversarial environment. Additionally, it helped me develop my skills as attorney and help me recognize the fundamentals of good investigation. I have used these skills in my career to direct investigations and as a defense attorney to point out flaws in investigations. As Deputy Director of the Civil Division of the Attorney General's Office, I advised numerous Boards and Commissions on all aspects of compliance with State law and regulation.

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.

Albert J. Lama, Chief of Staff  
National Association of Attorneys General  
2030 M St. NW, Washington, DC, 20036  
202-326-6266  
[alama@naag.org](mailto:alama@naag.org)

I served as Deputy Director of the Civil Division of the Attorney General's Office under Mr. Lama. I have known him for over twenty years on both a professional and personal level.

Senator William "Bill" Payne  
Senate District 20

P.O. Box 14823  
Albuquerque, NM 87191

[REDACTED]  
[REDACTED]

I served with Senator Payne in the New Mexico Legislature. I worked closely with him in developing bi-partisan solutions to difficult issues.

Arthur Hull II

[REDACTED]  
Albuquerque, NM 87194

[REDACTED]  
[REDACTED]

Mr. Hull is a lobbyist. He saw me develop into an effective legislator.

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 21764574**

Name: JULIA M. PETRUCELLI Address: [REDACTED]  
Albuquerque, New Mexico 87123 US

Home Phone: [REDACTED] Alternate Phone:  
Email: [REDACTED] Notification Preference: Email

Former Last Name: Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, California, [REDACTED]

Can you, after employment, submit proof of your legal right to work in the United States? Yes

What is your highest level of education? Doctorate

**Preferences**

Preferred Salary: \$50,000.00 per year

Are you willing to relocate? No

Types of positions you will accept: Regular , Temporary

Types of work you will accept: Full Time , Part Time

Types of shifts you will accept: Day , Evening , Night , Rotating , Weekends , On Call (as needed)

**Objective**

**Education**

**Graduate School**

American University Washington College of Law  
<http://www.wcl.american.edu/>  
8/2010 - 5/2013  
Washington, District of Columbia

Did you graduate: Yes  
College Major/Minor: Law  
Degree Received: Doctorate

**College**

University of California San Diego  
<http://ucsd.edu/>  
9/2005 - 8/2009  
La Jolla, California

Did you graduate: Yes  
College Major/Minor: World Literature / Law  
Degree Received: Bachelor's

**Work Experience**

**Staff Attorney**

11/2014 - Present

Disability Rights New Mexico  
[www.drnm.org](http://www.drnm.org)  
1720 Louisiana Blvd. NE, Suite 204  
Albuquerque, New Mexico 87110  
5052563100

Hours worked per week: 40  
Monthly Salary: \$0.00  
Name of Supervisor: Jason Gordon - Senior Staff Attorney  
May we contact this employer? Yes

**Duties**

Attend Individualized Education Program and Behavior Intervention Plan meetings to advocate on behalf of students receiving special education services. Communicate with District representatives and attorneys to encourage compliance with federal and state regulations. Work with and advocate for students receiving special education services who are facing expulsion from school due to behavior problems and violations of school code of conduct policies. Write and submit State Complaints and initiate and conduct Due Process Hearings. Create Special Education tip sheets and conduct training sessions for providers, parents, and students on Special Education Law and the rights of students and

families. Chosen to participate in the Education Justice Project to advocate for the provision of special education services to students overlooked by the education system due to disabilities leading to behaviors that violate school code of conduct policies. As an attorney participating in this project, I attend stakeholder meetings and conduct trainings with Judges, Public Defenders, and District Attorneys. Represent clients in Medicare Administrative Fair Hearings challenging denials of coverage. Represent clients in Medicaid Administrative Fair Hearings challenging removals from the Medicaid DD Waiver Waiting List due to claims of ineligibility. Represent clients in transfer or removal of guardianship cases.

**Reason for Leaving**

I would like to explore other interests related to police accountability and governmental policy work. I have a strong desire to conduct training sessions with city employees and other governmental agencies and personnel and would like to participate in ensuring that my government operates with integrity.

**Sales Associate**

3/2014 - 7/2014

Old Navy  
5625 Bay St  
Emeryville, California 94608

Hours worked per week: 40  
Monthly Salary: \$0.00  
Name of Supervisor: Jeremy - Store  
Manager  
May we contact this employer? Yes

**Duties**

Provide a variety of services to customers including assistance with finding items, fitting and completing an outfit, and conducting transactions at the cash register. Genuine and effective customer interaction is the basis for this position and my work involved engaging with diverse customers on a variety of issues throughout my shift. I developed excellent interpersonal communication skills, developed a sense of pride and loyalty in the quality of services my store provided, and became a reliable mentor to new employees. In working at the cash register, I demonstrated my commitment to be a reliable and effective employee with high integrity and honesty.

**Reason for Leaving**

I relocated to Albuquerque, NM with my husband. Because I was volunteering at three organizations in the San Francisco Bay Area, I was working at Old Navy to supplement my income and it was a temporary job.

**Volunteer**

1/2014 - 6/2014

California Reentry Program  
<http://ca-reentry.org/about/>  
P.O. Box 483  
San Quentin, California 94964

Hours worked per week: 15  
Monthly Salary: \$0.00  
# of Employees Supervised: 0  
Name of Supervisor: Allyson West -  
Program Director  
May we contact this employer? Yes

**Duties**

Provide reentry counseling to inmates at San Quentin State Prison in San Quentin, CA. Reentry counseling serves to work with individuals imprisoned for both violent and non-violent offenses to make a positive transition from life in prison to their communities. Individual reentry counseling consists of service referrals and linkages to other programs and providers and answering questions about specific reentry needs such as college financial aid, county resource guides, course information at community colleges, DMV paperwork, and GED information. Long-term case management is established to provide ongoing assistance in long-term planning including employment, education, medical needs, drug/alcohol treatment, and housing. Participate in San Quentin educational events to provide information on mental health services and general reentry planning needs.

**Reason for Leaving**

Moving to Albuquerque, NM

**Volunteer Intern**

11/2013 - 6/2014

California Coalition for Women Prisoners  
<http://womenprisoners.org/wp/>  
1540 Market St., Suite 490  
San Francisco, California 94102

Hours worked per week: 5  
Monthly Salary: \$0.00  
# of Employees Supervised: 0  
May we contact this employer? No

**Duties**

Assist with researching a variety of issues relating to California's female inmate population and respond to inmate requests for information and referrals. Conduct legal research and analysis to bolster policy initiatives to expand the Alternative Custody Program while formulating CDCR guidelines for implementation.

**Reason for Leaving**

Moving to Albuquerque, NM

**Law Student Attorney**

1/2013 - 5/2013

Law Office of Michael Madden  
717 D St. NW, Suite 400  
Washington, District of Columbia 20004  
(202) 628-3820

Hours worked per week: 20  
Monthly Salary: \$0.00  
# of Employees Supervised: 0  
Name of Supervisor: Michael  
Madden - Supervising Attorney  
May we contact this employer? Yes

**Duties**

Intern with Criminal Justice Act defense lawyer working on homicide, assault, sexual assault, robbery, and domestic violence cases. Conducted client intake and individually interviewed defendants in domestic violence cases prior to court hearings and trial. Visited the DC Jail to meet with defendants to discuss case progress, theories, plea agreements, and sentencing guidelines in relation to charges of homicide, assault, robbery, and sexual assault. Drafted motions to compel discovery and to exclude evidence of other crimes. Prepared clients for direct- and cross- examinations. Investigated Affidavits of Arrest and WACIIS Reports to piece together witness statements and to probe statements in preparation for trial. Worked directly with clients suffering from psycho-social and developmental disabilities and participated in client meetings at St. Elizabeth's Psychiatric Hospital in the District of Columbia to meet with clients involuntarily hospitalized and their treatment providers.

**Reason for Leaving**

Semester Internship

**Student Attorney**

8/2012 - 12/2012

Women and the Law Clinic - American University Washington  
College of Law  
4801 Massachusetts Avenue, NW, Suite 417  
Washington, District of Columbia 20016  
(718) 340-4144 (Sofia Yakren)

Hours worked per week: 20  
Monthly Salary: \$0.00  
# of Employees Supervised: 0  
Name of Supervisor: Sofia Yakren -  
Clinic Supervising Attorney  
May we contact this employer? Yes

**Duties**

Maintained direct contact with clients and spearheaded casework. Assisted client with severe mobility impairments and numerous health problems to resolve Medicare/Medicaid claims and disputes and to initiate divorce proceedings. Researched and initiated a special education due process hearing for a client with a child denied special education services. Initiated a school transfer for client's child in light of an assault on the child by a police officer.

**Reason for Leaving**

Semester Clinical Program

**Law Student Intern**

8/2012 - 12/2012

Disability Rights International  
<http://www.disabilityrightsintl.org/>  
1666 Connecticut Avenue, NW, Suite 325  
Washington, District of Columbia 20009  
(202) 296-0800

Hours worked per week: 20  
Monthly Salary: \$0.00  
# of Employees Supervised: 0  
Name of Supervisor: Eric Rosenthal  
- Director  
May we contact this employer? Yes

**Duties**

Conducted legal research and analysis and drafted explanatory footnotes in support of legal arguments appearing in requests for precautionary measures, which were submitted to the Organization of American States against Guatemala for abuses occurring in a prison for women suffering from psycho-

social and developmental disabilities. Investigated questions pertaining to the rights of individuals within psychiatric institutions and accountability for various abuses occurring in those facilities.

**Reason for Leaving**

Semester Internship

**Law Student Intern for the Gender Jurisprudence Project**  
6/2011 - 12/2012

War Crimes Research Office - American University Washington  
College of Law  
<http://www.wcl.american.edu/warcrimes/>  
4801 Massachusetts Avenue, NW  
Washington, District of Columbia 20016  
(202) 274-4067

Hours worked per week: 20  
Monthly Salary: \$0.00  
Name of Supervisor: Chante Lasco -  
Jurisprudence Collections  
Coordinator  
May we contact this employer? Yes

**Duties**

Reviewed international criminal tribunal court documents for issues relating to gender- and sexual-based violence. Analyzed and synthesized decisions and judgments to consider the implications of gender- and sexual- based convictions, acquittals, and dismissals for defendants charged with gender- and sexual- based crimes against humanity, war crimes, and grave breaches of the Geneva Conventions. Digested the various documents to be included in a collection utilized by researchers and court officials at various international criminal tribunals.

**Reason for Leaving**

Temporary Internship

**Law Student Intern**  
4/2012 - 8/2012

Hermano Pedro Day Shelter - Shrine of the Sacred Heart  
3211 Pine St., NW  
Washington, District of Columbia 20010  
(202) 246-6643

Hours worked per week: 10  
Monthly Salary: \$0.00  
Name of Supervisor: Michael  
Madden  
May we contact this employer? Yes

**Duties**

Interned with pro bono attorney Michael Madden at Hermano Pedro Day Shelter at the Shrine of the Sacred Heart in the District of Columbia to assist indigent clients of the shelter with their various legal needs. Conducted legal research to solve multifaceted legal issues as well as worked directly with clients on a variety of legal matters including, but not limited to, immigration status, work authorizations, understanding warrants for arrest, child support, and health insurance and disability

**Reason for Leaving**

Summer Internship

**Certificates and Licenses**

Type: Law License

Number: [REDACTED]

Issued by: New Mexico State Bar

Date Issued: 4 /2015 Date Expires:

**Skills**

Office Skills

Typing: 85

Data Entry: 0

Other Skills

Prepare and Conduct Training Sessions Expert - 5 years and 0 months

Litigation Skilled - 1 years and 6 months

Legal Research and Writing Expert - 5 years and 6 months

Networking Skilled - 5 years and 0 months

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Languages

Spanish - Speak

**Additional Information**

Volunteer Experience

Prisoners Literature Project - Berkeley, CA:

Volunteer, December 2013 – June 2014

Respond to inmate letters and requests for books. Review requests, choose appropriate books from a selection of donated items, and package materials to ship to incarcerated individuals. Lead volunteer packing sessions and explain the history and nature of the project. Plan fundraising events and conduct outreach to educate the community regarding prison conditions and other matters relating to inmates.

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Professional Associations

National Lawyers Guild - American University Washington College of Law Student Chapter

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Professional Associations

Human Rights Academy Participant - American University Washington College of Law

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Volunteer Experience

Amnesty International - Washington, DC:

Active Member, January 2012 – May 2013

Assisted with event organizing, schedule planning, community outreach, and fundraising. Organized with Amnesty International members for Get On the Bus Day, an annual day of action advocating for international human rights and justice for human rights violations. Researched country specific human rights violations and discussed the viability of creating events and actions around those violations.

**References**

Professional

**Madden, Michael**

Criminal Defense Attorney

717 D. St. NW, Suite 400

Washington, District of Columbia 20004

(202) 628-3820

[maddenlaw@gmail.com](mailto:maddenlaw@gmail.com)

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Professional

**Lasco, Chante**

Jurisprudence Collections Coordinator

War Crimes Research Office at American University Washington

College of Law

4801 Massachusetts Avenue NW

Washington, District of Columbia 20016

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Professional

**Yakren, Sofia**

Associate Professor at CUNY School of Law

2 Court Square, Office 4-317

Long Island City, New York 11101-4356

(718) 340-4144

[sofia.yakren@law.cuny.edu](mailto:sofia.yakren@law.cuny.edu)

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Personal

**Muñoz, Patricia**

Dallas, Texas

**Professional**

**Gordon, Jason**

Senior Staff Attorney at Disability Rights New Mexico  
1720 Louisiana Blvd. NE, Suite 204  
Albuquerque, New Mexico 87110  
(505) 256-3100  
[gordonj@drnm.org](mailto:gordonj@drnm.org)

**Resume**

**Text Resume**

**Attachments**

Attachment	File Name	File Type
Julia Petrucelli - Resume.docx	Julia Petrucelli - Resume.docx	<b>Resume</b>
Petrucelli - Transcript.pdf	Petrucelli - Transcript.pdf	<b>Transcripts</b>
Julia Petrucelli - References.docx	Julia Petrucelli - References.docx	<b>References</b>
Julia Petrucelli - Cover Letter for Civilian Police Oversight Agency Director.docx	Julia Petrucelli - Cover Letter for Civilian Police Oversight Agency Director.docx	<b>Cover Letter</b>

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree Identify the accredited law school.

A: American University Washington College of Law, May 2013

**3. Q:** Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

**4. Q:** If you are an active Bar Association member in good standing identify the state.

A: New Mexico

**5. Q:** How many years of management experience do you possess related to this position?

A: 1 year to less than 2 years

**6. Q:** Select the number of years of work experience you possess which relate to this position.

A: 4 years to less than 5 years

**7. Q:** Briefly describe your experience in criminal investigation.

A: I worked as the sole intern of a criminal defense attorney in the District of Columbia. While working for Michael Madden, I conducted extensive investigation for the many cases he was trying, including homicide, rape, assault and battery, domestic violence, and robbery. I investigated the alleged crimes and reviewed numerous police reports and witness statements relevant to the case. I worked closely with Mr. Madden's personal criminal investigator and accompanied him and participated throughout the investigation process. I interviewed witnesses and prepared the defendant and witnesses for direct and cross examination. I researched the relevant law and wrote numerous motions which were submitted to the Court.

**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: As a Staff Attorney at Disability Rights New Mexico (DRNM), I represent my clients in Administrative Fair Hearings and am required to have extensive working knowledge of relevant administrative procedures and policies. Because I work closely with Administrative Law Judges, I have experience with the Hearings Process and relevant laws. As a Staff Attorney at DRNM, I represent clients challenging guardianship and represent these clients in guardianship proceedings. In light of my experience working for Michael Madden as a criminal defense intern, I often appeared in front of criminal court judges and was required to know criminal laws, policies, and procedures.

**City of Albuquerque Police Oversight Board**  
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**Name:**

Julia Marie Petrucelli

**Firm/Employer:**

Disability Rights New Mexico

**Address:**

[REDACTED]  
Albuquerque, NM 87123

**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?**

One of the first objectives is to catch up on all the backlogged cases. Doing so will show the community that civilian oversight is meaningful and that the agency takes it seriously. By demonstrating a commitment to review complaints that have been backlogged will show the community that the agency is actively trying to review all complaints and begin the investigation process. I expect that due to the number of cases that have been backlogged, this process will take time; however, beginning this process and substantially reducing the number of cases in the backlog is a critical first step. Another initial goal is to begin training both agency personnel and the APD in appropriate use of force, de-escalation techniques, and to revise and develop new policies, with a special emphasis on providing crisis intervention trainings and developing crisis intervention teams. With the development of new policies and with the conclusion of initial trainings, new procedures for handling misconduct must be in order to ensure compliance with the new policies and procedures. I believe that while trainings are taking place, it is important to begin the process of establishing procedures for handling misconduct and for supervising officers in the field. This requires developing a staffing plan to ensure close supervision of officers and creating an early intervention system. These initial steps will demonstrate to the community that the agency is reassessing its policies, evaluating officers in the field, and creating a supervision plan that involves closely monitoring officers and creating a procedure for handling officer misconduct. Coupled with the issue of reprimanding or punishing officer misconduct is creating a plan for hiring and encouraging officer compliance with the new policies and procedures. Recruiting new officers and encouraging compliance with policies and procedures for professional and ethical policing can include plans to have thorough psychological and medical evaluations of new candidates and lateral hires, conduct pre-employment and routine drug testing of all officers, and providing a variety of supports and assistance for officers, including access to occupational training, mental health services, and other social services. These initial steps should occur while the Director and other agency staff regularly meet with community

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stakeholders to facilitate ongoing communication, conduct outreach to inform the public of progress towards the new goals and objectives, and to maintain transparency.

**2) Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.**

While working under the supervision of an attorney during an internship opportunity, I witnessed a mentally ill client be treated in a way that negated their dignity and informed choice. This was an ethical conflict because I believed that the individual had a right to make their own decision regarding their legal argument; however, the attorney chose to act in a way he believed served the client's best interests but ignored the client's wishes. When working with individuals suffering from a disability or mental illness, there are two approaches that are often implemented: 1) best interests or 2) client centered. I believe that clients deemed legally competent have a right to make decisions they believe are appropriate. Informed choice is an idea that I strongly stand by and believe is necessary for treating individuals with dignity despite any disabilities they may have. My supervising attorney believed in the best interests approach and we disagreed on how to handle the situation. In this particular case, I was working under direct supervision from an attorney who was trying the case, so while I made my opinion known, I was not able to change the plan. I believe that as I was under the supervision of another attorney, I was not in a position to make the decision; however, I did feel obligated to express my concern and disagreement and provide reasons to support my position. I felt that my ethical obligation was to inform the supervising attorney of the alternate approach with supporting reasons. While I believe my client had the right to make his own decision, I was not in a position to act as his attorney and thus could only express my differing position to my supervisor. While I had hoped to sway my supervisor's decision, he ultimately pursued a course of action that was in the client's best interest and while that did allow the client some additional perks, it was not an approach the client wanted to take. I do believe that I handled the situation appropriately given that I was not a licensed attorney at the time but that I expressed my position and stood by it. I believe that my actions in that situation demonstrated my integrity and dedication and fulfilled my ethical obligation to inform my supervisor of the alternate approach.

**3) Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.**

While working as a Staff Attorney at Disability Rights New Mexico, I have been paired to work on various projects with other staff members. As an attorney, I am given more discretion as to the project and have made supervisory decisions regarding trainings and presentations. Although I am not the direct supervisor of the individuals I am working with on a training project and a conference presentation, I have been assigned the lead and continue to play a supervisory role in organizing the project, creating a plan, and delegating work. In this capacity, I will review all project materials and training guides and will make necessary additions or changes to provide the highest quality materials. One of the challenges I have encountered is that I am working with individuals who have been with the agency for a very long time and are

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working under the same models and hierarchy they have held in the past. As I started in November of 2014, I am relatively new to the agency and I am finding that some staff members do not want me to take the lead. The challenge is getting staff to trust in my experience and knowledge and to allow me to direct the project. In doing so, I am working closely one-on-one with individual staff and creating an informal environment to have discussions and to decide on details together. In creating an informal setting to create a plan, I am asking for input from the staff and allowing their opinions to be heard and taken into consideration. I believe this approach allows individuals to trust that I will respect their opinions and work closely with them to create a collaborative project. Overall, I believe this method results in a positive working relationship and allows for individuals to trust in my abilities but to also feel like they will remain active participants and that their opinions are meaningful.

**4) Which of your legal cases are you the most proud of and why?**

While working at Disability Rights New Mexico, I represented a student with learning disabilities and behavioral problems who was facing a permanent expulsion from high school. The student admitted to bringing and using illegal drugs on school grounds and to engaging in numerous fights with other students. I am most proud of this case because despite the seriousness of the charges, during the expulsion appeal hearing I was able to convince the school to reverse the expulsion and allow the student to return to school with additional special education accommodations. I am extremely proud of this result because I was working under pressure as I had not received all the information until shortly before the hearing and because the family and the student were very difficult to communicate with. I am also proud of this result because I was able to quickly learn an area of law that I was unfamiliar with and make a very strong and sound legal argument in support of my client despite the seriousness of the charges.

**5) Describe your investigative philosophy.**

I believe that in conducting an investigation, it is important to remain open-minded and not reach a conclusion before all information is gathered and assessed. I believe that all complaints should be thoroughly investigated and that an investigation is deemed complete only when reliable and complete findings are made. Complainants need to be individually interviewed, interviews should be recorded to ensure accuracy and context of statements, and witnesses should provide written statements of their observations or lack thereof. I believe that investigations need to remain confidential and that administrative and criminal investigations remain separate to protect constitutional rights. My investigative philosophy requires thorough and private interviews and that in many cases, a follow-up interview is necessary to ensure completeness of information. I believe that timeliness is crucial to accurate reporting of observations and information gathering and that obtaining information from a variety of sources is crucial for an unbiased interpretation of events.

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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?**

I have a lot of experience working in a variety of offices and have extensive knowledge of organizational methods, time management, and self-directed work. I believe that I am a qualified leader and when it comes to projects involving many people, I am able to delegate and assign work based on individual's skills. Because of the large backlog of cases, I believe taking the helm of the organization and moving it forward requires someone who is capable of jumping in and quickly directing and delegating work while also investing a lot of additional time to do a thorough job. I believe that when presented with an abundance of work leftover from a predecessor, I am able to prioritize and began working immediately while working efficiently and thoroughly. I am a strong leader and am not afraid to direct and delegate individuals where I believe they would be most effective. While professionalism is important and vital to a productive work environment, I am capable of acting professionally and courteously even when confronted with staff who do not want to cooperate or take direction. In stepping into this position as someone new to the department that is undergoing substantial changes, I believe people may not be happy with a new Director's vision or plans and I am not afraid to step into a position where staff may not trust me or respect me at first. I believe in myself and my ability to make appropriate decisions and I believe that in time, I can rally people together to be committed to a new vision and working together.

7) **What is your vision for the CPOA?**

My vision for the CPOA is to work to ensure police integrity, protect officer safety, prevent the use of excessive force and/or unreasonable use of deadly force, and promote trust and communication between APD and Albuquerque's many communities. My vision for the CPOA is to review and complete the backlogged cases and be able to conduct and conclude investigations in a timely manner. I believe the CPOA should monitor and review all citizen complaints or concerns and investigate the claims. As a result of these investigations and review of complaints or concerns, the CPOA should review, revise, and/or develop departmental policies and procedures for the Police Oversight Board. I envision the CPOA catching up on backlogged cases to prove to the community that complaints are taken seriously and that excessive or unreasonable use of force is a serious issue within the agency. I envision the CPOA developing a realistic perspective on its current status and its timeline for meeting the objectives outlined in the Settlement Agreement and developing an effective and efficient plan for meeting those objectives. I also envision the CPOA developing a strong working relationship with community stakeholders while reinvigorating the agency's relationship with the community fostering support, trust, collaboration, and communication.

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8) What do you view as the top five assets you bring to this position, whether personality traits, knowledge-based skills or experience. 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.

I believe that my top five assets that I bring to this position are: 1) integrity; 2) dedication; 3) experience working with the community; 4) open-mindedness ; and 5) experience working with mentally ill individuals

Integrity: I believe that integrity is one of the strongest personality traits to have. I believe that I am an honest individual with strong moral principles. Honesty is crucial when working within an agency because it allows me to communicate both the positives and negatives of a situation and work with others to provide constructive criticism and honest opinions. Because I have strong moral principles, I always try to do what I believe to be right and I always treat everyone with dignity and respect. I believe that treating everyone with dignity and respect is vital to this position because it means listening to what colleagues and civilians have to say, providing support and appropriate supervision to employees, handling employee grievances in a timely manner and with support and fairness, and working with other agencies and community stakeholders in a way that fosters communication and willingness to work together. As a CPOA Director, I believe that supervision of other employees is a task that requires integrity so as to always remain respectful, honest, and supportive of their opinions while fostering a work environment that exudes integrity and veracity, both within our work environment and with other individuals and agencies.

Dedication: As a community activist and strong believer in the need for government accountability, my dedication to the cause is uniquely beneficial to the CPOA because it equips me with the motivation to continue working towards the ultimate objective. When things get rocky or I hit a roadblock, this dedication allows me to work through the difficult times and think outside the box to come up with other possible solutions. My own desire and dedication to engage with community stakeholders and with other community groups advocating for accountability is an asset for this position because it means that I will be able to work with community partners, listen to their opinions, and be open minded so as to meet the objectives of the Civilian Police Oversight Agency.

Experience Working with Community Leaders and Members: Throughout my various extracurricular activities, I have been heavily involved with working with community leaders and members. I believe that systemic reform requires community involvement and by getting involved with various community leaders and community groups, a larger audience can be reached and information can be widely disseminated. Once community partners are involved, they are able to spread the information and get others involved. I believe that the ability to work within the community and engage with them regularly and in informal settings and formats creates a positive relationship that fosters honesty and openness. In light of the ongoing allegations of overuse of police force against civilians, it is incredibly important to have a strong relationship with civilians to show them my commitment to listening to what they have to say, taking their comments and concerns seriously, and reforming the system with their opinions in

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mind. I believe that my ability to work closely with community members is an asset that I bring to this position because I am comfortable working with community members, listening to their concerns, and committing to addressing their concerns in a timely and professional manner. One of the objectives of the settlement agreement is to foster greater trust among officers and the communities they serve, it is vital to have a good working relationship with community organizations and leaders. This objective requires that the agency undergo reforms to support community participation and create both formal and informal mechanisms that facilitate ongoing communication between APD and Albuquerque's communities. I believe that my ability to work with individuals at a community level and my interpersonal skills are a necessary asset for this position and I believe that I would excel at fostering a stronger relationship between the police department and the community.

Open-mindedness: As the department is undergoing substantial reform, I believe that open-mindedness and a willingness to accept constructive criticism from all stakeholders is a crucial asset for this position. I believe that I am open-minded and willing to work with stakeholders to develop a plan that strives to leave all parties satisfied. One of the biggest concerns in communities is the use of excessive force and many communities currently distrust APD. I believe that working with community members and being open-minded to their criticisms and concerns is a vital component since previous models and methods of running the department have been ineffective. Being open-minded means working towards a solution by utilizing a variety of methods and plans and being open to changing those plans as problems or alternatives develop. I believe that the agency needs an individual who is willing to step into this position with an open-mind and a willingness to hear stakeholder's concerns while creating and recreating plans that target the heart of the problem. I believe that because there are so many stakeholders involved, it is important that the Director be open-minded to the various comments that will arise from discussions with the different stakeholders. Being new to this agency and being open to the comments and criticisms will create a more diverse and inclusive agency. This ability to step into a new position and listen to everyone's concerns without heading down a stagnant and close-minded path will ultimately have the biggest and most positive impact.

Experience working with mentally ill individuals: Crisis intervention is one of the provisions of the Settlement Agreement and requires that APD ensure accountability and promote constitutional, effective policing, by minimizing the necessity for the use of force against individuals in crisis due to mental illness or a diagnosed behavioral disorder. In law school I focused my studies on criminal law and procedure and disability law. I conducted several research projects that focused on the intersection of disability and the law, specifically I addressed the unique needs of individuals suffering from mental illness who are experiencing a crisis situation where police are the first responders. My research also addressed the unique needs of these individuals upon arrest and intake. I believe that my academic background is a strong asset as it has helped me prepare for a career that involves working with individuals with mental illness. Furthermore, this research background forms a strong foundation for professional investigation and planning. As a Staff Attorney at Disability Rights New Mexico, I have numerous clients that suffer from mental health or diagnosed behavioral disorders, many of which are juveniles, who engage in problem behaviors leading to intervention or school disciplinary actions. I believe that my interest in working to ensure that the unique needs of

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individuals with disabilities are met and so crisis intervention does not involve unnecessary use of force is a strong foundation for serving in this position. As one of the biggest issues in the settlement agreement is crisis intervention planning and restructuring, I believe that my experience working with individuals with mental illness and my academic and professional background that focused on studying the intersection of disability and the criminal justice system is highly relevant to this position. If selected for this position, my experience would allow me to quickly begin working with members of the mental health community of providers, advocates, and individuals to create a more effective and constitutionally sound way in which to work with local stakeholders and develop a crisis intervention program constituting of an advisory committee, behavioral health training, crisis intervention certified responders and intervention unit, and crisis prevention.

One challenging area of my personality that I struggle with and am working to improve is that I sometimes doubt my ability and skills. When I am working on a difficult case or am dealing with a challenging question or factual scenario, I sometimes become doubtful that I am well-equipped to solve the problem on my own. I am working to improve my self-doubt and learn to trust my abilities by working through problems on my own and spending additional time researching, preparing, and learning everything I can that is relevant to the problem. After going through this process, I prepare a list of questions that I am still struggling with and will sit down and try to come up with answers, sometimes multiple answers, to these questions without judgment as to whether the answers are right or wrong. Once I have answered the questions, I go back and reassess why they are correct or incorrect. At this point, I have usually answered the majority of my questions and begin to feel more confident on my knowledge and skill-set because I know that I have analyzed the issues to the best of my ability. At this point, I also know that if I have remaining questions, I can brainstorm and discuss the issue with my colleagues and take their input into consideration. I find that this process is more effective than immediately going to others when there is a question I cannot answer because it allows me to become more confident in my own abilities and to make efficient use of my time and the time of others. It also allows me to learn what I need to know and gain practical experience with researching, learning other relevant information, and being able to attack another future problem in the same way.

**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 groups' goals through a collaborative process of your facilitation or management. Describe the stakeholders, your role and responsibility, and also give the outcome.**

Throughout my academic, professional, and extracurricular experiences, I worked closely with various community groups, union officials, attorneys, and others. While working as an

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Advocate and then a Staff Attorney at Disability Rights New Mexico (DRNM), I conducted trainings with community special education support groups and parents. During these sessions, I thoroughly explained special education law, the rights of students and parents, and some of the reservations that school districts have regarding the provision of services. While working at DRNM, I attend numerous Individualized Education Program (IEP) meetings to work with schools to identify and then provide appropriate services. Often these IEP meetings are difficult because the schools do not always want to provide necessary and appropriate services and it was my job to convince the schools to provide these services to both abide by federal law and to provide the services the student needs in order to succeed in school. These meetings often started with a conflict over what services should be provided to a student and my role was to work with the school to provide the requested services. I did this by working with the school to conduct evaluations of the student, assess relevant data and reports, and listen to parent and student input to decide what kinds of services are necessary and appropriate. In many cases, I was successful in that I worked with the IEP team and the school district representative to evaluate the student's needs, review relevant reports, and listen to the parties' opinions to come up with a solution that was satisfactory to all involved. In my work at DRNM, I work extensively with opposing counsel to avoid litigation yet addressing and solving client concerns. I often need to communicate regularly with opposing counsel, write thorough legal analysis, and circulate the client's objectives while addressing the opposing side's opinions. In many cases, I successfully avoid litigation by working with the opposing party to come up with a solution or plan that is satisfactory for all involved.

While volunteering with the California Reentry Project as a reentry counselor, I worked with inmates to address their concerns regarding their return to their communities when they parole or their sentences have concluded. In working at San Quentin State Prison, I spent the majority of my time working with the inmates but frequently interacted with correctional officers and prison administrators who ultimately had control over our the project and could decide whether we could continue to work within the prison. Even though our mission was to help inmates prepare to return to their communities, there was often a lot of pushback from prison staff who believed we were wasting our time working with offenders. One important factor when working in that setting was to engage with prison staff and navigate the relationships between staff and inmates to ensure that we were providing quality support to the inmates but were respecting the staff even when they made disparaging remarks to the program, the inmates, and the reentry counselors.

When I lived in Washington, D.C., while I was in law school, I was actively involved with Amnesty International and community activism on issues including Metro union organizing and mental health community awareness. Working with Amnesty International involved networking with local embassies and planning and participating in larger events aimed at promoting human rights. I worked with local universities and partnered with their student chapters to fundraise and participate in local Amnesty International events. While in D.C., I became involved with Metro union organizing when I became friends with several of the Metro bus drivers and learned about union organizing. Once I became involved, I participated in talking with community members, educating the public through manning a booth at various busy areas in the city, and attended several events where I helped create and handout relevant literature. During this process, I learned about how unions operate and strived to get other

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individuals who were inactive members in the union and the community at large more involved in understanding the process and its importance. I participated in several community based events in the Anacostia area to meet with community members to discuss mental health stigma and various mental health treatments and resources available within the community. This work was focused primarily with individual community members who attended our event but I networked with other community organizations for support and to help promote our meetings. Because these issues were important to the community and because the community was traditionally underserved, I felt that our events were successful and we were able to increase attendance and engage with the community to foster a larger network of supporters.

**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.**

I am a strong supporter of police accountability and oversight and I believe that this position requires an individual who strongly believes in the objectives and who will be fully committed to fulfilling the objectives of the Settlement Agreement. I also believe that this position requires a Director who is not afraid to work with individuals who may hold opposing viewpoints. I am capable of working with diverse individuals and working collaboratively with individuals who do not hold the same position. My ability to collaborate with individuals of various backgrounds and my ability to work closely with individuals who do not agree with my position is a strong indicator of my ability to successfully serve in this position and work towards meeting the objectives in the Settlement Agreement. My dedication to police accountability and oversight is a strong indication that I will do everything in my power to fulfill the objectives of the Settlement Agreement and to foster trust and respect between APD and Albuquerque's many communities.

**11) 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.**

**Jason Gordon, Esq.** - Senior Staff Attorney  
Disability Rights New Mexico  
1720 Louisiana Blvd. NE, Suite 204 – Albuquerque, NM 87110  
(505) 256-3100 – gordonj@drnm.org

Mr. Gordon has been supervising my work since I started at Disability Rights New Mexico on November 3, 2014. In his capacity as my supervisor, he has reviewed my case preparation and written correspondence and has evaluated my work for my periodic reviews.

**Michael Madden, Esq.**  
Law Office of Michael Madden  
717 D. St. NW, Suite 400 – Washington, DC 20004  
(202) 628-3820 – maddenlaw@gmail.com

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While a third year law student at Washington College of Law, I was Mr. Madden's sole intern and worked closely with him on a variety of criminal cases. He supervised my work, my written materials, and evaluated my case strategies.

**Sofia Yakren, Esq.** - Associate Professor  
CUNY School of Law  
2 Court Square, Office 4-317 – Long Island City, NY 11101-4356  
(718) 340-4144 – sofia.yakren@law.cuny.edu

Ms. Yakren served as a professor for two of my disability law classes and was my direct supervisor during my clinical internship in the Women and the Law Clinic. As my professor she evaluated my class participation and evaluated my research projects. As my clinical supervisor, Ms. Yakren assessed my case work and provided assistance as necessary.

JULIA M. PETRUCELLI

- Albuquerque, NM 87123 -

June 25, 2015

City of Albuquerque  
400 Marquette NW  
Albuquerque, NM 87103

RE: Application for Job Number 1501043 – Civilian Police Oversight Agency Director

To Whom It May Concern,

I am a licensed New Mexico attorney currently employed by Disability Rights New Mexico (DRNM) as a Staff Attorney. I graduated from the American University Washington College of Law (WCL) in Washington, D.C. in May of 2013. I wish to be considered for the position of Civilian Police Oversight Agency Director and believe that my professional experiences coupled with my academic preparation and extracurricular volunteer experiences make me a qualified candidate for this position.

While a student at WCL, my academic studies focused on criminal law and procedure, disability and the law, and human rights. I completed several extensive research projects addressing human rights issues and the intersection of disability and the criminal justice system, including initial psychological evaluations upon an inmate's entering jail, forcible administration of medication, and conditions of jails and prisons. During law school and after graduation, I continued to volunteer for various organizations including the California Reentry Program, the California Coalition for Women Prisoners, and the Prisoners Literature Project. As a Staff Attorney at DRNM, I have had extensive experience attending Individualized Education Program and Behavior Intervention Plan meetings for students with behavioral problems who face long-term suspensions or expulsion from school. I have attended expulsion hearings and appeal hearings and have advocated for students' rights while working with school districts to provide appropriate services and comply with federal and state laws. I represent clients challenging guardianships and in Medicaid and Medicare Administrative Fair Hearings. My work at DRNM involves extensive interpersonal communication, cultural sensitivity, investigation, research and writing, legal analysis, systemic advocacy, trainings, and conflict resolution and I believe my skills have continued to be sharpened and improved.

Although my current employment is in the area of disability advocacy and focuses on special education, challenges to guardianship, and Medicaid and Medicare appeals, I have a strong desire to engage in systemic work involving governmental policies and procedures and I am dedicated to improving police accountability and oversight. In light of the Justice Department and the City of Albuquerque reaching an agreement bringing about wide-ranging reforms to the Albuquerque Police Department (APD) and its use of force against civilians, I have a strong desire to overhaul the way in which APD handles use of force by monitoring and reviewing citizen police complaints, serious use of force, and claims directed against officers and employees of the APD. I believe that my dedication to ensuring that APD works with integrity while respecting and protecting the rights of citizens makes me a strong candidate for this position. I believe that what I may lack in experience, I make up for in dedication and drive for excellence. I am a fast learner and am highly motivated to excel in this position.

In my online application, I have included my resume, references, and my law school transcript. If you have any further questions, please do not hesitate to contact me at [REDACTED]. Thank you for your consideration and I hope to speak with you soon regarding my interest in this position.

Sincerely,  
Julia M. Petrucelli, Esq.

M004480

**JULIA M. PETRUCELLI**

- Albuquerque, NM 87123 -

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**LAW LICENSE**

**New Mexico State Bar**  
April 2015

**EDUCATION**

**American University Washington College of Law, Washington, DC**  
*Juris Doctor*, May 2013

Activities: National Lawyers Guild and Human Rights Academy

**University of California San Diego, La Jolla, CA**  
*Bachelor of Arts*, August 2009 - World Literature with a Minor in Law and Society

**PROFESSIONAL EXPERIENCE**

**Disability Rights New Mexico, Albuquerque, NM**  
**1720 Louisiana Blvd. NE, Suite 204 - Albuquerque, NM 87110**  
**(505) 256-3100**

*Advocate*, November 2014 – April 2015

*Staff Attorney*, April 2015 – Present

Attend Individualized Education Program and Behavior Intervention Plan meetings to advocate on behalf of students receiving special education services. Communicate with District representatives and attorneys to encourage compliance with federal and state regulations. Work with and advocate for students receiving special education services who are facing expulsion from school due to behavior problems and violations of school code of conduct policies. Write and submit State Complaints and initiate and conduct Due Process Hearings. Create Special Education tip sheets and conduct training sessions for providers, parents, and students on Special Education Law and the rights of students and families. Chosen to participate in the Education Justice Project to advocate for the provision of special education services to students overlooked by the education system due to disabilities leading to behaviors that violate school code of conduct policies. As an attorney participating in this project, I attend stakeholder meetings and conduct trainings with Judges, Public Defenders, and District Attorneys. Represent clients in Medicare Administrative Fair Hearings challenging denials of coverage. Represent clients in Medicaid Administrative Fair Hearings challenging removals from the Medicaid DD Waiver Waiting List due to claims of ineligibility. Represent clients in transfer or removal of guardianship cases.

**California Reentry Program, San Quentin, CA**

*Volunteer*, January 2014 – June 2014

Provide reentry counseling to inmates at San Quentin State Prison in San Quentin, CA. Reentry counseling serves to work with individuals imprisoned for both violent and non-violent offenses to make a positive transition from life in prison to their communities. Individual reentry counseling consists of service referrals and linkages to other programs and providers and answering questions about specific reentry needs such as college financial aid, county resource guides, course information at community

**JULIA M. PETRUCELLI**

- Albuquerque, NM 87123 -

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colleges, DMV paperwork, and GED information. Long-term case management is established to provide ongoing assistance in long-term planning including employment, education, medical needs, drug/alcohol treatment, and housing. Participate in San Quentin educational events to provide information on mental health services and general reentry planning needs.

**California Coalition for Women Prisoners, San Francisco, CA**

*Volunteer Intern*, November 2013 – June 2014

Assist with researching a variety of issues relating to California's female inmate population and respond to inmate requests for information and referrals. Conduct legal research and analysis to bolster policy initiatives to expand the Alternative Custody Program while formulating CDCR guidelines for implementation.

**Old Navy, Emeryville, CA**

*Sales Associate*, March 2014-July 2014

Provide a variety of services to customers including assistance with finding items, fitting and completing an outfit, and conducting transactions at the cash register. Genuine and effective customer interaction is the basis for this position and my work involved engaging with diverse customers on a variety of issues throughout my shift. I developed excellent interpersonal communication skills, developed a sense of pride and loyalty in the quality of services my store provided, and became a reliable mentor to new employees. In working at the cash register, I demonstrated my commitment to be a reliable and effective employee with high integrity and honesty.

**Law Office of Michael Madden - District of Columbia Criminal Defense Practice**

717 D St. NW, Suite 400 - Washington, DC 20004

(202) 628-3820

*Law Student Intern*, January 11, 2013 – May 17, 2013

Intern with Criminal Justice Act defense lawyer working on homicide, assault, sexual assault, robbery, and domestic violence cases. Conducted client intake and individually interviewed defendants in domestic violence cases prior to court hearings and trial. Visited the DC Jail to meet with defendants to discuss case progress, theories, plea agreements, and sentencing guidelines in relation to charges of homicide, assault, robbery, and sexual assault. Drafted motions to compel discovery and to exclude evidence of other crimes. Prepared clients for direct- and cross- examinations. Investigated Affidavits of Arrest and WACIIS Reports to piece together witness statements and to probe statements in preparation for trial. Worked directly with clients suffering from psycho-social and developmental disabilities and participated in client meetings at St. Elizabeth's Psychiatric Hospital in the District of Columbia to meet with clients involuntarily hospitalized and their treatment providers.

**Women and the Law Clinic - American University Washington College of Law**

4801 Massachusetts Avenue, NW, Suite 417 - Washington, DC 20016

*Student Attorney in the Women and the Law Clinic*, August 16, 2012 – December 21, 2012

Maintained direct contact with clients and spearheaded casework. Assisted client with severe mobility impairments and numerous health problems to resolve Medicare/Medicaid claims and disputes and to initiate divorce proceedings. Researched and initiated a special education due process hearing for a client with a child denied special education services. Initiated a school transfer for client's child in light of an assault on the child by a police officer.

**JULIA M. PETRUCELLI**

- Albuquerque, NM 87123 -

**Disability Rights International**

**1666 Connecticut Avenue, NW, Suite 325 - Washington, DC 20009**

**(202) 296-0800**

*Law Student Intern*, August 24, 2012 – December 14, 2012

Conducted legal research and analysis and drafted explanatory footnotes in support of legal arguments appearing in requests for precautionary measures, which were submitted to the Organization of American States against Guatemala for abuses occurring in a prison for women suffering from psychosocial and developmental disabilities. Investigated questions pertaining to the rights of individuals within psychiatric institutions and accountability for various abuses occurring in those facilities.

**War Crimes Research Office - American University Washington College of Law**

**4801 Massachusetts Avenue, NW - Washington, DC 20016**

**(202) 274-4067**

*Law Student Intern for the Gender Jurisprudence Project*, June 20, 2011 – December 31, 2012

Reviewed international criminal tribunal court documents for issues relating to gender- and sexual-based violence. Analyzed and synthesized decisions and judgments to consider the implications of gender- and sexual- based convictions, acquittals, and dismissals for defendants charged with gender- and sexual- based crimes against humanity, war crimes, and grave breaches of the Geneva Conventions. Digested the various documents to be included in a collection utilized by researchers and court officials at various international criminal tribunals.

**Hermano Pedro Day Shelter – Shrine of the Sacred Heart**

**3211 Pine St., NW - Washington, DC 20010**

**(202) 246-6643**

*Law Student Intern*, April 2, 2012 – August 3, 2012

Interned with pro bono attorney Michael Madden at Hermano Pedro Day Shelter at the Shrine of the Sacred Heart in the District of Columbia to assist indigent clients of the shelter with their various legal needs. Conducted legal research to solve multifaceted legal issues as well as worked directly with clients on a variety of legal matters including, but not limited to, immigration status, work authorizations, understanding warrants for arrest, child support, and health insurance and disability claims paperwork. Maintained client casework, researched prior legal dealings, and conducted client intake. Worked with clients suffering from co-existing substance addiction and various other psychosocial and developmental conditions and helped them obtain psychiatric and medical services.

**VOLUNTEER EXPERIENCE**

**Prisoners Literature Project, Berkeley, CA**

*Volunteer*, December 2013 – June 2014

Respond to inmate letters and requests for books. Review requests, choose appropriate books from a selection of donated items, and package materials to ship to incarcerated individuals. Lead volunteer packing sessions and explain the history and nature of the project. Plan fundraising events and conduct outreach to educate the community regarding prison conditions and other matters relating to inmates.

**JULIA M. PETRUCELLI**

- Albuquerque, NM 87123 -

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**Amnesty International, Washington, DC**

*Active Member*, January 2012 – May 2013

Assisted with event organizing, schedule planning, community outreach, and fundraising. Organized with Amnesty International members for Get On the Bus Day, an annual day of action advocating for international human rights and justice for human rights violations. Researched country specific human rights violations and discussed the viability of creating events and actions around those violations.

**National Lawyers Guild, American University Washington College of Law Student Chapter**

*Law Student Member*, January 2012 – May 2013

Provided informational resources, helped lead Know Your Rights Trainings, and acted as a legal observer during activist protests and actions.

**DC Books to Prisons Project, Washington, DC**

*Volunteer*, August 2010 – May 2013

Volunteered with the DC Books to Prisons Project to provide free books to prisoners around the United States. Worked to fulfill prisoners' requests by reviewing request letters, choosing appropriate books from a selection of donated items, and packing books to ship to the incarcerated individuals.

**ADDITIONAL INFORMATION**

**Spanish** – beginning to intermediate language skills

**Relevant Course Work** – Civil Procedure, Tort Law, Constitutional Law, Contract Law, Criminal Law, Criminal Procedure I and II, Evidence, Human Rights Law, Advanced Human Rights Law, Wrongful Convictions, Disability Law, Mental Disability Law, Legal Research and Writing, Law Practice Management, and a Summer Research Project culminating in a 70 page legal analysis of disability and the criminal justice system

**PROFESSIONAL REFERENCES**

**Jason Gordon, Esq.** – Disability Rights New Mexico

1720 Louisiana Blvd. NE, Suite 204 – Albuquerque, NM 87110  
(505) 256-3100 – gordonj@drnm.org

**Michael Madden, Esq.** – Law Office of Michael Madden

717 D. St. NW, Suite 400 – Washington, DC 20004  
(202) 628-3820 – maddenlaw@gmail.com

**Chante Lasco, Esq.** – War Crimes Research Office at American University Washington College of Law  
4801 Massachusetts Avenue NW – Washington, DC 20016

**Sofia Yakren, Esq.** – Associate Professor at CUNY School of Law

2 Court Square, Office 4-317 – Long Island City, NY 11101-4356  
(718) 340-4144 – sofia.yakren@law.cuny.edu

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 15516574**

Name: Niva J Lind Address: [REDACTED]  
 Albuquerque, New Mexico 87111  
 US  
 Home Phone: [REDACTED] Alternate Phone: [REDACTED]  
 Email: [REDACTED] Notification Email  
 Preference:  
 Former Last Name: Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, New Mexico, [REDACTED]  
 Can you, after employment, submit proof of your legal right to work in the United States? Yes  
 What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
 Are you willing to relocate? Yes  
 Types of positions you will accept: Regular  
 Types of work you will accept: Full Time  
 Types of shifts you will accept: Day

**Objective**

**Education**

**Professional**  
*Penn State Dickinson School of Law*  
 www.law.psu.edu  
 8/2004 - 5/2007  
 Carlisle, Pennsylvania

Did you graduate: Yes  
 College Major/Minor: n/a  
 Degree Received: Professional

**College**  
*University of Texas at Austin*  
 www.utexas.edu  
 5/1999 - 5/2003  
 Austin, Texas

Did you graduate: Yes  
 College Major/Minor: Government/English  
 Degree Received: Bachelor's

**Work Experience**

**Guardian ad Litem/Youth Attorney**  
 10/2014 - 4/2015

Hours worked per week: 30  
 Monthly Salary: \$1,500.00  
 # of Employees Supervised: 0  
 Name of Supervisor: Gini Silva - Executive Director  
 May we contact this employer? Yes

Advocacy, Inc.  
 www.nmadvocacy.org  
 6301 Fourth St. NW Ste. 3  
 Albuquerque, New Mexico 87107  
 5052663166

**Duties**

Representation of children and youth in CYFD custody.

**Reason for Leaving**

Medical Issues

**Assistant District Attorney**

4/2010 - 1/2013

11th Judicial District Attorney's Office, Div. II.  
201 W. Hill St. Ste. 100  
Gallup, New Mexico 87301  
(505) 722-2281

Hours worked per week: 40

Monthly Salary: \$3,916.00

# of Employees Supervised: 0

Name of Supervisor: Karl Gilson - District Attorney

May we contact this employer? Yes

**Duties**

Assistant District Attorney: Prosecuted mostly felony cases, specializing in sex crimes and felony domestic violence. Chair of the McKinley County Domestic Violence Task Force. Chair of the McKinley County Anti-Human Trafficking Task Force. Attended multiple domestic violence, sex crimes and Indian Law trainings and conferences throughout the state of New Mexico

**Reason for Leaving**

I wanted to be closer to family in Albuquerque and I was having health issues

**Assistant District Attorney**

5/2009 - 4/2010

13th Judicial District Attorney's Office  
515 High Street  
Grants, New Mexico 87020  
(505) 285-4627

Hours worked per week: 40

Monthly Salary: \$3,500.00

# of Employees Supervised: 0

Name of Supervisor: Lloyd Drager - Deputy District Attorney

May we contact this employer? Yes

**Duties**

Assistant District Attorney: Prosecuted DWI misdemeanor and felony cases, domestic violence misdemeanor cases, and truancy cases. Specialized in cross jurisdictional prosecution of DWIs. Trained and helped implement DV memoranda of understanding for law enforcement, attended multiple DV and DWI trainings and conferences throughout the state of New Mexico. Developed and implemented truancy penalty guidelines for Cibola County School District.

**Reason for Leaving**

I was asked to resign for political reasons

**Certificates and Licenses****Skills**

Office Skills

Typing:

Data Entry:

**Additional Information****References**

Professional  
**Spear, Paul**  
 Attorney  
 505-246-8600  
[spear@kienzlelaw.com](mailto:spear@kienzlelaw.com)

Professional  
**Tessman, Cynthia**  
 CYFD Children's Court Attorney  
 [REDACTED]  
[cynthia.tessman@state.nm.us](mailto:cynthia.tessman@state.nm.us)

Professional  
**Pieroni, Allison**  
 Attorney  
 505-830-6032  
[app@apfamilylaw.com](mailto:app@apfamilylaw.com)

### Resume

#### Text Resume

#### Attachments

Attachment	File Name	File Type
2015 updated resume.doc	2015 updated resume.doc	Resume

#### City-Wide Questions

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

**Supplemental Questions**

**1. Q:** Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

**2. Q:** If you possess a professional law degree identify the accredited law school.

A: Penn State Dickinson School of Law

**3. Q:** Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

**4. Q:** If you are an active Bar Association member in good standing identify the state.

A: New Mexico

**5. Q:** How many years of management experience do you possess related to this position?

A: 5 years to less than 6 years

**6. Q:** Select the number of years of work experience you possess which relate to this position.

A: 4 years to less than 5 years

**7. Q:** Briefly describe your experience in criminal investigation.

A: As a prosecutor, I helped the police in making sure their criminal investigations were complete enough for me to use in my prosecution. I often was fully engaged in assisting in the investigation to make sure it was being conducted properly.

**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: As a prosecutor, I had to make sure I was complying with all judicial processes and the policies of my office.

# Niva J. Lind

[REDACTED]  
Albuquerque, NM 87111  
[REDACTED]  
[REDACTED]

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<b>Experience:</b> October 2014- March 2015	<b>Private Practice</b> <i>Guardian ad Litem/Youth Attorney:</i> Representation of children and youth in CYFD custody.	<b>Albuquerque, NM</b>
April 2010- January 2013	<b>11<sup>th</sup> Judicial District Attorney's Office, Division II</b> <i>Assistant District Attorney:</i> Prosecuted felony cases, specializing in sex crimes and felony domestic violence. Chair of the McKinley County Domestic Violence Task Force. Chair of the McKinley County Anti-Human Trafficking Task Force. Attended domestic violence, sex crimes and Indian Law trainings and conferences.	<b>Gallup, NM</b>
May 2009- March 2010	<b>13<sup>th</sup> Judicial District Attorney's Office</b> <i>Assistant District Attorney:</i> Prosecuted DWI misdemeanor and felony cases, domestic violence misdemeanor cases, and truancy cases. Specialized in cross jurisdictional prosecution of DWIs. Trained and helped implement DV memoranda of understanding for law enforcement, attended DV and DWI trainings and conferences. Developed and implemented truancy penalty guidelines for Cibola County School District.	<b>Grants, NM</b>
October 2007- October 2008	<b>Little &amp; Dranttel, P.C.</b> <i>Law Clerk/Paralegal:</i> Drafted complaints for Foreclosure, Default Judgments, Stipulated Judgments; received training in real estate and creditor law, revised and implemented procedures for case initiation, updated and advised clients as to status of cases.	<b>Albuquerque, NM</b>
August 2006- May 2007	<b>Pennsylvania State University, The Dickinson School of Law</b> <i>Student Library Assistant:</i> Organized and catalogued legal source material, administered circulation desk of Law Library .	<b>Carlisle, PA</b>
May 2005- January 2007	<b>Pennsylvania State University, The Dickinson School of Law</b> <i>Research Assistant for Professor Larry Cata Backer:</i> Edited law review articles, completed legal research for publication purposes. Summarized United States Supreme Court opinions, using blue book format citations for those summaries.	<b>Carlisle, PA</b>
June 2006- August 2006	<b>MidPenn Legal Services</b> <i>Intern:</i> Drafted trial memos and motions, assisted in the representation of clients and the preparation of bankruptcies and electronically filed bankruptcy petitions. Trained in electronic filing of bankruptcies in the Middle District of Pennsylvania.	<b>Carlisle, PA</b>
July 2005- July 2006	<b>Thomson West</b> <i>Westlaw Student Representative:</i> Provided customer service for faculty and students at DSL-PSU, trained and promoted the Westlaw products. Prepared and implemented class training of 1L students and law review members.	<b>Carlisle, PA</b>

<b><u>Education:</u></b>	<p><b>Pennsylvania State University</b> <span style="float: right;"><b>Carlisle, PA</b></span>  <b>The Dickinson School of Law</b>  <b>Juris Doctorate, May 2007</b></p> <p><b>The University of Texas</b> <span style="float: right;"><b>Austin, TX</b></span>  <b>Bachelor of Arts, August 2004</b>  <b>Major: Government</b></p>
<b><u>Bar Membership:</u></b>	<b>New Mexico Bar Association, April 2008</b>
<b><u>Certifications:</u></b>	<b>Miller Center Public Interest Advocate</b>
<b><u>Volunteer</u></b>	<b>Veterans Civil Justice Initiative, Pro Bono Legal Clinic</b> <span style="float: right;"><b>Albuquerque, NM</b></span>
<b><u>Activities:</u></b>	Providing free legal advice on topics such as family law, consumer rights
<b>May 2013-</b>	bankruptcy, foreclosure and family law to veterans monthly. Created binder of reference
<b>Present</b>	materials for other attorneys.
<b>September 2008-</b>	<b>Wills for Heroes</b> <span style="float: right;"><b>Albuquerque, NM</b></span>
<b>Present</b>	Created wills and end of life documents for Police Officers and all first responders.
<b>April 2011</b>	<b>11<sup>th</sup> Judicial District, Div. II, Law Fair</b> <span style="float: right;"><b>Gallup, NM</b></span>
	Provided free legal advice to members of the community on matters such as
	foreclosure and family law.
<b>October 2008-</b>	<b>Voter Protection Team, Campaign for Change</b> <span style="float: right;"><b>Columbus, OH</b></span>
<b>November 2008</b>	Member of the out-of-state counsel team providing legal assistance to
	voters in Franklin County, Ohio. Assisted with training and administrative
	support to attorneys in the regional headquarters of the Campaign for Change.
<b>June 2005-</b>	<b>Miller Center For Public Advocacy:</b> <span style="float: right;"><b>PSU-DSL</b></span>
<b>May 2007</b>	<b>Certified Public Interest Advocate</b>
	Pro bono research assistance and memo writing for legal aid, legal services for
	the indigent and governmental agencies.
<b>November 2005</b>	<b>Fundraiser for Hurricane Katrina</b> <span style="float: right;"><b>PSU-DSL</b></span>
	Initiated and organized fundraiser to send money to Olivia's House, a charity that bought
	and sent grief books to the displaced children of Hurricane Katrina.
<b>November 2004</b>	<b>Election Protection: Volunteer Law Student</b> <span style="float: right;"><b>Harrisburg, PA</b></span>
	Provided assistance to low income and minority voters in Dauphin County, Pennsylvania
	to protect their right to vote and insure against their disenfranchisement.
<b><u>Student Group</u></b>	<b><u>Legalese, the Literary and Artistic Works Journal for PSU-DSL,</u></b> <span style="float: right;"><b>PSU-DSL</b></span>
<b><u>Affiliations</u></b>	<b><i>Editor in Chief</i></b> <span style="float: right;"><b>Carlisle, PA</b></span>
	<i>Student Bar Association, 2007 Election Commissioner</i>
	<i>Jewish Law Students Association, Member</i>

City of Albuquerque Police Oversight Board  
Answers to Questionnaire for Director of Civilian Police Oversight Agency Applicants  
Extension Granted Due: July 2, 2015

Niva J Lind  
Self-Employed

[REDACTED] Albuquerque NM 87111

1. The Settlement Agreement/Consent Decree clearly sets out the purpose of the Civilian Police Oversight Agency (CPOA) "...[t]he 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. " United States v City of Albuquerque, No. 1:14-cv-01025-RB-SMV, 2014 U.S. Dist. [http://www.justice.gov/crt/about/spl/documents/apd\\_settlement\\_11-14-14.pdf](http://www.justice.gov/crt/about/spl/documents/apd_settlement_11-14-14.pdf) at \*83 (D.NM. November 14, 2014).

Based on this primary objective set out by the Department of Justice (DOJ), the most important goals for the CPOA and POB to achieve is transparency in its fulfillment of the objectives that the DOJ have set out for the CPOA. The other important goal set out by the DOJ is to put into place non-biased reviews of APD's actions and citizen complaints. Transparency will achieve more than just the objectives I quoted above. It will also help to begin the process of gaining the trust of Albuquerque's many communities. This settlement/decree through its many directives continually stresses the importance of maintaining meaningful conversations with the citizens of Albuquerque. If the citizens can see that there have been investigations in use of force and officer-involved shootings, this will show them that the APD takes these situations seriously and investigates their own conduct fairly and enforces the applicable regulations, standard operating procedures (SOPs), and laws that apply to each situation. Additionally citizens will see the results of the CPOA's review of these police actions. Also by "...tracking long-term trends and assessing APD's policies and training [,]" *id.* the CPOA can fulfill the objective set out by the DOJ, to let the public know the terms of the settlement and APD's compliance with the Settlement Agreement/Decree. Long-term trends are helpful in showing improvement in APD's compliance with the provisions of the Settlement Agreement/Decree and transparency in this will also help foster community based discussions with APD. By assessing APD's policies and training, the CPOA can ensure that APD is complying with the provisions of the settlement agreement. In order for the community to feel that compliance is being attained, it is vital to share the new policies and training practices that come into place at APD.

2. While I was working for the 11<sup>th</sup> Judicial District, Div. II in Gallup, I had an ethical conflict with my boss on a case that we were working on together. The standard practice is to have an "open file policy" so that defense counsel can come into our offices to copy material from our files. Our office had received new information on the case we were prosecuting together and I wanted to email defense counsel with the new information. My boss wanted to let them (defense counsel) find it out themselves when they eventually came to copy the file. I felt that it was my ethical obligation to inform defense counsel immediately of the new information we had received. This ethical conflict was solved when I successfully argued to my boss that we had to

email defense counsel immediately with the new information we had received in order to fulfill our ethical obligation as prosecutors and attorneys. There is a higher ethical standard for prosecutors set out by the Model Rules of Ethics. He agreed to let me email defense counsel with the new information immediately.

3. While I was working as an Assistant District Attorney in Gallup, I had the opportunity to be the Chair of the McKinley County Task Force on Domestic Violence and Sexual Assault. It became apparent that not all the stakeholders in the meetings were on the same page when it came to investigating, documenting and reporting domestic violence cases. The DA's office and the Battered Woman's Shelter wanted more documentation and investigation of the cases law enforcement. We had to come up with a way that officers could quickly and effectively investigate these calls and document them appropriately for later prosecution. We came up with creating a Domestic Violence warrant that would help remind the officers of what to do on site and ensure documentation and investigation. After hours of negotiation, we agreed that the Gallup Police Department (GPD) and the McKinley County Sherriff's Office (MCSO) would implement a new domestic violence warrant that we had created. I was able to ease some of the tension by working closely with a Detective from GPD to create the new warrant and then having MCSO review it. In having members of the task force create a document that could be and would be used by both GPD and MCSO, the conflict disappeared. The warrant was used for the first time by a GPD officer the day after it was finalized and released to all MCSO and GPD officers. It was also accepted by the court and filed.

4. The case I am most proud of is *State v. Redd*, 308 P.3d 1000 (N.M. App., 2013). The underlying charges in the case were three counts of criminal sexual penetration of a minor (CSPM), one count of criminal sexual contact of a minor (CSCM), one count of false imprisonment, and two counts of intentional child abuse. *Id.* The District Court had dismissed all the charges because the defendant had successfully argued that because the Sherriff's Office had lost a digitally recorded interview of the minor, his case would be irrevocably prejudiced and dismissal was the only remedy. The Court of Appeals unanimously decided to reverse the dismissal and reinstate all the charges. I am most proud of this case for a couple of reasons. First, I had to write the docketing statement that is part of the Appeal and the Court of Appeals used my statement of facts of the case and my questions to the court in their decision. Secondly, I worked very hard to be successful in my appeal and was delighted that not only had I been successful in the appeal, but the Court chose to have the case published.

5. In order to describe my investigative philosophy, I will have to explain more of what I did as a prosecutor. I specialized in violent crimes against women and children. A lot of these cases, especially the ones that involved children, required a lot of extra investigation. In order for me to be successful in those types of cases, I had to be in constant contact with the law enforcement agency that was handling the case. I was thorough and very detail oriented because these cases were very difficult and were mainly based on disclosures made by victims without hard evidence to back them up. In order to understand the case I spent a lot of time meeting with the victims and finding out their stories and preparing them for what was to come. I went to multiple conferences specifically dealing with investigating and prosecuting these types of cases. I would say that my investigative philosophy is: leave no stone unturned and pay attention to everything.

Investigations are important as they are the means to getting at the truth, and a good investigation is through and detail orientated.

6. While I was a prosecutor I successfully managed a caseload of up to 150 cases at a time. This is one part of why I would be uniquely qualified to take the helm of this organization and move it forward. Additionally, I am a very quick learner and hard worker. I believe it is important to tackle the backlog but also simultaneously look towards the future by making sure that a backlog doesn't happen again and maintaining an organization that can manage a large caseload.

Without putting a system in place that can help tackle the large caseload, the organization cannot function properly. Moving forward can also mean a change in how the organization functions from the bottom to the top. In getting down to the nitty gritty of the systems in place to manage the cases, I can figure out a way to make things run more smoothly and efficiently. Time management is important but so is structure. If structures are implemented to change how the cases are managed, then the caseload becomes more manageable. As the Chair of the Task Force I mentioned earlier, I had to absorb a lot of materials and opinions in order to successfully negotiate with the various stakeholders to implement the domestic violence warrant. I believe that this uniquely qualifies me to take charge of this agency.

7. My vision for the CPOA is that the agency fully and successfully complies with the Settlement Agreement/Decree. In order to do this I believe the CPOA would be successful once the community feels more involved and starts trusting APD officers again. This is one of the most important aspects of this agency.

8. The top five assets that I would bring to this position:

1. My ability to work with a diverse group of people. I believe it is vitally important that the head of this agency be personable and works well with all different types of people because as director I would have to work with many different types of Stakeholders. Without my abilities to gain the confidence and trust needed to accomplish the Settlement's decrees, the agency could not be as successful. I don't need the Stakeholders to like me; I would only have to get them to want to work with me and the agency.
2. My ability to persevere despite obstacles and challenges. It is important that the head of this agency be able to stay focused on the goals of the agency and not let anything get in the way of achieving those goals. There might not always be the most positive reaction by stakeholders, community members, etc., to the agency but that should not derail the director's efforts to achieve the agency's goals. I have faced many obstacles in my life but persevered and became a successful person. That ability to always continue striving for a goal no matter what is an important asset to bring to this organization.
3. I enjoy working with elected officials and law enforcement. It is something I am very comfortable doing and I do not shy away from difficult situations. It is an asset that is very beneficial to the CPOA as I would be working with various Stakeholders including but not limited to the DOJ and elected officials. I majored in Government at the University of Texas (aka Political Science) and have always

loved the institutions of our government and been fascinated by the people who run it.

4. I enjoy being in the spotlight. I have always loved to be in court litigating and I am not shy. I think this is a very important asset to the agency because I would have to be on television once a month. I enjoy high pressure situations where I am expected to speak and argue on the fly so to speak. I participated in speech and debate all four years of high school and was quite successful. I believe the head of this agency has to be able to speak eloquently in public and show that the agency is on the right track for the future.
5. I work hard and am a quick learner. I believe this is an asset that I could bring to the agency. In order to overcome the challenge of a backlog of cases and move the agency forward I will have to be able to absorb a lot of new information and work hard to quickly and efficiently deal with the backlog. I will have to quickly learn the ins and outs of this agency in order to be able to figure out how best to move the agency forward successfully. I also enjoy research and writing, I like to find out new information and use it in whatever ways I can.

9. I believe my answer to question 3 encompasses the answer to this question.

10. I believe that I am the best candidate for this job for many of the reasons I have already indicated above in response to question 8. Additionally I am excited and honored to be a part of this selection process and look forward to the opportunity to meet members of this agency. I feel that the CPOA is a very important agency and there is much work to be done to gain the trust of community members and achieve the goals as set out in the Settlement/Decree. I believe I can help that happen and sincerely hope that I get the opportunity to be a part of this agency.

#### References:

1. The Honorable John J Romero, Jr.  
District Judge Division VII  
Juvenile Justice Center  
5100 Second Street NW  
Albuquerque NM 87107  
Phone: 505-841-7311  
Email: [albdjjr@nmcourts.gov](mailto:albdjjr@nmcourts.gov)  
I appeared in front of Judge Romero  
numerous times in Children's Court

2. Cynthia Tessman  
CYFD Children's Court Attorney  
[cynthia.tessman@state.nm.us](mailto:cynthia.tessman@state.nm.us)  
[REDACTED]

I appeared in Court when we were working on the same cases together when I was working as a Guardian ad Litem/Youth Attorney.

3. Allison Pieroni  
Attorney  
[app@apfamilylaw.com](mailto:app@apfamilylaw.com)  
505-830-6032

I worked with her as a colleague, she and I were both working as Guardian ad Litem/Youth Attorneys.

<b>CPOA Director Applicant Summary</b>	<b>Status Date</b>	<b>7/6/2015</b>					
<b>Application Received</b>	<b>Met Minimum Qualifications</b>	<b>Resume Received</b>	<b>Cover Letter Received</b>	<b>Sent Writing Assignment</b>	<b>Returned Writing Assignment</b>	<b>Withdrew</b>	<b>Beth Rec'd</b>
Brown, Bradley	Yes	No	No	6/26/2015	7/1/2015		x
Gansallo, Africa	Yes	Yes	Yes	6/19/2015	No response		x
Grubestic, John	Yes	No	No	6/19/2015	6/24/2015		x
Harness, Edward	Yes	No	No	6/26/2015	7/1/2015		x
Lind, Niva	Yes	Yes	No	6/19/2015	6/30/2015		x
Petrucelli, Julia	Yes	Yes	Yes	6/26/2015	7/1/2015		x
Salazar, Anthony	Yes	Yes	No	6/19/2015	No response		x
Stansbury, Roger	Yes	Yes	No	6/26/2015	No response		X
Strassberg, Herbert	Yes	Yes	No	6/19/2015	6/22/2015		x
Alvarado, Jorge	Yes	No	No	7/2/2015	Withdrew	7/5/2015	
Bradley, Duncan	Yes	No	Yes	7/2/2015	Due 7/8		
DeFrancesco, Gregory	No	NA	NA	NA	NA		
DeSantis, Alexander	No	NA	NA	NA	NA		
Gardner, Sandra	Yes	Yes	No	6/26/2015	Withdrew	7/1/2015	
Moore, Ricardo	No	NA	NA	NA	NA		
Ortega, Johnny	No	NA	NA	NA	NA		
Otten, Robin Dozier	Yes	No	No	7/2/2015	Due 7/8		
Romero, Jennifer	Yes	No	No	7/2/2015	Due 7/8		

**From:** Beth Mohr  
**To:** POB; Hammer, Robin; Hernandez, Jessica M.; Mark T. Baker; Hults, Samantha M.; Green, Alan; Contreras, Michelle  
**Subject:** Personnel Subcommittee Meeting - likely vacated  
**Date:** Thursday, July 30, 2015 11:20:46 AM

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All: Since the POB will be meeting on Tuesday, August 4th at 5pm, I don't see any need to have a personnel subcommittee meeting as we had scheduled it tomorrow.

If you can think of a compelling reason to have it, please let me know, however, I am unaware that an agenda was correctly posted. I was supposed to get an agenda reminder for that from the Ms. Hammer or someone at the CPOA Office, and that didn't happen, and I didn't remember, either. So I think between the lack of need and the lack of posting of the agenda, it makes sense to cancel.

Thanks, -B

Beth A. Mohr, Volunteer  
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:** Contreras, Michelle  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown  
**Cc:** Hammer, Robin  
**Subject:** Personnel Subcommittee Meeting 7/24/2015  
**Date:** Wednesday, July 22, 2015 12:00:12 PM  
**Attachments:** July 24 2015 Personnel Subcommittee Agenda.pdf

---

Good afternoon Board Members,  
Just a friendly reminder that the Personnel Subcommittee meeting is this Friday, July 24, 2015 at 1:30 p.m. in the basement hearing room #160, Plaza del Sol building. Please see attached agenda.

Thank you.

Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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  
POLICE OVERSIGHT BOARD  
PERSONNEL SUBCOMMITTEE MEETING**

*Eric Cruz*

*Joanne Fine*

*Beth Mohr*

Robin S. Hammer, Acting Executive Director

**POLICE OVERSIGHT BOARD  
PERSONNEL SUBCOMMITTEE**

**Friday, July 24, 2015 – 1:30 pm  
Plaza del Sol, 600 2nd Street NW –  
Basement, Hearing Room 160**

**AGENDA**

- 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. Review of hiring process timeline
  - B. Report from Human Resources Office – Alan Green or designee
  - C. Selection of Executive Director Finalists
  - D. Assignments re: invitation of applicants, reference checks, etc.
- VI. Discussion of CPOA Office Personnel Issue
  - A. Status of ongoing CPOA Office personnel issues
  - B. Executive session – if needed
- VII. Other business
- VIII. Next Meeting date to be determined at meeting
- IX. Adjournment

**From:** Hammer, Robin  
**To:** Beth Mohr; Eric H. Cruz; Joanne Fine  
**Cc:** Leonard Waites; Contreras, Michelle  
**Subject:** Personnel Subcommittee Minutes  
**Date:** Tuesday, July 21, 2015 11:49:46 AM  
**Attachments:** Personnel Subcommittee Minutes 7-7-15 Draft.docx

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Attached please find a draft of the July 7, 2015 Personnel Subcommittee Minutes 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>

**POLICE OVERSIGHT BOARD  
PERSONNEL SUBCOMMITTEE**

**Tuesday, July 7, 2015 – 1:30 p.m.  
Plaza Del Sol, 600 2<sup>nd</sup> St. NW  
Seventh Floor Conference Room**

**Members Present**

Beth Mohr (Chair)  
Joanne Fine  
Eric Cruz

**Others Present**

Robin S. Hammer  
Michelle Contreras  
Diane McDermott  
Chris Davidson  
Erin O'Neil  
Samantha Hults, Asst. City Attorney

**MINUTES**

- I. **Welcome and Call to Order:** Beth Mohr called the meeting to order at 3:00 p.m.
- II. **Approval of the Agenda:** Subcommittee member Fine moved to approve the agenda. Subcommittee member Cruz seconded the motion. Passed.  
For: 3 – Mohr, Fine, Cruz
- III. **Approval of Minutes & Prior Minutes:** None.
- IV. **Public Comments:** No public comments.
- V. **Discussion of Executive Director Search & Hiring Process**  
The Subcommittee discussed the search and hiring process for an Executive Director for the CPOA. Subcommittee members reviewed the hiring process and interview questions. Chair Mohr agreed to provide the applications for the Executive Direction position and writing samples to the full Board. Questions to asked at the candidates' televised interview, will be reviewed at the full Board.
- VI. **Discussion of CPOA Office Personnel Issue**  
Subcommittee member Fine moved for the Personnel Subcommittee to enter into an Executive Session with Assistant City Attorney Samantha Hults to discuss personnel matters of the CPOA office. Subcommittee member Cruz seconded the motion. Passed. For: Mohr, Fine, Cruz.  
Roll call: Mohr, Fine, Cruz.

**Civilian Police Oversight Agency  
Police Oversight Board Personnel Subcommittee  
Minutes – July 7, 2015 at 1:30 p.m.**

After the Executive Session, Chair Mohr indicated that a closed Executive Session was held to discuss personnel issues at the CPOA Administrative Office and that no decisions were made while in closed session. Subcommittee member Cruz moved that the Personnel Subcommittee enter back into regular session. Subcommittee member Fine seconded the motion. Passed. For: Mohr, Fine, Cruz.

VII. **Other business**

**A. Board Member Ride-a-longs.** A discussion was had regarding the Board Members requirements regarding ride-a-longs. Acting Executive Director to provide to the full Board on Thursday, July 9, 2015 a report regarding Board Member ride alongs.

**B. Board Member Training.** A discussion was had regarding the completion of Board Member training. Further discussion of the training will be held at the full Board meeting on July 9, 2015. Mark Baker, attorney for the Board, is in charge of the training.

VIII. **Next Meeting was set for July 24, 2015 at 1:30 p.m.**

IX. **Adjournment.** Subcommittee member Cruz moved to adjourn the meeting. Subcommittee member Fine seconded the motion. Passed. For: 3– Mohr, Fine, Cruz.

The meeting adjourned at 4:02 p.m.

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Approved by:  
Beth Mohr, Chair  
Personnel Subcommittee

---

Date

CC: Julian Moya, City Council Staff  
Natalie Y. Howard, City Clerk  
Rey Garduño, City Council President

**From:** [Hammer, Robin](#)  
**To:** [Beth Mohr](#); [Eric H. Cruz](#); [Joanne Fine](#)  
**Cc:** [Contreras, Michelle](#); [Leonard Waites](#)  
**Subject:** Personnel Subcommittee Minutes  
**Date:** Monday, June 22, 2015 4:34:19 PM  
**Attachments:** [Minutes 6-9-15 Draft.docx](#)

---

Personnel Subcommittee Members:

Attached are the draft Minutes from the June 6, 2015 Personnel Subcommittee.

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>

**POLICE OVERSIGHT BOARD  
PERSONNEL SUBCOMMITTEE**

**Tuesday, June 9, 2015 – 1:30 p.m.  
Plaza Del Sol, 600 2<sup>nd</sup> St. NW  
Seventh Floor Conference Room**

**Members Present**

Beth Mohr (Chair)  
Joanne Fine

**Members Absent**

Eric Cruz

**Others Present**

Robin S. Hammer  
Michelle Contreras  
Diane McDermott  
Leonard Waites  
Paul Cash  
Chris Davidson  
Erin O'Neil  
Al Green, Human Resources  
Jenica Jacobi, Assist. City Attorney

**MINUTES**

- I. **Welcome and Call to Order:** Beth Mohr called the meeting to order at 1:42 p.m.
- II. **Approval of the Agenda:** Subcommittee member Fine moved to approve the agenda. Chair Mohr seconded the motion. Passed.  
For: 2 – Fine, Mohr
- III. **Approval of Minutes & Prior Minutes:** Subcommittee member Fine moved that the minutes for the May 6, 2015 Personnel Subcommittee be accepted as amended. Chair Mohr seconded the motion. Passed.  
For: 2 – Fine, Mohr  
  
Subcommittee member Fine moved that the minutes for the April 27, 2015 Personnel Subcommittee be accepted. Chair Mohr seconded the motion. Passed.  
For: 2 – Fine, Mohr
- IV. **Public Comments.** None.
- V. **Discussion of Executive Director Search & Hiring Process**  
The Subcommittee discussed the search and hiring process for an Executive Director for the CPOA.
  - A. **Report from HR regarding job posting – Vince Yermal, or designee**

**Civilian Police Oversight Agency  
Police Oversight Board Personnel Subcommittee  
Minutes – June 9, 2015 at 1:30 p.m.**

Al Green, City HR, detailed the job postings for the search for an Executive Director.

- 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**

Subcommittee member Fine moved for the Personnel Committee to enter into an Executive Session with Assistant City Attorney's Jenica Jacobi to discuss personnel matters of the CPOA office. Chair Mohr seconded the motion. Passed. Roll call: For: Fine, Mohr

After the Executive Session, Chair Mohr indicated that a closed Executive Session was held to discuss personnel issues at the CPOA Administrative Office and that no decisions were made while in closed session.

**VII. Other business.** None.

**VIII. Next Meeting was set for June 25, 2015 at 1:30 p.m.**

**IX. Adjournment.** Subcommittee member Fine moved to adjourn the meeting. Chair Mohr seconded the motion. Passed.  
For: 2 – Fine, Mohr.

The meeting adjourned at 3:00 p.m.

\_\_\_\_\_  
Approved by:  
Beth Mohr, Chair  
Personnel Subcommittee

\_\_\_\_\_  
Date

CC: Julian Moya, City Council Staff  
Natalie Y. Howard, City Clerk  
Rey Garduño, City Council President

**From:** Beth A. Mohr  
**To:** POB; Cash, Paul; Hammer, Robin  
**Subject:** Personnel Subcommittee meeting will be Tuesday July 7th at 3:00 pm  
**Date:** Sunday, June 28, 2015 12:15:25 PM

---

All - Let's set the personnel subcommittee for Tuesday July 7th at 3pm. Please get us a room and let me know where. The agenda I sent already just needs to be updated and posted. Please send me your updated version to approve prior to 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:** [Beth Mohr](#)  
**To:** [POB](#); [Hammer, Robin](#); [Mark T. Baker](#); [Hernandez, Jessica M.](#); [Hults, Samantha M.](#); [Green, Alan](#); [Contreras, Michelle](#); [Cash, Paul](#)  
**Subject:** Personnel subcommittee agenda  
**Date:** Monday, July 20, 2015 1:09:17 PM  
**Attachments:** [July 24, 2015 Personnel Subcommittee Agenda.docx](#)

---

All: Enclosed is the personnel subcommittee proposed agenda. The meeting is Friday, July 24th at 1:30 pm in the basement of the Plaza del Sol meeting. We will be going through applications and writing assignments and selecting the final applicant pool for interviews to be held during the special POB meeting on July 29th.

Let me know if there are any changes, otherwise the CPOA Office will post this in compliance with requirements for this public meeting.

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.

**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  
PERSONNEL SUBCOMMITTEE**

**Friday, July 24, 2015 – 1:30 pm  
Plaza del Sol, 600 2nd Street NW –  
Basement, Hearing Room 160**

**AGENDA**

- 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. **Review of hiring process timeline**
  - B. **Report from Human Resources Office – Alan Green or designee**
  - C. **Selection of Executive Director Finalists**
  - D. **Assignments re: invitation of applicants, reference checks, etc.**
- VI. **Discussion of CPOA Office Personnel Issue**
  - A. **Status of ongoing CPOA Office personnel issues**
  - B. **Executive session – if needed**
- VII. **Other business**
- VIII. **Next Meeting date to be determined at meeting**
- IX. **Adjournment**

**From:** [Beth Mohr](#)  
**To:** [Joanne Fine](#)  
**Subject:** Phones for non-profit  
**Date:** Saturday, July 18, 2015 4:41:24 PM

---

When you get back, see if you can find a non-profit who wants a donation of five 4-line phones with caller ID. We upgraded but these still work fine. -B

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** Phony Heroes and our incompetent elected and appointed officials  
**Date:** Monday, September 28, 2015 11:42:44 AM

---

All

(Including Councilors, DOJ, PMR Inc. APS, media and citizens)

So the latest APD PR stunt is to hold this "Hero" Academy to have seriously ill kids speed around in police cars, be pretend SWAT killers and do other things our self proclaimed hero cops do?

Is APD also going to teach these kids how to lie and turn their body cameras off.

The reason we will never have real reform is this "our cops are heroes" by merely putting on a badge and can carry guns-murder people BS propaganda.

Why not have a real hero education for the seriously ill kids run by military veterans so kids can see what it takes to serve in the military?

It's sickening but this is New Mexico

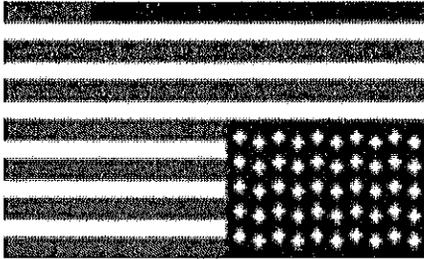
Silvio

For WE THE PEOPLE

P.S.

See the latest 9/27 posting in the Eye on Albuquerque "*Will the moron in charge step forward?*" and Joe Monahan's latest posting both critical of our lack of leadership here





**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**



**APD academy for seriously ill kids**

*Albuquerque Journal* Sep 25 2015 Albuquerque police are hosting a Hero Police Academy for children with life-threatening illnesses on Saturday, giving the youngsters a chance to see what it takes to be a police officer. Police said 33 children are scheduled to participate in the...[read more...](#)

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**From:** Silvio Dell'Angela  
**To:** Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.  
**Cc:** Mayor Berry; Eden, Gordon  
**Subject:** Please don't insult citizens again by choosing out of state uniformed and unqualified former cop Edward Harness to be next Executive Director of POA  
**Date:** Thursday, August 13, 2015 3:38:22 PM  
**Attachments:** POB-ED.doc  
BerryAsleep.doc

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## TO City Councilors

Bcc to many

### References

-My e-mail yesterday subject, "Joe Monahan's blog: APS Valentino - Hanna - Winter - Susana / Google leaving – Susana, mining contamination + more by me on APD and Eden"

-Today's Journal articles

-- *Board nominates 3 to direct Police Oversight Agency*

-- *Lawyer sues over APD document violations. (More IPRA request stonewalling by APD)*

-Latest ABQ Free Press issue's articles and cartoon discussed below-a must read

### MURDER OF JAMES BOYD BY APD COPS SANDY AND PEREZ

My e-mail yesterday discussed among other things the fact that except for the one recording of the murder of James Boyd by APD cops Sandy and Perez there has never been even one recording showing the actual shooting/killing by APD of their victims. We see videos only after the killings and cover-up written police testimony and likely fictitious witnesses corroborating their bogus stories justifying them.

I reminded all again that the only reason Boyd pulled his small knives was to protect himself against the snarling K-9 dog straining at this leash who he feared would be turned loose on him to tear him to bits. I cited another recent example of a K-9 dog doing just that.

Charging both with murder should be a no brainer even with the two high paid out of town "experts"/liars their defense attorneys brought in to try to justify it.

### EDEN-A DISGRACE TO THE UNIFORM AS IS BERRY TO HIS OFFICE

I discussed Pete Dinelli's Journal letter calling for the firing of the incompetent Gordon Eden a Governor's discard who never met the posted qualification for the chief's job. This was evident with his first statements trying to justify the Boyd murder which he later recanted. Since then, he proved his incompetence over and over again. Eden has no self-respect. If he had any, he would resign.

## ABQ FREE PRESS-A MUST READ

Eden's claims-now over 16 months later to still have never read the investigative report on Boyd's murder should have outraged you but as always, you remained silent. This bogus excuse was also the subject of an ABQ Free Press article in its current issue "*16 Months Later, Eden Still Hasn't Read Boyd report.*" This latest AFP issue also has a story "*Prosecutor: Boyd Shot While Trying to Surrender.*" Another is "*Boyd standoff from a Clusterf#@k from the start*" Also included in this AFP issue was a cartoon (attached) showing our "asleep at the switch" Mayor. See <http://www.freeabq.com/?p=2936> or pick up a copy at many stores throughout the City.

Now our sleeping in his bunker Mayor would try to appease us fed up or naïve citizens by appointing his former "senior advisor" Annabelle Romero now with the Office of Diversity and Human Rights to oversee (for \$15,000 of our tax dollars) the UNM's facilitators of these bogus citizen outreach collaborative "dialogues" that the Mayor claims will help him reform APD. Not surprisingly, their lowest priorities coming out of these well UNM and City controlled "dialogues" were given to police accountability and transparency which says it all. These PR "dialogues" scams are an insult to our intelligence.

The Mayor's Annabelle is not surprisingly now stonewalling my NM IPRA request for the names of those people attending these dialogues throughout the city. She should be an APD employee-don't you think?

My earlier e-mails talked about another APD excessive force protector Cincinnati attorney Scott Greenwood who lied to the Council when claiming his approved changes to the new police oversight ordinance represented the desires of the DOJ-something they denied. I discussed the retaliatory actions taken against perceived APD enemies like DA Brandenburg, former good APD cop Dawne Roberto and others.

I mentioned often US Attorney for NM Damon Martinez sending his thug US Marshals, (who he refuses to equip with body cameras) to the home of Tony Pirard twice to try to silence his criticism of him, Judge Brack, James Ginger and this whole corrupt APD reform effort.

I too have been critical of the DOJ for their betrayal of the people when signing that toothless reform agreement and spending \$4+ million of our tax dollars to hire the knowingly toothless former SC cop James Ginger and his PMR Inc team of mostly former police officers.

Are you aware of the talk at Congregation Albert by Mayor Berry and others claiming Berry Eden and others in the DOJ will really make a difference-bring about reform. Don't the Israeli police act just like APD? Do they think we are all stupid? Does this Mayor believe you nine are all fools?

## SEEMINGLY PRO BAD COP APPOINTEES

Earlier e-mails talked about pro APD appointees to the old POC like the wife of former cop Bob

Martinez-head of the Fraternal Order of Police who openly opposed any citizen oversight. Ms. Martinez was not surprisingly appointed by Councilor Harris.

Not to be outdone with Harris' pandering to the APD Chief and Mayor, yet another APD oversight reform obstructionist, Republican political operative Carl Foster was appointed to the POC by my disgraceful Councilor Trudy Jones.

Jones also appointed retired APD Captain Loy to the police oversight task force to try to have him stonewall any serious reform recommendations by the others along with UNM's Bruce Perlman.

I wonder just who are Harris' and Jones' appointees to the new Police Oversight Board.

#### THE POLICE OVERSIGHT BOARD'S UNBELIEVABLE FIRST CHOICE FOR POA'S EXECUTIVE DIRECTOR

The cited Journal article today finally reported that incredibly those now on the Police Oversight Board named former Milwaukee cop Ed Harness to be their first choice for the POA's Executive Director's position over Jay Rowland-the logical choice.

Beth Mohr, a retired San Diego police officer and now vice chair woman of the POB would try to justify a fellow retired cop by incredulously saying "*He would bring a fresh perspective to the PD because he is from another state.*" Really Beth?

Anybody looking at the GOV TV interviews of the three nominees should have been outraged that Ed was their first choice. See my attached e-mails sent to the POB, you Councilors, media and others here since July 30. Did you ever bother to see the interviews posted on youtube?

Not likely-as was the case when you likely never reviewed the 30 + other current and former US police chiefs and deputy chiefs with outstanding qualifications before you blessed Ed. Was Ed also claimed to be another who would give the APD Chief's job a "*fresh perspective.*"

What the Journal reporter knew but never asked is why were two POB meetings necessary? After the first meeting, did Ms. Mohr and the others have to check first with Chief Ed, his boss Perry and the Mayor and possibly also you Councilors to determine just who were acceptable to them-their first choice? Thus the need for the second bogus POB meeting to announce your selections after more deliberations.

Were all asked by the POB just who of the three finalist would they like to continue the toothless corrupt process of the former Police Oversight Agency previously led by (not interviewed) Robin Hammer and her band of pro-cop investigators led by a former senior Belen police officer and two others whose only experience was working at Target and Lowe's?

The question all of us have now is will you like this Mayor shown in the cartoon choose also to remain asleep while APD reform here continues to remain a myth or finally do something about it-start to be respected by us. If you choose Jay Rowland and reject Ed Harness-a likely nice guy but likely clueless former cop from Milwaukee, you will finally earn our respect.

**Don't disappoint us again please.**

**Silvio**

**For WE THE PEOPLE**

**Living in the Land of Hopelessness-corrupt "Mexico True!"**

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Thursday, August 06, 2015 10:43 AM  
**To:** 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'  
**Cc:** 'POB@cabq.gov'; 'Vanita.Gupta@usdoj.gov'; 'Elizabeth Martinez'; 'pmrinc@mac.com'  
**Subject:** Former cop Ed Harness-a nice guy-but the clearly wrong guy-unqualified to be new POA's Executive Director. Please don't insult us by selecting Ed and not Jay Rowland

## **Councilors**

### **Info to others shown and sent this Bcc**

**Before you vote on the new Executive Director, I suggest that you review the POB interviews with Harness, Rowland, and Sprague on the youtube posting below**

<https://www.youtube.com/watch?v=hfqMznu-XRE>

**You were willing to be left out of the negotiations with the DOJ who rammed with Judge Brack's help a toothless reform agreement and toothless monitor down our throats. Will you betray us again?**

**Nobody knows who picked the five candidates to be interviewed by the POB and why a second meeting on this was needed by the POB.**

**Silvio  
For WE THE PEOPLE**

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Wednesday, August 05, 2015 11:36 AM  
**To:** 'POB@cabq.gov'  
**Subject:** The unqualified former Milwaukee cop Edward Harness is your first choice to be the next Executive Director of the Oversight Agency. What's the message that it sends to the people if the Councilors approve him?

**TO: POB Members**

### **Info to Councilors, media and others not shown**

Reference my earlier e-mail shown below that expected you to respect the people and select the only candidate that was truly qualified to serve as the next Executive Director (ED)-Jay Rowland. You interviewed the five on July 29 and after conferring for hours should have announced your ranking then. You did not. The public had lost confidence in the oversight process as only attorney Alan Wagman spoke on July 29.

Rather than making your choice(s) on the 29<sup>th</sup> many believe you instead chose to ask APD, those Councilors who wanted to keep the oversight process a sham, the City's dictatorial Mayor and CAO just who they wanted. Of course these who wanted no real APD reform wanted a former cop even though Harness was completely unqualified for the job-had absolutely no related experience.

You then held another unnecessary POB meeting last night where **not even one citizen was willing to speak to you knowing it would be a waste of time. This says that you have lost our confidence.** Your again went again into secret executive session/discussions.

You came out incredulously saying that former Milwaukee cop Edward Harness was your first choice followed by very experienced (but likely feared by APD Jay Rowland) and then made the also unqualified Edna Sprague your third choice. Those close to Edna say she has blessed everything cops do.

After once again reviewing Harness's responses to you last week it was again clear he had no clue of the problems with the oversight old process but spoke only in generalities trying to cover up his lack of qualifications for the job.

Does working for the Better Business Bureau show the proper police investigative experience? Neither Ed nor the others were ever asked what they thought was wrong with the old and current oversight process some of which the knowledgeable Jay Rowland discussed in detail without being asked.

Both the DOJ and Judge Brack ignored some of the required changes to the still flawed process documented in APD Forward's filed Amicus Curiae last January-first page of it is attached. Unlike Jay Rowland, neither Harness nor the other three ever discussed what should be the limitations of the 1967 "Garrity vs. Supreme Court" ruling that the DOJ opined to the Seattle Mayor but was ignored by the DOJ here. See page 1 of that opinion-attached. Nor did Ed or the other three discuss the police officers' "qualified immunity" that essentially gives them the benefit of doubt in any of their killings.

**Harness restated his belief that a cop's life is more important than that of the average citizen-something it is NOT.** Do you agree with that belief? This essentially gives cops the right to kill using the bogus excuse that they "felt threatened." Look at these same lies being told in court this week to try to justify Sandy's and Perez's murder of James Boyd.

Ed apparently never knew that under the current changed Ordinance that the Director and the POB cannot dictate discipline but that the APD Chief can ignore your recommendations offering up only some ridiculous excuses.

I guess Ed's only claim to fame was his alleged outreach ability-trade shows, police work with his local village association and his teaching of good financial practices to the poor. Again-he has no investigative experience other than responding to Better Business Bureau (BBB) complaints.

We already have one pro bad APD cop hired as a police oversight investigator while the two others were former employees of Target and Lowe's and have none. Robin Hammer who was

sued for judicial misconduct while working for the DA was a bad enough selection by the Mayor (who she worked for) and Council and **now you want a former out of town clueless cop Harness to replace her?**

The Councilors likely never bothered to read the resumes of those many extremely qualified applicants for the APD Chief job before blessing the incompetent bureaucrat Eden. Likely the Councilors also never read the resumes of the five applicants for this Executive Director position-resumes we were not allowed to see for some unknown reason.

Realizing that this is a dictatorship here with the Councilors choosing to abdicate its role as an integral part of our government, the nine likely never reviewed the GOV-TV interviews with the five (handpicked by who?) candidates to see how they responded to the often too broad questions posed them by you on the 29<sup>th</sup>.

Choosing the clearly unqualified Edward Harness to be your first choice was disappointing to say the least. If this former cop is chosen, the oversight process will still be toothless-yet another example of disrespect shown to us citizens-the real stakeholders who want real reform from the ED-not the ones the Mayor chooses.

Time to rethink your choice.

Silvio

For: WE THE PEOPLE

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Tuesday, August 04, 2015 10:39 AM  
**To:** 'POB@cabq.gov'  
**Cc:** 'pmrinc@mac.com'; 'Elizabeth Martinez'; 'reygarduno@cabq.gov'  
**Subject:** RE: TODAY'S-Aug 4 - A special meeting of POB as to reviewing applicants for ED

**TO:** POB

**Info:** others shown and not shown

I thought your POB did this review at their executive session without the public following your last meeting. Since current EO Robin Hammer was not interviewed, I assume she is not being considered for the job.

Your selection is a no-brainer. After the interviews of the five only Jay Rowland is qualified-demonstrated any knowledge of what this job requires, what are the issues ("Garrity" Supreme Court ruling and others) in having credible police accountability- and not having the Agency be a sham again. APD is likely afraid of Jay.

Another "closed discussion?". Why? Only Jay's name should be sent to the Council. Don't let them pick someone else that is unqualified but will do APD's and the Mayor's bidding.

Silvio

## **August 4, 2015 Special Meeting of the Police Oversight Board-Special Meeting to Review Executive Director Applications ????**

When Aug 04, 2015 05:00 PM - 08:00 PM Where Vincent E. Griegos City Council Chambers Basement, One Civic Plaza Albuquerque, NM 87102 Description

### **AGENDA**

Tuesday, August 4, 2015 – 5:00 PM

Vincent E. Griego Chambers

- I. Welcome & Call to Order ~ Leonard Waites, Chair
- II. Pledge of Allegiance ~ Dr. David Ring
- III. Approval of the Agenda
- IV. Approval of Minutes
- V. Public Comments
- VI. Executive Session re: Personnel Issues to discuss selection of Executive Director applications ~ Closed Discussion and Action re: Section of Executive Director Applications- **You did this already** Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2) ????
- VII. Selection and ranking of three names (**ridiculous-already done**) of Candidates to forward to City Council for their review and approval
- VIII. Other Business
- IX. Adjournment ~Next Regularly Scheduled POB meeting will be on Thursday, August 13, 2015 at 4:00 PM in the Vincent E. Griego Chambers

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Thursday, July 30, 2015 1:42 PM

**To:** 'POB@cabq.gov'

**Cc:** 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'avramwagman@gmail.com'; 'rhammer@cabq.gov'

**Subject:** YOUR INTERVIEWS FOR THE EXECUTIVE DIRECTOR OF THE POLICE OVERSIGHT AGENCY- THERE IS ONLY ONE CHOICE-JAY ROWLAND WHO WILL SERVE YOU, THE PEOPLE AND THE GOOD POLICE OFFICERS

**TO: The Honorable Police Oversight Board Members**

**Info to City Councilors and Bcc to others**

**After viewing your meeting on GOV-TV last night that included interviews of five candidates for the “Executive Director of POA, the following are some of my observations/questions:**

1. I assume that since current interim Executive Director Ms. Hammer was not interviewed, she did not apply for this POA Executive Director position or being considered as a sixth candidate
2. The talk by attorney Alan Wagman was right on target saying essentially that this selection is critically important-that we don't need more of the same (translated-not another Robin Hammer)
3. This position never required that it be an attorney when Ms. Hammer was hired for the IRO job since an attorney is already assigned to the IRO-yet all were attorneys.
4. Who chose these five candidates who you interviewed and more importantly who decided that you had to send three of the five interviewed to the Council to pick one? Only one stood out!
5. You saw their resumes-something that should have also been posted on the website. One candidate-á former Colorado sheriff's deputy had conflicting-erroneous information on his resume
6. Two of the applicants were former law enforcement/police officers both of whom had beliefs like Ms. Hammer.

**Your selection decision is easy.**

**The only candidate that stood head and shoulders above the other four was former IRO during 2002-2007 Jay Rowland.**

**Based on his demonstrated knowledge of this job and expected respect by both the many APD honest police officers and the people, only Jay should be nominated to the City Council.**

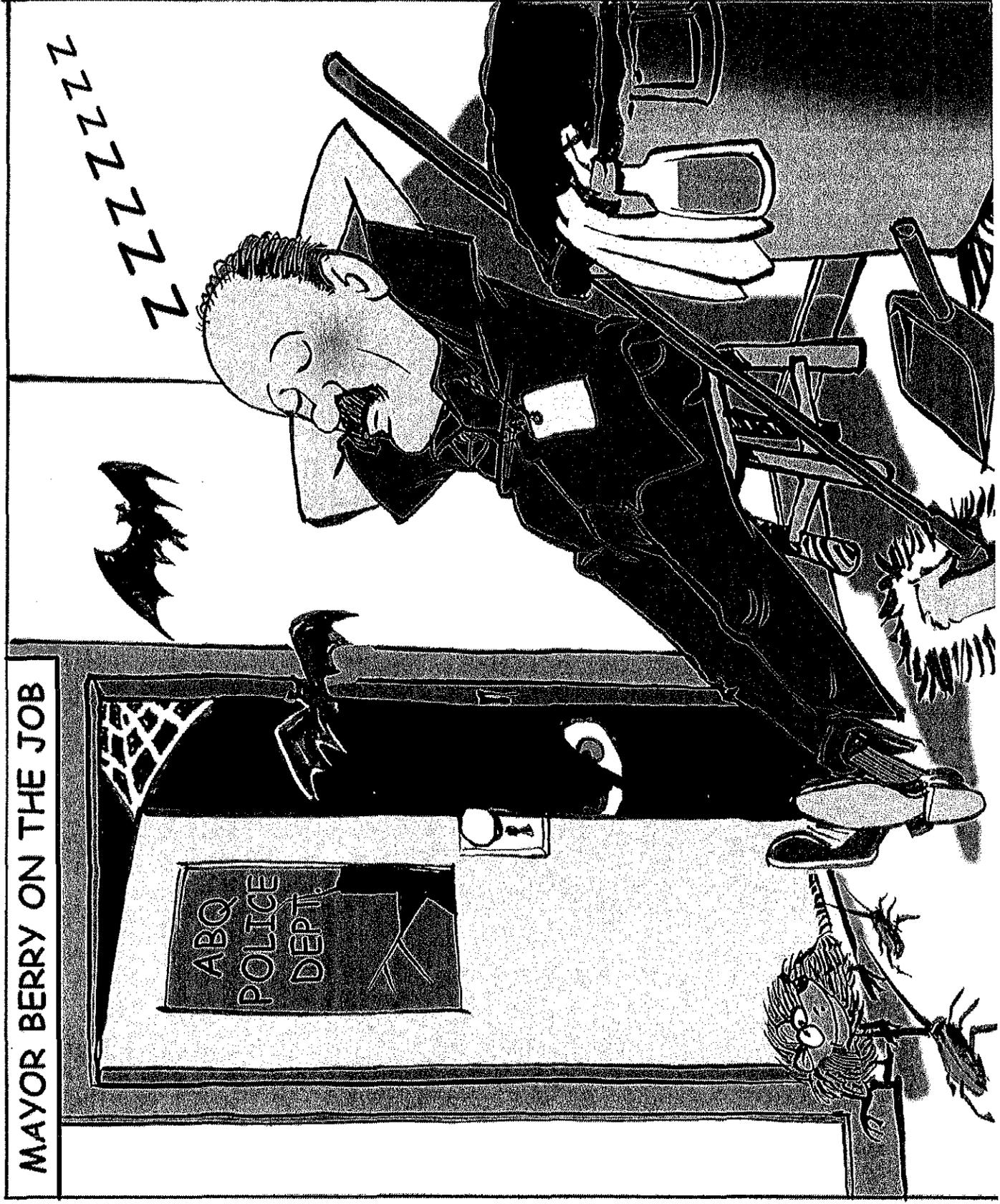
**The only other even remotely credible candidate of the other four interviewed was Edna Sprague.**

**After Edna has the opportunity to review all of the GOV-TV interviews today, she too would likely believe that Jay would be the right choice.**

**Regards**

**Silvio  
For WE THE PEOPLE**

**P.S.  
Jay would also be a great Mayor if he ever chose to run.**



MAYOR BERRY ON THE JOB

**From:** Beth Mohr  
**To:** Hammer, Robin; POB; Hernandez, Jessica M.; Mark T. Baker; Hults, Samantha M.; Skotchdopole, Paul A.; O'Neil, Erin; McDermott, Diane L.; Davidson, Christopher; Contreras, Michelle  
**Subject:** Please register CPOA Staff for NACOLE at once  
**Date:** Friday, August 07, 2015 11:47:58 AM

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Ms. Hammer -

In the POB Personnel Subcommittee meeting, a recorded public meeting, we previously directed you to register the CPOA Staff for NACOLE. As I stated at that time, the reasons were two-fold, one was for staff training, the other and more important reason is because NACOLE will be coming to Albuquerque next year for their annual conference; the City and the CPOA will be hosting that event.

At that time, you stated on the record that you were only waiting for the DOJ to approve the training. I wrote the DOJ and requested that approval; it is my understanding that such approval was given, yet completely unnecessary.

Because NACOLE will be coming to Albuquerque in 2016, it is important that the permanent staff of the CPOA have developed relationships with NACOLE staff in order to be good hosts, as well as being adequately prepared to host the 2016 meeting. The City of Albuquerque has been trying to bring the NACOLE Conference to Albuquerque for 12 years now, and it is important that we be good hosts. It simply looks bad to have the entire CPOA agency staff shun the annual meeting the year prior to being hosts. This is a City of Albuquerque matter, having nothing to do with the DOJ.

Despite all this, which you had previously been told, and despite being directed yet again to register the staff, you failed to follow this direction. Your newest set of excuses include the previous excuse about the DOJ, as well as some notion that you have allegedly found some superior training for staff in Connecticut, along with your supposed concern for budgetary limitations.

There is more than adequate budget set aside for POB and staff training. Training budget existed in the original CPOA budget and issues papers, and City Council added another \$23,000, at my request, specifically earmarked for NACOLE training. I am unaware that ANY of that budget has been expended; it should therefore be more than adequate for all the staff to attend NACOLE this year, in addition to any other training that the new Executive Director deems appropriate. If the POB needs to request additional funding from Council later during the 2016 fiscal year, the POB will address that as needed; that is a matter with which you need not concern yourself.

Unfortunately, because you failed to register staff at the time directed, the CPOA therefore missed both the "early bird registration deadline", and the "early member registration" deadline of July 31 for the CPOA staff; as a result of your actions the City will have to bear the additional cost of full-priced registration. That would have been a substantial savings for the City, instead that opportunity has been lost.

Neither your alleged concern for the quality of the staff's training, nor the DOJ's permission, nor your supposed budgetary concerns address the reason that it is so important for the CPOA staff to attend this year's NACOLE conference, which is that they will be the City's full-time permanent staff as the Agency hosts the 2016 NACOLE Conference.

M004533

Kindly register the CPOA staff for the NACOLE Conference at once, and report to the entire POB that you have complied with this direction prior to or at our meeting on Thursday, August 13th.

Thank-you for your cooperation.

Beth A. Mohr, Volunteer  
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; Mark T. Baker; 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:** Police and Procedure Subcommittee Meeting Scheduled for Thursday, August 13, 2015 at 2 pm  
**Date:** Monday, August 10, 2015 1:41:28 PM  
**Attachments:** 03-45.doc  
Aug 13, 2015 Policy Subcommittee Agenda-Final.pdf

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POB Members:

Policy and Procedure Subcommittee Chair Susanne Brown has scheduled their next meeting for Thursday, August 13, 2015 at 2pm to be held in the City Council Chambers. Attached is the posted Agenda and a draft version of APD SOP 3-45, which will be discussed.

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>



## 3-45 REVIEW OF COMPLETED ADMINISTRATIVE INVESTIGATION CASES

### 3-45-1 Policy

To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD 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. [DOJ 162]

### 3-45-2 Rules

#### [5] A. Timeliness, Review, and Forwarding of Completed Cases

1. All investigations conducted by the Internal Affairs Bureau or the Civilian Police Oversight Agency (CPOA) 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. [DOJ 191]
2. All cases will be forwarded to the Division Head of the accused employee. The Division Head will review the identified SOP sections and may add additional SOP sections if appropriate. The Division Head, with input from the effected employee's chain of command, shall make a recommendation as to what discipline, if any, should be imposed. The Division Head will list all mitigating and aggravating circumstances, in detail, which were considered. If the Division Head recommends a level of discipline outside of that suggested by the Chart of Sanctions, the Division Head must include a written, detailed, justification for the deviation. The Division Head shall also consider whether non-disciplinary corrective action is appropriate in a case where discipline has been imposed. The Division Head will then be required to forward his/her recommendation along with the complete file to the appropriate Deputy Chief of Police. [DOJ 202f]
3. Internal Affairs will provide the CPOA Executive Director a copy of all officer involved shootings. Other internal cases will be sent to the CPOA Executive Director upon request as part of the CPOA Internal Affairs review process.
  - a. The Executive Director has the authority to make findings and recommend discipline 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



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

SOP 3-45

Effective: xx/xx/xx Expires: xx/xx/xx Replaces: 03/16/11

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. [DOJ 285]

4. APD 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. [DOJ 284]
5. All supervisors are responsible for the security and confidentiality of all cases in their possession for review. [DOJ 284]
  - a. The cases shall be stored in a locked drawer, file cabinet, etc., when not being reviewed.
  - b. Allowing others outside the chain of command to view the case or releasing information from the case outside the chain of command is strictly prohibited.

[7] B. Case Review by the Chain of Command

1. The Executive Director/Commander/Manager should review the identified SOP sections and may add additional SOP Sections if appropriate. The Executive Director/Commander/Manager may request additional information from the effected employee's chain of command to assist him/her in making a determination. The Executive Director/Commander/Manager should then make a finding of sustained, not sustained, unfounded or exonerated for each SOP section with a brief explanation of the factual basis for the finding.
2. The Executive Director/Commander/Manager, with input from the effected employee's chain of command, shall make a recommendation as to what discipline, if any, should be imposed. The Commander/Manager should list all mitigating and aggravating circumstances which were considered. If the Executive Director/Commander/Manager recommends a level of discipline outside of that suggested by the Chart of Sanctions, the Executive Director/Commander/Manager must include a written justification for the deviation. The Executive Director/Commander/Manager will then be required to forward his/her recommendation along with the complete file to the Deputy Chief of Police/Major. Under normal circumstances, the entire process shall not take longer than five days from the time of receipt until the time it is delivered to Internal Affairs.
3. In order to ensure that all cases are kept confidential, Executive Director/Commander/Manager will store all completed cases in a secure area while in his/her possession.

[N/A] C. Case Review by the Internal Affairs Unit

1. The Internal Affairs Unit will review the recommended discipline and certify if it is consistent with past discipline for similar findings.



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

SOP 3-45

Effective: xx/xx/xx Expires: xx/xx/xx Replaces: 03/16/11

[N/A] D. Case Review by the CPOA Executive Director

1. The CPOA Executive Director shall review the case and shall indicate by letter whether the investigation was objective, fair, impartial, free from political influence, and otherwise in compliance with the CPOA Ordinance, and shall make recommendations as to whether disciplinary action should be taken. The CPOA Executive Director will then return the case and letter to the Internal Affairs Unit.

[N/A] E. Final Case Review

1. Upon return of the case from CPOA Executive Director, Internal Affairs will forward the case and CPOA Executive Director's recommendation(s) to the Deputy Chief/Major/Area Commander of the accused employee. The Deputy Chief/Major/Area Commander shall review the case, the supervisors' recommendations, and the CPOA Executive Director findings.
2. If the Deputy Chief/Major/Area Commander concurs with CPOA Executive Director's but modifies the chain's recommendation, the division commander and Internal Affairs shall be notified. The division commander shall take the necessary action in accordance with the Deputy Chief/Major/Area Commander's decision.
3. If the Deputy Chief/Major/Area Commander's recommendations do not concur with those of the CPOA Executive Director, the Deputy Chief/Major/Area Commander will notify Internal Affairs in writing. At that time, the appropriate Deputy Chief/Major/Area Commander will direct his/her staff to arrange for a meeting between the Deputy Chief/Major/Area Commander (and/or the Chief), the CPOA Executive Director, and the Internal Affairs Lieutenant to discuss and possibly reconcile any differences.
  - a. Internal Affairs Lieutenant or designee will attend said meeting to answer or address administrative review issues.
  - b. If the meeting does not produce a concurrence and/or compromise, Internal Affairs will be notified and written documentation of recommendations by both sides will be forwarded, with the case, to the Chief of Police for review and final disposition.
  - c. If the final decision by the Chief does not concur with CPOA Executive Director's findings, a letter will be sent by Internal Affairs to the Chief Administrative Officer to advise of the non-concurrence (as per Directive #3; Ordinance 0-61).

[N/A] F. Final Decision Authority

1. The Deputy Chiefs/Executive Director/Majors/Division Heads/Commanders have the authority to make the final decision on disciplinary actions not exceeding 39 hours of suspension.
2. Only the Chief has the authority to make the final decision on disciplinary actions exceeding 39 hours, demotions, and termination of employment.



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

SOP 3-45

Effective: xx/xx/xx Expires: xx/xx/xx Replaces: 03/16/11

G. Employee Case File Review

1. Employees may review their Internal Affairs Section case file in accordance with SOP 2-05.

M004539

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

*Susanne Brown –Chair*

*Beth Mohr*

*J. Scott Wilson*

Robin S. Hammer, Acting Executive Director

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

**Thursday, August 13, 2015 – 2pm  
Vincent Griego Council Chambers  
Basement, City Hall, One Civic Plaza**

**A G E N D A**

- I. Welcome and Call to Order: *Chair Susanne Brown***
- II. Approval of the Agenda**
- III. Approval of the Minutes**
- IV. Public Comments**
- V. Review of Albuquerque Police Department Retaliation Policies**
- VI. Review of APD Administrative Review Policies**
- VII. Discussion of CPOA Administrative Staff's suggestions regarding APD policies**
- VIII. Other Business**
- IX. Next Meeting date to be determined at meeting**
- X. Adjournment**

**From:** Moira Amado-McCoy  
**To:** Susanne Brown; Leonard Waites; Mark Baker; Beth Mohr; Scott S. Wilson; POB; O'Neill, Erin; McDermott, Diane L.; Skotchdopole, Paul A.; Davidson, Christopher  
**Subject:** Policies subcommittee  
**Date:** Tuesday, August 04, 2015 8:11:00 AM

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Dear Sue and Leonard --

After giving this some good thought, and in consideration of my other responsibilities as a member of the POB, I am writing to let you know I have decided it best to resign my position on the Policies and Procedures subcommittee this year, effective immediately.

As you and I have observed in discussions over the past month, Policies and Procedures is currently one member larger than other subcommittees. Given this fact, plus the observation I've articulated in several forums, and with which I know you agree--that the other subcommittees should be continually feeding into Policies and Procedures as a matter of course--I resign this committee knowing that the work is well covered and that we will be working closely on these tasks in any case. I do believe that my particular strengths and expertise are probably best suited for, and therefore best focused, on the committee I already chair, Case Review.

Thank you, Sue, for the work you've already accomplished to get this committee of the ground, and in advance, for the excellent work that I know will emerge from this committee as we move along. I look forward to working in close collaboration with you over the coming year.

Best,

Moira

**From:** Hammer, Robin  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waltes; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Cc:** Mark T. Baker  
**Subject:** Policy Subcommittee  
**Date:** Tuesday, August 11, 2015 4:24:06 PM  
**Attachments:** Policy Subcommittee 8-3-15 DRAFT.docx

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POB Members:

Attached are draft Policy Subcommittee Meeting Minutes from their August 3, 2015 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  
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**POLICE OVERSIGHT BOARD  
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE**

**Monday, August 3, 2015 – 8:30 a.m.  
Plaza Del Sol, 7<sup>th</sup> Floor Conference Room  
600 2<sup>nd</sup> St. NW Albuquerque, New Mexico**

**Members Present**

Dr. Susanne Brown (Chair)  
Dr. Moira Amado-McCoy

**Members Absent**

Beth Mohr  
J. Scott Wilson

**Others Present**

Robin S. Hammer  
Paul Skotchdopole  
Diane McDermott  
Mark Baker  
Denise Thomas  
(APD Quality Assurance)  
Sean Gassner  
(APD Quality Assurance)

**Minutes**

- I. Welcome and Call to Order:** The meeting did not have a quorum of members present so discussions occurred, but no actions taken, only suggestions.

Chair Susanne Brown called the meeting to order at 8:30 a.m.

Chair Susanne Brown was concerned about having representative(s) from APD attend all future meetings. Denise Thomas and Sean Gassner, both of APD were introduced and were in attendance of the meeting.

- II. a. Approval of Agenda.** There were no additions or changes to the agenda, and the discussion proceeded according to the written agenda order.

**b. Approval of the Minutes.** None

- III. Public Comments.** None.

- IV. Rules of our Committee**

Chair Brown asked about existing rules for the subcommittee. Ms. Hammer stated there are existing Rules, however Mr. Baker was in the process of drafting new rules. Chair Brown and Board Member Armado-McCoy agreed to table the issue while the Rules are being drafted

- V. **Report on the process of APD Policy Committee – Chair Susanne Brown**  
There was some discussion about the frequency of meetings and the urgency of completing the tasks. Chair Brown, Member Amado-McCoy and CPOA Investigator Paul Skotchdopole discussed the timelines APD has been working under to revise policies. There was some input from the Quality Assurance members. Chair Brown raised the issue of whether the Subcommittee could discuss matters and make decisions via email. Attorney Mark Baker advised that all business of the public and needed to be done in an open meeting.

There was discussion about prioritizing the policies. Chair Brown believed the policy regarding handling the mentally ill would be of public concern as was the policy dealing with force investigations. A discussion of the Mental Health Response Advisory Committee (MRAC) as mentioned in the DOJ settlement agreement was held. This group is already reviewing the response to the mentally ill policy. It would be beneficial to see if a POB member could be included in that group. The recommendation was for a POB Member to attend the MRAC meeting to develop a relationship. Chair Brown is also going to be attending APD's Policy and Procedures Review Board (PPRB) now with Mr. Skotchdopole.

Mr. Baker indicated that he was awaiting a response from the City Attorney how the POB can receive policies in advance of being published for discussion and input. Board Member Amado-McCoy pointed out the POB could review policies at any time since the POB cannot match the APD timeline for review.

- VI. **Additional Training for subcommittee Re: Policy and Procedures.**  
Board Member Amado-McCoy mentioned there were several stakeholders and she felt it was important to know the context of policies and what was being discussed in other units.

Mr. Baker suggested he would arrange for subject matter experts for particular policies when the POB was ready to discuss a particular policy.

Chair Brown discussed receiving training on how to dissect a policy, determine stakeholders, and develop the policy. Chair Brown suggested the board receive training from most likely the Health Department as an entity that has experience creating policies. Other agency possibilities were mentioned.

- VII. **Review of Albuquerque Police Department Retaliation Policies Other Business & Committee Recommendations.**  
Chair Brown mentioned the DOJ Settlement Agreement specifically mentioned the POB's involvement in the retaliation policy. The APD retaliation policy

has already been reviewed and approved by APD , but Chair Brown felt important pieces were missing. Chair Brown and Mr. Baker suggested they review the policy before it was approved by the DOJ Monitor if possible. Board member Amado-McCoy asked about input already done by Ms. Hammer and Commander Gonzalez. The inclusion of two sentences developed by Ms. Hammer and Commander Gonzalez as well as additional language from other departments' policies on retaliation that are under DOJ reviews were the main issues. The general sense was that more was needed in the retaliation policy.

**VIII. Specific policies mentioned in the Settlement Agreement for POB input – Chair Susanne Brown.**

Chair Brown asked about the tracking of statistics such as mentally ill and homelessness as mentioned in paragraph 175 of the DOJ settlement. Ms. Hammer stated the database tracked this information. Ms. Hammer believed the complaint forms were changed in November or for sure in January to track this additional information.

Chair Brown asked about paragraph 176 of the DOJ Settlement Agreement that talked about a numbering system. Ms. Hammer informed this already existed and that the CPOA assigned the numbers.

Chair Brown asked about paragraph 192 and if the language was already being used. Ms. Hammer confirmed that it was being used.

Chair Brown asked about paragraphs 196 and 197. These paragraphs talked about the CIRT and FIT teams. Mr. Skotchdopole explained the CIRT responded to all major incidents, which included officer-involved shootings. There was discussion of having two POB members be included in this team. This approval would have to come from the Chief. CIRT's role is primarily for training. Very few of the serious Use-of-Force incidents will be in IA, as they now fall under CIRT. FIT is responsible for the criminal investigation aspect of uses of force. CIRT is in place and has been trained. FIT will probably be activated in September.

The Policy and Procedures Review Subcommittee wanted to recommend that the POB receive a presentation on these two teams first and then look at a possible greater involvement.

A restatement of tasks the Police and Procedures Board wanted:  
-A policy development presentation

-CIRT and FIT presentations

-A cultural sensitivity presentation (which is one of the required remaining training sessions)

-A presentation from the Quality Assurance Group that has been overseeing the meetings.

**IX. Discussion of policy weaknesses which Members have noticed.**

Ideal for Police and Procedures Review Board, APD and POB to have the same policy.

**X. Other Business.**

Chair Brown briefly discussed APS SOP 3-45-1, which is under current development Mr. Skotchdopole mentioned there was some language added that he disagreed with and felt conflicted with the POB ordinance. Further discussion of this SOP was to be placed on next meeting's agenda.

**XI. Next meeting was tentatively set for Tuesday, August 18, 2015.**

**XII. Adjournment.** The discussion concluded at 10:04 a.m.

\_\_\_\_\_  
Approved by:  
Dr. Susanne Brown, Chair  
Case Review Subcommittee

\_\_\_\_\_  
Date

CC: Julian Moya, City Council Staff  
Natalie Y. Howard, City Clerk  
Rey Garduño, City Council President

**From:** Contreras, Michelle  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown  
**Cc:** Mark Baker, Esq.; O'Neil, Erin; McDermott, Diane L.; Davidson, Christopher; Skotchdopole, Paul A.  
**Subject:** Policy and Procedure Sub-Committee Meeting for Tuesday, October 20, 2015  
**Date:** Friday, October 16, 2015 1:24:57 PM  
**Attachments:** Oct 20, 2015 Policy Subcommittee Agenda FINAL.pdf

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Good afternoon,

Please find attached agenda for the Policy and Procedure Subcommittee meeting to be held on Tuesday, October 20, 2015. If you have questions, please feel free to contact our office.

Thank you.

Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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  
POLICE OVERSIGHT BOARD  
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE**

*Susanne Brown –Chair*

*Dr. Moira Amado-McCoy*

*Beth Mohr*

*J. Scott Wilson*

Edward Harness, Executive Director

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

**Tuesday, October 20, 2015 – 10:00am  
Plaza Del Sol Building, 600 2<sup>nd</sup> Street NW  
Westside Ground Floor, City Engineering Large Conference Room**

**AGENDA**

- I. **Welcome and Call to Order: *Chair Susanne Brown***
- II. **Approval of the Agenda**
- III. **Approval of the minutes**
- IV. **Public Comments**
- V. **Discussion of the new relationship with APD policy committee**
- VI. **Discussion of any input we may have received on any of the policies to be reviewed in October.**
- VII. **Discussion of the Critical Incident Review Team Policy (last part of Internal Affairs policy.)**
- VIII. **Other Business**
- IX. **Next Meeting date to be determined at meeting**
- X. **Adjournment**

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** Preliminary hearing Monday for Boyd's killers-Perez and Sandy, former APD cp Dawne Roberto, the ABQ Free Press, hopefully new oversight ED Jay Rowland and more  
**Date:** Friday, July 31, 2015 1:37:36 PM

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**TO:** All, Bcc

The disgraceful double standard here allowing APD police officers to murder while jailing others who do the same is disgusting. We have a corrupt police force leadership and supportive corrupt Mayor and administration that has made us the disgrace of the nation. Honest officers are punished if they dare speak the truth while APD's corrupt leadership is using every trick in the book to prevent any real reform.

Murdered James Boyd only pulled out his two small knives to protect himself against the fierce K-9 dog (not a police officer) straining at his leash to get to him to chew him apart and never threatened the real officers on the scene including Boyd and Sandy. The dog was later turned loose on the lifeless body and began chewing on it.

**A K-9 DOG IS NOT A POLICE OFFICER!** Sandy's recorded comments two hours before shooting Boyd showed premeditation-yet the autopsy report claims only Perez's bullet(s) killed Boyd. Really? Was that analysis really credible? Any bets whether either of the two killer cops will ever get convicted? Not here in Albuquerque—“(corrupt) “Mexico True.”  
<http://www.abqjournal.com/620984>.

“They are going to protect their brother officers,” McGinn said in an interview. “And even if they have reservations about the shooting, they can't express them because of the blue wall of silence.” There are 16 Albuquerque police officers on the defendants' witness list.

The July 29 Issue of the ABQ Free Press now in stores and on their website has some incriminating stories about our failed leadership and corrupt APD. One written by retired honest cop Dan Klein “*Why are N.M.'s Top cops Immune from Discipline Beat Cops Face?*” talks about the seemingly corrupt NM Law Enforcement Academy (LEA) Board. Berry's TASERGATE Schultz is one of the best examples of this. See the KOB reported retaliation by APD blessed by the LEA Board against former honest APD cop Dawne Roberto who allegedly leaked incriminating information about the lethal cesspool in APD. Integrity has no place in APD.

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**Alleged administrator of anti-APD blog set to lose police certification**

*Updated: 06/17/2015 10:32 PM | Created: 06/17/2015 9:58 PM By: Chris Ramirez, KOB Eyewitness News 4*

*An alleged administrator of a blog used to disparage the Albuquerque Police Department and city leaders was fired two years ago from the department and now is on track to lose her law enforcement certification. APD brass accused Dawne Roberto, a 15-year-veteran officer on the force, of operating under the screen name "Stealth" to write hateful, embarrassing and often untrue posts on the website "Eye on Albuquerque." APD fired her on grounds she violated the*

department's social media policies. A hearing officer recently recommended the New Mexico Law Enforcement Academy Board revoke Roberto's law enforcement certification based on her frequent involvement with the controversial ??? website. Last week, the LEA Board accepted that recommendation.

In summary, the hearing officer found Roberto:

- Lied about her involvement with Eye on Albuquerque (never proven)
- Diminished public trust and confidence in APD (deserved)
- Personally attacked APD's leadership and city leaders (deserved)
- Lowered morale at APD (only to bad cops) and used bad judgment
- Used city computers to write her posts (cops use take home cars to do family chores)
- Used information she learned while on duty against APD (God bless her)

In his report, Hearing Officer Peter Camacho ( a joke) wrote, "I find [Roberto] did commit acts that indicate a lack of moral character that would adversely affect her ability to exercise the duties of a certified law enforcement officer. KOB reached out to both Roberto and her attorney, John D'Amato, Wednesday. Neither returned emails or phone calls. Roberto currently works as a sergeant for the Bosque Farms Police Department. Bosque Farms Police Chief Gregory Jones told KOB he has not received any direction from the Law Enforcement Academy regarding Roberto yet, but plans to keep Roberto on the force unless otherwise directed. He said Roberto has been a "terrific employee" and "wished he had more officers like her." Roberto does have the option to appeal the LEA Board's decision. The website Eye on Albuquerque is still active.

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Really-is the Eye still active? The last Eye posting criticizing Mayor and his corrupt minions and the city council was on July 5 "Time to Face the Facts"-26 days ago. APD is likely trying to shut down that blog as well?

More on this latest revealing issue of the ABQ Free Press in a later e-mail. In addition to Dan Klein's great article on the NM LEA, there are articles about "ABQ's Mean Streets," Berry's Bus Blueprint: Boon or Boondoggle," (Recall COO Mike Riordan's incredulous reply to my NM IPRA request on the ART/BRT and the contract being seemingly rigged for just one contractor), "ABQ Cringes in Fear While Mayor Does...What exactly?" by Joe Monahan, "Like the rest of Us, Mayor Needs to Act on Homelessness" by Joy Junction's director Jeremy Reynolds who the Mayor ignored, and other good articles..

As for KOB and their good reporters Chris Ramirez who wrote the above article on the NM LEA and partner Caleb James. While they made a big splash with their good one time "boomerang thugs" report criticizing only the judicial system while allowing Chief Eden, Bob Huntsman, BCSO Sheriff Gonzalez and other high ranking NM officers to get a lot of free publicity answering their phones for just one night, KOB was never willing to spend the money to put the photos of these boomerang thugs in the Journal as I suggested but forced viewers to go to their website. Just a superficial effort at best. Do the job right KOB-or don't do it at all!

Then there is the latest scam foisted on citizens by the City's Office of Diversity and Human Rights with these UNM conducted Collaborative meetings with citizens pretending they really will result in any changes to APD except superficial ones. The City is now stonewalling my IPRA request for the list of attendees at their PHASE 1 meetings and for the resumes/qualifications of the UNM

“facilitators.” Good job-Berry (not City) attorney Hernandez.

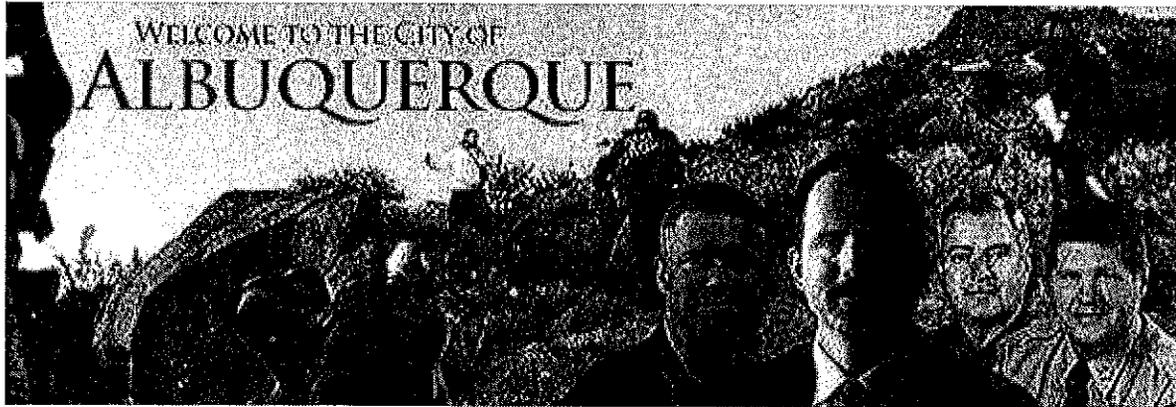
As my earlier e-mail to the POB said, former IRO Jay Rowland is the only credible candidate put forth to the Council to be the next Executive Director of the Police Oversight Agency to replace Robin Hammer who was never interviewed and should not even be considered. Honest APD cops and the citizens who want real oversight support Jay. Let’s see if the Council has the guts to give him the job.

Finally, Is the DOJ naïve enough to believe think James Ginger and his PMR Inc. fellow former police officers and the Greenwood/Streicher team will ever reform APD until Berry leaves office and takes his corrupt minions with him? Apparently so or they think we are stupid.

Regards

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** Beth A. Mohr  
**To:** POB  
**Subject:** Printing applications  
**Date:** Saturday, July 18, 2015 8:36:09 AM

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Is there anyone who does not have the ability to print applications and materials for the July 29th meeting? I'd prefer to not have them printed by the CPOA staff, so if you are unable to do this from home, please call me and we'll figure out how to get you a printed set of the final materials. -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:** Beth Mohr  
**To:** [Hults, Samantha M.](#); [Eric H. Cruz](#); [Joanne Fine](#); [Mark T. Baker](#); [Scott S. Wilson](#); [Molra Amado-McCoy](#); [Leonard Waites](#); [susanne.brown37@gmail.com](mailto:susanne.brown37@gmail.com); [Jeannette V. Baca](#); [David Ring](#); [Jacobi, Jenica L.](#)  
**Subject:** Proposed information for CPOA Exec Candidate Search  
**Date:** Thursday, July 23, 2015 7:40:33 PM  
**Attachments:** [CPOA Exec Director Search - Candidate Attributes.xlsx](#)  
[CPOA Exec Director Search - Candidate Attributes.pdf](#)

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All: The enclosed document (same thing in PDF and Excel) is my proposal for consideration at tomorrow's Personnel Subcommittee meeting to help us select candidates to go on in the process.

I am NOT suggesting that we score people using any point system based on this as a rubric, this just is something I came up with based on NACOLE's qualifications for a civilian oversight executive, combined with our job description, combined with basic attributes that we all wish to have in any leader.

  
The Personnel Subcommittee can decide not to use this, edit or alter it in any way, as you all see fit. I just wanted to have something for us to refer to as we discern which candidates belong in the Yes, Maybe or No piles.

Thanks much, -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.

## CPOA Executive Director Search - Candidate Attributes

*Adapted from NACOLE's SUGGESTED STANDARDS FOR OVERSIGHT EXECUTIVES: Directors, Auditors, and Monitors*

Experience Category	YES	MAYBE	NO
Management	Proven manager with experience turning-around problem or struggling agencies	Experienced manager	Minimal or no experience, or experienced but unsuccessful
Leadership	Creative, innovative and outgoing leader with recognized judgment, objectivity and integrity with proven success	Strong leader, less dynamic, or with more limited experience	Weak leader; judgment and objectivity questioned, or results unsuccessful
Legal - Civil Rights	Significant experience, or experience with complex civil rights issues	Some experience, or non-complex civil rights case experience	Minimal or no experience, or experienced but unsuccessful
Legal - Criminal Law	Experience as judge, prosecutor, public defender or law enforcement	Some criminal law experience	Minimal or no experience, or experienced but unsuccessful
Legal - Employment Law	Extensive experience, or experience with complex employment law	Some experience, or non-complex employment case experience	Minimal or no experience, or experienced but unsuccessful
Legal -Other relevant experience	Extensive other legal experience that translates well to civilian oversight	Some other legal experience that translates well to civilian oversight	Minimal or no experience, or experienced but unsuccessful
Board (public, non-profit, etc.)	Extensive board experience, non-profit, public bodies, government, publically traded company boards, etc.	Some board experience	Minimal or no experience, or experienced but unsuccessful
Government/Political	Proven government manager or experienced in politically sensitive governmental position	Some governmental experience or some experience in politically sensitive positions	Minimal or no experience, or experienced but unsuccessful
Investigative	Extensive experience conducting or supervising complex criminal, civil or administrative investigations	Some experience, or non-complex criminal, civil or administrative investigations	Minimal or no experience, or experienced but unsuccessful
Dispute Resolution	Extensive dispute resolution experience	Some dispute resolution experience	Minimal or no experience, or experienced but unsuccessful
DOJ/Monitor/Civilian Oversight	Extensive successful experience with consent decree or other court ordered monitoring process	No experience or minimal experience	Unsuccessful experience with consent decree or other court ordered monitoring process
Job Stability	Track record of successful long-term employment relationships (4-5 years each position); minimal lateral moves.	Series of 1-3 year employment terms; or several lateral moves from one agency or employer to another without additional responsibly.	Multiple short-term positions, minimal or no record of success at any one place. One or more terminations, disciplinary issues, asked to leave or left under unhappy circumstances. Unexplained gaps in employment

**CPOA Executive Director Search - Candidate Attributes**

*Adapted from NACOLE's SUGGESTED STANDARDS FOR OVERSIGHT EXECUTIVES: Directors, Auditors, and Monitors*

Experience Category	YES	MAYBE	NO
Written Communication - Content	Answers to writing assignment show depth of understanding of civilian oversight and complex issues. Well-written and thoughtful writing assignment	Neutral - Person applied on July 17th and was not able to complete their writing assignment in time for the meeting	Writing assignment demonstrates lack of understanding to complex issues. Inappropriate answers to questions, spelling or grammar errors, failed to answer questions
Building Bridges	Track record of bringing people together under difficult circumstances for successful resolutions of complex problems	Neutral - no additional positive or negative issues, or unknown	Track record of being divisive, causing rifts or divides between people, groups or stakeholders
Community Involvement and/or Community Service	Community involvement and/or community service	Neutral - no additional positive or negative issues, or unknown	Community involvement inappropriate or unsuccessful
Maturity	High level of resiliency and the ability not to personalize adversity, mature, takes responsibility for solving problems	Neutral - no additional positive or negative issues, or unknown	Personalizes adversity, becomes non-communicative or withdrawn, immature, refuses to take responsibility for actions, blames others
Communication	Exceptional communication skills; ability to communicate with a variety of stakeholders. Communication is effective, timely, clear, complete and concise.	Neutral - no additional positive or negative issues, or unknown	Poor communication skills; communication is inadequate, fosters confusion or misunderstandings.
Community Relations	Strong passion for community relations and outreach with the ability to build strong, yet independent working relationships with a wide array of constituents and community representatives, experience successfully working with diverse communities	Neutral - no additional positive or negative issues, or unknown	Dislikes community outreach, inexperienced or ineffective in working with various stakeholders and diverse community members. Pedantic, talks down to or negatively about various groups.

## CPOA Executive Director Search - Candidate Attributes

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**From:** David Sandoval  
**To:** POB  
**Subject:** Public meetings  
**Date:** Thursday, October 29, 2015 1:17:39 PM

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Several years back the police oversight committee had some meetings geared toward public input. These were put on video and available for all to see. I cannot find these now. Can you tell me how and where I can see these or get copies.

Thanks, David Sandoval

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** Put an APD uniform on another Guv discard Berry/APD attorney Jessica Hernandez  
**Date:** Monday, September 21, 2015 12:45:59 PM

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**TO: ALL**

#### **THE GUV'S TWO DISCARDS AND NO REAL INTENT TO REFORM APD**

First Gorden Eden who never met the City's posted qualifications for Chief was selected over 40 applicants with outstanding-some eye watering qualifications. This, despite the fact that the State police and NM Law Enforcement Academy under Eden had disgraceful records.

He was the Guv's first incompetent discard but R.J. found a job for Eden and then brought Schultz's former "death squad"-SWAT trainer/boss Bob Huntsman out of retirement to run APD for him.

Then it was Jessica Hernandez who same say did a lousy job negotiating gaming compacts with the Indian tribes who now needed a new job. Berry then found a home for her. Councilors should be fed up by now with her doubletalk supporting APD and the culture of corruption in this City-but apparently not.

Isn't it time for the Mayor to not just cutting ribbons and planting trees and find an APD uniform for Jessica and her Kathryn Levy-both cut from the same cloth as is their mentor-attorney/shadow Mayor Perry?

Today's Journal article below by Ryan Boetel tells all but the naïve here that APD has no real interest in reforming APD in four years, nor does the DOJ, Judge Brack, the PMR Inc. monitors or anybody downtown.

Berry's negotiator-consultant Tom Streicher's former Cincinnati's PD took seven years to reform and other city PDs took even longer. We can expect former cop James Ginger after four years to ask for another three years and millions more of our taxes to help him audit/fix APD.

The bad rank and file cops much like those in Eden's Command staff here really don't want to be held accountable and will fight reform tooth and nail as did Streicher in Cincinnati.

As self-proclaimed "heroes," they don't want to be held to a higher standard as their badge should demand. Instead they expect to be above the law, like Perez, Sandy, Dear and the others who have brutalized and killed record numbers of people here knowing that lying and complicit cops like Tixier, Willoughby, Lopez and others will cover their backs and there will (except for the murder of James Boyd) be no recordings exposing their crimes.

See: <http://www.abqjournal.com/647314/news/delays-sought-for-first-steps-in-albuquerque-police-dept-reform.html>

In an extract from it Jessica says, "*The police and procedure review board, she said, has been a*

*part of Albuquerque police for several years. She said it now includes civilian Albuquerque police employees and members of the Civilian Police Oversight Agency and Police Oversight Board.*

Why didn't the Journal's author Ryan Boetel ask her just who are these people on the review board? Are those from the Police Oversight Agency and on the POB any of the three former cops there? Will the new Executive Director-also a former cop Ed Harness be appointed to the Board? Just foxes guarding the hen house.

Eden should put an APD uniform on Jessica Hernandez to show just where her real loyalty lies. I didn't think anybody could be as bad as former Berry/APD attorneys Perry and Tourek. What an embarrassment to the legal profession Jessica is!

#### THE CULTURE OF CORRUPTION

While another article on the opinion page again appeals to the Mayor to not waste our local and federal tax dollars to build his clearly unjustified Albuquerque (not) Rapid Transit (ART), that appeal too will fall on deaf ears downtown. As the merchant writer among the many here says, it makes no sense.

APD, ART and other protected children of this Mayor and his CAO are just the result of the culture of corruption here. Will R.J.'s and Maria's Cumbre Construction Company get any part of the ART action?

See extract from another opinion piece in today's Journal below.

<http://www.abqjournal.com/647208/opinion/creating-clarity-and-accountability-in-new-mexico.html>

*"Questionable ethics, corruption charges and a culture of pay to play have, sadly, become business as usual in New Mexico. ....New Mexico's ranking as the fifth-most corrupt state in the country sends a message to businesses that in New Mexico, fair competition isn't how to get ahead, but rather back-door deals and pay-to-play influence."*

#### JOE'S AND THE EYE'S BLOGS

Check out the latest Monahan and Eye on Albuquerque blog postings.

<http://joemonahansnewmexico.blogspot.com/> and <http://eyeonalbuquerque.blogspot.com/>

I guess yesterday's Journal showing the Guv's 9" x 9" photo of her fund raising parachute jump that I discussed in my e-mail yesterday was noticed by Joe and others while the citizens protest of the shooting completion was deemed not that newsworthy-relegated to just a small article.

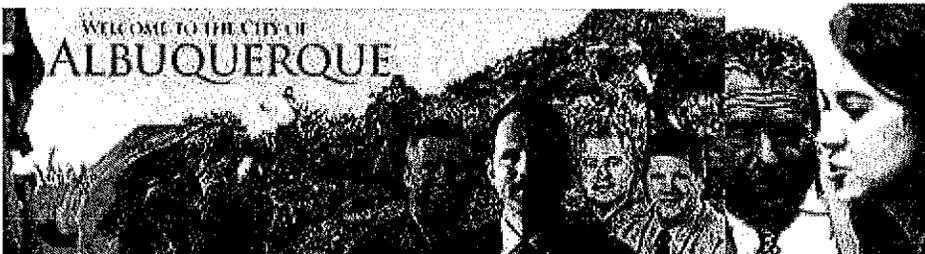
I'm glad the EYE is also representing WE-THE PEOPLE as well. Check out their recent columns

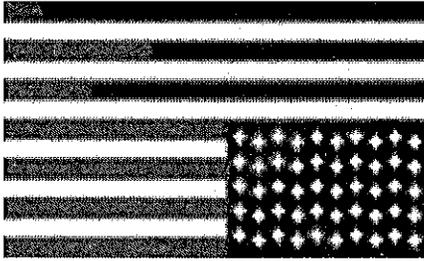
*"Rape"* and *"Can this be True"* Gorden Eden, Jessica, Mayor Berry and CAO Perry?

Good job guys. I also can't wait for the next ABQ Free Press issue.

Silvio

For WE THE PEOPLE





**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** Beth Mohr  
**To:** POB; Mark T. Baker; Hulst, Samantha M.  
**Subject:** Questions & Scoring  
**Date:** Sunday, July 26, 2015 4:47:51 PM  
**Attachments:** Final Interview Questions - approved 7-24-2015.docx

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All: Enclosed are the questions we'll be asking on Wednesday - 6 questions plus one opportunity to make a statement, tell us about themselves, or whatever they'd like to do.

The scoring of this is just as suggested methodology, we can discuss it during the meeting and adjust as necessary. This is simple, math-wise, but you may choose to give more weight to any question, or to give more or less weight to the person's background.

This gives us a starting point, and we can make hand-changes during the meeting as needed.  
Thanks, -B

Beth A. Mohr, Volunteer  
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.

## CPOA Executive Director Search – Interview Questions 7/29/2015

Applicant Name: \_\_\_\_\_

POB Member's Name: \_\_\_\_\_

Question	Score	Possible
1. What experience as an employee most impacted the way you manage others?		<b>5</b>
2. Can you describe your experience working under the direction of a board of directors or analogous body of individuals? What are some of the strategies you would use to ensure a constructive and collaborative working relationship between yourself and the POB?		<b>5</b>
3. How would you measure the success of the CPOA?		<b>5</b>
4. How will you deal with institutional resistance to change?		<b>5</b>
5. How will you create a strategy for public outreach? What groups will you prioritize for outreach, and why?		<b>5</b>
6. Based on your review of the DOJ Findings Letter, Settlement Agreement/Consent Decree, the Police Oversight Ordinance, what do you expect to be some of the primary challenges for the Executive Director, and how do you plan to address those?		<b>5</b>
7. Please add anything else you'd like to tell us that will assist us in making this decision.		<b>5</b>
<b>Add points for experience, qualifications &amp; writing assignment</b>		<b>15</b>

Total Points awarded \_\_\_\_\_ of 50

Notes:

**From:** Silvio Dell'Angela  
**To:** Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.  
**Cc:** Hammer, Robin; POB; pmrinc@mac.com; "Tom Strelcher"; "Elizabeth Martinez"; Vanita.Gupta@usdoj.gov; "Damon Martinez"; Eden, Gordon; stop\_police\_violence\_in\_abq-request@lists.riseup.net  
**Subject:** RE: Police Oversight meeting tomorrow-Wed 5:30  
**Date:** Tuesday, July 28, 2015 12:29:02 PM

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## Councilors

While the Police Oversight Agency (POA) website claims the Agency is committed to transparency, I don't see the resumes of the applicants for the Executive Director position posted on its website.

This secrecy is yet more of the same. When Mayor chose Robin Hammer to be the IRO years ago, intentionally not revealed to the Council was the lawsuit filed against her for alleged judicial misconduct while she worked for the DA. The Council after learning of this still did nothing-went along.

Also, neither PMR Inc.'s head APD reform monitor James Ginger nor Scott Greenwood were forced to come before the public at Council meetings to hear what we say-all with the blessing of our embarrassing US Attorney for NM Damon Martinez.

The old POC then was kept toothless, spoon fed only what Robin, her investigators-(one a former senior Belen cop) and the APD Chief wanted them to see.

Three good POC members quit after Berry's attorney David Tourek opined in a memo that IRO Hammer (contrary to the Oversight Ordinance) worked for the executive branch and not the citizens appointed to the POC. Robin liked it that way as did Chief Schultz and his successors and also the bad cops whose names were never revealed. The POB seems to be still toothless now.

Did Councilor Benton learn anything about police oversight throughout the US when he spent our taxpayers' dollars on two trips to the NACOLE conference?

Does he care or any of you care about the secrecy surrounding the qualifications of and selection by the POB for this most important POA Executive Director's job. Show us the resumes!

Silvio

For WE THE PEOPLE

**From:** stop\_police\_violence\_in\_abq-request@lists.riseup.net [mailto:stop\_police\_violence\_in\_abq-request@lists.riseup.net]  
**Sent:** Monday, July 27, 2015 6:31 PM  
**To:** stop\_police\_violence\_in\_abq@lists.riseup.net  
**Subject:** [stop] Police Oversight meeting Wed 5:30

This Wed July 29th the new Police Oversight Board meets at 5:30. The main focus of the

meeting is to hire a new executive director. The first part of the meeting is open to the public and a chance to hear about the candidates for the job. The POB then gives their recommendation to City Council who makes the final decision. The deliberations are not public.

Below is the agenda:

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

Sent from my iPhone

**From:** Silvio Dell'Angela  
**To:** lunar@cybermesa.com  
**Cc:** pmrinc@mac.com; vanita.gupta@usdoj.gov; Eden, Gorden; stop\_police\_violence\_in\_abq-request@lists.riseup.net; "Peter Simonson"; "Elizabeth Martinez"  
**Subject:** RE: ; Your reply to me "So you volunteered to be part of James Ginger's toothless APD team of mere "auditors."?  
**Date:** Wednesday, September 02, 2015 11:29:49 AM

---

Thanks Maria.

Nothing I have seen thus far from Dr. James Ginger and his people-(most like him-former police officers) convinces me that he is part of the solution.

These \$15,000 UNM run outreach collaboratives like the city run "Goals forums" are shams.

Today's UNM law school run public meeting on the wasteful \$100 million+ ABQ Rapid Transit (ART) down Central will also be a sham as the Mayor will still waste our tax dollars after the public meeting today-caring little that his ART is unjustified.

Developer Paul Silverman one of the narrators supporting the wasteful ART is head of Geltmore.

Geltmore got essentially a rigged contract/sweetheart taxpayer rip-off deal-courtesy of taxpayers from Silverman's former employee-Planning Department Director Suzanne Lubar and her ABQ Development Board (Silverman is a member) to have him build a profitable primarily four story condo complex downtown that was justified to all as just a grocery store.

See today's Journal letter calling for an ethics panel because most citizens know this State and city (particularly APD and the procurement process) are corrupt. Ginger and his mere "auditors" of APD (as Rickman describes the role of the out of town PMR Inc. team) knows that as well. We already have a city auditor.

The council wasted more of our tax dollars on secret ethics training for its employees promoted by the misguided Dianne Goodman. You can't teach honesty to corrupt people as she knows.

PMR Inc. won't clean up APD in four or ten years or twenty as they know because they are powerless. But they really don't care since they have their \$4.5+ million from us taxpayers.

Silvio

-----Original Message-----

From: lunar@cybermesa.com [mailto:lunar@cybermesa.com]  
Sent: Wednesday, September 02, 2015 9:01 AM  
To: Silvio Dell'Angela  
Cc: lunar@cybermesa.com; pmrinc@mac.com; 'Elizabeth'; vanita.gupta@usdoj.gov;

M004566

'Eden, Gorden'; stop\_police\_violence\_in\_abq-request@lists.riseup.net; 'Peter Simonson'

Subject: RE;; Your reply to me "So you volunteered to be part of James Ginger's toothless APD team of mere "auditors."?

Good Morning Silvio,

I agree with you, there is corruption! Yes,I know the city has outreach programs, I work during those times.

Mr. Rickman was sponsored by Ms.Biel,I believe she works with Sarah Namaste from Occupy/unoccupy. Peace Center provided space under the sponsorship of Sue Schuurman.

I cannot speak for the participants impression, however, Mike Swick has a video recording. Also, Charles Ascraim, has a video recording of the Round Table I sponsored, and Sylvia and her husband hosted.

Silvio, Silvio, I do go to City Council meetings, only to be shut down by Garduno, two minutes, it insults my integrity, especially after waiting an hour to even address them. We testify, they read their email, then shoo us away.

Yes, APDFORWARD, comprised of attorneys and ACLU, are in this debacle for money...it's their job. I did apply for the new POB. So yes, Silvio I battle daily, I also work 8 hours a day and drive 3. But I reach 1.5 million people twice a day on radio talk shows to get the right information out.

I will continue to volunteer with Dr. Ginger. In my lifetime I hope Albuquerque becomes "the golden lights we see in the desert, as we crest 9 mile hill and see its splendor". Maybe a foolish girls dream, but one worth working for....

From a home girl, thanks for always being open to conversations.

Maria

- > But I'm sure you understand that not only these outreach
- > collaboratives run by the City that we paid UNM \$15,000 to conduct
- > were mere shams. The meeting later held at the Peace and Justice
- > Center with one of the PMR Inc.
- > powerless "auditors" likely disappointed all there as it gave the
- > illusion that PMR Inc is listening.
- >
- >
- >
- > Note that the Phase 1 report of the 20+ collaborative meetings held
- > gave transparency and accountability the lowest % of importance.

> APD's attorneys even wanted to charge me over \$150 to get the list of  
> names attending these collaboratives.  
>  
>  
>  
> There is no credibility in this reform process as there is still APD  
> defiance of IPRA public records requests-no transparency and no  
> accountability. The Journal did a fluff piece on Boyd killer Perez  
> portraying him as a hero claiming he will be bankrupt defending  
> himself-never blaming his attorney for ripping him off.  
>  
>  
>  
> Then you have the two propaganda pieces by two former-now retired  
> senior Schulz's cops saying to essentially leave the cops alone-let  
> them use excessive force. They are blaming us not the bad APD leadership.  
>  
>  
>  
> Writers to the Journal believed all this pro-killer cop propaganda as  
> evidenced by the latest letter in the Journal today portraying Boyd as  
> a crazed potential killer. I guess you get one free murder of a  
> citizen when wearing a badge and deemed a hero..  
>  
>  
>  
> APD Forward has been a disappointment and the African-American Bishops  
> haven't taken the time to find out what's really going on. Berry even  
> hired NAACP's Harold Bailey as a consultant to give him  
> credibility-give the impression he cares about black citizens here.  
> Bailey sold his soul to the devil. Another Judas just to get his 30  
> pieces of silver  
>  
>  
>  
> How many of these black leaders came out publically against the  
> unjustified shootings of Vincent Wood and other black citizens? NONE!  
> Why doesn't our new black attorney general who replaced Eric Holder  
> in Washington DC care about us? Only when black citizens in other  
> cities are killed? Where is Vanita Gupta?  
>  
>  
>  
> Neither APD nor the DA will release the video showing the two cops  
> murdering Wood after only five minutes yet deemed their shooting  
> justified. Except for the Boyd murder, APD has not released any  
> video showing their other murders.  
>  
>  
>

> Do the black leaders care about those of other color? All some black  
> leaders worry about is taking down the old stars and bars of the  
> Northern Confederate Army in Old Town and the Mayor rolled over  
> for/pandered to them.  
>  
>  
>  
> You can't give credibility to a reform process that has no credibility.  
> You  
> like the others are being used in my opinion. You also need to show up  
> at Council meetings and write to the Council demanding more than just  
> lip service.  
>  
>  
>  
> Did you volunteer to serve on the 2013 police oversight task force  
> whose recommendations were ignored? Did you volunteer for the POC or new  
> POB?  
> I  
> did. Now the POB wants to make a Milwaukee cop its first choice to be  
> the new Executive Director of the Police Oversight Agency. Lunacy  
>  
>  
>  
> Just my opinion. Thanks for writing  
>  
>  
>  
> Silvio  
>  
>  
>  
>  
> -----Original Message-----  
>  
> From: [lunar@cybermesa.com](mailto:lunar@cybermesa.com) [<mailto:lunar@cybermesa.com>]  
>  
> Sent: Monday, August 31, 2015 9:52 PM  
>  
> To: Silvio Dell'Angela  
>  
> Cc: [lunar@cybermesa.com](mailto:lunar@cybermesa.com); [pmrinc@mac.com](mailto:pmrinc@mac.com); 'Elizabeth';  
> [vanita.gupta@usdoj.gov](mailto:vanita.gupta@usdoj.gov); 'Eden, Gorden'  
>  
> Subject: Re: So you volunteered to be part of James Ginger's toothless  
> APD team of mere "auditors."?  
>  
>  
>  
>  
>

> Hi Silvio, I did not volunteer to be part of Dr. Ginger's monitoring team.  
>  
> I like other advocates have chosen to host community forums for  
> community participation. I am giving credibility to the reform  
> process. Once we get over the "divide and conquer" , we can start the real  
work.  
>  
>  
>  
> Other organizations have sponsored forums, Peace and Justice Center,  
> APDFORWARD, African American Bishops, ...do you feel the same way  
> about them as you do about me? Maria  
>  
>  
>  
>  
>  
>  
>  
>  
> On Mon, August 31, 2015 8:16 pm, Silvio Dell'Angela wrote:  
>  
>> Maria Batista  
>  
>>  
>  
>>  
>  
>>  
>  
>> Is this true? The question is why give Ginger and his team any  
>  
>> credibility that they don't deserve? It's divide and conquer-or  
>  
>> haven't you thought about that?  
>  
>>  
>  
>>  
>  
>>  
>  
>> Disappointed-if true  
>  
>>  
>  
>>  
>  
>>  
>  
>> Silvio

>  
>>  
>  
>> For WE THE PEOPLE  
>  
>>  
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>>  
>  
>  
>  
>  
>

**From:** [Silvio Dell'Angela](#)  
**To:** [Beth Mohr](#)  
**Cc:** [POB](#)  
**Subject:** RE: ADDED INFO-RE:-MY" INTERVIEWS FOR THE EXECUTIVE DIRECTOR OF THE POLICE OVERSIGHT AGENCY-  
THERE IS ONLY ONE CHOICE-JAY ROWLAND WHO WILL SERVE YOU, THE PEOPLE AND THE GOOD POLICE  
OFFICERS"  
**Date:** Friday, July 31, 2015 1:49:25 PM

---

Beth

That's true now but that wasn't the case when Robin Hammer applied for the City posted IRO job and was hired. The City seems to play fast and loose with these posted job requirements.

Case in point-the City Clerk's position always required that it be an attorney and one who was knowledgeable in the NM IPRA since it was the City's designated NM IPRA compliance monitoring office. In order to hire the current appointee Natalie Howard who has no relevant experience in the NM IPRA or other clerk duties, that was changed.

Again, Only Jay should be nominated to be the next Executive Director. What a great choice he would be if approved-as you know.

Thanks

Silvio

P.S. Good job running the interviews

---

**From:** Beth A. Mohr [<mailto:cabq.pob.mohr@gmail.com>]  
**Sent:** Friday, July 31, 2015 12:36 PM  
**To:** Silvio Dell'Angela  
**Subject:** Re: ADDED INFO-RE:-MY" INTERVIEWS FOR THE EXECUTIVE DIRECTOR OF THE POLICE OVERSIGHT AGENCY-THERE IS ONLY ONE CHOICE-JAY ROWLAND WHO WILL SERVE YOU, THE PEOPLE AND THE GOOD POLICE OFFICERS"

Sir, Please note that the POB Ordinance specifically requires that the ED of the CPOA must be an attorney, our job description further specifies they must have graduated from an ABA approved law school and have a current Bar membership . Also, the Ordinance requires that we rank the top 3 candidates and sent their name to City Council.

We have to follow the law in these areas. Thanks.

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.*

M004572

Silvio Dell'Angela <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)> wrote:

To the POB

FYI are some comments from others who received my e-mail to you yesterday . You should only nominate Jay Rowland to be the new Executive Director-nobody else.

Silvio

*"I'm sure Robin applied. I have reason to believe the POB read the DOJ report about the Mickey Owings shooting and then compared it with her statement to City Council about the same subject and drew some conclusions about her honesty. "*

Regarding the other candidate I mentioned-Edna Sprague, one I respect who knows her well told me that *"in her current position she is a "vehement defender of all APD police"-thus would make a poor Executive Officer."*

My disgraceful District 8 Councilor Trudy Jones' representative to the old POC-the arrogant PhD Carl Foster was a disgraceful obstructionist to any APD accountability-just a Republican political hack. Carl appeared on TV last night criticizing you on the POB for alleged defiance of the Open Meetings Act.

**TO: The Honorable Police Oversight Board Members**

**Info to City Councilors and Bec to others**

**After viewing your meeting on GOV-TV last night that included interviews of five candidates for the "Executive Director of POA, the following are some of my observations/questions:**

1. I assume that since current interim Executive Director Ms. Hammer was not interviewed, she did not apply for this POA Executive Director position or being considered as a sixth candidate
2. The talk by attorney Alan Wagman was right on target saying essentially that this selection is critically important-that we don't need more of the same (translated-not another Robin Hammer)
3. This position never required that it be an attorney when Ms. Hammer was hired for the IRO job since an attorney is already assigned to the IRO-yet all were attorneys.
4. Who chose these five candidates who you interviewed and more importantly who decided that you had to send three of the five interviewed to the Council to pick one? Only one stood out!
5. You saw their resumes-something that should have also been posted on the

website. One candidate-a former Colorado sheriff's deputy had conflicting-erroneous information on his resume

6. Two of the applicants were former law enforcement/police officers both of whom had beliefs like Ms. Hammer.

Your selection decision is easy.

The only candidate that stood head and shoulders above the other four was former IRO during 2002-2007 Jay Rowland.

Based on his demonstrated knowledge of this job and expected respect by both the many APD honest police officers and the people, only Jay should be nominated to the City Council.

The only other even remotely credible candidate of the other four interviewed was Edna Sprague.

After Edna has the opportunity to review all of the GOV-TV interviews today, she too would likely believe that Jay would be the right choice.

Regards

Silvio  
For WE THE PEOPLE

P.S.  
Jay would also be a great Mayor if he ever chose to run.

**From:** [Hammer, Robin](#)  
**To:** [Beth Mohr](#); [POB](#); ["Mark T. Baker"](#); [Hernandez, Jessica M.](#)  
**Subject:** RE: Agenda posted for Monday?  
**Date:** Thursday, July 23, 2015 8:30:23 AM

---

Beth,

After Friday's Personnel Subcommittee, the next meeting we have scheduled is the special POB meeting on Wednesday, July 29. The following Monday, August 3, the Policy Subcommittee is scheduled to meet at 8 am. I am unaware of any meeting scheduled for Monday, July 27. If we've missed something, please let me know.

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 A. Mohr [<mailto:cabq.pob.mohr@gmail.com>]  
**Sent:** Thursday, July 23, 2015 8:13 AM  
**To:** Hammer, Robin; POB; Mark T. Baker; Hernandez, Jessica M.  
**Subject:** Agenda posted for Monday?

Is there an Agenda posted for Monday?

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:** [Hammer, Robin](#)  
**To:** [Beth Mohr](#); [POB](#); "[Mark T. Baker](#)"  
**Subject:** RE: Agenda setting in the future  
**Date:** Wednesday, June 24, 2015 5:07:13 PM

---

Beth,

Myself or a member of my staff will assist with Agenda creation and posting as outlined below.

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:** Wednesday, June 24, 2015 12:12 PM  
**To:** Hammer, Robin; [POB](#); [Mark T. Baker](#)  
**Subject:** Agenda setting in the future

Ms. Hammer - In the future, we need to avoid the situation which happened this week - where I sent an emailed agenda for the personnel subcommittee for posting well before the deadline, but you didn't received it, and it wasn't posted 72 hours prior to the meeting.

As staff for the POB, we all need you to be the person primarily responsible for staying on top of these deadlines with agendas and posting. Volunteer Board members shouldn't be the ones primarily responsible for this task.

To be clear, the failure is not that you didn't receive my email, as that technology is beyond our control. The issue was that when you didn't receive the agenda in plenty of time for posting, that you neither emailed, called nor texted me to find out the status of the agenda. As I had previously disclosed, I was working out of state, in 3 locations involving both coasts between June 13th and yesterday evening. Had I received any communication from you that you hadn't yet received an agenda, I could have resent it prior to the deadline.

In the future, to ensure there isn't a repeat of this issue, you will follow the protocol listed below:

5-days prior to meeting - email the Chair of the POB, or subcommittee chair, requesting an agenda, and asking if they would like your assistance to format a draft agenda; please CC the committee members, or in the case of the full POB, cc the co-vice chairs. This is also the last point where the most recent minutes should be sent out in draft form.

4-days prior to meeting - if you haven't received a response, call the Chair and follow up to ensure that an agenda is forthcoming.

3-days prior to the meeting - verify the receipt of an agenda and post. If for whatever reason the chair is unable to put together an agenda, and you haven't received an agenda or any response from anyone else, please post an updated version of the most recent agenda for that body. For the personnel subcommittee, just update the last agenda with the upcoming agenda's date and post it, so at least the meeting won't need to be cancelled.

2-days prior to the meeting, verify the room reservation and email a reminder to the full POB inviting/reminding everyone of the meeting or subcommittee meeting.

Following this timetable for all future meetings will ensure that we are able to smoothly conduct business. If you'd prefer to assign one of your staff members to this task, please let us know who will be primarily responsible. Feel free to call with any questions. Thanks much, -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:** Hammer, Robin  
**To:** Joanne Fine; Leonard Waites  
**Subject:** RE: CPA Graduation Certificate  
**Date:** Monday, June 22, 2015 8:24:25 AM

---

Joanne,

Thanks for submitting this document for our records.

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:** Joanne Fine [mailto:joannefine413@gmail.com]  
**Sent:** Friday, June 19, 2015 8:59 PM  
**To:** Hammer, Robin; Leonard Waites  
**Subject:** CPA Graduation Certificate

Attached please find the certification of my graduation from the Civilian Police Academy.  
Thank you,  
Joanne

--

Joanne Fine  
Police Oversight Board Member

**From:** [Skotchdopole, Paul A.](#)  
**To:** [Joanne Fine](#)  
**Subject:** RE: Complaine Meeting with Auditors  
**Date:** Friday, October 02, 2015 3:37:15 PM

---

Awesome.

---

**From:** joannefine413 [mailto:joannefine413@gmail.com]  
**Sent:** Friday, October 02, 2015 2:55 PM  
**To:** Skotchdopole, Paul A.  
**Subject:** RE: Complaine Meeting with Auditors

Yes. I will already be there for the Case Review Committee which starts at noon.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Skotchdopole, Paul A." <[pskotchdopole@cabq.gov](mailto:pskotchdopole@cabq.gov)>  
**Date:** 10/2/2015 4:51 PM (GMT-05:00)  
**To:** Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>  
**Subject:** Complaine Meeting with Auditors

Hi Leonard and Joanne,

A second meeting has been scheduled with the Compliance Auditors for 10/12/15 from 2:00 PM to 4:00 PM, here in the CPOA offices. Please let me know if you will be able to attend.

Paul

**From:** Leonard Waites  
**To:** Joanne Fine  
**Subject:** RE: Diversity & sensitivity training  
**Date:** Wednesday, August 19, 2015 7:47:57 AM

---

Thanks Joanne

On Aug 18, 2015 8:13 PM, "joannefine413" <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:  
Sept 3rd works for me.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>

Date: 08/18/2015 6:41 PM (GMT-07:00)

To: "Scott S. Wilson" <[jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com)>, Joanne Fine  
<[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>, [jvbaca.pob@gmail.com](mailto:jvbaca.pob@gmail.com), "[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)"  
<[cabq.pobmohr@gmail.com](mailto:cabq.pobmohr@gmail.com)>, "Eric H. Cruz" <[cabq.pob.cruz@gmail.com](mailto:cabq.pob.cruz@gmail.com)>,  
[dzr3@juno.com](mailto:dzr3@juno.com), Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>, "Mark T. Baker"  
<[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>, Susanne Brown <[sbrownpob@gmail.com](mailto:sbrownpob@gmail.com)>, Moira Amado-  
McCoy <[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)>  
Subject: Diversity & sensitivity training

Good evening everyone,

Dr. McCoy has identified a talented trainer for our required Diversity & Sensitivity training. We need to identify a date that everyone can meet for 2.5 hours. the dates available are Sept. 1,2,3 and the 4th. the only date that I am available is the 2,3rd. please let me know a date what date works for each of you. I will schedule a meeting room once I have everyone's reply.

--

Leonard Waites Chairman  
Police Oversight Board

M004593

**From:** [Hammer, Robin](#)  
**To:** [Leonard Waites](#)  
**Cc:** [Beth Mohr](#); [David Ring](#); [Eric H. Cruz](#); [Jeannette V. Baca](#); [Joanne Fine](#); [Moira Amado-McCoy](#); [Scott S. Wilson](#); [Susanne Brown](#); [Contreras, Michelle](#); [Mark T. Baker](#)  
**Subject:** RE: Draft Minutes from July 9, 2015 POB Meeting  
**Date:** Monday, July 27, 2015 4:18:47 PM

---

Leonard,  
I will make this change and send out another draft.  
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:** Leonard Waites [mailto:[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)]  
**Sent:** Monday, July 27, 2015 4:08 PM  
**To:** Hammer, Robin  
**Cc:** [Beth Mohr](#); [David Ring](#); [Eric H. Cruz](#); [Jeannette V. Baca](#); [Joanne Fine](#); [Moira Amado-McCoy](#); [Scott S. Wilson](#); [Susanne Brown](#); [Contreras, Michelle](#); [Mark T. Baker](#)  
**Subject:** Re: Draft Minutes from July 9, 2015 POB Meeting

Ms. Hammer,  
I stated for the record that I would like to thank Officer Saavedra for the outstanding work that she has done in getting us all through the 47th Citizen Police Academy. This should be placed in the Other Business section.

On Mon, Jul 27, 2015 at 10:29 AM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:  
POB Members:

Attached are draft Minutes from the July 9, 2015 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>

--

Leonard Waites Chairman  
Police Oversight Board

**From:** Oney, Kathleen  
**To:** Scott S. Wilson; Mark Baker; Moira Amado-McCoy; susanne.brown37@gmail.com; Beth Mohr; Joanne Fine; Leonard Waites; Eric H. Cruz; David Ring; Yntema IV, Hessel E.; Jeannette V. Baca  
**Cc:** POB IPRA  
**Subject:** RE: Email forwarding  
**Date:** Thursday, June 18, 2015 2:11:57 PM  
**Attachments:** image003.png

---

Hello All,

So far I have received emails and approved:

- Joanne Fine
- Jeannette Baca

I've also checked my Junk folder and didn't find any more requests.

*Kathleen Oney*

IPRA / Codification Specialist  
Office of the City Clerk  
505-924-3657



---

**From:** Scott Wilson [mailto:jswilsonpob@outlook.com]  
**Sent:** Wednesday, June 17, 2015 3:27 PM  
**To:** Mark Baker; Moira Amado-McCoy; susanne.brown37@gmail.com; Beth Mohr; Joanne Fine; Leonard Waites; Eric H. Cruz; David Ring; Yntema IV, Hessel E.; Oney, Kathleen; Jeannette V. Baca  
**Cc:** POB IPRA  
**Subject:** RE: Email forwarding

Unless I am totally misunderstanding the situation, the information below does not solve, (and in fact I think creates a problem) our problem.

As I read the instructions, they appear to deal with how to automatically forward emails that are **received** in our inboxes. Not forwarding emails we **send**. So unless someone has figured out how to automatically forward emails that we generate, we still have the same problem.

In addition, if everyone sets up the rule as described below, when we each receive our copy of an email sent to all of us, the email will automatically be forwarded to the IPRA account 9 or more times, meaning we will have 10 or more copies of the same email sent to that account.

M004596

Could be wrong about this, but that's what it seems like to me.

J. Scott Wilson

"When everything around you seems to be lacking in integrity, find it in yourself.  
Change the world from where you're standing..."

---

From: [mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)  
To: [amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com); [susanne.brown37@gmail.com](mailto:susanne.brown37@gmail.com);  
[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com); [joannefine413@gmail.com](mailto:joannefine413@gmail.com); [jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com);  
[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com); [cabq.pob.cruz@gmail.com](mailto:cabq.pob.cruz@gmail.com); [dzr3@juno.com](mailto:dzr3@juno.com); [hyntema@cabq.gov](mailto:hyntema@cabq.gov);  
[koney@cabq.gov](mailto:koney@cabq.gov); [jybacq.pob@gmail.com](mailto:jybacq.pob@gmail.com)  
CC: [hyntema@cabq.gov](mailto:hyntema@cabq.gov)  
Subject: Fwd: Email forwarding  
Date: Wed, 17 Jun 2015 02:25:46 +0000

See below from Hess on the email issue. Let me know if you have questions.

Sorry for the lag in getting this forwarded.

Sent from my iPhone

Begin forwarded message:

**From:** "Yntema IV, Hessel E." <[hyntema@cabq.gov](mailto:hyntema@cabq.gov)>  
**Date:** June 12, 2015 at 2:59:52 PM MDT  
**To:** Mark Baker <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>  
**Subject:** Email forwarding

Here are some "how to" links for the board.

Gmail:

<https://support.google.com/mail/answer/10957?hl=en>

Yahoo:

<https://help.yahoo.com/kb/SLN17371.html>

M004597

Outlook:

<https://support.office.com/en-ca/article/Automatically-forward-my-messages-to-another-e-mail-account-9f124e4a-749e-4288-a266-2d009686b403>

Juno:

[http://help.juno.com/contact/brand.html?  
next=http://help.juno.com/support/webmail/u-setup-fwd.html](http://help.juno.com/contact/brand.html?next=http://help.juno.com/support/webmail/u-setup-fwd.html)

Hope these help.

Have a good weekend,

Hess

Hessel E. Yntema IV  
Assistant City Attorney  
Real Estate and Land Use  
(t) 505-768-4500  
(f) 505-768-2525  
[hyntema@cabq.gov](mailto:hyntema@cabq.gov)

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**From:** [Scott Wilson](#)  
**To:** [Joanne Fine](#)  
**Subject:** RE: Email forwarding  
**Date:** Thursday, June 18, 2015 4:16:11 PM

---

I did not.

----- Original message -----

**From:** Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>  
**Date:** 06/18/2015 4:00 PM (GMT-07:00)  
**To:** Scott Wilson <[jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com)>  
**Subject:** Re: Email forwarding

Did you receive a reply on the gmail rule that you posed? It looks the same to me.

On Wed, Jun 17, 2015 at 3:26 PM, Scott Wilson <[jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com)> wrote:

Unless I am totally misunderstanding the situation, the information below does not solve, (and in fact I think creates a problem) our problem.

As I read the instructions, they appear to deal with how to automatically forward emails that are **received** in our inboxes. Not forwarding emails we **send**. So unless someone has figured out how to automatically forward emails that we generate, we still have the same problem.

In addition, if everyone sets up the rule as described below, when we each receive our copy of an email sent to all of us, the email will automatically be forwarded to the IPRA account 9 or more times, meaning we will have 10 or more copies of the same email sent to that account.

Could be wrong about this, but that's what it seems like to me.

J. Scott Wilson

"When everything around you seems to be lacking in integrity, find it in yourself.  
Change the world from where you're standing..."

---

**From:** [mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)  
**To:** [amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com); [susanne.brown37@gmail.com](mailto:susanne.brown37@gmail.com);  
[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com); [joannefine413@gmail.com](mailto:joannefine413@gmail.com); [jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com);  
[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com); [cabq.pob.cruz@gmail.com](mailto:cabq.pob.cruz@gmail.com); [dzr3@juno.com](mailto:dzr3@juno.com);  
[hyntema@cabq.gov](mailto:hyntema@cabq.gov); [koney@cabq.gov](mailto:koney@cabq.gov); [jvaca.pob@gmail.com](mailto:jvaca.pob@gmail.com)  
**CC:** [hyntema@cabq.gov](mailto:hyntema@cabq.gov)  
**Subject:** Fwd: Email forwarding  
**Date:** Wed, 17 Jun 2015 02:25:46 +0000

M004599

See below from Hess on the email issue. Let me know if you have questions.

Sorry for the lag in getting this forwarded.

Sent from my iPhone

Begin forwarded message:

**From:** "Yntema IV, Hessel E." <[hyntema@cabq.gov](mailto:hyntema@cabq.gov)>  
**Date:** June 12, 2015 at 2:59:52 PM MDT  
**To:** Mark Baker <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>  
**Subject:** Email forwarding

Here are some "how to" links for the board.

Gmail:

<https://support.google.com/mail/answer/10957?hl=en>

Yahoo:

<https://help.yahoo.com/kb/SLN17371.html>

Outlook:

<https://support.office.com/en-ca/article/Automatically-forward-my-messages-to-another-e-mail-account-9f124e4a-749e-4288-a266-2d009686b403>

Juno:

<http://help.juno.com/contact/brand.html?next=http://help.juno.com/support/webmail/u-setup-fwd.html>

Hope these help.

Have a good weekend,

Hess

Hessel E. Yntema IV

Assistant City Attorney

Real Estate and Land Use

(t) 505-768-4500

(f) 505-768-2525

hyntema@cabq.gov

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--

Joanne Fine  
Police Oversight Board Member

M004601

**From:** Scott Wilson  
**To:** Mark Baker; Moira Amado-McCoy; susanne.brown37@gmail.com; Beth Mohr; Joanne Fine; Leonard Waites; Eric H. Cruz; David Ring; Yntema IV, Hessel E.; Oney, Kathleen; Jeannette V. Baca  
**Cc:** POB IPRA  
**Subject:** RE: Email forwarding  
**Date:** Wednesday, June 17, 2015 3:26:42 PM

---

Unless I am totally misunderstanding the situation, the information below does not solve, (and in fact I think creates a problem) our problem.

As I read the instructions, they appear to deal with how to automatically forward emails that are **received** in our inboxes. Not forwarding emails we **send**. So unless someone has figured out how to automatically forward emails that we generate, we still have the same problem.

In addition, if everyone sets up the rule as described below, when we each receive our copy of an email sent to all of us, the email will automatically be forwarded to the IPRA account 9 or more times, meaning we will have 10 or more copies of the same email sent to that account.

Could be wrong about this, but that's what it seems like to me.

J. Scott Wilson

"When everything around you seems to be lacking in integrity, find it in yourself.  
Change the world from where you're standing..."

---

**From:** mbaker@peiferlaw.com  
**To:** amadomccoy.pob@gmail.com; susanne.brown37@gmail.com;  
cabq.pob.mohr@gmail.com; joannefine413@gmail.com; jswilsonpob@outlook.com;  
phamason.lw@gmail.com; cabq.pob.cruz@gmail.com; dzt3@juno.com; hyntema@cabq.gov;  
koney@cabq.gov; jvbaca.pob@gmail.com  
**CC:** hyntema@cabq.gov  
**Subject:** Fwd: Email forwarding  
**Date:** Wed, 17 Jun 2015 02:25:46 +0000

See below from Hess on the email issue. Let me know if you have questions.

Sorry for the lag in getting this forwarded.

Sent from my iPhone

M004603

Begin forwarded message:

**From:** "Yntema IV, Hessel E." <[hyntema@cabq.gov](mailto:hyntema@cabq.gov)>

**Date:** June 12, 2015 at 2:59:52 PM MDT

**To:** Mark Baker <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>

**Subject:** Email forwarding

Here are some "how to" links for the board.

Gmail:

<https://support.google.com/mail/answer/10957?hl=en>

Yahoo:

<https://help.yahoo.com/kb/SLN17371.html>

Outlook:

<https://support.office.com/en-ca/article/Automatically-forward-my-messages-to-another-e-mail-account-9f124e4a-749e-4288-a266-2d009686b403>

Juno:

[http://help.juno.com/contact/brand.html?  
next=http://help.juno.com/support/webmail/u-setup-fwd.html](http://help.juno.com/contact/brand.html?next=http://help.juno.com/support/webmail/u-setup-fwd.html)

Hope these help.

Have a good weekend,

Hess

Hessel E. Yntema IV  
Assistant City Attorney  
Real Estate and Land Use  
(t) 505-768-4500  
(f) 505-768-2525

M004604

[hyntema@cabq.gov](mailto:hyntema@cabq.gov)

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**From:** [Hammer, Robin](#)  
**To:** [Joanne Fine](#)  
**Subject:** RE: FW: Next ride along  
**Date:** Monday, July 06, 2015 1:03:30 PM

---

You're welcome. Please let me know if Lt. Rodgers does not get back to you in a timely manner.

Regards,  
Robin

---

**From:** joannefine413 [mailto:joannefine413@gmail.com]  
**Sent:** Monday, July 06, 2015 9:54 AM  
**To:** Hammer, Robin  
**Subject:** RE: FW: Next ride along

Thank you, Robin.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)>  
**Date:** 07/06/2015 8:56 AM (GMT-07:00)  
**To:** "Rodgers, Shane" <[srodgers@cabq.gov](mailto:srodgers@cabq.gov)>  
**Cc:** Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>, "Gonzalez, Arturo E." <[aegonzalez@cabq.gov](mailto:aegonzalez@cabq.gov)>  
**Subject:** FW: Next ride along

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 [REDACTED]. 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

M004606

<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

M004607

**From:** [Skotchdopole, Paul A.](mailto:Skotchdopole, Paul A.)  
**To:** [Joanne Fine](mailto:Joanne Fine)  
**Subject:** RE: FW: POB Contact Info  
**Date:** Monday, September 14, 2015 3:25:58 PM

---

Okay great! Thank you for this.  
Paul

---

**From:** joannefine413 [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Monday, September 14, 2015 3:12 PM  
**To:** Skotchdopole, Paul A.  
**Subject:** RE: FW: POB Contact Info

Paul,

Just FYI, it is always okay with me if you share my cell and POB email with anyone who asks.

Thanks,  
Joanne

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Skotchdopole, Paul A." <[pskotchdopole@cabq.gov](mailto:pskotchdopole@cabq.gov)>  
**Date:** 9/14/2015 1:59 PM (GMT-07:00)  
**To:** POB <[pob@cabq.gov](mailto:pob@cabq.gov)>, "Mark T. Baker" <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>  
**Subject:** FW: POB Contact Info

---

**From:** Edward Harness [mailto:[ed\\_harness@live.com](mailto:ed_harness@live.com)]  
**Sent:** Monday, September 14, 2015 1:40 PM  
**To:** Skotchdopole, Paul A.  
**Subject:** POB Contact Info

Good Afternoon: I trust you had a good weekend. Could you forward the contact info for the POB members? Thanks!

Edward W. Harness  
Attorney & Counselor at Law  
[REDACTED]  
Milwaukee, WI 53202  
Call, Text, or Fax 1-877-243-9184

SuperLawyers WI Rising Star 2008-2010  
Milwaukee's Lifestyle Magazine Highest Rated Attorneys 2012 - 2015

M004608

THE INFORMATION CONTAINED IN THIS MESSAGE IS PERSONAL, CONFIDENTIAL AND MAY BE PRIVILEGED COMMUNICATION, IT IS SOLELY FOR THE ABOVE LISTED RECIPIENT(S). IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY THE SENDER AND IMMEDIATELY DESTROY AND DISPOSE OF THIS MESSAGE, THANK YOU!

**From:** Contreras, Michelle  
**To:** Beth Mohr; Bullock, Nicholas; David Ring; Davidson, Christopher; Davila, Natalee Z; Eric H. Cruz; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Mark Baker, Esq.; McDermott, Diane L.; Moira Amado-McCoy; O'Neil, Erin; Skotchdopole, Paul A.; Stefoin (Moore), Samantha; Susanne Brown  
**Subject:** RE: Final Agenda for Monday, September 28, 2015  
**Date:** Wednesday, September 23, 2015 4:47:02 PM  
**Attachments:** 9-28-2015 POB Agenda-Final.pdf

---

See agenda attached. Sorry about that.  
Michelle

---

**From:** Contreras, Michelle  
**Sent:** Wednesday, September 23, 2015 4:46 PM  
**To:** Beth Mohr; Bullock, Nicholas; Contreras, Michelle; David Ring; Davidson, Christopher; Davila, Natalee Z; Eric H. Cruz; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Mark Baker, Esq.; McDermott, Diane L.; Moira Amado-McCoy; O'Neil, Erin; Skotchdopole, Paul A.; Stefoin (Moore), Samantha; Susanne Brown  
**Subject:** Final Agenda for Monday, September 28, 2015

Dear POB Members:

Attached is the Agenda submitted by Leonard for Monday's meeting.

Please let me know if you have questions.

Thank you.  
Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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**

**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*  
Paul Skotchdopole, Assistant Lead Investigator

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

**Monday, September 28, 2015 – 5:00 PM**  
**Vincent E. Griego Chambers**

- I. Welcome & Call to Order ~ Leonard Waites, Chair**
- II. Pledge of Allegiance ~ Joanne Fine.**
- III. Approval of the Agenda**
- IV. Public Comments**
- V. Discussion and Approval of Rules and Procedures**
- VI. Discussion and Possible Action of Ed Harness Salary**
- VII. Other Business**
- VIII. Adjournment ~ *Next Regularly Scheduled POB meeting will be on  
Thursday, October 15, 2015 at 5:00 PM in the Vincent E. Griego  
Chambers***

*(Dinner break will be taken by POB at ~6:30 pm, during a natural break in the agenda)*

**From:** [Edward Harness](#)  
**To:** [Joanne Fine](#)  
**Subject:** RE: Get together  
**Date:** Tuesday, October 20, 2015 9:26:12 AM

---

Good Morning: The 18<sup>th</sup> of November is good for me. Thanks.

Ed Harness

**From:** joannefine413  
**Sent:** Friday, October 16, 2015 3:24 PM  
**To:** Jeanette Baca;Jeffrey Scott Wilson;Eric H. Cruz;David Z. Ring;Moira Amado-McCoy;Leonard Waites;Beth A. Mohr;Susanne Brown;Mark Baker;Edward Harness  
**Subject:** Get together

I would like to gather the POB members, spouses, as well as the staff and their significant others to welcome Ed Harness to Albuquerque.

I am proposing suppertime, Wed, Nov 18th, at my home in Glenwood Hills.  
How about everyone bring something to go with what Art and i grill on the BBQ. Drinks, alcohol and otherwise, would be our treat as well.

We have been through a lot together in the last few months. Let's celebrate our collective endurance and success as we head into our shared future.

I will include all staff once we have a date that works for the Board. Please let me know by Monday if the date will or will not work for you.

Thank you,  
Joanne and Art Fine

P.S. due to the Open Meetings Law we cannot make this event about our work. All the better.  
Let's talk about anything else. :0)

Sent from my Verizon Wireless 4G LTE smartphone

M004612

**From:** Contreras, Michelle  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown  
**Cc:** Skotchdopole, Paul A.; "Mark Baker, Esq."  
**Subject:** RE: IA Stats for July and August 2015  
**Date:** Wednesday, September 30, 2015 4:18:20 PM

---

Sorry, "For your information."

Thanks.  
Michelle

---

**From:** Contreras, Michelle  
**Sent:** Wednesday, September 30, 2015 4:18 PM  
**To:** Beth Mohr; David Z. Ring; Eric H. Cruz; Jeannette Baca; Jeffery Scott Wilson; Joanne Fine; Leonard Waites (phamason.lw@gmail.com); Moira Amado-McCoy; Susanne Brown  
**Cc:** Skotchdopole, Paul A.; Mark Baker, Esq.  
**Subject:** IA Stats for July and August 2015

Good afternoon POB:

For you information, I am passing on the attached IA Stats from Lt. Garcia. If you have questions, please feel free to contact our office.

Thanks.  
Michelle

### **Michelle Contreras**

Senior Administrative Assistant  
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:** [Joanne Fine](#)  
**Subject:** RE: Is this what you're talking about?  
**Date:** Monday, August 03, 2015 6:18:41 PM

---

Yes, got them. -B

Beth A. Mohr, CFE, CAMS, MPA, PI  
Managing Partner  
McHard Accounting Consulting LLC  
933 San Mateo Blvd, NE 500-151  
Albuquerque, NM 87108  
5 [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 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*

---

**From:** joannefine413 [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Monday, August 03, 2015 6:00 PM  
**To:** Beth Mohr  
**Subject:** RE: Is this what you're talking about?

Did you get the reference forms via email from me in the last half hour?

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** Beth Mohr <[Bmohr@themchardfirm.com](mailto:Bmohr@themchardfirm.com)>  
**Date:** 08/03/2015 2:06 PM (GMT-07:00)  
**To:** "Joanne Fine ([joannefine413@gmail.com](mailto:joannefine413@gmail.com))" <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>  
**Subject:** Is this what you're talking about?

You're going to bring copies of this stuff to the meeting, right? -B

<http://watchdog.org/6159/nm-senator-richardson-seriously/>

Beth A. Mohr, CFE, CAMS, MPA, PI  
Managing Partner  
McHard Accounting Consulting LLC

M004614

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*

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Christie misses cut for prime-time GOP debate

## John Grubestic: Senator Richardson. Seriously.

By Rob Nikolewski / March 10, 2011 / No Comments



Like 0

G+1



(<http://www.capitolreportnewmexico.com/wp-content/uploads/2011/01/john-grubestic.jpg>)  
John Grubestic

Senator Richardson.

Say it slowly, try not to throw up and give it a chance to sink in. It makes perfect sense. Come on folks, if I can say it so can you... SENATOR RICHARDSON.

Yes, *that* Richardson, Big Bill, Slick Guillermo, the flabby King.

Richardson ([http://www.ballotpedia.com/wiki/index.php/Bill\\_Richardson](http://www.ballotpedia.com/wiki/index.php/Bill_Richardson)) is the only Democrat that merits consideration. Balderas, the two Martins, that Diane lady ([http://www.ballotpedia.com/wiki/index.php/Diane\\_Denish](http://www.ballotpedia.com/wiki/index.php/Diane_Denish)) who even the President couldn't remember (<http://www.ihatethemedia.com/barack-obama-cannot-pronounce-diane-denish>) , Patsy Madrid ([http://en.wikipedia.org/wiki/Patricia\\_A.\\_Madrid](http://en.wikipedia.org/wiki/Patricia_A._Madrid)) (who last time I checked couldn't even remember who she was), Benito Lujan ([http://www.ballotpedia.com/wiki/index.php/Ben\\_Ray\\_Lujan](http://www.ballotpedia.com/wiki/index.php/Ben_Ray_Lujan)) ? One more

time, together... Senator Richardson!

Getting easier right? It should be. Especially for all you Democrats that have almost managed to wash the taste of his butt off of your lips. Pucker up, assume the position and get him elected!

We are not sending someone to Washington to make friends, play by a mythical set of rules and sit around waiting for the Labs to shut down, see Kirtland relegated to Nerf warfare and watch as any available money goes elsewhere; the current Congressional delegation has it covered.

Don't take a knife to a gun fight; don't send a man wearing a suit made of salmon into a den of grizzlies or a Girl Scout to a crack house. We need to send the most successful hood (I mean this in the best sense as in ...Robin) New Mexico has ever produced to represent our interests in a city that has more unindicted felons roaming the streets than anywhere else in the world.

New Mexico needs a senator with the morals of a tapeworm, the energy of a drug-addled mongoose and the cajones of a rutting moose. Somebody who can down a gallon of vodka, bed an intern and finagle funding out of an economy that is sputtering like an accountant with a speech impediment at an IRS audit.

New Mexico doesn't need a dedicated family man/woman, a loving husband/wife or the mother/father of the year or somebody that tells us they are. They might show up at church, but nine times out of ten they have bones buried in their basement and spend too much time trying to hide the evidence instead of doing their jobs.

No one in Congress comes close to being the image they created, they just haven't been caught. The truly successful politicians don't care. Slick Willy, John, Bobby, Ted, Lyndon, Newt, tricky Dick, each had their own set of demons, but they all had the ability to consistently sell us a bucket of horse shit and get the job done.

New Mexico needs someone who can gut his own mother and eat her liver, chase it with a bottle of '82 Chateau Lafite and still have an appetite for a bucket of Häagen Dazs.

We need to stop electing our public servants based on the myths manufactured by the media. Better to elect the devil we know than the milquetoast we don't. Richardson is calculating, competitive and ruthless. He has every attribute and a resumé, which New Mexico has paid for, that would make him our finest senator.

Richardson is electable. Bill and his buddies can raise or steal all the money he needs to match Heather's junta of henchmen. Money changes political reality; Richardson is the keeper of the keys to the bank.

We don't need a camp counselor named Heinrich ([http://www.ballotpedia.com/wiki/index.php/Martin\\_Heinrich](http://www.ballotpedia.com/wiki/index.php/Martin_Heinrich)) as senator — maybe a Field Marshall or a Reich Fuhrer — but not a senator. Marty #2 ([http://en.wikipedia.org/wiki/Martin\\_Ch%C3%A1vez](http://en.wikipedia.org/wiki/Martin_Ch%C3%A1vez)) got stomped state wide. Besides, I think we need a sign that says "You must be this tall to get on this ride" before we send anyone to Washington. That would probably toss Benito out and his daddy (they are a package deal) and maybe Denish, Madrid and definitely Luján-Grisham (<http://michellelujangrigham.net/>).

Sorry Hector (<http://www.saonm.org/about-hector-baldaras>), bald guys don't get elected to prominent positions in the United States. Grow a goatee and you might have a shot in the Balkans.

Richardson has credentials. He s the best man money can buy. Realistically, there is not one member of Congress or politics in general who hasn't sold something at some time to get where they are.

Politics is not pretty; it is not clean and there is nothing ethical about it. The profession is as as noble and virtuous as convention for pedophiles at Disney World.

Richardson knows the game. He can cut throats better than Jack the Ripper and could charm the pants off Mother Teresa. And not get caught! With the string of has-beens and never-will-bes that Democrats are lining up, he is our only hope.

The only senator from New Mexico who clearly understood his role was Domenici ([http://en.wikipedia.org/wiki/Pete\\_Domenici](http://en.wikipedia.org/wiki/Pete_Domenici)).

Saint Pete was no saint. He brought money to New Mexico. That is the one and only job a senator has — bring home the pork. You get the pork by being tougher, meaner and more ruthless than the scumbags who surround you. Bill is our greatest scumbag. Give him a shot, folks.

One more time, slowly ... Senator Richardson.

*John Grubseic is a former New Mexico legislator, who served as state senator from 2004-2008, representing Santa Fe. He now practices criminal law in Albuquerque.*



Like 0



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Rob Nikolewski

Rob is the National Energy Correspondent for Watchdog.org. Rob is an Emmy-winning news anchor who has held many prominent positions in the journalism field for over 10 years working for MSNBC, Fox Sports Net Pittsburgh and several local television stations. He served as the bureau chief for New Mexico Watchdog and Capitol Report New Mexico for four years. Rob can be reached on Twitter at [@NMWatchdog](https://twitter.com/NMWatchdog) or by email at [rnikolewski@watchdog.org](mailto:rnikolewski@watchdog.org)



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**From:** Scott  
**To:** Joanne Fine  
**Subject:** RE: Jeff Proctor  
**Date:** Saturday, September 12, 2015 3:13:10 PM

---

Thanks Joanne

----- Original message -----

From: Joanne Fine <joannefine413@gmail.com>  
Date: 09/12/2015 1:24 PM (GMT-07:00)  
To: "Jeffrey Scott Wilson (jswilsonnm@live.com)" <jswilsonnm@live.com>  
Subject: Jeff Proctor

FYI: I remembered that Jeff Proctor is no longer with the Journal and is now a journalist with KRQE TV. The number there for the News Dept is (505) 243-2285.

--

Joanne Fine  
Police Oversight Board Member

**From:** [Silvio Dell'Angela](#)  
**To:** [Joanne Fine](#)  
**Subject:** RE: Joanne-Who is the District 8 appointee to the POB? Thanks.  
**Date:** Thursday, August 13, 2015 12:21:52 PM

---

Thanks

---

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Thursday, August 13, 2015 11:57 AM  
**To:** Silvio Dell'Angela  
**Subject:** Re: Joanne-Who is the District 8 appointee to the POB? Thanks.

Sir, it is not by districts, to my knowledge. One of the changes that was made by the Council with this Ordinance was that members would be chosen by diverse skill set, rather than by District. I am sure Council Staff could give you more details.

Joanne Fine

[I am a volunteer working on the ABQ Police Oversight Board. I welcome all messages about our work. Those that include obscenities or lack civility will not be read. Thank you.]

On Aug 13, 2015 11:38 AM, "Silvio Dell'Angela" <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)> wrote:

**From:** [Silvio Dell'Angela](#)  
**To:** [Monahan, Joe](#)  
**Subject:** RE: Joe Monahan's latest 8/7 posting "Debate: Anger, Trump, Dendahl, Martinez, Silvio Dell'Angela"-Thanks Joe and more  
**Date:** Friday, August 07, 2015 2:22:10 PM  
**Attachments:** [Image001.png](#)  
[LiveLeakAPD.doc](#)

---

**TO:** Joe Monahan

**Bcc to many**

Thanks Joe for mentioning my well justified anger-but I'm not alone and the number here is growing. There is no anger yet by those on the City Council who have many reasons to be angry. It's not with us who are demanding real change and an end to NM's well known culture of corruption but with who many describe as our Fascist dictator R.J. Berry who choose to hide in his bunker afraid to answer for his fiscal irresponsibility and incompetence. Instead he sends out his high paid minions to speak on his behalf.

I hope all addressees read my e-mail yesterday titled, *"Dictator Berry tells the Sanchez, Pena and Benton, the promoters of the FWA to "Go to Hell" claiming ruin small businesses while hypocritically promoting ART +Last Monday's Council meeting + Joe Monahan's postings"* that referred to your earlier postings this month.

In the e-mail, I was particularly critical of my disgraceful/unethical Councilor Trudy Jones, Berry's "madam" willing to line up the "Johns" in the business community who are more than happy to hire those in our government who are willing to prostitute themselves for the right campaign money or favors.

Recall it was Trudy who arranged to have the irresponsible majority on the Council vote to stay out of BERNCO's decision on Santolina on the west side whose developers will later ask for taxpayer funding as a TIDD.

She also helped sponsor and pass a bill giving our tax dollars away to an out of town developer of the failed Unser Crossing shopping center on the west side so her-then employer-Grubb-Ellis could made a big commission handling the sale of the Unser owned land to the developer.

It was also alleged by a speaker at a recent Council meeting that Trudy was behind the rigged contract award to Geltmore to build a four story primarily housing and retail project misrepresented by the Berry Journal as just as grocery store downtown. Note that none of these scams on taxpayers are located in her/my District 8.

Yet we can't find even one person in District 8 willing to run against her knowing her NAIOP and Greater Chamber of Commerce "Johns" will help her buy her re-election this fall.

I was glad to read today that the Councilors who were insulted by dictator Berry for refusing to even consider a study and amended version of the Fair Housing Act legislation will be supporting

M004622

an "Ole" petition drive to get it put it to us voters. Are they finally getting angry with the insults of this dictator in the Mayor's chair? Unlike other US Mayors, does Berry feel it's beneath him to appear at Council meetings?

People here should be fed up-have a right to be angry particularly those like me who had their family members or friends gunned down by Schultz's and now Eden's/Huntsman's "death squads" only to have these APD killers walk away unpunished because they-not surprisingly made no recordings showing the actual unjustified shootings.

Such was the again case with the latest APD killing where we are being insulted once again/told despite all of the officers on the scene, there is not even one recording showing the fleeing victim with a gun and pointing it at officers. Likely an APD throw down gun was recorded next to his body.

The one helmet recording made by James Boyd killer Perez was the only instance of an APD murder actually being recorded. The other 40+ officers on the scene including killer cop Sandy either never turned on their recorders or Eden likely had any made destroyed. See again the attached "Live Leak" revelation from an honest cop confirming that *"APD Covered Up Production of Videos of Shooting of James Boyd."*

This not surprisingly lack of any incriminating recordings was also the case after my (as well as shadow APD Chief Bob Huntsman's) good neighbor/single parent Chris Hinz was murdered at his home by trigger-happy cop Anthony Sedler and another of Huntsman's "finest" on June 10, 2010.

I would soon afterwards be threatened by Schultz to "be careful" after filing IPRA requests and asking why no recordings existed showing the actual shooting despite the virtual army of police officer on the scene for almost two hours.

Those in the Mayor's or APD's office would later lie to the media claiming Chris had a "criminal history" something broadcasted on KOAT by anchor Shelly Ribando. I guess just one traffic ticket constituted a criminal history to APD. Internal Affairs would then lie to the POC later trying to justify Chris' murder.

Mary Han was also likely warned by Schultz (who also threatened others) "to be careful" before she was found dead in her car. APD's and other city leaders would claim (after deliberately contaminating the crime scene and ransacking her home for incriminating information on them) was a suicide. APD also contaminated the crime scene/home of Levi Chavez Jr. so he would escape a murder charge for killing his wife.

To the other addressees to my e-mail yesterday that referred all to all of Joe's earlier August postings, one included the comment of just one of our many retired disgusted honest cop-Tom Grover who exposed as bogus excuse by Eden that he never bothered to read the APD investigative report on the murder of James Boyd by Sandy (who changed his 2014 killer appearance) and Perez.

Another also said about this--"Chief Eden's testimony drew sharp criticism from one of our Legal Beagles: Chief Eden's performance confirmed what most already know: APD's cover-up culture is alive and well. Eden took the stand and claimed he hadn't read the report on the Boyd killing. By claiming he hadn't read it, Eden dodged having to testify about what the report said. The city just paid \$5 million to settle the wrongful death lawsuit brought by Boyd's family, but Eden--who is paid \$160,000 a year--wants the public to believe he hasn't read his own department's report? Eden also claimed there's an ongoing investigation into why Officer Keith Sandy's lapel camera video disappeared. Eden's had a year and a half to get to the bottom of it. What's the hold-up? The answer is Eden doesn't want to know, or he knows what's on the video and doesn't want the public to see it. Despite former APD Chief Ray Schultz having fled the jurisdiction, APD's past problems remain the same for this "new" APD. When the truth is inconvenient or might make APD look bad, count on the Cover-Up Cops to cover it up."

Now the attorneys for Sandy and Perez have two expert witnesses (translated-prostitutes) hired for big bucks to lie claiming incredulously that Boyd threatened officers and the killing by Perez and Sandy was justified.

Eden is a disgrace to his uniform as is Huntsman and most of APD's senior leadership. If he had one ounce of self-respect, he should resign and take Huntsman, Roseman and others of their ilk with him. But he knows the next mayor won't rehire him. Just look who ignored the impressive qualifications of over 40 other US police Chiefs, deputy chief and others who applied for the Chief's job.

It was none other than dictators Berry and Perry who later never allowed the unqualified/incompetent Eden to participate in the negotiations for APD reform with the DOJ. Instead they hired a DOJ investigated police chief from Cincinnati-Schultz's Taser Inc. buddy Tom Streicher and his partner Scott Greenwood to do it. The cowardly Councilors went along with this thanks in part to Berry's four Republican stooges there.

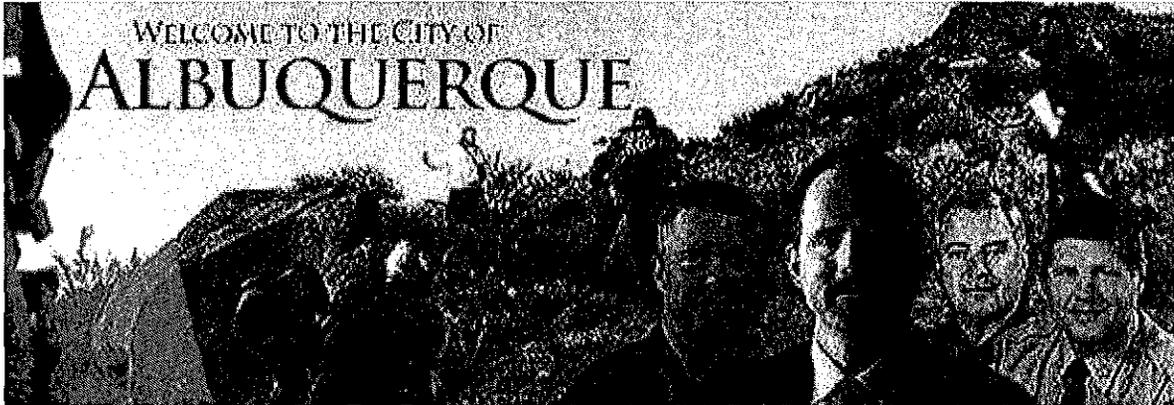
Isn't it time for our New Mexico cowardly legislators-former cops Bill Rehm and Paul Pacheco and others to stop blaming all of the crime here (including those committed by NM police officers) on the judicial system and on the "boomerang thugs" and pass legislation requiring all NM police officers carry body recorders and USE them or get fired? The disgraceful BCSO Sheriff Gonzalez refuses to buy them and the BERNCO Commissioners and County Manager don't care.

Isn't it also time for a personal visit by new US AG Loretta Lynch to see what a joke the DOJ agreement is here? Or does she only care when fellow African-Americans are murdered in US cities? As Tony Pirard said at Monday's council meeting, not only the lives of African Americans are important to save but all others here.

Today's posting by you is shown below for the other addressees.

Regards

Silvio  
For WE THE PEOPLE  
296 3241



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

See

<http://www.joemonahansnewmexico.blogspot.com/>

**Friday, August 07, 2015**

### **Trump's White House And The Politics Of Anger**

Here's how the White House will look when Donald Trump takes over. Book your room now.  
(photo omitted)

That was some GOP presidential debate last night, wasn't it? Trump had the anger meter hitting 10 and the crowd urging him on. Anger put to work--to spur action-- is a valid political emotion. Trump has not only tapped into the waves of anger rolling across a not so small part of the electorate but also their desire for change.

Who was the angriest political figure we ever encountered in New Mexico? Hands down it was former GOP chairman and 2006 gubernatorial candidate John Dendahl. When he went up against heavy favorite Bill Richardson in '06 we dubbed him "the sacrificial wolf." But Dendahl wasn't mean. Just angry. He left the state in a huff in his later years decrying the attitude of New Mexicans.

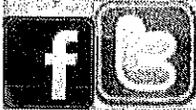
On the current scene there may be some angry politicians but they don't show it. (Actually, we find Gov. Martinez has more than a streak of anger to her political personality). Anger is mostly left to social media, talk radio and citizen activists.

There aren't many of those anymore but ABQ Silvio Dell'Angela is one. For several years, he has been sending out irate email missives to a large audience, decrying the current state of New Mexico and ABQ. Here's a sample from his latest:

*"Many here are in denial that New Mexico is compared nationwide to nothing better than a third world city run by corrupt leaders. This is because we continue to elect people whose only goal is not to serve us-the people but to feather their own nests. Even Mississippi is thankful for New Mexico's horrible reputation--now the land of hopelessness and apathy to this culture of corruption.*

New Mexico just isn't big on anger. However, you could argue it is often too big on acceptance, denial and apathy.

Thanks for stopping by this week. This is the home of New Mexico politics. E-mail your news and comments: ([jmonahan@ix.netcom.com](mailto:jmonahan@ix.netcom.com)) *Interested in reaching New Mexico's most informed audience? Advertise here.*



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Posted by: [Joe Monahan](#) / Friday, August 07, 2015

## **PROOF - APD Covered Up Production of Videos of Shooting of James Boyd**

On March 17th 2014 Albuquerque Police (APD) shot and killed a homeless and mentally ill man - whose only crime was a violation of a municipal ordinance against camping in an open space area in the Sandia foothills at the eastern edge of the city.

On March 17th, the day after the fatal shooting, KRQE made a public records request for the videos of that incident. On April 1st, APD unlawfully denied that request.

**BUT ... Here is the REST of that Story.**

To this day - not only have the Keith Sandy videos mysteriously disappeared - but when the APD finally produced videos claiming to be ALL the videos of the incident - many of the videos were missing INCLUDING almost all that actually show the SHOOTING - most NOTICEABLY - the very videos (from the other shooter - Dominique Perez) from which the now-famous shooting clip was taken and released by APD that week.

On April 2nd, one day after KRQE's request was unlawfully denied, an investigator with the APD interviewed Kevin Fuller, APD Video Unit Supervisor. According to the interview - included in this video - Fuller was instructed on FRIDAY March 21st - to obtain the videos and place them in a Drop Box account.

On Thursday, March 27th - he was instructed to coordinate with several other persons - and to look at all the videos, frame by frame, and identify those parts that the Chief might have an "interest" in BEFORE they were released to the media.

Although those videos have since been released (those that have) WITHOUT being identified by officer or time - Fuller and his team broke down each video by officer and began this work. He was, at this time, told to "take out" all videos in which the audio or video contained the actual shooting.

On Friday March 28th Fuller was instructed to place the videos on another hard drive and provide them to the FBI. BUT ... on Friday evening - Commander Montano on behalf of the Chief contacted Fuller and stated he had "concerns" allegedly about the Chain of Custody. He ordered Fuller to "cease and desist." He was later then told to give Montano the hard drive and to delete the videos from the drop box account.

It is unlawful for the APD to withhold, delay, or deny public records that have no exemption provided by law. The APD clearly DELAYED production in order to find those videos it might find embarrassing - or creating liability - with regard to the act of the shooting of Boyd. It then DENIED unlawfully the production of those videos.

Since then - it has produced videos it has CLAIMED were the complete set. BUT there are several known videos missing - not least being all the videos taken by the second shooter, Dominique Perez, from whose videos the famous clip released by APD initially came. Although several other officers' videos are MISSING from the set produced as well.

It is clear that the APD has and continues to knowingly and willfully withhold those videos. This interview contains proof, at minimum, that the APD had delayed production of the videos, contrary to the Public Records law, in order to try and identify those videos it considered problematic - this specifically was a reference to anything officers may have said to each other during the incident AND anything that revealed either audio or video of the actual shooting of Boyd.

Read more at [http://www.liveleak.com/view?i=b19\\_1406012736#AwZiqcT7vXDsvvfX.99](http://www.liveleak.com/view?i=b19_1406012736#AwZiqcT7vXDsvvfX.99)

**From:** Silvio Dell'Angela  
**To:** Duran, Roberta M.  
**Cc:** Hernandez, Jessica M.; Hoffman, Lou D.; Hoffman, Lou D.; Eden, Gordon; Romero, Annabelle J.; Kavelman, Carmen L.; Armijo, Alan B.; Montano, Gilbert A.; unmipra@salud.unm.edu; Velarde, Crystal R.; Campos, Gabriel J.; Howard, Natalie Y.; Casados, Trina M.; Oney, Kathleen; Eden, Gordon  
**Subject:** RE: Ms. Anaya's comment and an apparently required NM IPRA request to get what I requested  
**Date:** Friday, August 14, 2015 6:27:43 PM

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**Roberta**

(Info to those shown and Bcc to many including the media, councilors and concerned citizens)

You saw my last e-mail also dated yesterday, not the July 30 one below. It asked for a reply from City Attorney Jessica Hernandez.

I would have thought the names of attendees at these would have been included in the reports but surprisingly they weren't for some reason.

It appears much like these no-bid contracts to local attorneys, you give out contracts over the \$75,000 Council approval limit-in this case the \$150,000 to UNM and other contracts to them blindly without knowing the qualifications of just who besides the high paid lead will do the work.

Is it just one high paid Dr. Guerin and three low paid warm bodies/UNM graduate students who we taxpayers are paying \$150,000 for? As a taxpayer, don't you care or are taxes just play/fun money?

Regarding Ms. Annabelle Romero who is leading the effort who now in the Office of Diversity and Human Rights, I (and likely other taxpayers) wonder just what unique skills she had to fill that likely high paid former "Senior Advisor" job to the Mayor and doing exactly what since he already had Rob Perry, a COO, the head of Constituent Services, Gil Montano and others.

Nothing from UNM-as expected although I copied them on my last response to you.

Is there any wonder those attending placed transparency among the lowest priorities desired to accomplish APD reform. Chief Eden and the Mayor must love it.

Where are you located as I may be in to get the signatures Monday prior to Council meeting? Any complete report on phases 1 and 2 by Dr. Guerin should have included these attendees' names.

**Jessica**

No comment from you?

Silvio

M004628

**From:** Duran, Roberta M. [mailto:RDuran@cabq.gov]  
**Sent:** Thursday, August 13, 2015 4:40 PM  
**To:** 'Dellansi@comcast.net'  
**Cc:** Hernandez, Jessica M.; Locher, Eric J.; Morrow, Kevin A.; Velarde, Crystal R.; Campos, Gabriel J.; Romero, Annabelle J.; Howard, Natalie Y.; Casados, Trina M.; Oney, Kathleen  
**Subject:** RE: Ms. Anaya's comment and an apparently required NM IPRA request to get what I requested

Good afternoon Mr. Dell"Angela:

The City has gathered the non-exempt public records responsive to your request. Please contact me to arrange a time to come in to inspect, or copy any of the records. Specifically, I have retrieved the copies of the sign-in sheets showing the attendees at these UNM conducted 22 "dialogues" and the names of those others aside from the four UNM folks who also participated in them for your inspection, which also includes your recent amended request to include Phase 2.

With respect to the portion of your request for "the opportunity to review the resumes/qualifications of Dr. Guerin and this three likely graduate students, Tonnigan, Minssen and Torres..." the City does not maintain those records. The records may be maintained by the University of New Mexico. We are forwarding your request to UNM. To expedite your request, it would be advisable for you to write an additional letter requesting the records to the proper custodian at you earliest convenience. The following information was found at: <http://publicrecords.unm.edu/>.

Custodian of Public Records  
MSC05 3440  
Scholes Hall, Room 208  
1 University of New Mexico  
Albuquerque, NM 87131-0001  
John Rodriquez, Custodian of Public Records  
Phone: (505) 277-5035  
[unmipra@salud.unm.edu](mailto:unmipra@salud.unm.edu)

The City will close out your request. Should you have questions or concerns, please do not hesitate to contact me.

Respectfully,

*/s/ Roberta Duran*

Roberta Duran, Fiscal Officer  
Legal Department Record's Custodian  
Direct: 768-3672  
Main: 768-4500

---

**From:** Duran, Roberta M.  
**Sent:** Thursday, July 30, 2015 1:30 PM  
**To:** [Dellansi@comcast.net](mailto:Dellansi@comcast.net)  
**Cc:** Hernandez, Jessica M.; Locher, Eric J.; Alvarez, Giselle M.; Campos, Gabriel J.; Romero, Annabelle J.; Howard, Natalie Y.  
**Subject:** RE: Ms. Anaya's comment and an apparently required NM IPRA request to get what I requested

Good afternoon Mr. Dell"Angela:

This email will acknowledge receipt of your public records request received today July 30, 2015 via email in response for the following:

M004629

1. Request the opportunity to review or provide me with copies of the sign in sheets showing the attendees at these UNM conducted 22 "dialogues" and the names of those others aside from the four UNM folks who also participated in them.
2. Request the opportunity to review the resumes/qualifications of Dr. Guerin and his three likely graduate students, Tonnigan, Minssen and Torres to determine their qualifications to execute these Collaboratives. "

Please be advised we are reviewing your request to determine what public records are responsive and whether any exceptions to their production apply. We will continue our review and will contact you on or before by August 14, 2015 the expiration of fifteen (15) days from the receipt of your request. We appreciate your understanding in the need for some more time to research this request. Should you have questions or concerns, please do not hesitate in contacting me.

Respectfully,

*/s/ Roberta Duran*

Roberta Duran, Fiscal Officer  
Legal Department Record's Custodian  
Direct: 768-3672  
Main: 768-4500

---

**From:** Romero, Annabelle J.  
**Sent:** Thursday, July 30, 2015 12:21 PM  
**To:** Duran, Roberta M.  
**Cc:** Alvarez, Giselle M.; Campos, Gabriel J.  
**Subject:** FW: Ms. Anaya's comment and an apparently required NM IPRA request to get what I requested  
**Importance:** High

**Roberta,**  
**See the attached IPRA request below. Let me know if you have any questions. Thanks.**

ANNABELLE J. ROMERO  
*Deputy Director, Office of Diversity and Human Rights*  
City of Albuquerque, New Mexico  
Office 505-768-3307 / Fax 505-768-4655 / v/tty 800-659-8331  
[aromero@cabq.gov](mailto:aromero@cabq.gov) / [www.cabq.gov](http://www.cabq.gov)

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**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]  
**Sent:** Wednesday, July 29, 2015 1:33 PM  
**To:** Office of Diversity and Human Rights; Romero, Annabelle J.  
**Cc:** Harris, Don; Office of Diversity and Human Rights; Garduno, Rey; Mayor Berry; Gibson, Diane G.; Benton, Isaac; Winter, Brad D.; Eden, Gorden; Office of Diversity and Human Rights; [Vanita.Gupta@usdoj.gov](mailto:Vanita.Gupta@usdoj.gov); Lewis, Dan P.; Sanchez, Ken; Jones, Trudy; Pena, Klarissa J.; 'Board of Regents' Office'; Yoshimura, Debra; [Norita10.na@gmail.com](mailto:Norita10.na@gmail.com); City Clerk Staff; Hoffman, Lou D.  
**Subject:** Ms. Anaya's comment and an apparently required NM IPRA request to get what I requested

Annabelle

Info also to the media, UNM Regents and others-sent to them Bcc

This Phase 1 effort was worst than a "dog and pony show"-as Nora described it while the referenced Phase I report prepared by UNM and those reports that will follow appear to be a waste of \$150,000 of our tax dollars. You avoided answering many of my questions in my July 26 e-mail below but merely sent the website reference to the UNM Phase 1 report.

I had asked for minutes of the meetings that would include the names of those attendees but these were never provided. I guess you now need a NM IPRA request to comply.

Therefore IAW the NM IPRA,

1. Request the opportunity to review or provide me with copies of the sign in sheets showing the attendees at these UNM conducted 22 "dialogues" and the names of those others aside from the four UNM folks who also participated in them.
2. Request the opportunity to review the resumes/qualifications of Dr. Guerin and his three likely graduate students, Tonnigan, Minssen and Torres to determine their qualifications to execute these Collaboratives.

I think UNM's Dr. Guerin was also given a contract to study APD's use of body recorders.

I would have thought rather than tasking UNM's Institute for Social Research, those from the Law School would have been more appropriate/knowledgeable in this reform area.

Preferably, honest retired APD officers like those four I mentioned and others who can make this more than just a data gathering effort resulting in no real changes to APD should have been hired as consultant to do this work. Those good cops if employed by us taxpayers would have had the prerequisite expertise to make this a meaningful outreach effort.

I'm sure you are aware of the tax dollars and the time of good volunteers that were wasted on the 2013 police oversight task force whose most critical January recommendations/reform of the citizens' police oversight process were ignored by both Cincinnati consultant Scott Greenwood, the Council but also the DOJ.

UNM's Dr. Bruce Perlman who was never mentioned in the Council's ordinance creating this oversight task force was nevertheless give the bulk of our tax dollars to manage the effort behind the scenes.

I guess some of us who have been on the front lines writing to and meeting with the DOJ, Council and other city leaders and were the ones who ultimately were the ones (along with the national media) who ultimately brought the DOJ here were somehow not deemed to be the "safe" stakeholders.

I note the name of one of your chosen gatekeepers who authored the July 25 e-mail to fellow activist Isle Biel below extended her the invite to participate in this Phase 2 "Collaborative." I guess not inviting me and likely others known to be active in this long APD reform struggle was just an oversight. Informed people are apparently not welcomed.

Understand my issue is not with the good people at UNM given this task but with those in the Mayor's office and the leadership of APD who are perpetuating this charade trying to convince APD really cares what comes out of this effort.

As I said before, they did these Collaboratives in Cincinnati and reform there took seven long years because the collaborative were also likely just a PR effort with resulting recommendations that their police department, assigned DOJ monitor and DOJ investigators ignored.

Those in the media particularly the ones who attended the dialogues have a responsibility to also question this research effort given to UNM. I can recall them only covering one of these "dialogues." Maybe they thought they were also PR efforts by those in the Mayor's office.

They likely saw how the improper no bid contract by Schultz to employer TASER Inc. was covered up in the amended Internal Auditor's report because the Mayor was also involved by "greasing" this \$1.9 million contract for Schultz. As I said in previous e-mails, there is NO room for integrity in this Berry administration.

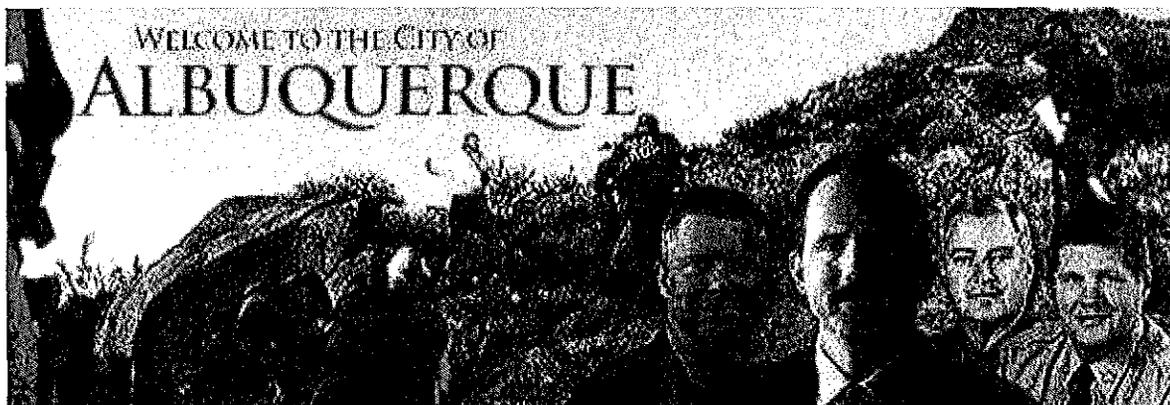
Meanwhile our Mayor remains in hiding, coming out of his cave on the 11<sup>th</sup> floor only to travel out of the city or to cut ribbons or do other meaningless PR tasks.

I await your reply to my IPRA request

Regards

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

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**From:** Nora Anaya [<mailto:norita10.na@gmail.com>]

**Sent:** Wednesday, July 29, 2015 10:14 AM

**To:** Silvio Dell'Angela

**Cc:** [dharris@cabq.gov](mailto:dharris@cabq.gov); Office of Diversity and Human Rights; [reygarduno@cabq.gov](mailto:reygarduno@cabq.gov); Mayor Berry; [dgibson@cabq.gov](mailto:dgibson@cabq.gov); [ibenton@cabq.gov](mailto:ibenton@cabq.gov); [bwinter@cabq.gov](mailto:bwinter@cabq.gov); Eden, Gorden; Office of Diversity and Human Rights; [Vanita.Gupta@usdoj.gov](mailto:Vanita.Gupta@usdoj.gov); [danlewis@cabq.gov](mailto:danlewis@cabq.gov); [kensanchez@cabq.gov](mailto:kensanchez@cabq.gov); [trudyjones@cabq.gov](mailto:trudyjones@cabq.gov); [kpena@cabq.gov](mailto:kpena@cabq.gov); Board of Regents' Office

**Subject:** RE: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?

With All Due Respect:

The Foundation Of This Infamous Collaborative Has Been Built With Low Grade Material.  
Therefore it is crackling at the seams without a sound foundation,

This so called "COLLABORATIVE" Simply Put-It's futile-equal to a dog & pony show !  
Compared to the window dressing at Wal-Mart.

NORA TACHIAS ANAYA

**From:** [Hammer, Robin](#)  
**To:** [Beth Mohr; POB; "Mark T. Baker"](#)  
**Cc:** [Contreras, Michelle](#)  
**Subject:** RE: NACOLE Conference  
**Date:** Monday, July 06, 2015 3:14:21 PM

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Beth,

The CPOA Administrative Office will be handling the registration for NACOLE. We needed to wait until the new fiscal year to pay for the registration. We have already booked the rooms at the host hotel for POB Members. The City has a new centralized system for booking travel through City Hall beginning July 2015. Michelle Contreras will be the liaison between City Hall and POB Members for the airfare, hotel, shuttle, and per diem arrangements.

Please let me 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:** Beth Mohr [mailto:[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)]  
**Sent:** Monday, July 06, 2015 3:03 PM  
**To:** Hammer, Robin; POB; Mark T. Baker  
**Subject:** NACOLE Conference

Can you confirm that the CPOA office is registering the POB members, or are we supposed to be doing this ourselves? 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:** [Hammer, Robin](#)  
**To:** [Joanne Fine](#)  
**Cc:** [Contreras, Michelle](#)  
**Subject:** RE: NACOLE Conference  
**Date:** Friday, June 19, 2015 11:07:32 AM

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Joanne,

Thank you for responding. We will make a copy of the NACOLE materials for your future use and reference.

Regards,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
Civilian Police Oversight Agency  
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**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Friday, June 19, 2015 11:04 AM  
**To:** Hammer, Robin  
**Cc:** Beth Mohr; Mark Baker  
**Subject:** Re: NACOLE Conference

I cannot attend. I will be at a wedding in NYC. I look forward to going next year when it is in ABQ.

On Fri, Jun 19, 2015 at 7:11 AM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:  
POB Members:

Please let me know if you wish to attend the National Association of Civilian Oversight of Law Enforcement Conference in Riverside, California from Sunday, October 4 through Thursday, October 8, 2015. It is my understanding that the host hotel rooms are filling up and that we should reserve our rooms.

Michelle Contreras will coordinate the travel plans using the City's credit card.

Please let me know if you have any questions.

Thanks,  
Robin

**Robin S. Hammer, Esq.**

Acting Executive Director  
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--

Joanne Fine  
Police Oversight Board Member

**From:** Silvio Dell'Angela  
**To:** "Alan Wagman"; Gibson, Diane G.  
**Cc:** pmrinc@mac.com; Eden, Gordon; Huntsman, Robert Y.; Hernandez, Jessica M.; POB; "Elizabeth Martinez"; vanita.gupta@usdoj.gov; Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; Jones, Trudy  
**Subject:** RE: November 5 Public Meeting planned again at Temple Albert-HOLD IT ELSEWHERE + THE SHAM AGREEMENT  
**Date:** Thursday, October 22, 2015 3:56:59 PM  
**Attachments:** [APD forum CongAlbert\\_FINAL9.18.15.pdf](#)  
[LiveLeakAPD.doc](#)  
[APDfwdAmicusCuriae.pdf](#)

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## Alan

Thank you Alan. Well said

## Councilor Gibson

I suggest you move the November 5 meeting with Dr. Ginger to one of our Community or Senior Centers rather than again at Congregation Albert and that the meeting be confined to just the "community" members and not the APD brass, the APOA, the City/Mayor Berry's Attorney Ms. Hernandez or others in the city who many feel are the ones responsible for the APD mess here. No undercover APD officers there either please.

## Others

Apparently the sponsors of the first meeting at Congregation Albert not only required that attendees buy a breakfast there but didn't extend an invite to Councilors as if they were irrelevant. I urge their attendance at the November one. See how the perceived enemies of APD reform were treated during the first meeting.

To give you an idea how non-committed the DOJ, Judge Brack and Dr. Ginger are to reforming APD read the article below in this week's issue of the ABQ Free Press, "[Judge OKs APD Delay on 35 Key Reform Changes](#)" <http://www.freeabq.com/?p=3671>. There is no real commitment to APD reform here. It's a sham-a slap in the face to trusting citizens here.

The recent public pronouncements by new US AG Loretta Lynch made it clear just whose side she is on-and it's not our side. It would be nice if she made time to attend the meeting-wouldn't it?

One of the 35 reforms does not include requiring that recordings of all APD serious responses be made mandatory by all APD responders with zero tolerance and serious punitive measures including termination for those not complying. There should also be the requirement that APD can no longer ignore NM IPRA requests for videos and documentation that are requested in order to hide the lies they tell us.

Since October 1, all addressees were told by me in many e-mails that Chief Eden repeatedly ignored my NM IPRA request submitted then to see the videos of the latest APD illegal shooting at a fleeing suspect, videos proving the individual actually pointed a gun at the shooter.

Yet nobody at the DOJ, in PMR Inc or our City leaders even cared. Eden has still not responded- now 22 days later and one week after the required suspense date called for in this State law.

As I pointed out with the exception of the one helmet video (likely inadvertently) released by APD showing the 2014 murder by officers Perez and Sandy of James Boyd, not one other video showing an actual APD officer shooting has ever been made or released by APD because it would reveal the APD shooters and their leaders were lying when justifying it.

APD even withheld other incriminating video of the Boyd murder. See the Live Leak report attached.

Not only was it disgraceful that the Mayor hired Schultz's fellow TASER colleagues-Tom Streicher the former Cincinnati Police Chief whose Department was investigated by the DOJ to negotiate the agreement rather than Chief Eden but also hired Streicher's attorney buddy Scott Greenwood to also negotiate.

While in Cincinnati, Chief Streicher did his best to stonewall every proposed DOJ reform there while Greenwood would recently lie to the Council here claiming his proposed changes to the police oversight Ordinance here represented those of the DOJ. The Police Department reform in Cincinnati took seven years and problems still persist there. Does the DOJ even care?

Judge Brack with the DOJ's blessing even disgracefully ignored the recommended changes by citizens in APD Forward's "*AMICUS CURIAE BRIEF OF APD FORWARD REGARDING COURT APPROVAL OF THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF ALBUQUERQUE AND THE UNITED STATES DEPARTMENT OF JUSTICE*"-first page of it attached.

With now four former police officers on the Police Oversight Agency including new former Milwaukee cop Ed Harness as its Executive Director, that process is also viewed as even worse/more impotent than the old one-thanks to the City Council and Mayor.

All are anxious to see Dr. Ginger's new dog and pony show in November. I can't wait. I hope the media reporters are there to also see Dr. Ginger's responses.

It should be obvious to all that this entire toothless reform agreement and toothless PMR inc. team made up of mostly former police officers is a sham-a \$4.5 + million massive rip off of taxpayers. Federal Judge Brack's recently approved delay for the 35 key APD reform changes is only one indication of that.

Silvio  
For WE THE PEOPLE  
296 3241

P.S.

**All- Please say a prayer for the quick recovery of the APD officer shot here yesterday**

----- Forwarded message -----

From: **Alan Wagman** <[avramwagman@gmail.com](mailto:avramwagman@gmail.com)>

Date: Wed, Oct 21, 2015 at 7:53 PM

Subject: November 5 Public Meeting at Temple Albert

To: Jim Ginger <[pmrinc@mac.com](mailto:pmrinc@mac.com)>, Diane Gibson <[dgibson@cabq.gov](mailto:dgibson@cabq.gov)>

Dr. Ginger, Councilwoman Gibson:

I am pleased to see that the public meetings concerning the DOJ/APD lawsuit will continue. I am concerned, however, that the next meeting -- to be sponsored by you, Councilwoman Gibson -- will be held at Temple Albert. Temple Albert has a troubling history of suppression of speech concerning this issue.

Last month, on September 20, Temple Albert's Brotherhood and Sisterhood jointly hosted a brunch and presentations about the settlement agreement, featuring Mayor Berry, U.S. Attorney Damon Martinez, Assistant U.S. Attorney Paul Killebrew, and APD Deputy Chief Huntsman (filling in for Chief Eden). A group of people, including me, prepared an information flyer on issues of concern about the settlement. Three people -- again including me -- were passing out flyers at the door of Temple Albert to people coming in to attend the event.

Jeffrey Paul, president of Temple Albert Brotherhood, came to the door, saw the other two people handing out flyers, and ordered those two people away from the door. Mr. Paul then attempted to take flyers away from people who had accepted them. Below are two accounts written by people involved in the incident about their encounter with Mr. Paul:

"A small group decided to prepare flyers with pertinent questions and background to inform the audience. . . . [Three of us] handed out some of the flyers outside the building. Then things went a little weird. I had handed Damon Martinez and Paul Killebrew, both panelists, a flyer each and bantered a bit with them. They were perfectly happy that we were getting information disseminated. The Congregation's MC -- and seeming gatekeeper -- for the event rushed out just after Martinez and Killebrew had moved on to greet [the other two people handing out flyers]. [Mr. Paul] did not recognize Martinez as the NM US attorney and started accosting the two well-suited DOJ reps about the flyers they were holding . . . [until U.S. Attorney] Martinez introduced himself and [Mr. Paul] backed down. [Mr. Paul] still insisted we [leave] the premises."

Dr. Ginger, Councilwoman Gibson, I can attest to the complete accuracy of this description. I was standing right there during the entire time. It was only happenstance that Mr. Paul had not seen me handing out flyers. I probably was not handing out flyers at that moment because I was greeting U.S. Attorney Martinez and Assistant U.S. Attorney Killebrew, both of whom I know from numerous meetings with the Department of Justice about police reform and from participation in court hearings on the lawsuit.

The account actually stops short of the full extent of Mr. Paul's suppression of speech. When the two people left without incident, Mr. Paul followed them to the parking lot, where he

accosted them and ordered them off the property. (Caveat: I did not hear what he said to them in the parking lot, but I did see him pursue them, catch up with them as they were walking, and speak to them; they later told me what he had said.)

Although Mr. Paul desisted from his attempts to take flyers away from the Department of Justice representatives, he was not similarly shy with others who had accepted flyers. Here is an account from an individual who had taken a flyer:

"This morning a public forum including Mayor Berry, APD and the USDOJ was held at Congregation Albert on Louisiana near Montgomery. I had never been there before today. I walked in and I was standing in line along with well over 100 people when a Board Member of Congregation Albert named Jeffrey Paul walks straight up to me and asks me, 'Who are you, what is your name and what are you doing here?' I politely introduced myself and that I was there to attend the public forum like everybody else in line was doing.

Then he angrily asks me, 'Well did you make reservations?' I said yes I did but there is also a list here for those who have not made reservations and must pay \$12.00 - so I plan to pay my \$12.00. Then he said, 'Well what do you have in your hand?' I said, 'It's a brochure I was handed outside before I walked in here.' He said, 'Well you can't bring that in here so let me have that.' So I handed the brochure to him."

Dr. Ginger, Councilwoman Gibson, I was standing right there during that exchange as well, and I can attest to its complete accuracy.

The gentleman from whom Mr. Paul so unceremoniously took the flyer was Ralph Arellanes. Mr. Arellanes is the president of the local chapter of the League of United Latin American Citizens (LULAC). LULAC is a major civic organization in Albuquerque and around the country. Mr. Arellanes also served with me on the Police Oversight Task Force, which advised City Council on the Police Oversight Ordinance which passed a year ago and created the Civilian Police Oversight Agency. I must add that Mr. Arellanes was very acceptably dressed and was not doing anything to draw attention to himself when Mr. Paul singled him out. Mr. Paul may have had a legitimate reason for picking on Mr. Arellanes, but I do not know what it could have been.

In fairness, I must acknowledge that Mr. Paul did not appear to be concerned about whether the flyer was in favor of or opposed to the settlement agreement or any of the parties to the agreement. His interest in suppressing speech appeared to be content neutral. It also was within the legal right of Temple Albert to restrict speech on its premises. But that it was within legal rights does not make it right or proper, and it does not instill confidence in Temple Albert as a venue for any meeting about these issues.

The police reform community is not unaware of what transpired on September 20. That community may well be reluctant to trust any event taking place in that venue will provide a fair hearing. Ameliorative action may be necessary if this event is to attract a broad-spectrum of the community as an audience.

For the record, I am attaching a pdf of the flyer Mr. Paul was at such great pains to suppress.

Very truly yours,

Alan Wagman

--

[avramwagman@gmail.com](mailto:avramwagman@gmail.com)>

## JUSTIFYING THE UNJUSTIFIABLE: SHOOTING AT CARS

The Department of Justice Findings Letter of April 10, 2014 called for and the Consent Decree mandates elimination of the APD policy that allows shooting at motor vehicles. Bullets could hit bystanders or other officers, and a vehicle with a wounded driver becomes an unarmed but very deadly weapon. On Memorial Day this year, the policy still had not changed, and an APD officer shot at an SUV in an apartment parking lot. Passengers in the SUV included two women and a five-year old child. Fortunately, the officer did not hit anyone. Nonetheless, Chief Eden went on television and justified the shooting – even though the officer avoided being hit by the SUV not by shooting at it but by merely stepping aside.

### Question for Mr. Martinez or Mr. Saucedo:

*What does the failure of APD to change this policy which had been directly singled out for change in the Findings Letter and the Consent Decree signify about the City's commitment to change? How has DOJ addressed this, or how will DOJ address this?*

### Question for Mayor Berry:

*APD could easily have changed this policy within weeks of the DOJ report. What does the failure of APD to change this policy for over a year say about the City's commitment to real change?*

*Question for Chief Eden: Why, over a year after the DOJ report, was this policy not changed? Why, over a year after the DOJ report, do you still justify police actions that endanger innocent lives?*

## PUTTING INNOCENT PEOPLE IN DANGER

It has been in the news this year that an APD officer accessed a federal law enforcement data base to get the address of a victim of domestic violence. In violation of federal law, the APD officer then gave the woman's address to the man who had abused her, even though the woman had a restraining order in place. Armed with the address the APD officer illegally obtained and gave out, the man went to the woman's home . . . with a gun. The APD officer is still employed.

### Question for Chief Eden:

*Why is the officer who broke federal law and endangered an innocent woman's life still working for APD?*

### Question for Mayor Berry:

*What will you do about this?*

### Question for Mr. Martinez or Mr. Saucedo:

*Will DOJ prosecute the officer involved? Will DOJ address the internal process of APD that allows this to happen with impunity?*

---

DID APD REALLY  
**CONSENT?**

DID DOJ REALLY  
**DECREE?**

Food for thought  
and  
Food for questions

*For more information, please contact:  
apd.doj.info.project@gmail.com*

## KEEPING THE PUBLIC IN THE DARK

Clearly public trust is a vital part of the equation. Transparency is a clear and necessary tool to gain public trust. Yet repeatedly APD refuses to provide or delays in providing information that it is legally required to provide under New Mexico Inspection of Public Records Act (IPRA). The ACLU has sued APD for failure to provide requested information. The ACLU won. Local news outlets repeatedly have sued APD to get information APD is required to provide but won't—until there is a court order. Local citizens sue APD to get access to information. The ABQ Free Press recently won an award of over \$50,000 because APD failed to provide information it was required to provide. When APD loses these lawsuits, it not only has to provide the information it should have given out to begin with, it costs the city tens of thousands of dollars in legal fees and penalties. Paragraph 226 of the Consent Decree requires that "APD policies shall comply with all existing laws and regulations, including those governing . . . public disclosure of information. . . ."

**Question for Chief Eden:** *What specifically will you do to change both the reality and the appearance of APD hiding information from the public?*

**Question for Mayor Berry:** *What specifically will you do if APD continues its pattern of noncompliance with IPRA?*

**Question for Mr. Martinez or Mr. Saucedo:** *What will DOJ do to enforce paragraph 226 of the Consent Decree?*

## ENSURING OVERSIGHT IS BLIND

One of the headings in the April 10, 2014 DOJ Findings Letter stated plainly, "The Department's Limited External Oversight Contributes to the Pattern or Practice of Unconstitutional Uses of Force." One of the primary limitations on external oversight is the city's police union contract. Nonetheless, after the Findings Letter came out, the city negotiated a new contract with police officers which kept in force a provision that discipline be imposed within ninety days of an infraction. The purpose of the civilian oversight process is to provide external input into disciplinary decisions, and the process takes more than ninety days. The ninety-day deadline makes external oversight meaningless. The city is engaged in contract negotiations yet again, and there is no sign that the city is even trying to change the deadlines that block external oversight.

**Question for Mayor Berry or Chief Eden:** *Will you insist that disciplinary deadlines be changed in the new contract so that civilian oversight does not continue to be sabotaged?*

**Question for Mr. Martinez or Mr. Saucedo:** *What specifically will you do to ensure the city administration avoids contracts that undercut effective external oversight?*

## IT STARTS AT THE TOP

The April 10, 2014 DOJ Findings Letter was very critical of APD's chain of command, from bottom to top. The Findings Letter repeatedly referred to shortcomings all the way up the chain of command being a major cause of APD's failings and a significant roadblock to finding a solution. And, yet, in spite of this, APD's consistent pattern and practice in the nearly 18 months since release of the Findings Letter has been to promote from within this same compromised chain of command. It was even reported recently in the Albuquerque Journal that APD is giving retention bonuses – perhaps even illegally – to these very same command officers. Some City Council members indicated that they were offended by the APD top command.

**Question for Chief Eden:** *How will things change if personnel decisions ignore the DOJ critique? How does retaining a chain of command which has lost the city's trust serve to build trust?*

**Question for Mayor Berry:** *The city's Chief Administrative Officer Rob Perry – who reports to you & who supervises Chief Eden – has justified the retention bonuses for command officers. Do you support these decisions? Why or why not?*

**Question for Mr. Martinez or Mr. Saucedo:** *In light of the identified problems with the APD chain of command, how will DOJ address the perpetuation of the same chain of command?*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

1:14-CV-1025 RB/SMV

CITY OF ALBUQUERQUE,

Defendant.

**AMICUS CURIAE BRIEF OF APD FORWARD**  
**REGARDING COURT APPROVAL OF THE SETTLEMENT AGREEMENT**  
**BETWEEN THE CITY OF ALBUQUERQUE AND**  
**THE UNITED STATES DEPARTMENT OF JUSTICE**

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## **PROOF - APD Covered Up Production of Videos of Shooting of James Boyd**

On March 17th 2014 Albuquerque Police (APD) shot and killed a homeless and mentally ill man - whose only crime was a violation of a municipal ordinance against camping in an open space area in the Sandia foothills at the eastern edge of the city.

On March 17th, the day after the fatal shooting, KRQE made a public records request for the videos of that incident. On April 1st, APD unlawfully denied that request.

**BUT ... Here is the REST of that Story.**

To this day - not only have the Keith Sandy videos mysteriously disappeared - but when the APD finally produced videos claiming to be ALL the videos of the incident - many of the videos were missing INCLUDING almost all that actually show the SHOOTING - most NOTICEABLY - the very videos (from the other shooter - Dominique Perez) from which the now-famous shooting clip was taken and released by APD that week.

On April 2nd, one day after KRQE's request was unlawfully denied, an investigator with the APD interviewed Kevin Fuller, APD Video Unit Supervisor. According to the interview - included in this video - Fuller was instructed on FRIDAY March 21st - to obtain the videos and place them in a Drop Box account.

On Thursday, March 27th - he was instructed to coordinate with several other persons - and to look at all the videos, frame by frame, and identify those parts that the Chief might have an "interest" in BEFORE they were released to the media.

Although those videos have since been released (those that have) WITHOUT being identified by officer or time - Fuller and his team broke down each video by officer and began this work. He was, at this time, told to "take out" all videos in which the audio or video contained the actual shooting.

On Friday March 28th Fuller was instructed to place the videos on another hard drive and provide them to the FBI. BUT ... on Friday evening - Commander Montano on behalf of the Chief contacted Fuller and stated he had "concerns" allegedly about the Chain of Custody. He ordered Fuller to "cease and desist." He was later then told to give Montano the hard drive and to delete the videos from the drop box account.

It is unlawful for the APD to withhold, delay, or deny public records that have no exemption provided by law. The APD clearly DELAYED production in order to find those videos it might find embarrassing - or creating liability - with regard to the act of the shooting of Boyd. It then DENIED unlawfully the production of those videos.

Since then - it has produced videos it has CLAIMED were the complete set. BUT there are several known videos missing - not least being all the videos taken by the second shooter, Dominique Perez, from whose videos the famous clip released by APD initially came. Although several other officers' videos are MISSING from the set produced as well.

It is clear that the APD has and continues to knowingly and willfully withhold those videos. This interview contains proof, at minimum, that the APD had delayed production of the videos, contrary to the Public Records law, in order to try and identify those videos it considered problematic - this specifically was a reference to anything officers may have said to each other during the incident AND anything that revealed either audio or video of the actual shooting of Boyd.

Read more at [http://www.liveleak.com/view?i=b19\\_1406012736#AwZiqcT7vXDsvvfx.99](http://www.liveleak.com/view?i=b19_1406012736#AwZiqcT7vXDsvvfx.99)

**From:** [leonard.waites](mailto:leonard.waites)  
**To:** [Joanne Fine](mailto:Joanne.Fine)  
**Subject:** RE: Our get together  
**Date:** Tuesday, October 20, 2015 1:04:01 PM

---

Works for me

Happy Connecting. Sent from my Sprint Samsung Galaxy S® 5

----- Original message -----

**From:** joannefine413 <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>  
**Date:** 10/20/2015 10:01 AM (GMT-07:00)  
**To:** "Leonard Waites, ([leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com))" <[leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com)>, "Eric H. Cruz" <[cabq.pob.cruz@gmail.com](mailto:cabq.pob.cruz@gmail.com)>, Jeffrey Scott Wilson <[jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com)>  
**Subject:** Our get together

Ed and all other board members have confirmed that Wed, Nov 18 at supertime at my house works for them. I am just waiting to hear if you three can be there or not. Please let me know. I want to invite the staff once I know which of us will be there. No business, just a gathering to celebrate Ed, the hard work that got us this far, and our path forward.

Please let me know today.  
Thank you,  
Joanne and Art Fine

Sent from my Verizon Wireless 4G LTE smartphone

**From:** [Scott Wilson](#)  
**To:** [Joanne Fine](#)  
**Subject:** RE: Our get together  
**Date:** Tuesday, October 20, 2015 10:16:05 AM

---

My apologies Joanne, I was waiting on travel confirmation. Turns out I will be in Arizona on the 18th.

Thank you for the invitation, I'm sure it will be quite the evening!

Scott

J. Scott Wilson

"When everything around you seems to be lacking in integrity, find it in yourself.  
Change the world from where you're standing..."

---

Date: Tue, 20 Oct 2015 10:01:28 -0600  
Subject: Our get together  
From: [joannefine413@gmail.com](mailto:joannefine413@gmail.com)  
To: [leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com); [cabq.pob.cruz@gmail.com](mailto:cabq.pob.cruz@gmail.com); [jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com)

Ed and all other board members have confirmed that Wed, Nov 18 at supertime at my house works for them. I am just waiting to hear if you three can be there or not. Please let me know.

I want to invite the staff once I know which of us will be there. No business, just a gathering to celebrate Ed, the hard work that got us this far, and our path forward.

Please let me know today.

Thank you,

Joanne and Art Fine

Sent from my Verizon Wireless 4G LTE smartphone

M004647

**From:** [Beth Mohr](#)  
**To:** [Joanne Fine](#)  
**Subject:** RE: POB Personnel Subcommittee meeting  
**Date:** Monday, July 06, 2015 2:49:11 PM

---

Tomorrow at 3 in the basement. Sorry this has been so difficult...

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:** Joanne Fine [<mailto:joannefine413@gmail.com>]  
**Sent:** Monday, July 06, 2015 12:01 AM  
**To:** Beth Mohr  
**Subject:** Re: POB Personnel Subcommittee meeting

This lists two different times for the start of the personnel committee meeting. I have 3 PM on Tues, July 7th, in 106 Plaza Del Sol Bldg. Please confirm again. Thank you.

On Thu, Jul 2, 2015 at 11:29 PM, Beth Mohr <[Bmohr@themchardfirm.com](mailto:Bmohr@themchardfirm.com)> wrote:  
When: 07 Jul 3:00PM-07 Jul 4:30PM.  
Where: Basement - Plaza del Sol Building 3 pm

\*~\*~\*~\*~\*~\*~\*~\*~\*~\*

Sent from my Android phone using Symantec TouchDown ([www.symantec.com](http://www.symantec.com))

--

Joanne Fine  
Police Oversight Board Member

M004648

**From:** [joannefine413](#)  
**To:** [Beth Mohr](#); [POB](#); [Hammer, Robin](#); [Hernandez, Jessica M.](#); [Mark T. Baker](#); [Hults, Samantha M.](#); [Green, Alan](#); [Contreras, Michelle](#)  
**Subject:** RE: Personnel Subcommittee Meeting - likely vacated  
**Date:** Thursday, July 30, 2015 12:03:11 PM

---

Agreed. Thanks, Beth.

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:** 07/30/2015 11:20 AM (GMT-07:00)

**To:** pob <[pob@cabq.gov](mailto:pob@cabq.gov)>, "Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)>, Jessica Hernandez <[jmhernandez@cabq.gov](mailto:jmhernandez@cabq.gov)>, "Mark T. Baker" <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>, "Hults, Samantha M." <[shults@cabq.gov](mailto:shults@cabq.gov)>, "Green, Alan" <[alangreen@cabq.gov](mailto:alangreen@cabq.gov)>, "Contreras, Michelle" <[mcontreras@cabq.gov](mailto:mcontreras@cabq.gov)>

**Subject:** Personnel Subcommittee Meeting - likely vacated

All: Since the POB will be meeting on Tuesday, August 4th at 5pm, I don't see any need to have a personnel subcommittee meeting as we had scheduled it tomorrow.

If you can think of a compelling reason to have it, please let me know, however, I am unaware that an agenda was correctly posted. I was supposed to get an agenda reminder for that from the Ms. Hammer or someone at the CPOA Office, and that didn't happen, and I didn't remember, either. So I think between the lack of need and the lack of posting of the agenda, it makes sense to cancel.

Thanks, -B

Beth A. Mohr, Volunteer  
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:** [Cash, Paul](#)  
**To:** [Beth Mohr](#)  
**Cc:** [POB; Hammer, Robin](#)  
**Subject:** RE: Personnel Subcommittee meeting will be Tuesday July 7th at 3:00 pm  
**Date:** Wednesday, July 01, 2015 2:11:14 PM  
**Attachments:** [July 7, 2015 Personnel Subcommittee Agenda.pdf](#)

---

Beth, the agenda has been posted on the website, and Michelle will post a copy at City Hall this afternoon.

Paul

**From:** Beth A. Mohr [<mailto:cabq.pob.mohr@gmail.com>]  
**Sent:** Wednesday, July 01, 2015 3:39 AM  
**To:** Cash, Paul  
**Cc:** POB; Hammer, Robin  
**Subject:** Re: Personnel Subcommittee meeting will be Tuesday July 7th at 3:00 pm

Has anyone updated the agenda I previously sent with the new date and time and posted it? If so, please send a copy to everyone, if not, please get that posted and sent right away. With the holiday weekend we want to give as much notice as possible to the public regarding this rescheduled meeting. 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.*

"Cash, Paul" <[pcash@cabq.gov](mailto:pcash@cabq.gov)> wrote:

Beth,

The basement hearing room has been booked for Tuesday July 7th at 3pm.

Paul

**From:** Beth A. Mohr [<mailto:cabq.pob.mohr@gmail.com>]  
**Sent:** Sunday, June 28, 2015 12:15 PM  
**To:** POB; Cash, Paul; Hammer, Robin  
**Subject:** Personnel Subcommittee meeting will be Tuesday July 7th at 3:00 pm

All - Let's set the personnel subcommittee for Tuesday July 7th at 3pm. Please get us a room and let me know where. The agenda I sent already just needs to be updated and posted. Please send me your updated version to approve prior to 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.*

**CIVILIAN POLICE OVERSIGHT AGENCY  
POLICE OVERSIGHT BOARD  
PERSONNEL SUBCOMMITTEE MEETING**

*Eric Cruz*  
*Beth Mohr*

*Joanne Fine*

Robin S. Hammer, Acting Executive Director

**POLICE OVERSIGHT BOARD  
PERSONNEL SUBCOMMITTEE**

**Tuesday, July 7, 2015 – 3:00 pm  
Plaza del Sol, 600 2nd Street NW –  
Basement, Hearing Room 160**

**AGENDA**

- 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. **Review of hiring process timeline**
  - B. **Creation of hiring process questions**
  - C. **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:** [Cash, Paul](#)  
**To:** [Beth Mohr](#); [POB](#); [Hammer, Robin](#)  
**Subject:** RE: Personnel Subcommittee meeting will be Tuesday July 7th at 3:00 pm  
**Date:** Monday, June 29, 2015 8:01:55 AM

---

Beth,

The basement hearing room has been booked for Tuesday July 7th at 3pm.

Paul

**From:** Beth A. Mohr [mailto:[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)]  
**Sent:** Sunday, June 28, 2015 12:15 PM  
**To:** [POB](#); [Cash, Paul](#); [Hammer, Robin](#)  
**Subject:** Personnel Subcommittee meeting will be Tuesday July 7th at 3:00 pm

All - Let's set the personnel subcommittee for Tuesday July 7th at 3pm. Please get us a room and let me know where. The agenda I sent already just needs to be updated and posted. Please send me your updated version to approve prior to 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:** [Chehreh Gibson](#)  
**To:** [Joanne Fine](#)  
**Cc:** [Mike Swisher](#)  
**Subject:** RE: Phones for non-profit  
**Date:** Wednesday, July 22, 2015 9:15:39 AM

---

Hello Joanne,

Happy summer, I hope you're well.

I refer GIK requests to CNPE. The website allows individuals and business to donate items or request items. Please see link.

<http://www.centerfornonprofitexcellence.org/new-mexico-gifts-in-kind>

Thank you and take care!

**Chehreh Gibson**  
United Way 2-1-1 Coordinator  
**United Way of Central New Mexico**

W: 505 245 1735 | F: 505 242 3576 | Toll Free: 2-1-1  
2340 Alamo Ave. SE, 2nd floor, Albuquerque, NM 87106

***The UWCNM Community Fund, the best way to help the most people***  
**GIVE | ADVOCATE | VOLUNTEER | 2-1-1**  
**Follow us on Facebook | Follow us on Twitter**

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Tuesday, July 21, 2015 4:42 PM  
**To:** Mike Swisher  
**Cc:** Chehreh Gibson  
**Subject:** Fwd: Phones for non-profit

Are you still doing Gifts in Kind?

Joanne Fine  
----- Forwarded message -----  
**From:** **Joanne Fine** <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>  
**Date:** Sat, Jul 18, 2015 at 4:43 PM  
**Subject:** Re: Phones for non-profit  
**To:** Beth Mohr <[Bmohr@themchardfirm.com](mailto:Bmohr@themchardfirm.com)>

I will. Thx.

Joanne Fine

[I am a volunteer working on the ABQ Police Oversight Board. I welcome all messages about our work. Those that include obscenities or lack civility will not be read. Thank you.]

M004664

On Jul 18, 2015 4:41 PM, "Beth Mohr" <[Bmohr@themchardfirm.com](mailto:Bmohr@themchardfirm.com)> wrote:  
When you get back, see if you can find a non-profit who wants a donation of five 4-line  
phones with caller ID. We upgraded but these still work fine. -B

--

Joanne Fine  
Police Oversight Board Member

**From:** [Beth Mohr](#)  
**To:** [Joanne Fine](#)  
**Subject:** RE: Phones for non-profit  
**Date:** Tuesday, July 21, 2015 7:02:43 PM

---

Great, 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:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Tuesday, July 21, 2015 4:43 PM  
**To:** Beth Mohr  
**Subject:** Re: Phones for non-profit

There is a Gifts in Kind Program at United Way of Central New Mexico. I sent your email to the guy who is in charge of it. I am sure he will get back to me ASAP.

On Sat, Jul 18, 2015 at 4:40 PM, Beth Mohr <[Bmohr@themchardfirm.com](mailto:Bmohr@themchardfirm.com)> wrote:  
When you get back, see if you can find a non-profit who wants a donation of five 4-line phones with caller ID. We upgraded but these still work fine. -B

--

Joanne Fine  
Police Oversight Board Member

M004666

**From:** [Skotchdopole, Paul A.](#)  
**To:** [Joanne Fine](#)  
**Subject:** RE: Please pass on to staff, Paul.  
**Date:** Wednesday, October 21, 2015 9:26:16 AM

---

I passed it on. Please mark me down as a guest. I am looking forward to it.

Paul

---

**From:** joannefine413 [mailto:joannefine413@gmail.com]  
**Sent:** Tuesday, October 20, 2015 9:53 PM  
**To:** Skotchdopole, Paul A.  
**Subject:** Please pass on to staff, Paul.

I tried emailing the staff and apparently gibberish ensued. Help, please.

-----  
Invitation:

I would like to gather the POB members, spouses, as well as the staff and their significant others to welcome Ed Harness to Albuquerque.

I am proposing supertime, 6 PM Wed, Nov 18th, at my home at [REDACTED]  
[REDACTED] 87111

How about everyone bring something to go with what Art and i grill on the BBQ. Drinks, alcohol and otherwise, would be our treat as well.

We have been through a lot together in the last few months. Let's celebrate our collective endurance and success as we head into our shared future.

Please let me know if you and yours can join us. This is very casual.

Thank you,  
Joanne and Art Fine

P.S. due to the Open Meetings Law we cannot make this event about our work. All the better.  
Let's talk about anything else.

Sent from my Verizon Wireless 4G LTE smartphone

M004667

**From:** Hammer, Robin  
**To:** Beth Mohr; POB; Hernandez, Jessica M.; Mark T. Baker; Hults, Samantha M.  
**Subject:** RE: Please register CPOA Staff for NACOLE at once  
**Date:** Tuesday, August 11, 2015 9:11:02 AM

---

Dear Ms. Mohr:

Thank you for your email on Friday requesting that I register the CPOA Staff for the National Association of Civilian Oversight (NACOLE) Conference in Riverside, California from October 4 to 8, 2015. Before I address the specific allegations, I want to note my disappointment about the personal, non-business like nature of this and other recent correspondence.

Besides the incorrect nature of your allegations, the tone and broad dissemination of your email is difficult to comprehend. Why would you not call me or send a civil email first before sending it to the entire Police Oversight Board, the City Attorney, an Assistant City Attorney, the CPOA's contract attorney, and all members of the CPOA staff? Earlier on Friday morning, I was engaged in a business-like email dialog with Chair Waites and contract attorney Mr. Baker about this issue, trying to resolve the matter in the way that professionals solve problems. I'll address this point further, but to get to the issues:

You make several wrong accusations in your email, including the lack of need for me to consider the CPOA budget in making decisions about training the necessity of sending 16 members of the CPOA staff and Police Oversight Board to the NACOLE Conference; and my getting DOJ-approval for CPOA investigators to attend the NACOLE Conference.

**A. Considerations Prior to Sending the CPOA Investigative Staff to NACOLE Conference**

Prior to agreeing to send the four CPOA Investigators to the NACOLE Conference, I was awaiting approval from the DOJ Monitoring team, from either my earlier inquiries, or from the July 24, 2015 email you sent Assistant United States Attorney Elizabeth Martinez and Dr. Ginger and copied me on. I have not received any emails from you, DOJ staff or Dr. Ginger indicating whether your request has been approved.

The Department of Justice (DOJ) Settlement Agreement/Consent Decree mandates that the Investigators receive 40 hours of training by November 2015. (DOJ Settlement Agreement at ¶200). I have been told by several members of APD staff and the DOJ Monitoring team that the Federal Monitor or a team must approve those classes in advance.

When the DOJ Settlement Agreement was adopted in April 2015, I asked all members of the CPOA Investigative Staff for their suggestions regarding training that would help with them with becoming better investigators. Assistant Lead Investigator Skotchdopole suggested the Reid School course on Interviewing, a section of which will be held in Albuquerque. Investigator Diane McDermott suggested a four and a half-day training on conducting proper and effective administrative investigations, put on by the Daigle Law Group, and held in Connecticut. I believe that the current training budget would not permit the four CPOA Investigators to attend these two trainings and the NACOLE Conference. Perhaps with an abundance of caution, I have been seeking confirmation from the DOJ Monitor about which trainings they would approve as to the Court-ordered training.

Before receiving your email on Friday, August 7, earlier that morning POB Chair Leonard

Waites, attorney Mark Baker and I were engaged in a discussion regarding the status of the CPOA Investigative staff attending the NACOLE Conference. In my reply to Mr. Baker's inquiry, I noted that there was a finite budget for training and that I was waiting for approval from the DOJ from either your inquiry to Ms. Martinez and Dr. Ginger and/or my separate inquiries to the DOJ Monitoring team. Before spending the training budget on an expensive out-of-state conference, I wanted to confirm compliance with the Settlement Agreement requirements. I am concerned that we may run out of budget before required training is complete. I also indicated to Mr. Baker and Mr. Waites on Friday that I would be emailing Dan Giaquinto, the DOJ Monitoring Team member responsible for oversight of the CPOA, that same day to request he expedite the Monitoring Team's response to your email on the training issue. Immediately after receiving my email, Mr. Baker e-mailed Mr. Giaquinto, requesting the training approval, and copied me.

Monday morning Mr. Giaquinto emailed Mr. Baker, copying me, clarifying the Monitoring Team's position regarding training:

[The] CPOA does not need approval of monitoring team before sending investigators or other staff to training. What is necessary is that the training requirements of settlement agreement/consent decree as applied to CPOA be met by this or other training. To the extent possible if CPOA can send us information on the training up front for our review that would make your decision whether to engage in such training easier, but again we will not technically approve/disapprove of training. Conceivably CPOA can be involved in training that may not meet requirements of decree but would still be beneficial, and therefore that is a CPOA decision. We will scrutinize CPOA training efforts and related information in order to gauge compliance with applicable paragraphs of decree. I'm generally in office all this week except Friday if you wish to discuss.

Mr. Giaquinto seems to be stating that the CPOA Investigators may attend as many training sessions as the City is able and willing to send them to, and the Monitoring Team will let us know at some future date whether the training complies with the requirements of the Settlement Agreement. Because funds are finite, it important to select training that would qualify under the Settlement Agreement.

Regarding my concerns for the CPOA budget, there remains only \$1,000 of the \$23,000 increase in the training budget for CPOA personnel to attend the NACOLE conference. Eight Police Oversight Board (POB) members are set to attend the NACOLE Conference, at an average cost of approximately \$2,000 each, for a total cost to the City of about \$16,000. After they are hired, sending the Executive Director, Analyst and Outreach Coordinator to the NACOLE Conference will add another \$6,000 to these costs, depending on when their airfare is purchased. While I have yet to receive confirmation for the total training budget from the City Department of Finance and Administration, if as you say City Council added \$23,000 to the training budget for the NACOLE conference costs, \$22,000 has been ear-marked for non-investigative staff and POB Members' travel costs.

It is my belief that it was not essential for the investigators to attend this year's NACOLE conference to assist with next years' conference preparation. Three of the four CPOA Investigators have previously attended the NACOLE Conference and have gone to many other conferences. If the CPOA Investigators missed this year's conference, it would not greatly impede their ability to assist in planning next year's conference. Right now 11 members of the CPOA are slated to attend the conference and certainly could provide 11

person's input into next year's conference.

As you know, some members of the Investigative Staff are not current with their investigative caseload. You have indicated that is another of your concerns. These investigators may not have time to assist with the planning of next year's NACOLE Conference if they ever hope to get current with their caseloads. My guess is that the Executive Director, Analyst and Outreach Coordinator, along with assistance from POB Members will be primarily responsible for the planning and execution of the NACOLE Conference.

I spoke with Chair Waites on Monday, explaining my concerns about sending the Investigative staff to the NACOLE Conference. Chair Waites acknowledged my concerns and stated that he would be willing to take the risk of not having funds in the current budget for future training and gamble on whether the DOJ Monitors would approve the conference. After speaking with Chair Waites, I agreed to begin the process with the City to send the CPOA Administrative Staff to the NACOLE Conference.

### **B. Communications and Effects on Management**

As noted above, your email, like so many of your written communications to me, seems to have been written in anger, accusing me of not doing my job, and implying I am dishonest. And like many of your written communications, you appear to broadcast your derogatory comments to as many people as possible. Your attacks seem personal and go far beyond normal professional behavior. I don't understand why this is the way you choose to communicate with and about me.

Sending such messages to my staff has become especially problematic. You and some other Board members have communicated directly with them, and have hindered, if not totally undercut, my efforts to manage and supervise. You have helped create an environment which directly or indirectly tells staff any time they don't like a job assignment or something else about office management, they can go to you or another Board member. As an added incentive, they may even get copied on an insulting email to me like the one you sent Friday.

I am sure most Board members understand organizations and modern management practices and would never interfere with the day-to-day management of an office like that now going on at the Agency. That's why it is so bewildering that the Board lets some members meet privately with my staff, and give out work assignments without my knowledge, involvement or approval. Much of this activity is contrary to City personnel and Police Oversight ordinances. Once Board members started acting this way, quite quickly the office developed into an unproductive and hostile place to work.

You have engaged in other behavior to undercut me. You wrote a lengthy letter accusing me of possible crimes, bad motives, incompetence and threatening--again--to fire me. You sent it to Board Members, City employees, lawyers, DOJ attorneys, etc. I have also been made aware of other statements you have made publically attacking my integrity and work product, including speaking to on-duty police officers at a police briefing.

I think the aggressive letter of reprimand which was given to me with the 30-day deadline to complete all pending cases is an example of all these concerns. The tone is harsh, the criticism unfounded, and the remedy unrealistic – particularly in light of the message you and others have given to my staff. You have an idea what can and cannot be accomplished within

30 days, and you know that I would not be able to complete the task no matter how hard I tried. There was no legitimate basis for the completely arbitrary deadline.

You can see the effort I made to get the staff to meet your demands, and you can see the work that has been accomplished – at least by most. There is, however, no way the unreasonable and unrealistic deadline could be met.

I think this demand, along with all the other actions I've set out in this email, unfortunately just demonstrate the lack of good faith in your dealings with me. I assume you will try to use my not meeting this deadline as reason to take some further disciplinary action, perhaps even termination, but I assume somebody must see this effort for what it really is - pretext for the retaliatory actions you are taking against me.

Your actions and those of a few others reinforce my belief that my reporting violations of the Open Meetings Act law (which I was required to report under the City's Inspector General ordinance) and raising other concerns have caused an overwhelming retaliation - not just the illegitimate and unjustified reprimand, and the decision not to renew my contract, but also the hostile work environment those actions have created.

I realize these problems soon will be in my past, but this is the bed you are making for my successor. No manager can succeed in the current environment the Board is creating. I further hope the Board will take a look at the its failing management model and reform itself before the new Executive Director arrives.

Despite this, I am trying my absolute best to do a good job for the CPOA, the City and the community during my last weeks of work. I would appreciate it greatly if you could refrain from the heated rhetoric and continuing harassment so I may lead the administrative office until my departure.

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>

**From:** Beth Mohr [mailto:cabq.pob.mohr@gmail.com]

**Sent:** Friday, August 07, 2015 11:48 AM

**To:** Hammer, Robin; POB; Hernandez, Jessica M.; Mark T. Baker; Hults, Samantha M.; Skotchdopole, Paul A.; O'Neil, Erin; McDermott, Diane L.; Davidson, Christopher; Contreras, Michelle

**Subject:** Please register CPOA Staff for NACOLE at once

Ms. Hammer -

In the POB Personnel Subcommittee meeting, a recorded public meeting, we previously directed you to register the CPOA Staff for NACOLE. As I stated at that time, the reasons were two-fold, one was for staff training, the other and more important reason is because NACOLE will be coming to Albuquerque next year for their annual conference; the City and the CPOA will be hosting that event.

At that time, you stated on the record that you were only waiting for the DOJ to approve the training. I wrote the DOJ and requested that approval; it is my understanding that such approval was given, yet completely unnecessary.

Because NACOLE will be coming to Albuquerque in 2016, it is important that the permanent staff of the CPOA have developed relationships with NACOLE staff in order to be good hosts, as well as being adequately prepared to host the 2016 meeting. The City of Albuquerque has been trying to bring the NACOLE Conference to Albuquerque for 12 years now, and it is important that we be good hosts. It simply looks bad to have the entire CPOA agency staff shun the annual meeting the year prior to being hosts. This is a City of Albuquerque matter, having nothing to do with the DOJ.

Despite all this, which you had previously been told, and despite being directed yet again to register the staff, you failed to follow this direction. Your newest set of excuses include the previous excuse about the DOJ, as well as some notion that you have allegedly found some superior training for staff in Connecticut, along with your supposed concern for budgetary limitations.

There is more than adequate budget set aside for POB and staff training. Training budget existed in the original CPOA budget and issues papers, and City Council added another \$23,000, at my request, specifically earmarked for NACOLE training. I am unaware that ANY of that budget has been expended; it should therefore be more than adequate for all the staff to attend NACOLE this year, in addition to any other training that the new Executive Director deems appropriate. If the POB needs to request additional funding from Council later during the 2016 fiscal year, the POB will address that as needed; that is a matter with which you need not concern yourself.

Unfortunately, because you failed to register staff at the time directed, the CPOA therefore missed both the "early bird registration deadline", and the "early member registration" deadline of July 31 for the CPOA staff; as a result of your actions the City will have to bear the additional cost of full-priced registration. That would have been a substantial savings for the City, instead that opportunity has been lost.

Neither your alleged concern for the quality of the staff's training, nor the DOJ's permission, nor your supposed budgetary concerns address the reason that it is so important for the CPOA staff to attend this year's NACOLE conference, which is that they will be the City's full-time permanent staff as the Agency hosts the 2016 NACOLE Conference.

Kindly register the CPOA staff for the NACOLE Conference at once, and report to the entire POB that you have complied with this direction prior to or at our meeting on Thursday, August 13th.

Thank-you for your cooperation.

Beth A. Mohr, Volunteer  
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:** [joannefine413](#)  
**To:** [Scott S. Wilson](#); [Moira Amado-McCoy](#); [Beth Mohr](#)  
**Cc:** [Hammer, Robin](#); [Susanne Brown](#); [Leonard Waites](#); [Mark T. Baker](#); [POB](#)  
**Subject:** RE: Policy and Procedure Subcommittee  
**Date:** Monday, July 06, 2015 11:28:55 AM

---

That is helpful Scott. Thank you. Is it not also true that policy and procedure recommendations from POB to APD (51% of our output) be vetted thru the Policy and Procedures Committee prior to coming to the full POB?

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Scott Wilson <[jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com)>

Date: 07/06/2015 11:03 AM (GMT-07:00)

To: Moira Amado-McCoy <[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)>, "Beth A. Mohr" <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)>

Cc: "Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)>, Susanne Brown <[sbrownpob@gmail.com](mailto:sbrownpob@gmail.com)>, Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>, "Mark T. Baker" <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>, POB <[pob@cabq.gov](mailto:pob@cabq.gov)>

Subject: RE: Policy and Procedure Subcommittee

Here's my understanding, for what it's worth...

The settlement agreement requires APD to send us (the board) any changes in their policy/procedures for review. It is my impression that this is what the Policies and Procedures committee was created to do. The past meeting, for example, was scheduled to review APD's new harassment/retaliation policy.

The rules and regulations committee was created before Mark was on board, and was set up to create the settlement agreement mandated rules and procedures for the Board hearing CPC's, etc. Mark is now handling that, so I'm not sure if this committee is necessary; however, I am still interested in being part of that review, whether through the committee or as part of the Board as a whole.

Scott

"When everything around you seems to be lacking in integrity, find it in yourself.  
Change the world from where you're standing..."

---

Date: Mon, 6 Jul 2015 10:49:48 -0600  
Subject: Re: Policy and Procedure Subcommittee  
From: [amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)  
To: [cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)  
CC: [rhammer@cabq.gov](mailto:rhammer@cabq.gov); [jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com); [sbrownpob@gmail.com](mailto:sbrownpob@gmail.com);

M004674

phamason.lw@gmail.com; mbaker@peiferlaw.com; pob@cabq.gov

Also --

I'm reviewing the CPOA Web site this morning, and see that we are responsible for both a "Policies and Procedures" subcommittee and a "Rules and Regulations" subcommittee.

Did we actually do this to ourselves, or is this a miscommunication somehow?

Moira

On Mon, Jul 6, 2015 at 7:32 AM, Moira Amado-McCoy <amadamccoy.pob@gmail.com> wrote:

Thanks, Robin. Thanks, Beth.

As I understand this, and as I've been moving forward myself as Chair of the Case Review Committee, the Board is working on policies and procedures through the already working subcommittees. I am, for instance, contributing to the work of outlining a hearty and final version of the "training" required before we are able to review cases at all, procedures for tracking the movement through the agency, policies regarding appropriate and timely delivery of investigated cases to the CRC and then the full POB, and policies and procedures regarding expedient and appropriate coordination of case review between the POB and APD.

As far as I know, Policies and Procedures has not yet met. Meantime, the working committees have found it necessary to spend most/all of their time in these first months of the Board's existence specifically on policies and procedures. My sense is that it's not necessary to convene the Policies and Procedures committee itself until the committees currently relegated to doing only policies and procedures work complete their preliminary tasks.

Moira

On Wed, Jul 1, 2015 at 2:41 PM, Beth A. Mohr <cabq.pob.mohr@gmail.com> wrote:

I am concentrating my efforts on the personnel subcommittee right now, as well as coordinating with Mr. Baker and Mr. Waites. So I will not participate right now.

I will be interested in getting the policy and procedure subcommittee going once we have accomplished our hiring tasks and the POB is off and running and hearing cases again.

The rest of you should feel free to go on without me and I'll catch up with you later if I can be helpful, or will happily leave you to it

if you don't need me.

Thanks to all of your for your work. -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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Please be thoughtful when forwarding or replying to this email.*

"Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Members of the Policy and Procedure Subcommittee:

I have not heard from anyone regarding a meeting of this Subcommittee this month. Do you wish to hold a meeting next week prior to Thursday's full Police Oversight Board meeting? Please let me know.

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:** Scott Wilson  
**To:** Joanne Fine; Moira Amado-McCoy; Beth Mohr  
**Cc:** Hammer, Robin; Susanne Brown; Leonard Waites; Mark T. Baker; POB  
**Subject:** RE: Policy and Procedure Subcommittee  
**Date:** Monday, July 06, 2015 11:40:20 AM

---

Absolutely Joanne. Thanks for remembering that piece!

J. Scott Wilson

"When everything around you seems to be lacking in integrity, find it in yourself.  
Change the world from where you're standing..."

---

Date: Mon, 6 Jul 2015 11:27:40 -0600  
Subject: RE: Policy and Procedure Subcommittee  
From: joannefine413@gmail.com  
To: jswilsonpob@outlook.com; amadomccoy.pob@gmail.com; cabq.pob.mohr@gmail.com  
CC: rhammer@cabq.gov; sbrownpob@gmail.com; phamason.lw@gmail.com;  
mbaker@peiferlaw.com; pob@cabq.gov

That is helpful Scott. Thank you. Is it not also true that policy and procedure recommendations from POB to APD (51% of our output) be vetted thru the Policy and Procedures Committee prior to coming to the full POB?

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Scott Wilson <jswilsonpob@outlook.com>  
Date: 07/06/2015 11:03 AM (GMT-07:00)  
To: Moira Amado-McCoy <amadomccoy.pob@gmail.com>, "Beth A. Mohr" <cabq.pob.mohr@gmail.com>  
Cc: "Hammer, Robin" <rhammer@cabq.gov>, Susanne Brown <sbrownpob@gmail.com>, Leonard Waites <phamason.lw@gmail.com>, "Mark T. Baker" <mbaker@peiferlaw.com>, POB <pob@cabq.gov>  
Subject: RE: Policy and Procedure Subcommittee

Here's my understanding, for what it's worth...

The settlement agreement requires APD to send us (the board) any changes in their

M004677

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The rules and regulations committee was created before Mark was on board, and was set up to create the settlement agreement mandated rules and procedures for the Board hearing CPC's, etc. Mark is now handling that, so I'm not sure if this committee is necessary; however, I am still interested in being part of that review, whether through the committee or as part of the Board as a whole.

Scott

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---

Date: Mon, 6 Jul 2015 10:49:48 -0600  
Subject: Re: Policy and Procedure Subcommittee  
From: amadomccoy.pob@gmail.com  
To: cabq.pob.mohr@gmail.com  
CC: rhammer@cabq.gov; jswilsonpob@outlook.com; sbrownpob@gmail.com;  
phamason.lw@gmail.com; mbaker@peiferlaw.com; pob@cabq.gov

Also --

I'm reviewing the CPOA Web site this morning, and see that we are responsible for both a "Policies and Procedures" subcommittee and a "Rules and Regulations" subcommittee.

Did we actually do this to ourselves, or is this a miscommunication somehow?

Moira

On Mon, Jul 6, 2015 at 7:32 AM, Moira Amado-McCoy <[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)> wrote:

{ Thanks, Robin. Thanks, Beth.

M004678

As I understand this, and as I've been moving forward myself as Chair of the Case Review Committee, the Board is working on policies and procedures through the already working subcommittees. I am, for instance, contributing to the work of outlining a hearty and final version of the "training" required before we are able to review cases at all, procedures for tracking the movement through the agency, policies regarding appropriate and timely delivery of investigated cases to the CRC and then the full POB, and policies and procedures regarding expedient and appropriate coordination of case review between the POB and APD.

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Moira

On Wed, Jul 1, 2015 at 2:41 PM, Beth A. Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

I am concentrating my efforts on the personnel subcommittee right now, as well as coordinating with Mr. Baker and Mr. Waites. So I will not participate right now.

I will be interested in getting the policy and procedure subcommittee going once we have accomplished our hiring tasks and the POB is off and running and hearing cases again.

The rest of you should feel free to go on without me and I'll catch up with you later if I can be helpful, or will happily leave you to it if you don't need me.

Thanks to all of your for your work. -B

Beth A. Mohr  
Albuquerque Police Oversight Board

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*do nothing. ~ Edmund Burke*

*Sent with haste from my "smart" phone.*

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Members of the Policy and Procedure Subcommittee:

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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:** Scott Wilson  
**To:** Mojra Amado-McCoy; Beth Mohr  
**Cc:** Hammer, Robin; Susanne Brown; Leonard Waites; Mark T. Baker; POB  
**Subject:** RE: Policy and Procedure Subcommittee  
**Date:** Monday, July 06, 2015 11:03:21 AM

---

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Scott

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Change the world from where you're standing..."

---

Date: Mon, 6 Jul 2015 10:49:48 -0600  
Subject: Re: Policy and Procedure Subcommittee  
From: amadamccoy.pob@gmail.com  
To: cabq.pob.mohr@gmail.com  
CC: rhammer@cabq.gov; jswilsonpob@outlook.com; sbrownpob@gmail.com;  
phamason.lw@gmail.com; mbaker@peiferlaw.com; pob@cabq.gov

Also --

I'm reviewing the CPOA Web site this morning, and see that we are responsible for both a "Policies and Procedures" subcommittee and a "Rules and Regulations" subcommittee.

Did we actually do this to ourselves, or is this a miscommunication somehow?

M004681

Moira

On Mon, Jul 6, 2015 at 7:32 AM, Moira Amado-McCoy <[amadamccoy.pob@gmail.com](mailto:amadamccoy.pob@gmail.com)> wrote:

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Moira

On Wed, Jul 1, 2015 at 2:41 PM, Beth A. Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

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I will be interested in getting the policy and procedure subcommittee going once we have accomplished our hiring tasks and the POB is off and running and hearing cases again.

The rest of you should feel free to go on without me and I'll catch up with you later if I can be helpful, or will happily leave you to it if you don't need me.

M004682

Thanks to all of you for your work. -B

Beth A. Mohr  
Albuquerque Police Oversight Board

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*Sent with haste from my "smart" phone.*

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"Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Members of the Policy and Procedure Subcommittee:

I have not heard from anyone regarding a meeting of this Subcommittee this month. Do you wish to hold a meeting next week prior to Thursday's full Police Oversight Board meeting? Please let me know.

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:** [Hults, Samantha M.](#)  
**To:** [Beth Mohr](#); [Eric H. Cruz](#); [Joanne Fine](#); [Mark T. Baker](#); [Scott S. Wilson](#); [Molra Amado-McCoy](#); [Leonard Waites](#); [susanne.brown37@gmail.com](#); [Jeannette V. Baca](#); [David Ring](#); [Jacobi, Jenica L](#)  
**Subject:** RE: Proposed information for CPOA Exec Candidate Search  
**Date:** Friday, July 24, 2015 8:20:37 AM

---

I don't see a problem with you using this a guide to select candidate for interview or to craft questions or determine if the current proposed questions need to be added or changed

Sincerely,  
Samantha M. Hults  
Managing Assistant City Attorney  
City of Albuquerque  
One Civic Plaza NW  
4th Floor, Room 4015  
Albuquerque, NM 87102  
Office: (505) 768-4500  
[shults@cabq.gov](mailto:shults@cabq.gov)

**Confidentiality Note**

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**From:** Beth Mohr [<mailto:cabq.pob.mohr@gmail.com>]  
**Sent:** Thursday, July 23, 2015 7:40 PM  
**To:** Hults, Samantha M.; Eric H. Cruz; Joanne Fine; Mark T. Baker; Scott S. Wilson; Moira Amado-McCoy; Leonard Waites; [susanne.brown37@gmail.com](mailto:susanne.brown37@gmail.com); Jeannette V. Baca; David Ring; Jacobi, Jenica L  
**Subject:** Proposed information for CPOA Exec Candidate Search

All: The enclosed document (same thing in PDF and Excel) is my proposal for consideration at tomorrow's Personnel Subcommittee meeting to help us select candidates to go on in the process.

I am NOT suggesting that we score people using any point system based on this as a rubric, this just is something I came up with based on NACOLE's qualifications for a civilian oversight executive, combined with our job description, combined with basic attributes that we all wish to have in any leader.

Samantha, if there is some legal reason that we cannot use something like this, without scoring people, please let me know ASAP.

The Personnel Subcommittee can decide not to use this, edit or alter it in any way, as you all see fit. I just wanted to have something for us to refer to as we discern which candidates belong in the Yes, Maybe or No piles.

Thanks much, -B

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

M004684

*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:** [Joanne Fine](#)  
**Subject:** RE: RE: Phones for non-profit  
**Date:** Sunday, August 02, 2015 4:36:10 PM

---

I didn't hear from anyone, but I posted the phones on the Center for Non-Profit Excellence "free to good non-profit home" site. We'll see what happens with it. If that works we have a used copy machine that I'll put on there as well. -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*

---

**From:** joannefine413 [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Wednesday, July 22, 2015 10:48 AM  
**To:** Beth Mohr  
**Subject:** Fwd: RE: Phones for non-profit

The Center for Nonprofit Excellence, a program of United Way, does this. Their number is 247 3671 ask for Tsiporah (SEE pur a).

Sent from my Verizon Wireless 4G LTE smartphone  
----- Original message -----  
**From:** Chehreh Gibson <[Chehreh.Gibson@uwcnm.org](mailto:Chehreh.Gibson@uwcnm.org)>  
**Date:** 07/22/2015 9:12 AM (GMT-07:00)  
**To:** 'Joanne Fine' <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>  
**Cc:** Mike Swisher <[Mike.Swisher@uwcnm.org](mailto:Mike.Swisher@uwcnm.org)>  
**Subject:** RE: Phones for non-profit

Hello Joanne,

Happy summer, I hope you're well.

M004686

I refer GIK requests to CNPE. The website allows individuals and business to donate items or request items. Please see link.

<http://www.centerforprofitexcellence.org/new-mexico-gifts-in-kind>

Thank you and take care!

**Chehreh Gibson**

United Way 2-1-1 Coordinator  
United Way of Central New Mexico

W: 505 245 1735 | F: 505 242 3576 | Toll Free: 2-1-1  
2340 Alamo Ave. SE, 2nd floor, Albuquerque, NM 87106

*The UWCNM Community Fund, the best way to help the most people*

GIVE | ADVOCATE | VOLUNTEER | 2-1-1  
Follow us on Facebook | Follow us on Twitter

**From:** Joanne Fine [mailto:joannefine413@gmail.com]  
**Sent:** Tuesday, July 21, 2015 4:42 PM  
**To:** Mike Swisher  
**Cc:** Chehreh Gibson  
**Subject:** Fwd: Phones for non-profit

Are you still doing Gifts in Kind?

Joanne Fine

----- Forwarded message -----

**From:** Joanne Fine <joannefine413@gmail.com>  
**Date:** Sat, Jul 18, 2015 at 4:43 PM  
**Subject:** Re: Phones for non-profit  
**To:** Beth Mohr <Bmohr@themchardfirm.com>

I will. Thx.

Joanne Fine

[I am a volunteer working on the ABQ Police Oversight Board. I welcome all messages about our work. Those that include obscenities or lack civility will not be read. Thank you.]

On Jul 18, 2015 4:41 PM, "Beth Mohr" <Bmohr@themchardfirm.com> wrote:  
When you get back, see if you can find a non-profit who wants a donation of five 4-line phones with caller ID. We upgraded but these still work fine. -B

--

Joanne Fine

Police Oversight Board Member

**From:** Contreras, Michelle  
**To:** Beth Mohr  
**Cc:** "Edward Harness"; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown; Barela, Veronica M.  
**Subject:** RE: Reimbursement for Meals during NACOLE Conference  
**Date:** Tuesday, September 29, 2015 9:42:55 AM

---

Veronica says to refer to your confirmation emails regarding meal reimbursement. If you have questions, please speak to Veronica.

Thanks.  
Michelle

**From:** Beth A. Mohr [mailto:cabq.pob.mohr@gmail.com]  
**Sent:** Tuesday, September 29, 2015 9:19 AM  
**To:** Contreras, Michelle  
**Cc:** 'Edward Harness'; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown  
**Subject:** Re: Reimbursement for Meals during NACOLE Conference

And we need to save receipts?

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.*

"Contreras, Michelle" <mcontreras@cabq.gov> wrote:

Good morning Board Members and Mr. Harness:

Your meals will be reimbursed based on GSA rates. Here is the website to look up the rates:  
<http://www.gsa.gov/portal/content/101518>

If you have questions, please feel free to contact our office.  
Thank you.  
Michelle

**Michelle Contreras**  
Senior Administrative Assistant  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770

M004689

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 10:02:16 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](mailto:rhammer@cabq.gov)>  
**Date:** 07/08/2015 9:43 AM (GMT-07:00)  
**To:** [POB](mailto:pob@cabq.gov) <[pob@cabq.gov](mailto:pob@cabq.gov)>  
**Cc:** "Mark T. Baker" <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>, "Rodgers, Shane" <[srodgers@cabq.gov](mailto:srodgers@cabq.gov)>, "Gonzalez, Arturo E." <[aegonzalez@cabq.gov](mailto:aegonzalez@cabq.gov)>, "Cash, Paul" <[pcash@cabq.gov](mailto: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.

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 [REDACTED]

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

M004691

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 Mohr; Joanne Fine; "Eric Cruz"; Hernandez, Jessica M.; Hults, Samantha M.  
**Subject:** RE: Reschedule POB Personnel Subcommittee meeting  
**Date:** Wednesday, June 24, 2015 1:54:15 PM

---

Beth,

It was my understanding that the primary reason you cancelled this meeting was due to the fact that two of the three Subcommittee members were unavailable for the June 25 date.

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:** Wednesday, June 24, 2015 11:53 AM  
**To:** Joanne Fine; Eric Cruz; Hernandez, Jessica M.; Hults, Samantha M.; Hammer, Robin  
**Subject:** Reschedule POB Personnel Subcommittee meeting

All: Please let me know your availability to reschedule the personnel subcommittee meeting. Ms. Hammer, unfortunately, didn't receive the email that I sent last Friday with the Agenda for posting, and I didn't check with her until Tuesday, assuming it was done. This meeting needs to be rescheduled, so please let me know your availability. 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:** [Skotchdopole, Paul A.](#)  
**To:** [Joanne Fine](#)  
**Subject:** RE: Rules Notice  
**Date:** Monday, September 14, 2015 8:29:28 AM

---

Yes! I am so sorry about that. I was in such a hurry.

paul

---

**From:** joannefine413 [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Friday, September 11, 2015 5:38 PM  
**To:** Skotchdopole, Paul A.  
**Subject:** RE: Rules Notice

I think you mean Sept, not August, right?

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Skotchdopole, Paul A." <[pskotchdopole@cabq.gov](mailto:pskotchdopole@cabq.gov)>  
**Date:** 9/11/2015 4:26 PM (GMT-07:00)  
**To:** POB <[pob@cabq.gov](mailto:pob@cabq.gov)>, "Mark T. Baker" <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>  
**Subject:** Rules Notice

The proposed policies and procedures notice has been posted on our website. There is a link there to find the proposed policies. Notice has been posted as well of the Special Meeting on August 28, 2015 on the website and at City Hall. Notice has also been posted about the Policies and Procedures Subcommittee meeting on Tuesday at 10:00 AM. Have a great weekend.

Paul

**From:** Silvio Dell'Angela  
**To:** "Susan Schuurman"; "Jlse biel"; Vargas, Dinah; "Steve Kramer"; pmrinc@mac.com; Eden, Gorden; "Elizabeth Martinez"; "Damon Martinez"; Vanita.Gupta@usdoj.gov; "Board of Regents" Office; kbrandenburg@da2nd.state.nm.us; Mayor Berry; Hernandez, Jessica M.  
**Cc:** stop\_police\_violence\_in\_abq-request@lists.riseup.net; Garduno, Rey; "Joline Gutierrez Krueger"; POB  
**Subject:** RE: Secret meeting at Peace and Justice Center Friday-why no publicity? Sham outreach collaboratives, a \$15K UNM rip-off of taxpayers run by City and UNM. Your secrecy.  
**Date:** Wednesday, August 19, 2015 7:16:13 PM

---

**Thanks Susan**

It may have not been secret to some but I saw nothing about it on TV or Journal-the reason for my e-mail to James Ginger. He may be a good guy but he knowingly is powerless under the agreement but he got his \$4.5 million. Like these bogus \$15K UNM run collaboratives, is this just more of the same City directed PR scams to pretend they really care what we say about APD?

I would have thought that the P&J folks would have put something out on it with those of us to the stop violence in abq address list.. What is Friday's agenda? Just an update by Ginger and Rickman or more?

Nothing has really changed for the better in APD since James Ginger and his fellow former cops in PMR Inc were hired and Greenwood rehired. APD still shoots people and don't release recordings. Now they are in an outrage that both Sandy and Perez were charged with murder. The smug two killers thought the judge would be intimidated-wouldn't have the guts to charge them.

Hope media picks up on P&J meeting Friday. Who is Steve Rickman? Who is this "someone" who asked Rickman to come? More divide and conquer tactics?

Seems like the Councilors couldn't care less whether APD reform ever occurs. Nobody even dared challenge the Mayor's \$120+ million ART, his dictatorial position on even a changed version to the Fair Workweek Act, and the much needed ban on kids out at 2PM in the morning that Joline in Journal today tried to claim is somehow beyond a loving mother's control. Really?

Unlike allowing them to negotiate with their parents as equal decision makers, as Dianne Goodman said was necessary Monday in her/this new/misguided approach to parenting, good parents don't negotiate.

See also how a deputy city attorney I met with today somehow couldn't justify why the attendees at the collaboratives weren't in the \$10K UNM reports and why I have to go to UNM to find out the qualifications of those who were their facilitators. Meanwhile Berry's new version of Dave Tourek-another Guv discard-Jessica Hernandez remains in hiding like her boss. She is another high paid City embarrassment!

APD's leadership beginning with those in the Mayor's office are like a cancer that we have been forced to live with too long. The DOJ agreement won't fix it.

M004696

Anyone bet that when Sandy and Perez go to trial that the jury will have enough courage to convict them? Not here! The jurors will be afraid of APD retaliation, just like the very few honest councilors.

Thanks

Silvio

P.S.

Below is what shadow Mayor Perry again looked like at Monday's Council meeting along with his protégé Jessica Hernandez. Do you think he has a drinking problem as does the District 9 Councilor who also shows up with a flushed red face?



----- Forwarded message -----

From: Susan Schuurman <[susanjschuurman@gmail.com](mailto:susanjschuurman@gmail.com)>

Date: Wed, Aug 19, 2015 at 6:13 PM

Subject: Re: Secret meeting at Peace and Justice Center Friday-why no publicity? Sham collaboratives, a \$15K rip-off of taxpayers run by City and UNM. Your secrecy.

To: Silvio Dell'Angela <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)>

Cc: [prrinc@mac.com](mailto:prrinc@mac.com), [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net), Elizabeth Martinez <[Elizabeth.Martinez@usdoj.gov](mailto:Elizabeth.Martinez@usdoj.gov)>, Damon Martinez <[damon.martinez@usdoj.gov](mailto:damon.martinez@usdoj.gov)>, [Vanita.Gupta@usdoj.gov](mailto:Vanita.Gupta@usdoj.gov), "Duran, Roberta M." <[RDuran@cabq.gov](mailto:RDuran@cabq.gov)>, [kbrandenburg@da2nd.state.nm.us](mailto:kbrandenburg@da2nd.state.nm.us), "Eden, Gorden" <[geden7@cabq.gov](mailto:geden7@cabq.gov)>

I don't think this meeting was secret. Someone ??? asked Stephen Rickman to meet with members of the community at the P&J and he said yes quite recently, a few days ago. I will be out of town so can't attend, but I hope you come Silvio and also help spread the word about it. Sponsored by Burque Media Productions and The Working Group. He confirmed quite late, and the organizers are grassroots folks without a big marketing budget.....

Sue

On Wed, Aug 19, 2015 at 1:10 PM, Silvio Dell'Angela <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)> wrote:

**TO: James Ginger-PMR Inc.**

**Info to councilors and others shown and not shown**

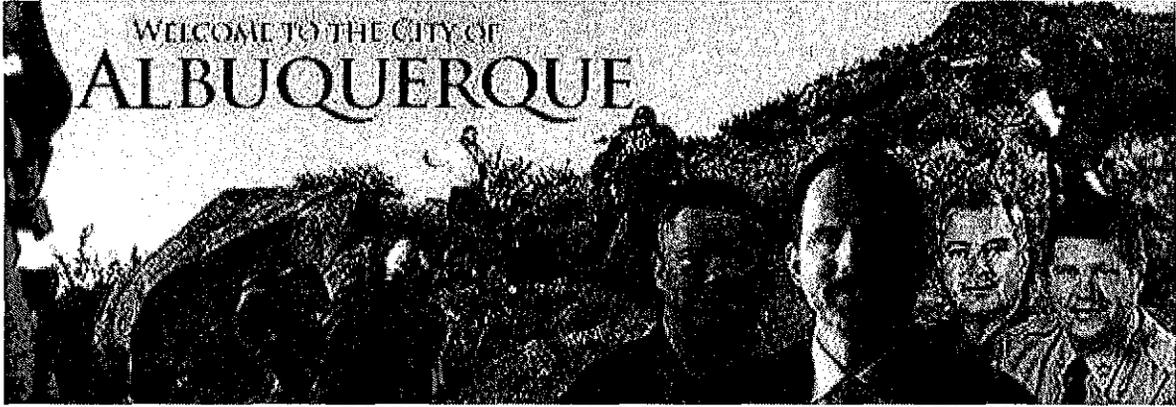
M004697

Citizens want to believe the \$4.5+ million of our taxes given you is being well spent. Yet there has been too much avoidance by you and your people of us who have been on the front lines in this reform effort. Just what are you doing with Scott Greenwood and Tom Streicher from Cincinnati whose paycheck is now at \$650K? Why wasn't your secret planned meeting to be held Friday at the Peace and Justice Center publicized? What is agenda? Is it just another PR scam/stunt like the tax-wasting \$15K City/UNM run outreach collaboratives? At one of these outreach collaboratives one speaker at Monday's Council meeting confirmed they were indeed scams and mentioned a talk by an APD cop attendee who berated citizens saying we must accommodate APD-not the opposite. He also said APD didn't need the DOJ or you here. They could reform themselves. A former San Diego police officer sitting on the Police Oversight Board-POB is now trying to justify making a former Milwaukee police officer (who is clueless about Albuquerque and the oversight process) to be the new Executive Director of the new police oversight agency-POA. What else is new? We continued to get stonewalled on NM IPRA requests and seemingly you don't care. No police recordings-no accountability. The murder of James Boyd was the only exception and that recording likely leaked out. The media continues to give credibility to another embarrassing/disgraceful police officer-APD union VP Willoughby who was outraged as was attorney "Saul" Bregman that the judge yesterday. Judge Candelaria properly ignored all of the lying and other BS thrown at him by the killer cops' attorneys and their paid to lie "experts" defending Perez and Sandy who murdered homeless camper James Boyd. This was the first APD officer ever charged here in 50 years despite the APD bloodbath that has been going on first under Schultz and now under the incompetent Eden. See Willoughby's beliefs in the attachment. As a former cop, are you part of the solution or part of the problem? We wonder.

Silvio

For WE THE PEOPLE





**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS  
POLICE FORCE IN THIS CITY'S HISTORY**

**From:** Zaman, Jon K.  
**To:** Beth Mohr; Moya, Julian N  
**Cc:** POB; Mark T. Baker; Melendrez, Chris P.  
**Subject:** RE: Selection of Executive Director of CPOA  
**Date:** Monday, August 17, 2015 10:46:11 AM

---

Dear Ms. Mohr,

Thanks for your email. I can understand the Board's frustration regarding the timing of the selection of the Executive Director - it does seem as though it has taken a long time to get to this point. The Council is aware of, and certainly appreciates the dedicated efforts of the POB in reviewing and recommending candidates for the Director position.

The City Council would have received the Board's recommendations for the Director at its August 3<sup>rd</sup> meeting, but the recommendation was not transmitted to the City Council until August 10<sup>th</sup>. Thus, the Council could not have taken up this issue on August 3<sup>rd</sup>. When the Council received the Board's recommendations, Council President Garduño initially gave permission for the recommendations to be placed on the Council agenda for "immediate action" on August 17<sup>th</sup>, and that was communicated to Mark Baker as well as to some members of the Board.

Since then, however, based on comments from multiple City Councilors, President Garduño has determined that the Council needs additional time to review the recommendations of the Board and an opportunity to meet with the candidates personally. An additional three weeks of consideration at the end of a five-month process is not excessive, and the additional time is a reflection of how important the Council feels this appointment is.

Council staff has informed all the candidates of the President's decision, and they all expressed a desire to attend the September 9<sup>th</sup> Council meeting. Indeed, I'm told that they all have already made travel arrangements to do so, so that they can discuss their candidacies with the Council.

As far as an "agreement" that the Council would respect the Board's first choice and select that candidate for the position, you know that deliberative public bodies such as the Police Oversight Board and the City Council do not make decisions such as that outside of a public meeting. And they certainly do not make, *nor should they be expected to make*, tacit agreements regarding public decisions.

The Police Oversight Ordinance provides for the POB to "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 for the City Council to "appoint the Director **from the three** by majority vote." [Emphasis added]. Of course, the City Council will give great credence to the ranking of the Board and to the opinion of the Board regarding the candidate that it finds to be the best qualified to be the Director. Ultimately, though, the Council will make its choice in an open meeting after deliberation and discussion.

**Jon K. Zaman**  
**Director of Council Services**  
**505-554-9900**

**From:** Beth A. Mohr [mailto:cabq.pob.mohr@gmail.com]  
**Sent:** Monday, August 17, 2015 10:20 AM  
**To:** Moya, Julian N  
**Cc:** POB; Mark T. Baker; Zaman, Jon K.; Melendrez, Chris P.  
**Subject:** Re: Selection of Executive Director of CPOA

M004700

Julian, I trust you have forwarded all of the POB members' emails to Council. They need to understand how disgusted members are and also the risk for losing the entire Board if they fail to select someone today. -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.*

"Moya, Julian N" <[julianmoya@cabq.gov](mailto:julianmoya@cabq.gov)> wrote:

Police Oversight Board Members,

City Council President Rey Garduño has decided to introduce OC-15-25, Selection of the Executive Director of the Civilian Police Oversight Agency, at the City Council meeting on Monday, August 17th and hold it over to the following City Council meeting on September 9th for Final Action.

President Garduño understands the urgency in filling this position, but wants to ensure that the Council has adequate time for each Councilor to review each candidate's material and possibly meet with them. Councilor Garduño also wants to allot enough time for the candidates to arrange their schedules to attend the City Council meeting and be available to answer any questions from City Councilors.

President Garduño appreciates the diligent work of the Police Oversight Board on this issue and he understands the importance of the position, however, he also wants to ensure the Council makes the right decision in order to continue to move civilian oversight in Albuquerque in the right direction.

Thank you,

Julian Moya  
Policy Analyst  
City Council President Rey Garduño  
District 6  
Office: (505) 768-3152  
Cell: (505) 803-7056  
[julianmoya@cabq.gov](mailto:julianmoya@cabq.gov)  
<http://www.cabq.gov/council/councilors/district-6>

**From:** [joannefine413](mailto:joannefine413)  
**To:** [Zaman, Jon K.](mailto:Zaman, Jon K.)  
**Cc:** [Mark Baker; POB](mailto:Mark Baker; POB)  
**Subject:** RE: Selection of Executive Director of CPOA  
**Date:** Monday, August 17, 2015 11:25:43 AM

---

Thank you for your thoughtful note. To be clear, we were told that though we had met extra times in July and had significantly shortened our time line so we could have the information available for Council review at their Aug 3rd meeting, that the Council would not be including our work product on their agenda until Aug 17th. So, to now hear otherwise is indeed frustrating, Sir.

There is not a single member of the POB who is not clear that the selection is the choice of the Council and that that selection is significantly important to the work we are all collectively committed to doing. We hope that our diligent efforts are valued by the Council as they make their final selection.

We all look forward to moving the needle on improving the relationship between the people of Albuquerque and the Albuquerque Police Department. Let's get going and avoid any future delays.

Sincerely,  
Joanne Fine  
POB

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Zaman, Jon K." <[jzaman@cabq.gov](mailto:jzaman@cabq.gov)>

Date: 08/17/2015 10:46 AM (GMT-07:00)

To: Beth Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)>, "Moya, Julian N" <[julianmoya@cabq.gov](mailto:julianmoya@cabq.gov)>

Cc: POB <[pob@cabq.gov](mailto:pob@cabq.gov)>, "Mark T. Baker" <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>, "Melendrez, Chris P." <[cmelendrez@cabq.gov](mailto:cmelendrez@cabq.gov)>

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M004702

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**Jon K. Zaman**

**Director of Council Services**

**505-554-9900**

**From:** Beth A. Mohr [mailto:cabq.pob.mohr@gmail.com]  
**Sent:** Monday, August 17, 2015 10:20 AM  
**To:** Moya, Julian N  
**Cc:** POB; Mark T. Baker; Zaman, Jon K.; Melendrez, Chris P.  
**Subject:** Re: Selection of Executive Director of CPOA

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Beth A. Mohr

Albuquerque Police Oversight Board

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

M004703

*Burke*

*Sent with haste from my "smart" phone.*

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"Moya, Julian N" <[julianmoya@cabq.gov](mailto:julianmoya@cabq.gov)> wrote:

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Thank you,

Julian Moya

Policy Analyst

City Council President Rey Garduño

District 6

Office: (505) 768-3152

M004704

Cell: ( [REDACTED] )

[julianmoya@cabq.gov](mailto:julianmoya@cabq.gov)

<http://www.cabq.gov/council/councilors/district-6>

**From:** Contreras, Michelle  
**To:** "Edward Harness"  
**Cc:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown; McDermott, Diane L.; Davidson, Christopher; Skotchdopole, Paul A.; O'Neil, Erin  
**Subject:** RE: Super Shuttle for NACOLE Conference  
**Date:** Wednesday, September 23, 2015 1:01:14 PM

---

Ed, I will arrive at 12:40 p.m. on Southwest flight #267 from Phoenix.

---

**From:** Edward Harness [mailto:ed\_harness@live.com]  
**Sent:** Wednesday, September 23, 2015 12:12 PM  
**To:** Contreras, Michelle  
**Cc:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown; McDermott, Diane L.; Davidson, Christopher; Skotchdopole, Paul A.; O'Neil, Erin  
**Subject:** Re: Super Shuttle for NACOLE Conference

Good Afternoon: Before I make my reservation I wanted to see when everyone else is arriving. I arrive at 12:40 on the 4th.

Ed Harness  
Sent from my iPhone  
414-647-2222 Office

On Sep 23, 2015, at 11:54 AM, Contreras, Michelle <mcontreras@cabq.gov> wrote:

Good morning,

If you are taking the SuperShuttle from the Airport to your hotel, they are usually readily available at the airport. The cost of the Supershuttle is \$39.00 for the first passenger and \$9.00 for each additional. They take cash and Credit Cards. You can also go to their website at <http://www.supershuttle.com/> and reserve your spot in advance. I spoke with a representative at Supershuttle, and they confirmed that reservations are recommended but not required.

In the event there is no Supershuttle at the airport when you arrive, there is a Kiosk that you can utilize to call for a ride. I have confirmed with both the Mission Inn Hotel and the Marriott Riverside at the Convention Center that the SuperShuttle does pick up and drop off at their hotels.

There is also taxi service available.

If you have questions, please let me know.

Thanks.  
Michelle

**From:** Contreras, Michelle  
**Sent:** Tuesday, July 28, 2015 8:47 AM  
**To:** Beth Mohr; David Z. Ring; Eric H. Cruz; Jeannette Baca; Jeffery Scott Wilson; Joanne Fine; Leonard Waites ([phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)); Moira Amado-McCoy; Susanne Brown  
**Cc:** Hammer, Robin  
**Subject:** Super Shuttle for NACOLE Conference

Good morning POB Members:

The City of Albuquerque will not be paying for rental cars in California. Here is the information for you to book your own shuttle: <http://www.supershuttle.com/>

If you choose to purchase a rental car with your own money, you must notify us so we can alert City Risk Management.

Please let me know if you have questions.

Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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:** Edward Harness  
**To:** Contreras, Michelle; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown; McDermott, Diane L.; Davidson, Christopher; Skotchdopole, Paul A.; O'Neil, Erin  
**Subject:** RE: Super Shuttle for NACOLE Conference  
**Date:** Tuesday, September 29, 2015 8:53:39 AM

---

Good Morning: It looks like there will be 3 of us arriving from Phoenix at 12:40 on Sunday. Unless, I hear differently I will make a reservation on Supershuttle for 3 at the close of business today.

Edward W. Harness  
Attorney & Counselor at Law  
[REDACTED]  
Milwaukee, WI 53202  
Call, Text, or Fax 1-877-243-9184

SuperLawyers WI Rising Star 2008-2010  
Milwaukee's Lifestyle Magazine Highest Rated Attorneys 2012 - 2015

<https://twitter.com/VetBenefitsAtty>  
<https://www.facebook.com/veteranbenefitshelpcenter>

THE INFORMATION CONTAINED IN THIS MESSAGE IS PERSONAL, CONFIDENTIAL AND MAY BE PRIVILEGED COMMUNICATION, IT IS SOLELY FOR THE ABOVE LISTED RECIPIENT(S). IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY THE SENDER AND IMMEDIATELY DESTROY AND DISPOSE OF THIS MESSAGE, THANK YOU!

---

From: mcontreras@cabq.gov  
To: cabq.pob.mohr@gmail.com; dzt3@juno.com; cabq.pob.cruz@gmail.com; jvbaca.pob@gmail.com; jswilsonpob@outlook.com; joannefine413@gmail.com; phamason.lw@gmail.com; amadomccoy.pob@gmail.com; sbrownpob@gmail.com; dmcdermott@cabq.gov; christopherdavidson@cabq.gov; pskotchdopole@cabq.gov; eoneil@cabq.gov; ed\_harness@live.com  
Subject: RE: Super Shuttle for NACOLE Conference  
Date: Wed, 23 Sep 2015 16:54:43 +0000

Good morning,

If you are taking the SuperShuttle from the Airport to your hotel, they are usually readily available at the airport. The cost of the Supershuttle is \$39.00 for the first passenger and \$9.00 for each additional. They take cash and Credit Cards. You can also go to their website at <http://www.supershuttle.com/> and reserve your spot in advance. I spoke with a

M004708

representative at Supershuttle, and they confirmed that reservations are recommended but not required.

In the event there is no Supershuttle at the airport when you arrive, there is a Kiosk that you can utilize to call for a ride. I have confirmed with both the Mission Inn Hotel and the Marriott Riverside at the Convention Center that the SuperShuttle does pick up and drop off at their hotels.

There is also taxi service available.

If you have questions, please let me know.

Thanks.

Michelle

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**From:** Contreras, Michelle  
**Sent:** Tuesday, July 28, 2015 8:47 AM  
**To:** Beth Mohr; David Z. Ring; Eric H. Cruz; Jeannette Baca; Jeffery Scott Wilson; Joanne Fine; Leonard Waites (phamason.lw@gmail.com); Moira Amado-McCoy; Susanne Brown  
**Cc:** Hammer, Robin  
**Subject:** Super Shuttle for NACOLE Conference

Good morning POB Members:

The City of Albuquerque will not be paying for rental cars in California. Here is the information for you to book your own shuttle: <http://www.supershuttle.com/>

If you choose to purchase a rental car with your own money, you must notify us so we can alert City Risk Management.

Please let me know if you have questions.

Michelle

**Michelle Contreras**  
Senior Administrative Assistant  
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:** Contreras, Michelle  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown; McDermott, Diane L.; Davidson, Christopher; Skotchdopole, Paul A.; O'Neil, Erin; "Edward Harness"  
**Subject:** RE: Super Shuttle for NACOLE Conference  
**Date:** Wednesday, September 23, 2015 10:54:50 AM

---

Good morning,

If you are taking the SuperShuttle from the Airport to your hotel, they are usually readily available at the airport. The cost of the Supershuttle is \$39.00 for the first passenger and \$9.00 for each additional. They take cash and Credit Cards. You can also go to their website at <http://www.supershuttle.com/> and reserve your spot in advance. I spoke with a representative at Supershuttle, and they confirmed that reservations are recommended but not required.

In the event there is no Supershuttle at the airport when you arrive, there is a Kiosk that you can utilize to call for a ride. I have confirmed with both the Mission Inn Hotel and the Marriott Riverside at the Convention Center that the SuperShuttle does pick up and drop off at their hotels.

There is also taxi service available.

If you have questions, please let me know.

Thanks.  
Michelle

---

**From:** Contreras, Michelle  
**Sent:** Tuesday, July 28, 2015 8:47 AM  
**To:** Beth Mohr; David Z. Ring; Eric H. Cruz; Jeannette Baca; Jeffery Scott Wilson; Joanne Fine; Leonard Waites (phamason.lw@gmail.com); Moira Amado-McCoy; Susanne Brown  
**Cc:** Hammer, Robin  
**Subject:** Super Shuttle for NACOLE Conference

Good morning POB Members:

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If you choose to purchase a rental car with your own money, you must notify us so we can alert City Risk Management.

Please let me know if you have questions.

Michelle

**Michelle Contreras**  
Senior Administrative Assistant

M004710

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:** [Silvio Dell'Angela](#)  
**To:** [POB](#)  
**Cc:** [pmr1nc@mac.com](mailto:pmr1nc@mac.com); "Elizabeth Martinez"; [Garduno, Rey](#)  
**Subject:** RE: TODAY'S-Aug 4 - A special meeting of POB as to reviewing applicants for ED  
**Date:** Tuesday, August 04, 2015 10:39:24 AM

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**TO: POB**

**Info: others shown and not shown**

I thought your POB did this review at their executive session without the public following your last meeting. Since current EO Robin Hammer was not interviewed, I assume she is not being considered for the job.

Your selection is a no-brainer. After the interviews of the five only Jay Rowland is qualified- demonstrated any knowledge of what this job requires, what are the issues ("Garrity" Supreme Court ruling and others) in having credible police accountability- and not having the Agency be a sham again. APD is likely afraid of Jay.

Another "closed discussion?". Why? Only Jay's name should be sent to the Council. Don't let them pick someone else that is unqualified but will do APD's and the Mayor's bidding.

Silvio

## August 4, 2015 Special Meeting of the Police Oversight Board

### Special Meeting to Review Executive Director Applications ????

#### When

Aug 04, 2015 05:00 PM - 08:00 PM

#### Where

Vincent E. Griegos City Council Chambers  
Basement, One Civic Plaza  
Albuquerque, NM 87102

#### Description

## AGENDA

Tuesday, August 4, 2015 – 5:00 PM

Vincent E. Griego Chambers

I. Welcome & Call to Order ~ Leonard Waites, Chair

II. Pledge of Allegiance ~ Dr. David Ring

III. Approval of the Agenda

IV. Approval of Minutes

V. Public Comments

VI. Executive Session re: Personnel Issues to discuss selection of Executive Director applications ~

Closed Discussion and Action re: Section of Executive Director Applications- You did this already

Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2) ????

VII. Selection and ranking of three names (ridiculous-already done) of Candidates to forward to City Council for their review and approval

VIII. Other Business

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

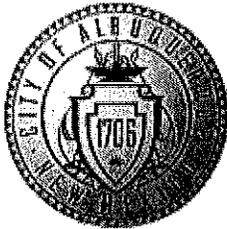
**From:** Romero, Annabelle J. on behalf of Office of Diversity and Human Rights  
**To:** "Silvio Dell'Angela"  
**Cc:** stop\_police\_violence\_in\_abq-request@lists.riseup.net; Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; POB; Nmmoon2004@aol.com; Office of Diversity and Human Rights; Eden, Gorden; Moses, Karen  
**Subject:** RE: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?  
**Date:** Tuesday, July 28, 2015 4:18:36 PM

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I invite you to learn more about the Albuquerque Collaborative on Police Community Relations by reading the Phase One Report at the following link  
<https://www.cabq.gov/mayor/police-outreach/phase-one-report>.

Please note that the Albuquerque Collaborative on Police Community Relations effort was specifically intended to gain the Community's perspective on what issues are most important and what solutions the Community might suggest.

ANNABELLE J. ROMERO  
*Deputy Director, Office of Diversity and Human Rights*  
City of Albuquerque, New Mexico  
Office 505-768-3307 / Fax 505-768-4655 / v/tty 800-659-8331  
[aromero@cabq.gov](mailto:aromero@cabq.gov) / [www.cabq.gov](http://www.cabq.gov)



**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Tuesday, July 28, 2015 11:54 AM  
**To:** Romero, Annabelle J.  
**Cc:** stop\_police\_violence\_in\_abq-request@lists.riseup.net; Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; POB; Nmmoon2004@aol.com; Office of Diversity and Human Rights; Eden, Gorden; Moses, Karen  
**Subject:** FW: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?

Annabelle

Do you plan to respond or are the answers to my questions too embarrassing?

M004714

**Silvio**

---

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Monday, July 27, 2015 5:12 PM

**To:** 'aromero@cabq.gov'

**Cc:** 'mcruz@hearst.com'; 'stop\_police\_violence\_in\_abq@lists.riseup.net'; 'cespinoza@cabq.gov'; 'ttixler@cabq.gov'; 'pmrinc@mac.com'; 'Eden, Gorden'; 'POB@cabq.gov'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'Bill Rehm'; 'lisa.torraco@nmlegis.gov'; 'kbrandenburg@da2nd.state.nm.us'; 'pmrinc@mac.com'; 'Mayor Berry'

**Subject:** RE: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?

**Annabelle**

**Info those shown and not shown including many neighborhood leaders. I await your response to my questions below.**

**Related to this matter was last night's story by KOAT's reporter Megan Cruz below showing that those interviewed mentioned only superficial-merely "interesting" proposed changes. My comments to it are highlighted below.**

**Among the info I asked for below is just who were those involved in these "22 dialogues" that you mentioned in your invite below? You should have a record of them and when they occurred**

**I await your response. Thank you**

**Silvio**

**For WE THE PEOPLE**

**296 3241**

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**"Residents spearhead change in APD Community policing councils provide**

M004715

***new suggestions-updated 7:12 AM MDT Jul 27, 2015***

**ALBUQUERQUE, N.M.** —A major overhaul is in full swing for Albuquerque police. Last year, the Department of Justice found APD had a pattern of deadly force and ordered several changes, including a push for APD to be more community-oriented. To Michael Mora, that means, "doing more within the neighborhood." APD agreed, so it created what's called "community policing councils" across the city to find out what people think the department needs to change. Police said residents have already come up with some pretty interesting ideas." Just "interesting"? How about more than just interesting ideas like APD not editing and releasing full recordings of officers acts of excessive force including shootings rather than stonewalling NM IPRA requests? How about holding the far too many bad cops and their bad leadership accountable by charging and firing them? How about giving the citizens' Police Oversight Board real power? How about putting meaningful information into the current meaningless reports issued by Robin Hammer for the new Police Oversight Agency? Today's Journal article documenting the \$13k taxpayers spent to send not one-but four Cultural Services employees to an April Jazz Fest in New Orleans while running up lavish expenditures there that was first reported in a April or May KRQE story-a trip the four failed to report. Today's article also mentions two trips by Councilor Benton to attend conferences on civilian oversight-I assume the meetings were hosted by NACOLE. Apparently no changes to our weak oversight process resulted from those conferences after he came back. How about putting dash-cams back in APD vehicles. Mayor Chavez had them removed after they captured too much incriminating information shown on the "COPS" TV show that he also banned? How about clarifying the limitations of "privileged immunity" for officers really means? How about clarifying the limited protections offered officers by the 1967 Garrity vs. Supreme Court ruling as the DOJ did following their investigation of the Seattle PD. See page 1 of their letter attached. How about implementing the changes proposed by APD Forward in the Amicus Curiae sent to Judge Brack on 1/14/15 that Brack ignored? See page 1 attached "First, people said they thought the tint on some APD patrol cars was too dark. "You can't see the police officer inside," said Albuquerque resident Robert Page. He said when you can't see the officer inside, it's hard to get to know who is patrolling the neighborhood."You know, you can't wave or smile at them, you have no idea and you miss that chance to interact," said APD spokesperson Celina Espinoza." APD officer Celina Espinoza who was interviewed has thus far been an embarrassing spokesperson for APD as has Tanner Tixier-the former partner/accomplice of trigger happy and never make recordings cop Jeremy Dear in the murder of Mary Hawkes. We are getting tired of hearing from both. "So APD measured the tints on all their car windows. It actually found some were too dark, so those windows are being fixed at the officers' expense. Why were the window tinted by the officers in the first place-something known by their leadership? "Another suggestion had to do with the department motto on the cars. Instead of "In Step With Our Community," residents requested "To Protect and Serve. APD officials said they think that's a "pretty good idea" too so the motto will change on the vehicles next year." Why wait until next year? I suggested this change numerous times to APD beginning in 2011. Previously all APD vehicles had "To Protect and Serve" on them but this was changed. Many believe because of their oppressive blue code of silence that punishes honest officers, the only "Community" APD has

been in step with has been their own-the reason for the DOJ investigation. Further the new almost black \$40K Dodge Charger low reliability muscle cars don't even have a slogan on them. Any slogan means nothing if only there for PR purposes if APD ignores it-doesn't walk the talk. I also recommended why did APD not keep all of the APD cars white as were those earlier vehicles bought? At a Council meeting SW Mesa leader Louie Tafoya was also openly critical of the change to the black color but like me was ignored. Was the old white color not deemed intimidating enough by then Chief Schulz? *"So while the top brass make a lot of huge reforms,"* What "huge reforms"? *"the department wants you to know the little things matter, too."* *"We can't transform the community ourselves," said Espinoza.* APD'S job is not to transform the community but to transform themselves and now serve and protect the community.

---

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Sunday, July 26, 2015 6:50 PM

**To:** 'aromero@cabq.gov'

**Cc:** 'Nmmoon2004@aol.com'; 'ilsebiel@icloud.com'; 'stop\_police\_violence\_in\_abq@lists.riseup.net'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'Elizabeth Martinez'; 'Damon Martinez'; 'Vanita.Gupta@usdoj.gov'; 'Eden, Gorden'

**Subject:** RE: [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

**Annabelle**

Some added comments-questions.

It seems kind of late to invite we-the people to now "collaborate" after the words of the DOJ agreement defining its limitations and the limitations of the monitoring team have already been put in concrete. Not stated by you are the specific goals, what is the agenda and just what powers this "action planning session" of the Albuquerque Collaborative on Police Community Relations really has.

You mention 22 community dialogues already held. I'm not aware of any of them but only one public meeting hosted by Dr. James Ginger.

Shouldn't the city website post the minutes of these 22 dialogues? Just what is to be determined during these Community Education, APD/Community Communication & Collaboration sessions?

More importantly, to what extent with this third group have any real influence over any "improvements to APD" since it was made quite clear to all including our City Councilors that the monitoring team PMR Inc. work for only those in the DOJ and Federal Judge Brack and have no obligation to listen to the Councilors or we-the people who they are supposed to represent.

The Councilors have been willing bystanders in the whole reform process thus far and have essentially ignored what changes to APD we have demanded.

Nor is consultant Scott Greenwood-and if still involved, his partner Tom Streicher obligated to

comply with our demands but only to the wishes of the Mayor who contracted for their work over our objections.

Further, will local NAACP boss-now another of the Mayor's consultants- Harold Bailey be involved and if so, how?

It begs a question of skeptics like me whether this is just another Mayor Berry public relations ploy to give the illusion of real citizen involvement in the reform.

As the saying goes-fool me once-shame on you. Fool me twice-shame on me.

More specifics/details are needed Annabelle. I'm sure you have them to prove we will not be wasting our time if we choose to volunteer.

Thank you

Silvio  
For WE THE PEOPLE

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**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] **On Behalf Of** Silvio Dell'Angela  
**Sent:** Saturday, July 25, 2015 1:23 PM  
**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)  
**Subject:** RE: [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

Thanks

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**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] **On Behalf Of** Ilse Biel  
**Sent:** Saturday, July 25, 2015 12:38 PM  
**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)  
**Subject:** [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

Begin forwarded message:

**From:** [dono248@aol.com](mailto:dono248@aol.com)  
**Subject:** Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning  
**Date:** 25 July 2015 at 12:34:07 GMT-6  
**To:** [ilsebiel@icloud.com](mailto:ilsebiel@icloud.com)

Ilse

Would you want to post this to the STOP list serve ?Hoping we can get more attendees from a broader spectrum of our ABQ population, including homeless.....

LD

-----Original Message-----

From: nmmoon2004 <[nmmoon2004@aol.com](mailto:nmmoon2004@aol.com)>

To: dono248 <[dono248@aol.com](mailto:dono248@aol.com)>

Sent: Fri, Jul 24, 2015 10:59 pm

Subject: Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

-----Original Message-----

From: Romero, Annabelle J. <[aromero@cabq.gov](mailto:aromero@cabq.gov)>

Sent: Fri, Jul 24, 2015 7:12 pm

Subject: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

**Attached is an invitation to participate in an action planning session of the Albuquerque Collaborative on Police Community Relations. The outcome of the 22 community dialogues conducted in the past year resulted in recommendations that fell into three major categories, Community Education, APD/Community Communication & Collaboration, and Improvements to APD. If you wish to participate in and work on the action planning of the category of your choice as referenced you must register on line at <http://www.cabq.gov/mayor/police-outreach/community-outreach-meetings-application>.**

**The courtesy of a response is required no later than Monday, August 3, 2015 to ensure enough food is ordered for everyone. RSVP by responding to this email or calling 505-768-4712.**

**For more information or if you are a person with a disability and require a reasonable accommodation to observe or participate in this meeting, please contact Ms. Shannon Triplett as soon as possible at 505-768-4712 or email at [odhr@cabq.gov](mailto:odhr@cabq.gov).**

ANNABELLE J. ROMERO

*Deputy Director, Office of Diversity and Human Rights*

City of Albuquerque, New Mexico

Office 505-768-3307 / Fax 505-768-4655 / v/tty 800-659-8331

[aromero@cabq.gov](mailto:aromero@cabq.gov) / [www.cabq.gov](http://www.cabq.gov)

**From:** Silvio Dell'Angela  
**To:** Office of Diversity and Human Rights; Office of Diversity and Human Rights  
**Cc:** Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; Vanita.Gupta@usdoj.gov; "Board of Regents" Office"; Eden, Gordon; Mayor Berry  
**Subject:** RE: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?  
**Date:** Tuesday, July 28, 2015 7:58:26 PM

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Annabelle

I did a cursory review of the lengthy UNM document posted on the website regarding Phase I effort that allegedly began on October 27, 2014 and lasted until June 6, 2015.

This Collaborative study directed by the City Council (who unfortunately thus far has shown no real interest in real reform and involvement in the negotiation process with the DOJ), was seemingly assigned/contracted to the wrong people-your office and to UNM.

Much like tasking some unqualified but apparently needing work researchers at UNM to do a study on proper use of APD recorders that apparently has not yet been completed, it is questionable now that the good folks at UNM's Institute of Social Research had any more competence in evaluating just what were the key priorities in police reform are here.

Note in the charts in this Phase I report that that police accountability 3.4% and administrative /leadership changes-4.5% and transparency-3.1% were given low priorities although these are the key elements in any police reform. It demonstrates the UNM facilitators lack of knowledge.

A lot of taxpayers' dollars could have been saved on the APD recorder study by merely adopting the policies in Rialto, California or in an another US city where SOPs were in place and there was zero tolerance on rogue officers like killer cop Jeremy Dear and his partner Tanner Tixier who don't record.

UNM has never been involved in offering reform remedies, thus, as this Phase I study document shows, those from UNM running it clearly lacked the expertise in evaluating what's are the real problems and solutions.

We who have been deeply involved since the APD bloodbath that began in earnest under our still in hiding-MIA Mayor Berry and Chief Schultz know the tough decisions that have to be made to clean up the cesspool in APD. Chief Eden has no clue or is unwilling to do any reform.

As asked for no names of participants during the Phase I effort are listed in the report. It appears that much like the earlier APD recorder study given to UNM, this \$150,000 one was

M004720

just a reward for UNM's support of the Mayor's "Innovate ABQ" and did not seek the most qualified people to do this community outreach effort.

UNM recently embarrassed itself when first firing outspoken APS Board member Kathy Korte for daring to criticize-call a well connected NM legislator a traitor for betraying his and her constituents and her criticism of the Governor's seemingly questionable APS testing policy. Kathy had to be shut up and every effort done to make sure she was not re-elected. The power brokers succeeded.

Further the UNM Law School's acceptance of an APD (screw around on his wife) fired APD cop with a checkered past that included escaping a murder charge of his wife and his alleged false claims of a his stolen truck found in Mexico with his keys also showed where UNM's leadership lies and it's not with the people. This was also disappointing to all.

We citizens would have been better served if honest retired APD officers like Dan Klein, Tom Grover, Paul Heh, Sam Costales and others were contracted to conduct these 22 sparsely attended "dialogues" many scheduled during working hours. They knew where the skeletons in APD were.

This outreach effort was modeled after those done in Cincinnati where it took seven long years after the DOJ's investigation of their police department to accomplish any meaningful reform.

Why would anyone except the naïve volunteer to serve on this next Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning effort?

A reading of your referenced Phase One Report seems to confirm that nothing meaningful will come from their efforts. Sorry for my skepticism. I won't be part of this charade!

Silvio

For WE THE PEOPLE

**From:** Romero, Annabelle J. [<mailto:aromero@cabq.gov>] **On Behalf Of** Office of Diversity and Human Rights

**Sent:** Tuesday, July 28, 2015 4:12 PM

**To:** 'Silvio Dell'Angela'

**Cc:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net); Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; POB; [Nmmoon2004@aol.com](mailto:Nmmoon2004@aol.com); Office of Diversity and Human Rights; Eden, Gordon; Moses, Karen

**Subject:** RE: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?

**I invite you to learn more about the Albuquerque Collaborative on Police Community Relations by reading the Phase One Report at the following link**  
**<https://www.cabq.gov/mayor/police-outreach/phase-one-report>**

Please note that the Albuquerque Collaborative on Police Community Relations effort was specifically intended to gain the Community's perspective on what issues are most important and what solutions the Community might suggest.

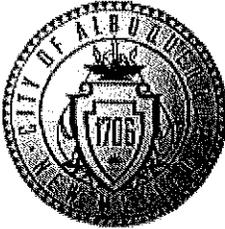
ANNABELLE J. ROMERO

*Deputy Director, Office of Diversity and Human Rights*

City of Albuquerque, New Mexico

Office 505-768-3307 / Fax 505-768-4655 / v/tty 800-659-8331

[aromero@cabq.gov](mailto:aromero@cabq.gov) / [www.cabq.gov](http://www.cabq.gov)



---

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Tuesday, July 28, 2015 11:54 AM

**To:** Romero, Annabelle J.

**Cc:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net); Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; POB; [Nmmoon2004@aol.com](mailto:Nmmoon2004@aol.com); Office of Diversity and Human Rights; Eden, Gorden; Moses, Karen

**Subject:** FW: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?

Annabelle

Do you plan to respond or are the answers to my questions too embarrassing?

Silvio

---

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Monday, July 27, 2015 5:12 PM

**To:** 'aromero@cabq.gov'

**Cc:** 'mcruz@hearst.com'; 'stop\_police\_violence\_in\_abq@lists.riseup.net'; 'cespinoza@cabq.gov'; 'ttixler@cabq.gov'; 'pmrinc@mac.com'; 'Eden, Gorden'; 'POB@cabq.gov'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'Bill Rehm'; 'lisa.torraco@nmlegis.gov'; 'kbrandenburg@da2nd.state.nm.us'; 'pmrinc@mac.com'; 'Mayor Berry'

**Subject:** RE: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?

Annabelle

Info those shown and not shown including many neighborhood leaders. I await your response to

M004722

my questions below.

Related to this matter was last night's story by KOAT's reporter Megan Cruz below showing that those interviewed mentioned only superficial-merely "interesting" proposed changes. My comments to it are highlighted below.

Among the info I asked for below is just who were those involved in these "22 dialogues" that you mentioned in your invite below? You should have a record of them and when they occurred

I await your response. Thank you

Silvio

For WE THE PEOPLE

296 3241

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***"Residents spearhead change in APD Community policing councils provide new suggestions-updated 7:12 AM MDT Jul 27, 2015***

**ALBUQUERQUE, N.M.** —A major overhaul is in full swing for Albuquerque police. Last year, the Department of Justice found APD had a pattern of deadly force and ordered several changes, including a push for APD to be more community-oriented. To Michael Mora, that means, "doing more within the neighborhood." APD agreed, so it created what's called "community policing councils" across the city to find out what people think the department needs to change. Police said residents have already come up with some pretty interesting ideas." Just "interesting"? How about more than just interesting ideas like APD not editing and releasing full recordings of officers acts of excessive force including shootings rather than stonewalling NM IPRA requests? How about holding the far too many bad cops and their bad leadership accountable by charging and firing them? How about giving the citizens' Police Oversight Board real power? How about putting meaningful information into the current meaningless reports issued by Robin Hammer for the new Police Oversight Agency? Today's Journal article documenting the \$13k taxpayers spent to send not one-

but four Cultural Services employees to an April Jazz Fest in New Orleans while running up lavish expenditures there that was first reported in a April or May KRQE story-a trip the four failed to report. Today's article also mentions two trips by Councilor Benton to attend conferences on civilian oversight-I assume the meetings were hosted by NACOLE. Apparently no changes to our weak oversight process resulted from those conferences after he came back. How about putting dash-cams back in APD vehicles. Mayor Chavez had them removed after they captured too much incriminating information shown on the "COPS" TV show that he also banned? How about clarifying the limitations of "privileged immunity" for officers really means? How about clarifying the limited protections offered officers by the 1967 Garrity vs. Supreme Court ruling as the DOJ did following their investigation of the Seattle PD. See page 1 of their letter attached. How about implementing the changes proposed by APD Forward in the Amicus Curiae sent to Judge Brack on 1/14/15 that Brack ignored? See page 1 attached *"First, people said they thought the tint on some APD patrol cars was too dark. "You can't see the police officer inside," said Albuquerque resident Robert Page. He said when you can't see the officer inside, it's hard to get to know who is patrolling the neighborhood. "You know, you can't wave or smile at them, you have no idea and you miss that chance to interact," said APD spokesperson Celina Espinoza."* APD officer Celina Espinoza who was interviewed has thus far been an embarrassing spokesperson for APD as has Tanner Tixier-the former partner/accomplice of trigger happy and never make recordings cop Jeremy Dear in the murder of Mary Hawkes. We are getting tired of hearing from both. *"So APD measured the tints on all their car windows. It actually found some were too dark, so those windows are being fixed at the officers' expense. Why were the window tinted by the officers in the first place-something known by their leadership? "Another suggestion had to do with the department motto on the cars. Instead of "In Step With Our Community," residents requested "To Protect and Serve. APD officials said they think that's a "pretty good idea" too so the motto will change on the vehicles next year."* Why wait until next year? I suggested this change numerous times to APD beginning in 2011. Previously all APD vehicles had "To Protect and Serve" on them but this was changed. Many believe because of their oppressive blue code of silence that punishes honest officers, the only "Community" APD has been in step with has been their own-the reason for the DOJ investigation. Further the new almost black \$40K Dodge Charger low reliability muscle cars don't even have a slogan on them. Any slogan means nothing if only there for PR purposes if APD ignores it-doesn't walk the talk. I also recommended why did APD not keep all of the APD cars white as were those earlier vehicles bought? At a Council meeting SW Mesa leader Louie Tafoya was also openly critical of the change to the black color but like me was ignored. Was the old white color not deemed intimidating enough by then Chief Schulz? *"So while the top brass make a lot of huge reforms,"* What "huge reforms"? *"the department wants you to know the little things matter, too."* *"We can't transform the community ourselves," said Espinoza.* APD'S job is not to transform the community but to transform themselves and now serve and protect the community.

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Sunday, July 26, 2015 6:50 PM

**To:** 'aromero@cabq.gov'

**Cc:** 'Nmmoon2004@aol.com'; 'ilsebiel@icloud.com'; 'stop\_police\_violence\_in\_abq@lists.riseup.net';

'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov';  
'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov';  
'danlewis@cabq.gov'; 'Elizabeth Martinez'; 'Damon Martinez'; 'Vanita.Gupta@usdoj.gov'; 'Eden, Gorden'  
**Subject:** RE: [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations  
Phase 2 Event 2 Action Planning

**Annabelle**

Some added comments-questions.

It seems kind of late to invite we-the people to now “collaborate” after the words of the DOJ agreement defining its limitations and the limitations of the monitoring team have already been put in concrete. Not stated by you are the specific goals, what is the agenda and just what powers this “action planning session” of the Albuquerque Collaborative on Police Community Relations really has.

You mention 22 community dialogues already held. I’m not aware of any of them but only one public meeting hosted by Dr. James Ginger.

Shouldn’t the city website post the minutes of these 22 dialogues? Just what is to be determined during these Community Education, APD/Community Communication & Collaboration sessions?

More importantly, to what extent with this third group have any real influence over any “improvements to APD” since it was made quite clear to all including our City Councilors that the monitoring team PMR Inc. work for only those in the DOJ and Federal Judge Brack and have no obligation to listen to the Councilors or we-the people who they are supposed to represent.

The Councilors have been willing bystanders in the whole reform process thus far and have essentially ignored what changes to APD we have demanded.

Nor is consultant Scott Greenwood-and if still involved, his partner Tom Streicher obligated to comply with our demands but only to the wishes of the Mayor who contracted for their work over our objections.

Further, will local NAACP boss-now another of the Mayor’s consultants- Harold Bailey be involved and if so, how?

It begs a question of skeptics like me whether this is just another Mayor Berry public relations ploy to give the illusion of real citizen involvement in the reform.

As the saying goes-fool me once-shame on you. Fool me twice-shame on me.

More specifics/details are needed Annabelle. I’m sure you have them to prove we will not be wasting our time if we choose to volunteer.

Thank you

Silvio  
For WE THE PEOPLE

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**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] **On Behalf Of** Silvio Dell'Angela  
**Sent:** Saturday, July 25, 2015 1:23 PM  
**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)  
**Subject:** RE: [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

Thanks

---

**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] **On Behalf Of** Ilse Biel  
**Sent:** Saturday, July 25, 2015 12:38 PM  
**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)  
**Subject:** [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

Begin forwarded message:

**From:** [dono248@aol.com](mailto:dono248@aol.com)  
**Subject:** Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning  
**Date:** 25 July 2015 at 12:34:07 GMT-6  
**To:** [ilsebiel@icloud.com](mailto:ilsebiel@icloud.com)

Ilse

Would you want to post this to the STOP list serve ?Hoping we can get more attendees from a broader spectrum of our ABQ population, including homeless.....

LD

-----Original Message-----

**From:** nmmoon2004 <[nmmoon2004@aol.com](mailto:nmmoon2004@aol.com)>  
**To:** dono248 <[dono248@aol.com](mailto:dono248@aol.com)>  
**Sent:** Fri, Jul 24, 2015 10:59 pm  
**Subject:** Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

-----Original Message-----

**From:** Romero, Annabelle J. <[aromero@cabq.gov](mailto:aromero@cabq.gov)>  
**Sent:** Fri, Jul 24, 2015 7:12 pm  
**Subject:** INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

**Attached is an invitation to participate in an action planning session of the Albuquerque Collaborative on Police Community Relations. The outcome of the 22 community dialogues conducted in the past year resulted in recommendations that fell into three**

M004726

major categories, Community Education, APD/Community Communication & Collaboration, and Improvements to APD. If you wish to participate in and work on the action planning of the category of your choice as referenced you must register on line at <http://www.cabq.gov/mayor/police-outreach/community-outreach-meetings-application>.

The courtesy of a response is required no later than Monday, August 3, 2015 to ensure enough food is ordered for everyone. RSVP by responding to this email or calling 505-768-4712.

For more information or if you are a person with a disability and require a reasonable accommodation to observe or participate in this meeting, please contact Ms. Shannon Triplett as soon as possible at 505-768-4712 or email at [odhr@cabq.gov](mailto:odhr@cabq.gov).

ANNABELLE J. ROMERO

*Deputy Director, Office of Diversity and Human Rights*

City of Albuquerque, New Mexico

Office 505-768-3307 / Fax 505-768-4655 / v/tty 800-659-8331

[aromero@cabq.gov](mailto:aromero@cabq.gov) / [www.cabq.gov](http://www.cabq.gov)

**From:** Hammer, Robin  
**To:** Davila, Natalee Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Bullock, Nicholas; Mark T. Baker; Contreras, Michelle; Davidson, Christopher; 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:** RE: Thursday, August 13, 2015 Police Oversight Board Meeting-Cancelled  
**Date:** Monday, August 10, 2015 1:43:07 PM

---

Please note the date of the cancelled POB meeting is Thursday, August 13, 2015, not today, 8/10/13.

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  
**Sent:** Monday, August 10, 2015 1:37 PM  
**To:** Davila, Natalee Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Bullock, Nicholas; Mark T. Baker; 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:** Thursday, August 13, 2015 Police Oversight Board Meeting-Cancelled

Police Oversight Board Chair Leonard Waites has cancelled this Thursday's Police Oversight Board Meeting, previously scheduled for August 10, 2015 at 4 pm. The next regularly scheduled Police Oversight Board meeting is Thursday, September 10, 2015 at 4 pm.

**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 Mohr; Hults, Samantha M.; Joanne Fine; Eric H. Cruz  
**Subject:** RE: Timing of Agendas  
**Date:** Monday, July 20, 2015 2:15:51 PM

---

Beth,

I was out of the office for a portion of this morning on sick leave dealing my daughter's broken foot. I had intended to contact you about the Personnel Agenda after lunch today. You sent it at 1:09 pm. I did not contact you about the Personnel Agenda after lunch, because you had already sent it to me.

Michelle and Paul will post the Agenda this afternoon.

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>

**From:** Beth Mohr [mailto:[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)]  
**Sent:** Monday, July 20, 2015 2:00 PM  
**To:** Hammer, Robin; Hults, Samantha M.; Joanne Fine; Eric H. Cruz  
**Subject:** Timing of Agendas

Ms. Hammer,

Per your agreement, five days before any meeting which required the posing of an agenda, you were to contact the Committee Chair and request the agenda. I would have expected that from you today, but it was not forthcoming. -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.

M004729

**From:** [Hammer, Robin](#)  
**To:** [Joanne Fine](#)  
**Subject:** RE: Training on Ordinance and Settlement Agreement  
**Date:** Thursday, August 20, 2015 1:43:50 PM

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Thank you. I'll note this in our records.  
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:** joannefine413 [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Thursday, August 20, 2015 11:17 AM  
**To:** Hammer, Robin  
**Subject:** Fwd: Training on Ordinance and Settlement Agreement

Finished Mark's training on the Ordinance and the Settlement Agreement. FYI.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>  
**Date:** 08/10/2015 11:58 PM (GMT-07:00)  
**To:** Mark Baker <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>  
**Subject:** Training on Ordinance and Settlement Agreement

I just finished your training which I missed while I was out of town. Thank you. It was very enlightening. I wonder if someone on your staff can send me the outline of the slides for my reference. No need to do anything fancy or expensive. I just want the slide content. A black and white handout version would be just fine. Or, just send me the file and I can print it.

Thank you so much.  
Joanne

--

Joanne Fine  
Police Oversight Board Member

**From:** [Contreras, Michelle](#)  
**To:** [Joanne Fine](#)  
**Cc:** [Hammer, Robin](#)  
**Subject:** RE: Travelling to NACOLE  
**Date:** Monday, July 06, 2015 4:38:28 PM

---

Yes. I did have you down as not attending. I do apologize for the email.

Michelle

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Monday, July 06, 2015 4:38 PM  
**To:** Contreras, Michelle  
**Subject:** Re: Traveling to NACOLE

I cannot attend NACOLE this year. I will be in NYC.

Joanne Fine

[I am a volunteer working on the ABQ Police Oversight Board. I welcome all messages about our work. Those that include obscenities or lack civility will not be read. Thank you.]

On Jul 6, 2015 4:31 PM, "Contreras, Michelle" <[mcontreras@cabq.gov](mailto:mcontreras@cabq.gov)> wrote:  
Dear POB Members;

The City has implemented a new centralized system to arrange for travel. This new system requires me to enter in each of your home or mailing addresses and birthdays. Please call me at your earliest convenience to provide me this information. I would prefer to do it over the phone, so you are not emailing your dates of birth. I cannot register you for the NACOLE conference or arrange for your travel until I have this information.

Please call me if you have questions. My direct line is [REDACTED] If you prefer, you can provide me this information at Thursday's meeting.

Thank you.  
Michelle Contreras

**Michelle Contreras**

Senior Administrative Assistant  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
[\(505\) 924-3770](tel:(505)924-3770)  
Fax: [\(505\) 924-3775](tel:(505)924-3775)  
<http://www.cabq.gov/cpoa>

**From:** [Contreras, Michelle](#)  
**To:** [Joanne Fine](#)  
**Subject:** RE: Traveling to NACOLE  
**Date:** Monday, July 06, 2015 4:39:58 PM

---

Have a good evening.

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Monday, July 06, 2015 4:39 PM  
**To:** Contreras, Michelle  
**Subject:** RE: Traveling to NACOLE

No problem, Michele.

Joanne Fine

[I am a volunteer working on the ABQ Police Oversight Board. I welcome all messages about our work. Those that include obscenities or lack civility will not be read. Thank you.]

On Jul 6, 2015 4:38 PM, "Contreras, Michelle" <[mcontreras@cabq.gov](mailto:mcontreras@cabq.gov)> wrote:  
Yes. I did have you down as not attending. I do apologize for the email.

Michelle

**From:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Monday, July 06, 2015 4:38 PM  
**To:** Contreras, Michelle  
**Subject:** Re: Traveling to NACOLE

I cannot attend NACOLE this year. I will be in NYC.

Joanne Fine

[I am a volunteer working on the ABQ Police Oversight Board. I welcome all messages about our work. Those that include obscenities or lack civility will not be read. Thank you.]

On Jul 6, 2015 4:31 PM, "Contreras, Michelle" <[mcontreras@cabq.gov](mailto:mcontreras@cabq.gov)> wrote:  
Dear POB Members;

The City has implemented a new centralized system to arrange for travel. This new system requires me to enter in each of your home or mailing addresses and birthdays. Please call me at your earliest convenience to provide me this information. I would prefer to do it over the phone, so you are not emailing your dates of birth. I cannot register you for the NACOLE conference or arrange for your travel until I have this information.

Please call me if you have questions. My direct line is 924-3771. If you prefer, you can provide me this information at Thursday's meeting.

Thank you.  
Michelle Contreras

M004732

**Michelle Contreras**

Senior Administrative Assistant  
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:** [Joanne Fine](#)  
**Cc:** "[Leonard Waites \(leonard.waites@yahoo.com\)](#)"; "[Mark Baker](#)"; [Contreras, Michelle](#)  
**Subject:** RE: Video for Mark Baker's June 24 training  
**Date:** Wednesday, July 22, 2015 9:10:28 AM

---

Joanne,

APD notified me today that they have a copy of the DVD ready. We can put a copy in the mail today or have it available for your pick up on Friday at the Personnel Subcommittee meeting.

Please let Michelle know which you prefer.

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:** Joanne Fine [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Tuesday, July 21, 2015 4:08 PM  
**To:** Hammer, Robin  
**Cc:** Leonard Waites ([leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com)); Mark Baker  
**Subject:** Re: Video for Mark Baker's June 24 training

Two weeks and I have to contact you again to ask for an update. And still it is not ready. Why does everything take so long? I have never been on a Board where the responsiveness of the staff was so lax. Disappointed AGAIN. Give me a firm date. When WILL it be ready? How will I get a copy?

On Tue, Jul 21, 2015 at 1:48 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:  
Joanne,

When we checked on the status of the video, we learned that APD's computer crashed in their AV section. We are awaiting APD to make the video version, which should be done late today or early tomorrow. We have an audio version we could send you, but the video version is not ready yet.

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 [mailto:[joannefine413@gmail.com](mailto:joannefine413@gmail.com)]  
**Sent:** Tuesday, July 21, 2015 12:59 PM  
**To:** Hammer, Robin  
**Cc:** Cash, Paul  
**Subject:** RE: Video for Mark Baker's June 24 training

Still waiting for this video. What is holding it up?

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)>  
**Date:** 07/08/2015 3:41 PM (GMT-07:00)  
**To:** Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>  
**Cc:** "Cash, Paul" <[pcash@cabq.gov](mailto:pcash@cabq.gov)>  
**Subject:** Video for Mark Baker's June 24 training

Joanne,

We have just been informed by APD Audio-Visual staff that they are tied up filming a week-long DOJ-mandated training for APD and will not have our video ready until close of business on Tuesday, July 14. We could mail you the video on Tuesday or if you prefer, you could pick it up next time you're near downtown. Let us know what works for you.

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>

--

Joanne Fine  
Police Oversight Board Member

**From:** [Hammer, Robin](#)  
**To:** [Joanne Fine](#)  
**Subject:** RE: Video for Mark Baker's June 24 training  
**Date:** Wednesday, July 22, 2015 11:37:28 AM

---

Thanks.

**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 [mailto:joannefine413@gmail.com]  
**Sent:** Wednesday, July 22, 2015 10:50 AM  
**To:** Hammer, Robin  
**Subject:** RE: Video for Mark Baker's June 24 training

I did. She should bring it to the Personnel Committee MTG on Friday.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)>  
**Date:** 07/22/2015 9:10 AM (GMT-07:00)  
**To:** Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>  
**Cc:** "'Leonard Waites ([leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com))'" <[leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com)>, 'Mark Baker' <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>, "Contreras, Michelle" <[mcontreras@cabq.gov](mailto:mcontreras@cabq.gov)>  
**Subject:** RE: Video for Mark Baker's June 24 training

Joanne,

APD notified me today that they have a copy of the DVD ready. We can put a copy in the mail today or have it available for your pick up on Friday at the Personnel Subcommittee meeting.

Please let Michelle know which you prefer.

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:** Joanne Fine [<mailto:joannefine413@gmail.com>]  
**Sent:** Tuesday, July 21, 2015 4:08 PM  
**To:** Hammer, Robin  
**Cc:** Leonard Waites ([leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com)); Mark Baker  
**Subject:** Re: Video for Mark Baker's June 24 training

Two weeks and I have to contact you again to ask for an update. And still it is not ready. Why does everything take so long? I have never been on a Board where the responsiveness of the staff was so lax. Disappointed AGAIN. Give me a firm date. When WILL it be ready? How will I get a copy?

On Tue, Jul 21, 2015 at 1:48 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:  
Joanne,

When we checked on the status of the video, we learned that APD's computer crashed in their AV section. We are awaiting APD to make the video version, which should be done late today or early tomorrow. We have an audio version we could send you, but the video version is not ready yet.

Thanks,  
Robin

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---

**From:** joannefine413 [<mailto:joannefine413@gmail.com>]  
**Sent:** Tuesday, July 21, 2015 12:59 PM  
**To:** Hammer, Robin  
**Cc:** Cash, Paul  
**Subject:** RE: Video for Mark Baker's June 24 training

Still waiting for this video. What is holding it up?

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)>

Date: 07/08/2015 3:41 PM (GMT-07:00)

To: Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>

Cc: "Cash, Paul" <[pcash@cabq.gov](mailto:pcash@cabq.gov)>

Subject: Video for Mark Baker's June 24 training

Joanne,

We have just been informed by APD Audio-Visual staff that they are tied up filming a week-long DOJ-mandated training for APD and will not have our video ready until close of business on Tuesday, July 14. We could mail you the video on Tuesday or if you prefer, you could pick it up next time you're near downtown. Let us know what works for you.

Thanks,  
Robin

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--

**From:** [Hammer, Robin](#)  
**To:** [Joanne Fine](#)  
**Cc:** [Cash, Paul](#)  
**Subject:** RE: Video for Mark Baker's June 24 training  
**Date:** Tuesday, July 21, 2015 1:53:50 PM

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Joanne,

When we checked on the status of the video, we learned that APD's computer crashed in their AV section. We are awaiting APD to make the video version, which should be done late today or early tomorrow. We have an audio version we could send you, but the video version is not ready yet.

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Robin

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**To:** Hammer, Robin  
**Cc:** Cash, Paul  
**Subject:** RE: Video for Mark Baker's June 24 training

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**Date:** 07/08/2015 3:41 PM (GMT-07:00)  
**To:** Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>  
**Cc:** "Cash, Paul" <[pcash@cabq.gov](mailto:pcash@cabq.gov)>  
**Subject:** Video for Mark Baker's June 24 training

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M004743

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:** [Silvio Dell'Angela](#)  
**To:** [Garduno, Rey](#); [Harris, Don](#); [Pena, Klarissa J.](#); [Gibson, Diane G.](#); [Sanchez, Ken](#); [Benton, Isaac](#); [Winter, Brad D.](#); [Lewis, Dan P.](#)  
**Subject:** RE: Wed. @ CC, on agenda candidates for Police Oversight director  
**Date:** Tuesday, September 08, 2015 4:20:54 PM  
**Attachments:** [fox.doc](#)

---

Councilors and those not shown

See my September 6 e-mail-attached and one sent you today on the fox.

Do we need yet another former cop (fox) this time from Milwaukee chosen to guard the hen house Wednesday?

Only one of the three final candidates-Jay Rowland is credible. Don't make the oversight process any more of a sham than it already is.

Silvio

**Sent:** Tuesday, September 8, 2015 3:12 PM  
**Subject:** Wed. @ CC, on agenda candidates for Police Oversight director

Please all read and see about being at city council this Wed. so you can pipe up as to who might be our next head of the new, but not improved, Police Oversight.

Be aware that if none of the candidates seem suitable then no reason not to demand that the search continues until an appropriate candidate is found.

Kudos to story (see link) to Burque Media Productions FB page

-----Original Message-----

Sent: Tue, Sep 8, 2015 1:10 pm  
Subject: POB Director Position

19 original applicants included in this post.

<http://www.burquemedia.com/index.php/2015/09/08/city-council-to-select-director-for-civilian-police-oversight-agency/>

---  
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.

M004745

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]

**Sent:** Sunday, September 06, 2015 2:30 PM

**Subject:** FW: Permitting the foxes to guard the hen house. Will it be more of the same at Wednesday's Council meeting? Bill OC-15-25

**TO: All**

Haven't the DOJ, Judge Brack and Berry insulted us enough by hiring foxes (former police officers) to stonewall any real APD reform?

**THE FOXES NOW GUARDING THE HEN HOUSE**

Who were the ones negotiating on behalf of us citizens with the DOJ? None other than Cincinnati's liar to the Council on needed police oversight ordinance changes-Scott Greenwood and his partner former police chief Tom Streicher whose Cincinnati PD was also investigated by the DOJ.

Who do we have as the DOJ's and Judge Brack's assigned toothless "auditors" of APD reform? They are mostly retired cops in PMR Inc. who only report to the Judge once a year and the DOJ and not to us.

Who is now the Police Oversight Board's (POB) first choice to be the next Executive Director (EO) of the new citizens Police Oversight Agency (POA)? It's a clueless former Milwaukee cop Edward Harness that the Council will likely approve at its September 9 Council meeting-Bill # OC-15-25.

**LACK OF RESPECT FOR US AND DUE DILIGENCE BY THE COUNCIL**

The Councilors never bothered to review the outstanding resumes of the 40+ other outstanding candidates for the APD Police Chief's job before blessing Berry's choice-the unqualified Eden.

Have any of the Councilors now taken the time to review the Gov TV broadcasted (and also YouTube sent to them by me) interviews with these three nominated POB candidates for the Agency's Important Executive Director's (ED) position?

The video would show that this former Milwaukee cop Edward Harness was clueless-only a master of doubletalk. Ed said that he believed a cop's life was much more important to save than that of any citizen.

Apparently the Journal's Editorial Board shares this belief parroting the recent words of an embarrassing former Schultz Commander-now US Marshal Conrad Candelaria at a recent police officers' "heroes" luncheon.

Candelaria and the recent editorial called for all killings of cops here-a rare occurrence in NM to now be deemed hate crimes. That will be the subject of another of my e-mails soon.

**FORMER COP HARNESS JUST ANOTHER FOX**

The posted Council resumes of all three ED nominees also showed that that the only references listed by Harness except for one, were senior police officers. Harness would further say in his resume that

police have a "special place in our society"-are not mere public servants here hired to serve and protect us.

After the first public meeting with the interviews of five candidates, with only one public speaker-Alan Wagman there, the POB could have made an easy decision during their three hour + closed door executive session and only send the name of Jay Rowland to the Council.

Jay showed that having been in the job clearly understood how a good oversight process works including the much required limitations of the Supreme Court's "Garrity vs. NJ" ruling on compelled officer statements. The DOJ report to the Seattle Mayor made these limitations on "Garrity" very clear.

#### POB STILL NOT INDEPENDENT AND NOT SERVING US

Instead the POB members apparently were told to check first with the Mayor, CAO Perry and APD Chief all of whom the last IRO/then interim EO Robin Hammer worked for-according to a written memo by former Berry/Perry personal City attorney Dave Tourek.

Clearly these ethically corrupt three only wanted this former cop Harness, who like Robin Hammer, would continue to make the entire citizen oversight process a sham.

Was the Council ever surveyed on their preferred ED? They seem to be part of the problem. Their first actions after the new oversight agency was formed would be to ignore most of their January 2014 recommendations of the police oversight task force based on the lies told them by Greenwood claiming what he recommended represented that of the DOJ.

The Council later then tried to further limit the Agency's powers.

So after the second POB meeting was held with not even one citizen showing up to speak-all of us finally disgusted with the POB, former cop Harness not surprisingly became their first choice.

Former retired San Diego cop Beth Mohr who ran the ED selection interviews for the Chairman would then try to defend to the media their selection of her fellow retired cop Harness with some insulting B.S.

#### OVERSIGHT AGENCY STAFF ALREADY A PROBLEM AND INTERNAL AFFAIRS A SICK JOKE

The new Police Oversight Agency already has a senior former pro-bad APD cop biased Belen cop as one of its investigators. The two other POA investigators' previous jobs were at Lowe's and Target.

APD's Internal Affairs investigations of Citizen Police Complaints are also shams as they always lie when doing their investigations.

Even APD cops are allowed to review video recordings before making their statements. No incriminating videos are ever released to the public or POB.

#### A NO-BRAINER DECISION

Only the POB's second choice former IRO Jay Rowland was even qualified for the ED job. Jay was apparently deemed too experienced/committed to the citizens and POB and far too honest for APD and the Mayor.

Those on the POB should be ashamed of themselves. Any with self respect should resign as three honest POC members did when Tourek make his disgraceful proclamation in 2013 that they were powerless.

The Council's selection of Harness would be yet another insulting fox being asked to guard the hen house and further disrespect us.

Disgusted-as are many here

Silvio

For WE THE PEOPLE

296 3241

**From:** [Silvio Dell'Angela](#)  
**To:** [Yoshimura, Debra](#)  
**Cc:** [Justine.Freeman@osa.state.nm.us](#); [Hoffman, Lou D.](#); [Eden, Gordon](#)  
**Subject:** RE: YOUR REPLY TO "TASERGATE-ANOTHER SWEPT UNDER THE RUG EXAMPLE OF THE CULTURE OF CORRUPTION THAT PERMEATES THIS BERRY ADMINISTRATION WITH THE COUNCIL'S BLESSING"  
**Date:** Thursday, July 02, 2015 12:11:17 PM

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Debra

I recall being at a late 2013 Council meeting where Ken Sanchez had asked the IG after the revelation of the deal/greased contract was revealed in the Eye on Albuquerque blog and other sources. Apparently he changed his mind when writing the 2014 letter to your office. IG Peter Pacheco was the one asked about the progress of his investigation-not you in 2014 and 2015 and he sat on it.

If I'm wrong and Ken said that in 2014 and then wrote the letter, is your office waiting until 2015 REALLY "expediting" this audit? Why wasn't IG Pacheco also involved as his office was created to address possible criminal behavior by city employees?

Keeping the IG office toothless, the Mayor would contract out most of the IG work to his special contracted investigators/secret police-RCI-likely campaign contributors. He/RCI also went after an honest IG Neftali Carrasquillo who got fed up and resigned.

Ken Sanchez likes to pontificate in front of the media pretending he really cares/wants change but that's just political posturing. Most intelligent people knows what a weak/publicity hound Councilor this man really is. Some in our movement for change have even called his a B.S. artist.

After the TASERGATE revelations, the other Councilors asked the NM auditor Hector Balderas to do it but he apparently sat on it while in office and Tim Keller later did it.

#### WHITEWASH

Your audit focuses only on the alleged secret "pilot" program-limited buy to test the AXONs on TASER's-his future employer's behalf so Schultz can help market these costly cameras to other police forces-something Schultz would do with his Cincinnati buddies Streicher and Greenwood later.

In a magnanimous gesture, TASER Inc. who refused to discuss-had "no comment" on their deal with Schultz has been likely bribing police chiefs throughout the country and hiring them, now decided to stop doing it for just a year.

Aside from the AXON recordings being hard to erase, they were far more expensive than the 1100 "Scorpion" cameras APD bought in 2010 and 2011. The AXONs were also tied to TASER's proprietary software and the \$1.9 million included that software support for five years.

As you know APD sent cop Jeremy Dear's camera back to TASER trying to have them come back with Deputy Chief Roseman claiming a cable broke loose -the reason that there were no

recordings made of Dear's murder of Mary Hawkes.

Ignored was the fact that Dear's accomplice Tanner Tixier also failed to record-yet bad cop Tixier is still Eden's PIO. Deputy Chief Bill Roseman -another PIO was sent out by Eden to lie to protect Dear.

Other police departments chose cameras made by other companies because their honest (unlike here) police chiefs likely refused to be bribed by TASER and the promised jobs with them later.

Rather than this forced amended report cited below, I would have liked to see your original report that was likely very damning. But the Mayor wouldn't allow it.

#### EARLIER COVER-UPS

I appreciated your support of me in 2002 and 2003 when two others and I who sat on the Albuquerque Citizens' Team-ACT exposed the corruption-likely pay to play in the DFCS-run HUD funded housing rehabilitation program that subsequently led to a HUD audit and corrective actions.

Like your audit of TASERGATE, nobody was ever punished for that because the local HUD representative was implicated-looked the other way and his daughter was hired by the DFCS in another pay to play. Afterwards the then District 2/downtown Councilor had a resolution passed creating the new IG office first under your office and later allegedly it was made independent which it still isn't.

After my Councilor Greg Payne honored me with a plaque in January 2003 for writing most of the secret 30 page report to HUD in Washington DC, another writer and me of the secret investigation report were retaliated against/both removed from the ACT in late 2003 by Mayor Chavez and former APD Captain-my new City Councilor Craig Loy and the District 7 Councilor.

The third author of it resigned from the ACT in disgust. No good deed here goes unpunished.

Your audit that focuses on this phony pilot program and not how it was later used to justify the eventual \$1.9 million award to TASER. You attempted to describe this corruption as merely "an opportunity to strengthen its controls" or in APS terms as merely a teaching moment. REALLY? No punishments of Schultz was deemed warranted as he might sue-something that would implicate the Mayor.

#### DO MORE AUDITS

Suggest you audit the unjustified Schultz buy of the Dodge Chargers, the rigged contract to Streicher and Greenwood, the rigged contract award to Planning Department boss Suzanne Lubar's former employer-Paul Silverman/Geltmore for the four story apartment complex called merely a grocery store, the rigged award to uPublic rather than lower cost incumbent Quote-Unquote for the public TV. The Mayor won't allow you to do any of this.

**Much of your tips for audits come from postings on the Eye on Albuquerque and the ABQ Free Press and other sources-not the Berry Journal.**

**As I said, this is the most corrupt administration in the city's history and the Mayor and Perry likely say to you and other employees-like it or leave.**

**Regards**

**Silvio**

**For WE THE PEOPLE**

**P.S.**

**All of this is no different than Brad Winter likely convincing the APS police to not charge buddy Tom Knauber for trying to frame Sandia HS basketball coach Alvin Broussard. See Journal today.**

**Likely, the Mayor tells all just forget about all this corruption and go skate on his new skating rink downtown or look at the clock and big chair on the Plaza-but forget about the corruption.**

---

**From:** Yoshimura, Debra [<mailto:dyoshimura@cabq.gov>]  
**Sent:** Thursday, July 02, 2015 8:08 AM  
**To:** Silvio Dell'Angela  
**Subject:** RE: TASERGATE-ANOTHER SWEPT UNDER THE RUG EXAMPLE OF THE CULTURE OF CORRUPTION THAT PERMEATES THIS BERRY ADMINISTRATION WITH THE COUNCIL'S BLESSING

You are mistaken about the request for an audit.

**Debra D. Yoshimura**, CPA, CIA, CGAP, CICA  
Director  
Office of Internal Audit  
City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103  
(505)768-3138 office  
(505) 768-3158 fax

**“Our lives begin to end the day we become silent about things that matter”**

**Martin**

**Luther King**

---

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]  
**Sent:** Wednesday, July 01, 2015 4:57 PM  
**To:** Yoshimura, Debra  
**Cc:** [kbrandenburg@da2nd.state.nm.us](mailto:kbrandenburg@da2nd.state.nm.us); Pacheco, Peter J.; [theeyeonalbuquerque@gmail.com](mailto:theeyeonalbuquerque@gmail.com); Monahan,

M004751

Joe; Jeff Proctor KRQE; Peter Cyr; KOAT; Channel 13 News Desk; KOB TV; Editor Free ABQ; Dennis f. Domrzalski; Caleb James; [ezucco@kob.com](mailto:ezucco@kob.com); Ryan Luby; Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; Hoffman, Lou D.; Hoffman, Lou D.; Eden, Gorden; 'Tom Streicher'; McKay, Dan; [rboetel@abqjournal.com](mailto:rboetel@abqjournal.com); Montano, Gilbert A.; [larry.barker@krqe.com](mailto:larry.barker@krqe.com)

**Subject:** TASERGATE-ANOTHER SWEPT UNDER THE RUG EXAMPLE OF THE CULTURE OF CORRUPTION THAT PERMEATES THIS BERRY ADMINISTRATION WITH THE COUNCIL'S BLESSING

Ms. Yoshimura

Below is the first page of your amended audit report regarding former Chief Schultz's illegal actions regarding his eventual no-bid purchase of \$1.9 million of TASER Inc. body cameras and five years of proprietary software support from employer TASER Inc-something that occurred in 2013 while Schultz was still on the City's payroll-a blatant conflict of interest contract by Schultz who said it was "greased" by the Mayor.

This egregious action by Schultz with the Mayor's "help-"greasing" is now essentially being swept under the rug-as are all of the other illegal or unjustified no-bid or rigged contracts that rip off us taxpayers.

The other question is why was Councilor Sanchez willing to wait for over 18 months for any IG or Internal audit to be done and why weren't any of the other Councilors concerned? Afraid of retaliation by APD?

Yet no recommended actions are to be pursued against Schultz-only since "APD was charged \$25,243 for overlapping Evidence.com services associated with the Pilot Purchase from August 15, 2013 to March 27, 2014 and should request a refund from TASER."

This corrective action is an insult to the sensibilities of all of us taxpayers and yet is another example of the culture of corruption that permeates this Berry administration I guess your hands are tied and both your office and that of the IG's should be viewed by us taxpayers as just toothless window dressing for Berry to give the illusion of internal controls.

Was the Mayor's also likely "greased" hiring of the newly formed in 2013 Greenwood-Streicher consulting company at fellow TASER Inc. employee Schultz's urging for initially \$70,000 intentionally kept under the Council's approval limit also deemed just a pilot programs knowing there would be another \$680,000 to be given to the two?

While Schultz headed APD there were many other unjustified no-bid multi-million dollar contracts. One was millions to a local Dodge dealership for their knowingly low reliable Dodge Charger muscle cars for \$40,000 each that included a clearly needed maintenance contract with Melloy. These Chargers even had emissions leaking into its cab that had to be recalled and corrected.

Was seller Melloy Dodge a big campaign contributor to the Mayor and/or Councilors in a pay to play?

While other police forces were wisely buying the highly reliable Chevrolet Impalas that apparently to Schultz didn't have the fearsome/intimidating look of the primarily black Dodge Chargers, these Chevrolet Impalas automobiles were apparently not even considered even as part of a small pilot program. Was the local Chevrolet dealer also on the State's GSA list unwilling to pay to play?

I hope the media including KRQE's Larry Barker picks up and pursues this.

Your first page summary is shown below.

-----  
***05-05-15 – 14-107 – Special Audit – TASER International Body-Worn Camera Procurements – Albuquerque Police Department***

***The City has an opportunity to strengthen its controls over procurements and educate both City employees and vendors on the City's purchasing and conflict of interest regulations.***

***????Educating employees and vendors should increase awareness and compliance with City regulations.???? MERELY AN EDUCATIONAL OPPORTUNITY? Read full report***

***Background***

***Albuquerque City Councilor Ken Sanchez (Councilor Sanchez) requested an audit (IN FACT HE REQUESTED AN IG INVESTIGATION) of the Albuquerque Police Department's (APD) body-worn camera procurement process.***

***Councilor Sanchez stated that it was his understanding that the contract was awarded on a "no-bid" basis and there have been concerns expressed about the relationship between TASER International (TASER) and APD's top management.***

***Based on these concerns, Councilor Sanchez asked the Office of Internal Audit (OIA) (AGAIN-SANCHEZ REQUESTED AN IG INVESTIGATION) to "conduct a thorough and detailed audit of the entirety of the procurement process leading up to the signing of the TASER contract."***

***APD's direct relationship with TASER began in 2007, when the City contracted directly with TASER for the purchase of electronic control devices and ancillary products. Beginning in October 2012, APD performed testing and evaluation of TASER's camera products and services, including the Axon Flex cameras. The products for that testing were supplied by TASER at no cost to APD. (NOBODY WAS EVER INFORMED OF THIS)***

Findings

APD's initial purchase (Pilot Purchase) from TASER, for the pilot test of 75 Axon Flex body-worn cameras and Evidence.com data storage services, was made on March 27, 2013. This \$106,855 purchase did not comply with the City of Albuquerque's (City) competitive procurement process. APD personnel bypassed purchasing regulations and approvals and compromised the integrity of the procurement process. They neglected their responsibilities as government employees to determine the Department's specific needs and then initiate a competitive procurement process to get the best product at the lowest price.

The Pilot Purchase was then used as the basis for justifying the non-competitive purchase of Evidence.com and associated products on September 30, 2013. The non-competitive procurement was processed as an "Other Exempt Purchase (OEP)" and totaled \$1.9 million.

The City signed TASER's standard services contract, with a few modifications, for the OEP purchase. By signing TASER's services contract, five mandated clauses that limit risk to the City and allow independent contract oversight are excluded from the \$1.9 million contract.

APD's Former Chief of Police entered into a contractual relationship with TASER in October 2013, while on early retirement, and still technically employed by the City. The Former Chief continued to serve as a contractor after his official retirement date of December 31, 2013. City employees are prohibited from representing businesses in connection with matters in which they performed official acts, for one year after retirement.

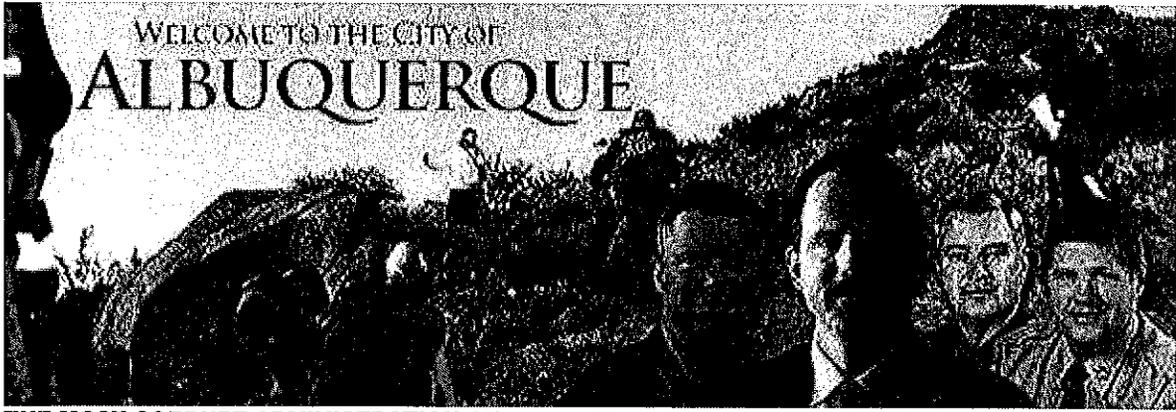
The Former Chief's contract with TASER may have ???violated the Ordinance. In addition, other APD personnel accepted meals, travel, and lodging from TASER. APD personnel also solicited sponsorship donations from TASER. The acceptance of meals and other gratuities, and the solicitation of funds from vendors are not consistent with City conflict of interest regulations.

APD was charged \$25,243 for overlapping Evidence.com services associated with the Pilot Purchase from August 15, 2013 to March 27, 2014 and should request a refund from TASER.

-----  
Will our Mayor answer media questions on this or remain in hiding with Perry while sending out his minion Gil Montano? Do the Councilors even care? Doubtful

Disappointed

Silvio  
For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** [Silvio Dell'Angela](#)  
**To:** ["Joline Gutierrez Krueger"](#)  
**Subject:** RE: Your response to my comments on your article "ABQ's worst day"  
**Date:** Sunday, August 16, 2015 3:47:25 PM  
**Attachments:** [11-21KillologyMcGrane.doc](#)

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Joline

Bcc to others

Really? My comments were dismissed by you as merely "horrid comparisons" between your selective choice of the families of the victims of mentally ill John Hyde and the many, many victims of APD's "death squads"? You added that my comment was a "low blow and extremely thoughtless to people who don't deserve your rage." My "rage"? Really?

**Berry's election and re-election led to all the deplorable situation here that or don't you see the correlation?**

**That was my point-or did you intentionally choose to ignore it?**

What about those hundreds of grieving family and friends of those killed by APD including the mentally ill including those with PTSD without any of the trigger-happy APD officers ever being held accountable?

Did you ever see death first hand or smell burning bodies of our real heroes-our combat vets? I have. How many grieving families of those vets who return from war with PTSD do you write/care about?

Specifically, how about the grieving family of homeless African American and fellow Vietnam vet Vincent Wood who came back from that horrible war with PTSD? He was murdered by APD in 2013 with his two killer cops never held responsible because the DA won't release the incriminating recordings made-recordings I first asked for using the IPRA over two years ago? Still no compliance.

Are the grieving families of James Boyd, a homeless and also mentally ill person that two cops murdered in March 2014 also not as important?

**This was all part of Berry's legacy or are you-like your irresponsible editorial board members there unwilling to blame Berry for anything?**

I meant no disrespect to the grieving families of his victims. Since the victims of Hyde included two cops, I guess in your mind this made this killing more important than the others.

You also know that the vindictive father of killed State police officer Jim McGrane help sponsor

and an unpunished APD Lt. endorsed a "killology" course for all cops here telling them that this is a war zone. Cops here don't know what a real war zone is!

They are being told that only cops' lives are important-not the lives of those of us including the mentally ill who they are hired to serve and protect. See my 11-21-14 e-mail on this killology course attached and read KRQE's report. Berry sanctioned and never criticized it. Gutless.

Why not also ask APD to go through APD's Firearms Training Simulator (FATS) that predisposes officers to shoot first? You might learn something. Berry still blesses that shoot-first brainwashing.

Don't you think Berry wants a former Milwaukee cop to be Executive Director of the new Police Oversight Agency rather than Jay Rowland who might hold APD's feet to the fire?

Try reading alternate news sources like the ABQ Free Press, Joe Monahan's commentaries, the Eye on Albuquerque and see incriminating stories on TV that we will never read about in your Berry controlled Journal. You might learn something.

Sorry, but Hyde's killing was NOT "ABQ's worst day" unless you have been living in a cave.

Get off your high horse and lose your thin skin or get out of journalism. Read carefully what readers-even critics say.

An apology to me is in order for your disrespectful reply! I'm waiting.

Silvio

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From: Joline Gutierrez Krueger [<mailto:jkrueger@abqjournal.com>]  
Sent: Sunday, August 16, 2015 1:15 PM  
To: Silvio Dell'Angela  
Subject: Re: Your article "ABQ's worst day"

Oh lay off, Silvio. That you could think the murder of five people in a single day and the devastation to these families is not as bad as the election of a guy you obviously don't like is just nuts. I appreciate your railing on and on (and on) about the injustices you see in this community, but you lose me when you make such a horrid comparison. This is not a competition on what is worse, and just because you think there are other things to write about does not give you the right to denigrate what happened on Aug. 18, 2005. Those families have shown such courage and strength; might be nice to see them as a good example to follow. I'm sorry, but your comment is a low blow and extremely thoughtless to people who don't deserve your rage.

On August 16, 2015 12:38:39 PM MDT, Silvio Dell'Angela <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)> wrote:

Joline

M004757

John Hyde's rampage 10 years ago was bad but yet just one of many bad days here-clearly not the worst one. ABQ's worst day was electing Mayor Berry in 2009 who later rehired Schultz. The other worst day was the only 13% of the registered seemingly apathetic voters who re-elected Mr. Berry in 2013 and then Berry replacing Schultz with Eden. It's interesting that except for your questioning of the murder of attorney Mary Han that likely APD or others who were threatened by her tried to portray as a suicide after APD deliberately contaminated the crime scene and you criticizing the admission of likely wife killer former APD cop Levi Chavez Jr. into UNM law school, little attention was given by you to APD's many murders of the mentally ill-only the few cops here killed. Two articles on today's Op-Ed page tells all why we in NM particularly in Albuquerque have become the disgrace of the nation. "*MIA 'leaders' fiddle as society falls apart.*" properly says that we have no leadership in our corrupt "oligarchy" here. So true beginning with those representing us in Santa Fe, to our County and City leaders. An example of this is the second article "*ART is a big step in developing a vibrant Downtown*" written by one of Berry's developer propagandists and the former longtime executive vice president of the Home Builders Association of Central New Mexico. The author insults everyone's intelligence by merely parroting the bogus reasons that Mayor Chavez used to try to justify his "modern streetcar" down Central. I wonder whether the writer will be one of the contractors helping to build this tax wasting white elephant. What say you-COO Mike Riordan? Anxious to see your follow-up articles but this introduction citing only Hyde's killing was disappointing to say the least.

Silvio

For WE THE PEOPLE

Sent from my Android device with K-9 Mail. Please excuse my brevity.

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Friday, November 21, 2014 5:09 PM  
**To:** 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'  
**Cc:** 'Bill.Anderson@krqe.com'; 'tina.jensen@krqe.com'; 'Damon.Martinez@usdoj.gov'; 'geden7@cabq.gov'; '\*Mayor Richard J. Berry'  
**Subject:** Jim McGrane's insulting comment to Tina Jensen's excellent report-attached. See the comments to it

Councilors

(info to all shown and not shown)

Tina Jensen-pass this to McGrane if you have his e-mail address. I'd like to say it to his face!

Reference my e-mail yesterday "**ARE YOU AND THE DOJ OUTRAGED YET AFTER SEEING YESTERDAY'S KRQE REPORT- "KILLOLOGY" INSTRUCTOR'S CLASS?"**

Apparently you nine Councilors, Eden, Berry, Huntsman or anybody else downtown are not outraged with this killology training being given here. Now we see another arrogant affront to citizens by Jim McGrane who commented on the KRQE report. Not surprising that the Berry Journal never covered this "Killology" instruction.

There were many, many comments to this excellent report by Tina Jensen. But the following from Jim McGrane tries to justify this "killology" class was outrageous! He places the value of police officers' lives above that of citizens.

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*Jim McGrane, OSST · 20 hours ago*

*Tina, if you would have covered our Officer Street Survival Training last year you would of had an opportunity to listen to Lt Co Grossman. He did our ??? first day of training to over 500 police officers from the State of New Mexico. The training was designed to save officer's lives so they would be able to return to their families at the end of their tour.*

*The phrase are you ready for battle was meant are you physically ready. NO-This is B.S. It meant mentally ready.. It meant are you willing to kill? Recall the APOA paid a bounty to APD officers for each killing, something Schultz pretended he didn't know about. Then Eden buys 350 AR-15s to make the APD officers on the street as dangerous as Huntsman's trained "Death Squads" and then lies to us when saying the DOJ required it. Is Eden a graduate of the OSST?*

*A good example is the Deputy that was beat up last night while conducting a traffic stop. He talks about officers taking care of the physical, mental health and their families. He is a highly sought after instructor. BY WHO-killer cops? Just like any other news item involving Police officers KRQE always takes the negative side. NO*

M004759

*You seem to forget what happened in the North Valley last year. What if the officers involved were not ready for battle?*

*As far as the ACLU, they are always negative when police officers are involved.NO*

Who is this character- Jim McGrane? Is he a relative of James McGrane, the NM State cop killed in 2006? Is he one of NM Law Enforcement Academy boss Jack Jones' training consultants or an officer? Is he an APD cop? Not surprisingly, Jim doesn't identify himself except to say he is part of the Officer Street Survival Training (OSST) Course for NM officers.

He mistakenly believes that police officer training should only be focused on saving their own lives so only they can go back to their families each night, something this mayor said was also his only priority.

This thinking is why we have had a bloodbath here at the hands of APD cops. The last APD officers (King and Smith) killed in the line of duty occurred more than nine years ago at the hands of John Hyde.

How about trying police officer training that allows both the officers and those citizens who they have contact with to all go back to their families each night?

We pay officers to be public servants to be held to a higher standard of conduct and not lower standard as they are here in NM. Their badges do NOT give them a license to kill.

See the attached Nov 5 article in the ABQ Free Press that has comments from former Chief Galvin and Mayor Baca. *"We changed the training curriculum. Instead of trying to turn out US Marines, we were trying to turn out public servants."*

Jim McGrane and those who think like him are dangerous. Has he ever worn a military uniform and saw what real warriors are? I'm tired of this propaganda that cops deserve to be put on a pedestal.

There was even a hero's funeral procession recently for a Rio Rancho cop who was speeding, lost control of his car and killed himself because he wasn't wearing his seat belt. Hero? No! Then we had another honored Santa Fe cop involved in a drunken fight with a fellow cop before he was killed. Hero? NO!

Are GI's who return from home from combat (some with PTSD) who actually serve and protect honored with a hero's ceremony with a long procession for their funeral when they die? NO! When I die after serving in 'Nam, will there be a long funeral procession for me? I don't think so.

It's time to stop this hero worship of all cops. The good ones don't want to kill. They consider themselves public servants-not above the law. It's also time to be outraged with this killology course.

Silvio  
For WE THE PEOPLE  
296 3241

M004760

**From:** [Silvio Dell"Angela](#)  
**To:** [Romero, Annabelle J.](#)  
**Cc:** [Nmmoon2004@aol.com](#); [ilsebiel@icloud.com](#); [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](#); [Garduno, Rey](#); [Harris, Don](#); [Pena, Klarissa J.](#); [Jones, Trudy](#); [Gibson, Diane G.](#); [Sanchez, Ken](#); [Benton, Isaac](#); [Winter, Brad D.](#); [Lewis, Dan P.](#); ["Elizabeth Martinez"](#); ["Damon Martinez"](#); [Vanita.Gupta@usdoj.gov](#); [Eden, Gordon](#)  
**Subject:** RE: [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning  
**Date:** Sunday, July 26, 2015 6:50:30 PM

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Annabelle

Some added comments-questions.

It seems kind of late to invite we-the people to now "collaborate" after the words of the DOJ agreement defining its limitations and the limitations of the monitoring team have already been put in concrete. Not stated by you are the specific goals, what is the agenda and just what powers this "action planning session" of the Albuquerque Collaborative on Police Community Relations really has.

You mention 22 community dialogues already held. I'm not aware of any of them but only one public meeting hosted by Dr. James Ginger.

Shouldn't the city website post the minutes of these 22 dialogues? Just what is to be determined during these Community Education, APD/Community Communication & Collaboration sessions?

More importantly, to what extent with this third group have any real influence over any "improvements to APD" since it was made quite clear to all including our City Councilors that the monitoring team PMR Inc. work for only those in the DOJ and Federal Judge Brack and have no obligation to listen to the Councilors or we-the people who they are supposed to represent.

The Councilors have been willing bystanders in the whole reform process thus far and have essentially ignored what changes to APD we have demanded.

Nor is consultant Scott Greenwood-and if still involved, his partner Tom Streicher obligated to comply with our demands but only to the wishes of the Mayor who contracted for their work over our objections.

Further, will local NAACP boss-now another of the Mayor's consultants- Harold Bailey be involved and if so, how?

It begs a question of skeptics like me whether this is just another Mayor Berry public relations ploy to give the illusion of real citizen involvement in the reform.

As the saying goes-fool me once-shame on you. Fool me twice-shame on me.

More specifics/details are needed Annabelle. I'm sure you have them to prove we will not be wasting our time if we choose to volunteer.

M004761

Thank you

Silvio

For WE THE PEOPLE

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**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] **On Behalf Of** Silvio Dell'Angela  
**Sent:** Saturday, July 25, 2015 1:23 PM  
**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)  
**Subject:** RE: [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

Thanks

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**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] **On Behalf Of** Ilse Biel  
**Sent:** Saturday, July 25, 2015 12:38 PM  
**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)  
**Subject:** [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

Begin forwarded message:

**From:** [dono248@aol.com](mailto:dono248@aol.com)  
**Subject:** Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning  
**Date:** 25 July 2015 at 12:34:07 GMT-6  
**To:** [ilsebiel@icloud.com](mailto:ilsebiel@icloud.com)

Ilse

Would you want to post this to the STOP list serve ?Hoping we can get more attendees from a broader spectrum of our ABQ population, including homeless.....

LD

-----Original Message-----

From: nmmoon2004 <[nmmoon2004@aol.com](mailto:nmmoon2004@aol.com)>  
To: dono248 <[dono248@aol.com](mailto:dono248@aol.com)>  
Sent: Fri, Jul 24, 2015 10:59 pm  
Subject: Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

-----Original Message-----

From: Romero, Annabelle J. <[aromero@cabq.gov](mailto:aromero@cabq.gov)>  
Sent: Fri, Jul 24, 2015 7:12 pm  
Subject: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

M004762

Attached is an invitation to participate in an action planning session of the Albuquerque Collaborative on Police Community Relations. The outcome of the 22 community dialogues conducted in the past year resulted in recommendations that fell into three major categories, Community Education, APD/Community Communication & Collaboration, and Improvements to APD. If you wish to participate in and work on the action planning of the category of your choice as referenced you must register on line at <http://www.cabq.gov/mayor/police-outreach/community-outreach-meetings-application>.

The courtesy of a response is required no later than Monday, August 3, 2015 to ensure enough food is ordered for everyone. RSVP by responding to this email or calling 505-768-4712.

For more information or if you are a person with a disability and require a reasonable accommodation to observe or participate in this meeting, please contact Ms. Shannon Triplett as soon as possible at 505-768-4712 or email at [odhr@cabq.gov](mailto:odhr@cabq.gov).

ANNABELLE J. ROMERO

*Deputy Director, Office of Diversity and Human Rights*

City of Albuquerque, New Mexico

Office 505-768-3307 / Fax 505-768-4655 / v/tty 800-659-8331

[aromero@cabq.gov](mailto:aromero@cabq.gov) / [www.cabq.gov](http://www.cabq.gov)

**From:** Skotchdopole, Paul A.  
**To:** Moira Amado-McCoy; Leonard Waites; Leonard Waites, (leonard.waites@yahoo.com); Mark Baker; Sofiah Ngoran-Nguessan; Joanne Fine; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Beth Mohr; David Ring; Susanne Brown; O'Neil, Erin; McDermott, Diane L.; Davidson, Christopher; Contreras, Michelle; Moya, Julian N  
**Subject:** RE: agency staff purposefully mislead  
**Date:** Friday, September 04, 2015 9:00:19 AM

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This is absolutely correct. Even though we were misled, we found Ms. Ngoran-Nguessan to be a great presenter and found her information useful. It would have been nice to have attended as actual trainees and given credit for the session. Perhaps the staff can get the same training later on under our new Executive Director. Best regards to all. We are certainly looking forward to working with you all.

Paul

**From:** Moira Amado-McCoy [mailto:amadamccoy.pob@gmail.com]  
**Sent:** Thursday, September 03, 2015 10:48 PM  
**To:** Leonard Waites; Leonard Waites, (leonard.waites@yahoo.com); Mark Baker; Sofiah Ngoran-Nguessan; Joanne Fine; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Beth Mohr; David Ring; Susanne Brown; O'Neil, Erin; McDermott, Diane L.; Davidson, Christopher; Contreras, Michelle; Skotchdopole, Paul A.; Moya, Julian N  
**Subject:** agency staff purposefully mislead

Dear Leonard and POB members,

You were glad, no doubt, as I was, to see the agency staff tonight; we've become used to their presence at our gatherings, and to appreciate their input. Tonight, however, they were not at our late-in-the-day 2.5 hour training out of choice as they are at most of our meetings. Rather, they were there because Ms. Hammer sent them an email telling them that tonight's meeting was a "mandatory training" session for them.

Consequently, each member of the staff came to our mandatory training session (as all our training sessions have been), rightly expecting that they had been planned for as trainees. To their immediate confusion, and then subsequent growing frustration, they were not seated at the table, provided materials, or included in the discussion.

Neither you or I, nor Ms. Ngoran or Mr. Baker, were made aware of the directive Ms. Hammer gave her staff. In the absence of this knowledge, we obviously could not have planned for their inclusion (though we all would have been glad to have them train with us). No one involved could have had any reason to believe, or even suspect, that of all the Board's mandatory training, Ms. Hammer would direct her staff to participate in this particular session. Strangely, this has not stopped Ms. Hammer from pointing the finger at Mr. Baker and I (?) as the architects of the misinformation.

Although we are not unused to this type of machination by Ms. Hammer, apparently designed only to undermine and to introduce friction, it is appropriate today that we ask Ms. Hammer to apologize to her staff, to us, and to our guest for this purposeful harm.

Also, please note that arrangements for the staff's participation in the NACOL conference still have not been made. It seems this lateness will not only have the effect of displacing staff members from accommodation in the conference hotel, but will also cost the City a great deal more in late airline reservations. Or, will staff be expected to make up for this unnecessary cost out of their own pockets? Should this be an agenda item?

M004764

Thanks, Mr. Waits, for any leadership you can offer; I'm at wit's end.

In the spirit of transparency, clarity, and true collaboration,

Moira

**From:** Silvio Dell'Angela  
**To:** "Ilse Biel"  
**Cc:** Romero, Annabelle J.; Duran, Roberta M.; Eden, Gordon; pmrinc@mac.com; Hernandez, Jessica M.  
**Subject:** RE: flyer for our event  
**Date:** Thursday, August 20, 2015 1:49:10 PM  
**Attachments:** APOA-Willoughby.doc

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Thanks Ilse.

I'll try to make it tomorrow. I hope the media also attends.

Those like Journal reporter Boetel who attended at least one of these PR only/bogus \$15,000 outreach collaboratives run by UNM's facilitators for the city's Annabelle Romero, know they were well-orchestrated "city controlled" meetings to give the illusion of real outreach.

Activist Earnest Sterdevant (sp?) who spoke at Monday's Council meeting and attended at least one collaborative blasted/confirmed these meetings as a mere orchestrated shams (much like the City's Goals forums). Earnest also mentioned the one arrogant Eden cop who spoke there saying we citizens have to accommodate APD and they not us-a belief Eden shares when never condemning it.

APOA VP Willoughby is cut from the same cloth as that arrogant cop and the entire APD leadership that begins with Berry. See attached again on Willoughby. The APOA's President Stephanie Lopez remains in hiding while sending her disgraceful VP to speak for the rank and file.

Were merely removing tinted windows (as Eden mentioned to the Council Monday) and restoring the "to serve and protect" slogan on APD cars the best changes being proposed?

You saw that now deputy city attorney Duran who apparently is the new IPRA responder/stonewaller for APD wants to charge me \$138 just to get copies of all of the Phase 1 and 2 attendee lists while her boss Jessica Hernandez remains in hiding. These lists should have been included in the UNM reports for the \$15,000 we are paying them.

PMR Inc's Steve Rickman is probably a good guy but he knows as do the others in PMR Inc that they are powerless to force any real change as long as Berry, Perry and Eden are there..But they have their \$4.5 million.

The Councilors don't care as they have abandoned their role as our legislative body of government a long time ago and allowed this city to be run by a dictator. They are a disgraceful lot and not one deserves to be the next Mayor.

My thoughts

Silvio

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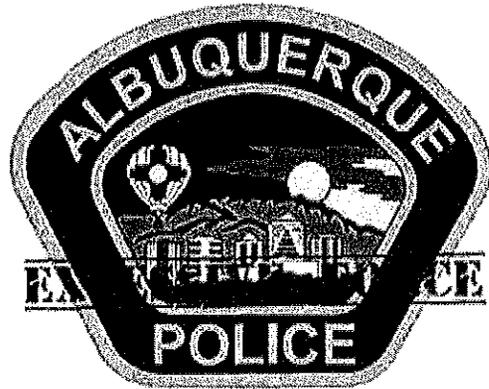
**From:** Ilse Biel [<mailto:ilsebiel@icloud.com>]  
**Sent:** Thursday, August 20, 2015 8:51 AM  
**To:** Silvio Dell'Angela  
**Subject:** flyer for our event

Hi Silvio, again, I do apologize that you did not know about Friday's meeting. This bout of flu came at just the wrong time and I did not get nearly as much done for this event than I had planned. It was, however, always intended to be a community meeting first and foremost. I hope you will be able to attend. Mike Swick will hopefully be able to film the discussion just in case you can't make it. Sorry again and go well  
Ilse

M004766

Find out more about the monitoring process of APD's reform and whether there is a role for the community to play.

*Friday 21 August from 3:30 pm  
Peace Hall at Peace and Justice Center  
202 Harvard SE*



## Community Meeting with Stephen Rickman

Stephen Rickman is the police-community relations specialist on the monitoring team that has been charged with overseeing the implementation of the settlement between APD and the DOJ following the scathing DOJ report on APD's pattern of using excessive force. Rickman will outline the function of the monitoring team and especially what his portfolio entails. The majority of the meeting will be devoted to a question and answer session.

*Free and open to everyone. If possible, bring a dish to share on the potluck table.*

**BURQUE MEDIA**

a working group 15 16

FYI is a recent appeal sent out to all APD union officers in response to a recent Eye on Albuquerque.com posting. It was sent out to all APD/APOA union members by Shaun Willoughby -the current APOA VP and its Political Action Committee Chairman. The disgraceful Shaun pretends that another APD officer authored it. It was directed against all honest officers and retired APD Sergeant mayoral candidate Paul Heh who dared break Schultz's and now Banks' oppressive blue code of silence on former Union President Joey Sigala's misuse of APOA dues. One honest officer recipient disgusted with Shaun's "it's us against them" appeal for all to shut up, leaked it to the "Eye" and TV reporter. Note the misuse of grammar and failure to proofread.

Prior to last night's 8/19 Council meeting new Chief Banks apparently asked a number of Councilors who are the willing enablers of police misconduct like Janice Arnold Jones, Trudy Jones and others to honor APD officers for some routine actions. Among the officers recognized was the Leah Kelly-Acata, the shooter of a young man downtown who was only cutting himself with a six inch round-tip butter spreader. The former Leah Kelly-now married, has also been the subject of numerous citizen public complaints (CPC) to the POC and because no recordings were made she was always exonerated. I pointed out to these councilors that they never bother to honor returning military vets who truly put their lives at risk. I am a Vietnam vet.

The disgusting letter from this disgraceful cop/union officer follows:

*Disappointed board member. said... Hello,*

*I would like to say this to all officers. I would first like to voice my displeasure at the comments here and at work by officers against the APOA and it's staff present and past.*

*Everyone wants to judge what we do here. I am sick of it. I am sick of hearing you needy complaining officers bash us, the department, the city and it's leadership. You are all worthless. We work hard at keeping stability and you all do nothing but attack the place and tear it down. You all are the reason for things falling apart. Don't cry about how your money is spent when you all never show up for union meetings.*

*We know who is speaking out against us and you will see. All of you air our dirty laundry. Laundry that should be kept in house. You all give the community ammunition against us. You should know better. This liberal retarded band of vengeful activists called Albuquerque makes me sick. You are no better than them. These bunch of uneducated subhuman animals that constantly attack us, march against us and sue us for no other reason than to fill their greedy pockets so that they can buy more drugs to smoke up and shiny rims for their ghetto rides.*

*You have lost sight of the big picture. We should be backing eachother. For your information, it is us against them! Do half of these so called citizens have jobs? Probably not. They probably have EBT cards though. These entitled lowlifes have the guts to insult us in our house? But you all attack the APOA? As for money being stolen, that should have been handled in-house. There was no reason\_ for that to get out. That was just plain stupid. Everyone here is angry and hateful. I will not standby and accept the trash talking just because we are not backing Paul. He should have left well enough alone. He decided to cross the blue line when he made complaint against a fellow board member. You don't turn on eachother. A rat is a rat. Period. Joey may have been a bonehead, but he was our bonehead. We could have taken care of it, but Paul had to be the hero and take the official route. This caused so much aggravation. Paul is also supported here. This is why we voted*

*not to support him. He betrayed us just as all of you shit talkers here do. You cry about representation. You don't deserve representation and he doesn't deserve support. Be happy you have jobs. If you don't like it, quit and join the jobless moochers called Vecinos United and the rest of the entitlement crowd sucking the city dry. Go join the crybabies and see if anyone cares. Just like all of you complainers, these worthless whiners will eventually lose interest when their circus loses it's followers.*

*In closing, I will say this, nothing is perfect and nobody said life was fair. Get over it! You all deserve what you get. Crybaby people constantly bitching about the police when they contribute nothing to society and cops who are snitches who sell out their own. Sleep in the bed you all made. We do our jobs. Shame is you all have no idea because you are never at a damn meeting.*

*Cheers!*

*August 18, 2013 at 4:57:00 PM MDT*

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VICE-PRESIDENT-OFFICER SHAUN WILLOUGHBY

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o Committees: Political Action Committee (Chair)

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*I became a member of the Albuquerque Police Department in 2002. I have been a member of the Albuquerque Police Officers Association Executive Board for the past 4 years and held the position of CIB representative for 3 years prior to becoming the APOA Vice President in May of 2012. My primary goals in this first term is to bring the APOA to a more solid fiscal position by controlling spending and over hauling our By-Laws to protect the assets of the Association.*

*Second,I would like to see the APOA more proactive in the community, thus having a positive impact for the citizens we are sworn to protect.*

*Most importantly, I want to bring that sense of family back to this organization, I want our members to look upon this Association with prideful eyes knowing they have people they Trust in their corner when the time comes. Thank you for the honor and opportunity to serve those who devote their lives serving others.*

*Shaun T. Willoughby APOA Vice President*

**From:** Silvio Dell'Angela  
**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)  
**Cc:** [ralphmliac@gmail.com](mailto:ralphmliac@gmail.com); "Ralph Arellanes"; "Damon Martinez"; [vanita.gupta@usdoj.gov](mailto:vanita.gupta@usdoj.gov); "Elizabeth Martinez"; [Luis.E.Saucedo@usdoj.gov](mailto:Luis.E.Saucedo@usdoj.gov); [pmrinc@mac.com](mailto:pmrinc@mac.com); Huntsman, Robert Y.; [kbrandenburg@da2nd.state.nm.us](mailto:kbrandenburg@da2nd.state.nm.us)  
**Subject:** RE: the Congregation Albert DOJ/APD panel on Sunday  
**Date:** Tuesday, September 22, 2015 2:59:10 PM

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## **Thanks to Ralph, Ilse, Sarah, Alan, Tim, Charlie and others who attended**

(Info to those shown and not shown including our Councilors, the media and others)

Reference my e-mail today to Art and others-"Last night's Council meeting"

### **Why are we not surprised with this phony PR-only meeting at the Jewish Congregation Albert?**

Like the many Hispanos who served in WW II, those of other faiths including my recently deceased brother were there as well and he almost lost his life at Bastogne-was MIA then initially declared dead.

This whole Mayor/DOJ/ PMR Inc APD reform effort is a scam-a sick, insulting joke played on us citizens.

Where were our City Councilors? Where is Eden? All MIA as usual.

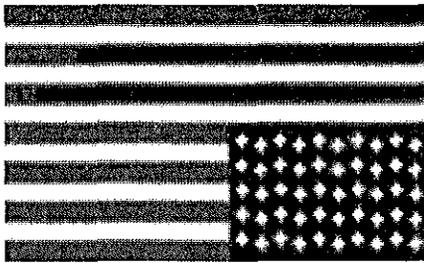
Where were you-Ms. Gupta? Where were you-our new US Attorney General Loretta E. Lynch? Only concerned when African-Americans are murdered by the police?

Both MIA as well?

Disgusted

Silvio  
For WE THE PEOPLE





**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

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**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] **On Behalf Of** Ralph Arellanes

**Sent:** Tuesday, September 22, 2015 12:45 PM

**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)

**Subject:** Re: [stop] from the Congregation Albert DOJ/APD panel on Sunday

Folks,

The same thing happened to me. Below is a bit of the letter I have DRAFTED for a strong LULAC action we are currently going to vigorously address with Congregation Albert.

Thank you all for your collective efforts and dedication.

Ralph Arellanes

This morning a public forum including **Mayor Berry, APD and the USDOJ** was held at Congregation Albert on Louisiana near Montgomery. I had never been there before today. I walked in and I was standing in line along with well over 100 people when a Board Member of Congregation Albert named Jeffrey Paul walks straight up to me and asks me "Who are you, what is your name and what are you doing here?" I politely introduced myself and that I was there to attend the public forum like everybody else in line was doing. Then he angrily asks me "well did you make reservations?" I said yes I did but there is also a list here for those who have not made reservations and must pay \$12.00 - so I plan to pay my \$12.00. Then he said "well what do you have in your hand?" I said "it's a brochure I was handed outside before I walked in here." He said "well you can't bring that in here so let me have that". So I handed the brochure to him. After the forum, we were allowed to ask questions.

Guess who is the moderator with the microphone - yup same guy. Even though I sat in front with my hand raised, he refused to acknowledge me. Finally after most who had raised their hand were picked, this guy allows me to ask my question. I began by introducing myself and he immediately interjected and said "Do you have a question to ask?" Then I asked my question about the lack of Hispanics on the APD Monitor Team. The response was there was one and they were going to hire another Hispanic. After the forum ended, I spoke with the Executive Director of Congregation Albert about how I was treated by Mr. Jeffrey Paul. She told me she was sorry about this. I told her "**thank you ma'am, this is the first time I've set foot in this place and I hope it's my last time.**" Once again, there are many in the Jewish community who are ignorant of the fact that over 500,000 Hispanos fought in WWII to defeat Hitler and free the Jews. Lest they forget!!

Sent from my iPhone

On Sep 22, 2015, at 11:52 AM, Ilse Biel <ilsebiel@icloud.com> wrote:

On Sunday morning the Congregation Albert hosted a brunch/panel, **The Department of Justice vs. Albuquerque Police Department “They Say It’s Settled - Is It Really?”**

A small group decided to prepare flyers with pertinent questions and background to inform the audience. **Alan Wagman wrote the copy and Tina Kachele did the fine graphic design.** Alan, Sayrah, and I handed out some of the flyers outside the building.

Then things went a little weird. I had handed Damon Martinez and Paul Killebrew, both panelists, a flyer each and bantered a bit with them. They were perfectly happy that we were getting information disseminated. The Congregation’s MC -- and seeming gatekeeper -- for the event rushed out just after Martinez and Killebrew had moved on to greet Sayrah and Alan. The MC dude did not recognize Martinez as the NM US attorney and started accosting the two well-suited DOJ reps about the flyers they were holding, apparently confusing them for the perpetrators of this bad, bad information crime. Martinez introduced himself and the MC backed down but still insisted **we, the real rabble**, left the premises, unless we paid to attend the brunch. Oh well. Charlie Arasim reports that he had to negotiated with the Congregation’s lawyer before he could start filming the proceedings.

Here is Charlie's video footage of the meeting:

<https://www.youtube.com/watch?v=jvk2X0GZdG4>

And here is a pdf of the tri-fold flyer (as you can see the line-up of panelists had changed somewhat from the original plan with Huntsman standing in for Eden and Killebrew for Sauceda (Luis Saucedo?):

<APD\_forum\_CongAlbert\_FINAL9.18.15.pdf>

**From:** [Silvio Dell'Angela](#)  
**To:** [Vargas, Dinah](#)  
**Cc:** [McKay, Dan](#); [POB](#); [rboetel@abqjournal.com](#); [pscotchdopole@cabq.gov](#); [Bruin, Barbara](#); [Moses, Karen](#); [Beth Mohr](#)  
**Subject:** RE: your article today-never bothering to check the facts on Harness-perceived why many as just part of the problem  
**Date:** Friday, September 11, 2015 2:53:00 PM

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See my latest

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**From:** Dinah Vargas [<mailto:vargagirl@live.com>]  
**Sent:** Friday, September 11, 2015 2:21 PM  
**To:** Silvio Dell'Angela  
**Cc:** [dmckay@abqjournal.com](#); [POB@cabq.gov](#); [rboetel@abqjournal.com](#); [pscotchdopole@cabq.gov](#); [bbrein@cabq.gov](#); [kmoses@abqjournal.com](#); [cabq.pob.mohr@gmail.com](#)  
**Subject:** Re: your article today-never bothering to check the facts on Harness-perceived why many as just part of the problem

Silvio,

Thanks for adding me to this email.

We filed an IPRA for the 19 applicants- an IPRA was required because, well, to be honest it was us. The Records request process allows 15 days ( legitimate days) for records to be produced. Of course for us, ( and by 'us', I mean the people, community, YOU or I) the process took the maximum time allotted.

For media, and guys like Dan McKay, that process is, I'm guessing here, but probably easier. Submitting an IPRA is not a requirement in receiving public documents as much as it is the process to ensuring due process afforded in NM Sunshine Laws. Often mainstreamers

Sent from my iPhone

On Sep 11, 2015, at 11:23 AM, Silvio Dell'Angela <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)> wrote:

**TO:** Dan

(info to others shown and not shown)

Your article today parroting the half truths or outright lies told to the Council trying to justify the POB's and Council selection of Ed Harness was inexcusable. This was much like Ryan Boetel joining the defense team for James Boyd's killer Dominique Perez. Did you ever take the time to look at the POB interview with Harness? Did you bother to read his posted resume?

Did you or anybody there bother to ask why this former Milwaukee cop Harness even applied for the job? Did we taxpayers pay for a nationwide search for the new Agency's Executive Director or did APD or former cop-POB member Beth Mohr just conveniently find him?

Now with former cops Harness, two on the POB and Harness's investigator Paul

M004773

Scotchdopole, the Oversight Agency has lost all credibility with the people. Why even file a complaint against an APD officer as it would be a waste of time as the process has been corrupted?

The situation we have now in the Agency is comparable to having the judge, the prosecutor and two members of the jury all family members of bad cops against whom charges by the people are filed-CPCs or other.

You and other reporters there could take some lessons from the objective reporters at the ABQ Free Press on TV, bloggers and other news sources who have more credibility than any of you Journal reporters or your editorial board. You should be ashamed.

We expect soon to see an Journal editorial blessing the selection by the POB and Councilors of Harness-clearly the wrong as well as unqualified man for the job

Maybe if your Journal predecessor Jim Ludwick leaves the Animal Welfare Department, Berry might hire you to replace him as a reward to your loyalty to him and APD.

As for the Department's head Barbara Bruin, the only experience I had with her was to see the professionalism and integrity she showed to me and my neighbors to personally resolve a barking dog problem in our neighborhood.

Time to think of another profession Dan and/or look yourself in the mirror. You are an embarrassment to the news/journalistic profession.

See my e-mail below and that from Paul Livingston.

Silvio  
296 3241

---

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Thursday, September 10, 2015 7:35 PM  
**To:** 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'  
**Cc:** 'mmmontoya@cabq.gov'; 'Mayor Berry'; 'POB@cabq.gov'; 'Hernandez, Jessica M.'; 'jzaman@cabq.gov'; 'living@rt66.com'; 'Eden, Gorden'  
**Subject:** Monday's Council meeting and your disgraceful actions and selection of ex cop Ed Harness + attorney Paul Livingston's related Notice of Violations of NM Open Meetings Act by the CPOA sent you

**TO: COUNCILORS**

(info to those shown and not shown)

**YOUR DISRESPECT FOR US AND THE CITY'S DISRESPECT SHOWN TO COUNCILOR**

## GIBSON

Last night during the first 2 ½ hours, you tolerated the idiot treatment given to Councilor Gibson by Berry's disgraceful personal (not our City) attorney Jessica Hernandez and by CAO Perry trying to justify giving pay increases to the already overpaid Command staff while denying it to the rank and file.

Cops on the beat who talk to me knowing I would not reveal who they are, have told me what is really needed in APD is for all of the Command staff to retire or be fired- not have their already high pay raised. The presence of the disgraceful Eden and his fellow contemptuous of you command staff thugs in the back of the room was nothing but pure intimidation of you

After waiting 3 ½ hours along with others who signed up to speak last night (many of whom left in disgust including POB chairman Leonard Waites), I stayed.

Had we been given more than 2 minutes, all would have condemned the over 2 ½ hours you wasted on far too many long proclamations, the Q&A and considering Councilor Harris' bill before the public comment period. During the 2 ½ hours before you took your dinner break it's clear that you obviously like to hear yourselves talk/pontificate on local issues things that could have been resolved with the administration in non Council meeting communications.

But instead we public speakers were deemed by you to be unimportant much like APS's School Board's blatant disrespect of other citizens over the Valentino affair of which Councilor Brad Winter while still at APS was complicit in what Valentino had done.

One of the questions you chose to never ask of the arrogant Chief Eden was just what specifically were the alleged 3,400 APD calls for service over the past weekend by APD as reported in the September 9 Albuquerque Journal? How many of these were just calls to 911? Did these calls to 911 constitute 90% or more of the calls for service and not actual police responses? Or didn't you care?

The Journal article cited only five incidences over the weekend that APD responded to. Yet fiscally irresponsible Councilor Sanchez who seemingly treats our taxes as nothing more than play or fun money claims in the absence of a long overdue resource allocation study by the Chief says that we ought to increase APD's manpower to possibly as high as 1500 as the Chief wants but can never justify.

## THE EYE AND ABQ FREE PRESS

See the September 9 (previously dormant since July 7) Eye on Albuquerque posting "The Thin Blue Line" at <http://eyeonalbuquerque.blogspot.com/>. It properly places the blame for all of the APD problems squarely on the "*politicians who have*

*created this mess and have no clue how to fix it."*

"Having no clue" was too nice a description for the damned politicians here who do have a clue/know how to fix it but don't have the guts or integrity to do it. You know that this criticism includes you but you choose to be in denial about this "uncomfortable truth." One local journalist properly said you nine-like this Mayor are the worst of any in this city's history. .

Also check out the latest September 9 issue of the ABQ Free Press that includes columns by another disgusted retired cop Dan Klein and articles by Joe Monahan and other writers. This ABQ Press issue (unlike the Berry Journal) speaks the truth about the complicit Berry Journal, Mayor Berry, Governor Martinez and her machine.

It also has articles about APD's former IPRA directed stonewaller and now whistleblower Reynaldo Chavez, the top APD brass worrying that their illegal bonuses are on the front burner and Berry's Convention Center insider the ACRV who has been ripping taxpayers off for years despite their abysmal performance.

Seems like you nine couldn't care less with any of this-nor do the other politicians in NM.

#### MY AND OTHERS' TALKS MONDAY

Before I spoke, Tony Pirard gave you an earful but you brushed him off as you do with all of us. Tony, like me is far too blunt-won't mince words about his disgust with the culture of corruption here. It extends to US Attorney Damon Martinez and Judge Brack-the reason he was visited twice by Damon's US Marshals for daring to criticize Martinez, Brack and others here.

When I finally spoke, you again showed disrespect to me when my upside down flag-an official US Flag code signal of distress-something that this city is in was put on the overhead projector and again was not shown on GOV-TV as yet another blatant example of censorship. Neither did you show any of the other public speakers' overhead projector presentations on GOV-TV.

In addition to the many earlier e-mails sent you opposing the selection of former cop Ed Harness who was clearly unqualified to be the POB's first choice to be the next POA Executive Director (ED) my talk was again critical of all of the previous foxes (former cops) assigned to guard the hen house.

I expressed my disgust for the POB preference for Harness who as Tony Pirard also said was not only clueless about our city's oversight process but was an embarrassing choice. Ed's only job as a mediator in Milwaukee was in a chump change paying job working for the Better Business Bureau. His only claimed police

oversight experience was confined to his local village.

#### **MORE FOXES GUARDING THE HEN HOUSE**

After abdicating your responsibility to us when choosing to be MIA in the negotiations with the DOJ, you first blessed the Mayor's hiring of Schultz's Taser buddies former Cincinnati police Chief Tom Streicher whose Department was also a mess and investigated by the DOJ. This was yet another fox guarding the henhouse. You also hired his and Schultz's lying to you attorney buddy Scott Greenwood. .

You also cared little that Judge Brack chose the toothless PMR inc made up mostly of former cops to merely monitor-"audit" APD. Yet even more foxes guarding the hen house. Then-not surprisingly last night you chose yet another former cop/fox Ed Harness to be the new Executive Director of the Police Oversight Agency never really challenging his sweet sounding B.S-eloquently blowing the same smoke at you that he had done earlier to the POB during their interviews with him and the four others.

Your failure to use due diligence in his selection was the very same thing you did when never bothering to check the resume of all 40+ applicants for the APD Chief's job (most with eye-watering qualifications) before you blessed Berry's clearly unqualified Eden.

Many or most of you apparently never bothered to see the POB interviews with the five then candidates for the important ED job and never questioned the lack of experience of Ed Harness before approving him. Another fox guarding the hen house.

After me, Barbara Grothus also told you how you have willing become part of the problem rather than the solution here but you brushed her off as well. She made the same points as in the Eye posting. You nine, Jessica Hernandez and Perry also gave the idiot treatment to Dianne Goodman regarding a bond question to be put on the ballot.

#### **THE KNOWINGLY CLUELESS-EVEN ARROGANT CITIZENS YOU NAMED TO THE POB INCLUDED ONE CONDESCENDING ELITIST AND TWO FORMER POLICE OFFICERS**

Rather than former LAPD police officer Beth Mohr who conducted the POB's interviews and promoted Harness for the job in the press showing up to talk, it was Dr. Moira Amado McCoy. She, like Beth and the others on the POB have never been involved in the old oversight process was the first to speak trying to defend their selection of Harness. You councilors were afraid of appointing knowledgeable people like us to the POB.

In McCoy's presentation, she demonstrated to all that she was an elitist who would repeatedly talk down to you and the rest of us as if we were all idiots-not up to her perceived PhD intellect. She would say that being an attorney was important for the ED although the POB already has an attorney. She incredulously deemed experience here irrelevant but claimed Harness was instead a "transformational leader-a collaborator." She also questioned our allegedly "dichotomous thinking" saying police are not enemies of the people.

She either naively or intentionally ignored the fact that bad-unaccountable APD officers and their leaders do in fact view themselves as enemies of the people. It's "them vs. us" as APOA VP Willoughby reminded the union rank and file in his secret 2013 memo previously sent you.

McCoy would further claim that being a collaborator (even working for the BBB in Milwaukee), rather than having relevant police oversight experience here was very important. (Memo to Maiora-That's NOT what the key job of the ED job is.)

Then it was POB member Joanne Fine who also said that experience here particularly in the past and current oversight process was also not that important. As I said POB President Waites left rather than speak.

Now with Harness, you have three other former cops in the Police Oversight Agency. This includes POB member and another strong Harness advocate former LAPD cop Beth Mohr, POB member Jeff Wilson and even one Executive Director's investigator-a former Belen senior police officer. It's clear where their loyalties lie. You know it but don't care.

#### EXECUTIVE DIRECTOR CANDIDATES SPEAK

Candidate and current NM prosecutor Ms Sprague during her talk pointed out that it was vitally important that people know the situation here and also that she is not a former police officer. That was right on.

The most qualified candidate Jay Rowland who was urged by the former IRO Judge Deaton to succeed him years ago proved from his interview with the POB and talk before you that he was the best man for the job. Likely he wasn't the Chief's or Mayor's choice who likely the POB first checked with as Jay was viewed as too knowledgeable-thus too dangerous.

During his talk, Harness claimed that being "empathetic and not intimidated" was his "persona." He then incredulously claimed the toothless settlement agreement between Berry's Cincinnati mercenaries and DOJ signed by Judge Brick was credible.

Ed also talked about APD's "core values" but never mentioned or discussed them.

Any core values APD has are a joke-mere propaganda. He said the police nationwide are going through a "paradigm shift." Translated-this means there is now citizen and DOJ pressure to make them accountable, forcing them to wear body cameras and no longer above the law as our police officers have been here for far too long and still are.

While claiming he "empathizes" with police officers, Ed claimed he never said an officer's life was more important than that of a citizen. In fact contrary to his interview with the POB and what's in his resume, this man has shown himself to be dishonest regarding this. He is part of the brotherhood.

Ed showed no understanding that under the new Ordinance that APD Chief Eden still has the final decision in any police officer's punishment and can essentially ignore the POB as Schultz did to the old POC. A citizens' only recourse is to file a civil lawsuit.

I don't know who found Ed Harness in Milwaukee if not APD but it was clear Ed was making chump change working for the BBB there.

It's not clear why there had to be a secret ballot rather than have us see last night just who of you voted for Harness as the first choice. It showed your cowardice. Yet one Councilor claimed your votes would be later revealed.

#### POB'S VIOLATION OF THE OPEN MEETINGS ACT

Below is an e-mail you received yesterday from Attorney Paul Livingston with his attachment. It demonstrates just how bad this Police Oversight Agency Executive Director selection process was corrupted-but you don't care. It's really the way it is here as corruption is a part of our NM culture and few care while most feel that nothing they do will ever change it..

Disgusted with all of you and Berry's traitors of we the people

Silvio

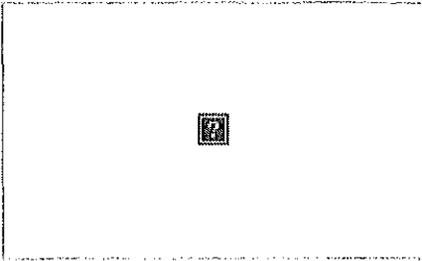
For WE THE PEOPLE

PMs-2-9-2015\_abq\_rolling\_stone\_newyorker



Inline image 1





**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE  
FORCE IN THIS CITY'S HISTORY**

**From:** Paul Livingston [<mailto:living@rt66.com>]

**Sent:** Wednesday, September 09, 2015 3:39 PM

**To:** [mmmontoya@cabq.gov](mailto:mmmontoya@cabq.gov); [MayorBerry@cabq.gov](mailto:MayorBerry@cabq.gov); [POB@cabq.gov](mailto:POB@cabq.gov);  
[reygarduno@cabq.gov](mailto:reygarduno@cabq.gov)

**Cc:** [danlewis@cabq.gov](mailto:danlewis@cabq.gov); [kenSanchez@cabq.gov](mailto:kenSanchez@cabq.gov); [dharris@cabq.gov](mailto:dharris@cabq.gov); [kpena@cabq.gov](mailto:kpena@cabq.gov);  
[dgibson@cabq.gov](mailto:dgibson@cabq.gov); [bwinter@cabq.gov](mailto:bwinter@cabq.gov); [ibenton@cabq.gov](mailto:ibenton@cabq.gov); [trudyjones@cabq.gov](mailto:trudyjones@cabq.gov)

**Subject:** Notice of Violations of NM Open Meetings Act by the CPOA

Dear City Councilors,

Attached is a letter giving notice of violations of the New Mexico Open Meetings Act by the Citizens' Police Oversight Agency concerning the selection of an Executive Director. As the attorney representing Mark Bralley and Vecinos United, I sought and secured a Writ of Mandamus ordering the Police Oversight Board to hold its selection of an Independent Review Officer "openly and in public in accordance with the mandatory provisions of the New Mexico Open Meetings Act." That was sixteen years ago, in 1999.

Unfortunately, City attorneys and officials are engaging in the same misconduct now with respect to selection of an Executive Director of the new Citizens' Police Oversight Agency. Please review the attached letter, and consider whether the City would be making the same mistake it made 16 years ago and whether the selection of a Director today would be in accordance with law and the rights of the people to know about the operations of their government. Thank you.

Paul Livingston  
(505) 771-4000

<Letter-City-Council-OMA.pdf>

**From:** Silvio Dell'Angela  
**To:** lunar@cybermesa.com  
**Cc:** pmrinc@mac.com; "Elizabeth"; vanita.gupta@usdoj.gov; Eden, Gordon; stop\_police\_violence\_in\_abq-request@lists.riseup.net; "Peter Simonson"  
**Subject:** RE:; Your reply to me "So you volunteered to be part of James Ginger's toothless APD team of mere "auditors."?  
**Date:** Tuesday, September 01, 2015 10:54:03 AM

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MARIA

That's all well and good.

But I'm sure you understand that not only these outreach collaboratives run by the City that we paid UNM \$15,000 to conduct were mere shams. The meeting later held at the Peace and Justice Center with one of the PMR Inc. powerless "auditors" likely disappointed all there as it gave the illusion that PMR Inc is listening.

Note that the Phase 1 report of the 20+ collaborative meetings held gave transparency and accountability the lowest % of importance. APD's attorneys even wanted to charge me over \$150 to get the list of names attending these collaboratives.

There is no credibility in this reform process as there is still APD defiance of IPRA public records requests-no transparency and no accountability. The Journal did a fluff piece on Boyd killer Perez portraying him as a hero claiming he will be bankrupt defending himself-never blaming his attorney for ripping him off.

Then you have the two propaganda pieces by two former-now retired senior Schulz's cops saying to essentially leave the cops alone-let them use excessive force. They are blaming us not the bad APD leadership.

Writers to the Journal believed all this pro-killer cop propaganda as evidenced by the latest letter in the Journal today portraying Boyd as a crazed potential killer. I guess you get one free murder of a citizen when wearing a badge and deemed a hero..

APD Forward has been a disappointment and the African-American Bishops haven't taken the time to find out what's really going on. Berry even hired NAACP's Harold Bailey as a consultant to give him credibility-give the impression he cares about black citizens here. Bailey sold his soul to the devil. Another Judas just to get his 30 pieces of silver

How many of these black leaders came out publically against the unjustified shootings of Vincent Wood and other black citizens? NONE! Why doesn't our new black attorney general who replaced Eric Holder in Washington DC care about us? Only when black citizens in other cities are killed? Where is Vanita Gupta?

Neither APD nor the DA will release the video showing the two cops murdering Wood after only five minutes yet deemed their shooting justified. Except for

M004781

the Boyd murder, APD has not released any video showing their other murders.

Do the black leaders care about those of other color? All some black leaders worry about is taking down the old stars and bars of the Northern Confederate Army in Old Town and the Mayor rolled over for/pandered to them.

You can't give credibility to a reform process that has no credibility. You like the others are being used in my opinion. You also need to show up at Council meetings and write to the Council demanding more than just lip service.

Did you volunteer to serve on the 2013 police oversight task force whose recommendations were ignored? Did you volunteer for the POC or new POB? I did. Now the POB wants to make a Milwaukee cop its first choice to be the new Executive Director of the Police Oversight Agency. Lunacy

Just my opinion. Thanks for writing

Silvio

-----Original Message-----

From: [lunar@cybermesa.com](mailto:lunar@cybermesa.com) [<mailto:lunar@cybermesa.com>]

Sent: Monday, August 31, 2015 9:52 PM

To: Silvio Dell'Angela

Cc: [lunar@cybermesa.com](mailto:lunar@cybermesa.com); [pmrinc@mac.com](mailto:pmrinc@mac.com); 'Elizabeth'; [vanita.gupta@usdoj.gov](mailto:vanita.gupta@usdoj.gov); 'Eden, Gorden'

Subject: Re: So you volunteered to be part of James Ginger's toothless APD team of mere "auditors."?

Hi Silvio, I did not volunteer to be part of Dr. Ginger's monitoring team. I like other advocates have chosen to host community forums for community participation. I am giving credibility to the reform process. Once we get over the "divide and conquer" , we can start the real work.

Other organizations have sponsored forums, Peace and Justice Center, APDFORWARD, African American Bishops, ...do you feel the same way about them as you do about me? Maria

On Mon, August 31, 2015 8:16 pm, Silvio Dell'Angela wrote:

> Maria Batista

>

>

>

> Is this true? The question is why give Ginger and his team any  
> credibility that they don't deserve? It's divide and conquer-or  
> haven't you thought about that?

>

M004782

>  
>  
> Disappointed-if true  
>  
>  
>  
> Silvio  
>  
> For WE THE PEOPLE  
>  
>

**From:** [Eric Cruz](#)  
**To:** [Leonard Waites](#); [Joanne Fine](#); [Scott S. Wilson](#); [David Ring](#); [Jeannette V. Baca](#); [Beth Mohr](#); [Susanne Brown](#); [Maira Amado-McCoy](#)  
**Subject:** Re: 2015-09-01 Draft CPOA Polices and Procedures Procedure (sent to APOA).docx  
**Date:** Wednesday, September 09, 2015 9:14:49 PM

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Everyone,  
I'm still in jury duty this week. I may be late to meeting depending on when we get let out.

-Eric

On Sat, Sep 5, 2015, 08:02 Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)> wrote:

Good morning,

Attached are the policies and procedures that Mark has drafted. This is only a draft and can be change at anytime before we vote on the final provision. So if you have any suggestions for change please let myself or Mark know before Thursday's meeting.

Leonard

----- Forwarded message -----

**From:** **Mark Baker** <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>

**Date:** Fri, Sep 4, 2015 at 4:10 PM

**Subject:** 2015-09-01 Draft CPOA Polices and Procedures Procedure (sent to APOA).docx

**To:** Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>

Here's a draft of the policies. I expect changes before Thursday, but I'll flag substantive edits for the Board then.

--

Leonard Waites Chairman  
Police Oversight Board

**From:** [Beth A. Mohr](#)  
**To:** [Hammer, Robin](#)  
**Cc:** [POB](#); [Mark T. Baker](#); [Hernandez, Jessica M.](#)  
**Subject:** Re: Agenda posted for Monday?  
**Date:** Thursday, July 23, 2015 8:43:53 AM

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The Agenda for the 29th should be posted as quickly as possible. Particularly for a special meeting, the 72 hours is the minimum, not the goal.

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.*

"Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Beth,

After Friday's Personnel Subcommittee, the next meeting we have scheduled is the special POB meeting on Wednesday, July 29. The following Monday, August 3, the Policy Subcommittee is scheduled to meet at 8 am. I am unaware of any meeting scheduled for Monday, July 27. If we've missed something, please let me know.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

M004785

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

**From:** Beth A. Mohr [mailto:cabq.pob.mohr@gmail.com]  
**Sent:** Thursday, July 23, 2015 8:13 AM  
**To:** Hammer, Robin; POB; Mark T. Baker; Hernandez, Jessica M.  
**Subject:** Agenda posted for Monday?

Is there an Agenda posted for Monday?

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.*

M004786

**From:** [Beth A. Mohr](#)  
**To:** [Hammer, Robin](#)  
**Cc:** [POB; Mark T. Baker](#)  
**Subject:** Re: Agenda setting in the future  
**Date:** Wednesday, June 24, 2015 5:25:43 PM

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Excellent, 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.*

"Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Beth,

Myself or a member of my staff will assist with Agenda creation and posting as outlined below.

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

M004787

<http://www.cabq.gov/cpoa>

**From:** Beth Mohr [mailto:[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)]  
**Sent:** Wednesday, June 24, 2015 12:12 PM  
**To:** Hammer, Robin; POB; Mark T. Baker  
**Subject:** Agenda setting in the future

Ms. Hammer - In the future, we need to avoid the situation which happened this week - where I sent an emailed agenda for the personnel subcommittee for posting well before the deadline, but you didn't receive it, and it wasn't posted 72 hours prior to the meeting.

As staff for the POB, we all need you to be the person primarily responsible for staying on top of these deadlines with agendas and posting. Volunteer Board members shouldn't be the ones primarily responsible for this task.

To be clear, the failure is not that you didn't receive my email, as that technology is beyond our control. The issue was that when you didn't receive the agenda in plenty of time for posting, that you neither emailed, called nor texted me to find out the status of the agenda. As I had previously disclosed, I was working out of state, in 3 locations involving both coasts between June 13th and yesterday evening. Had I received any communication from you that you hadn't yet received an agenda, I could have resent it prior to the deadline.

In the future, to ensure there isn't a repeat of this issue, you will follow the protocol listed below:

5-days prior to meeting - email the Chair of the POB, or subcommittee chair, requesting an agenda, and asking if they would like your assistance to format a draft agenda; please CC the committee members, or in the case of the full POB, cc the co-vice chairs. This is also the last point where the most recent minutes should be sent out in draft form.

4-days prior to meeting - if you haven't received a response, call the Chair and follow up to ensure that an agenda is forthcoming.

3-days prior to the meeting - verify the receipt of an agenda and post. If for whatever reason the chair is unable to put together an agenda, and you haven't received an agenda or any response from anyone else, please post an updated version of the most recent agenda for that body. For the personnel subcommittee, just update the last agenda with the upcoming agenda's date and post it, so at least the meeting won't need to be cancelled.

2-days prior to the meeting, verify the room reservation and email a reminder to the full POB inviting/reminding everyone of the meeting or subcommittee meeting.

Following this timetable for all future meetings will ensure that we are able to smoothly conduct business. If you'd prefer to assign one of your staff members to this task, please let us know who will be primarily responsible. Feel free to call with any questions. Thanks much, -B

M004788

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 A. Mohr  
**To:** Alexander DeSantis  
**Cc:** POB; Green, Alan  
**Subject:** Re: Application for Director of CPOA  
**Date:** Thursday, June 18, 2015 8:29:20 PM

---

Sir, This Board is not able to accept applications. Please follow the process at [www.cabq.gov/jobs](http://www.cabq.gov/jobs) to apply. 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*

*Sent with haste from my "smart" phone.*

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Alexander DeSantis <[adesantis80@gmail.com](mailto:adesantis80@gmail.com)> wrote:

Dear Members of the Police Oversight Board:

I am writing to apply for Director of the Civilian Police Oversight Agency (CPOA) for the City of Albuquerque. As a cum laude graduate of Harvard Law School with significant leadership experience in police oversight and the investigative field, I am confident that I can be an asset.

Attached for your review, please find my cover letter and resume, outlining my experience and qualifications. I know that I can contribute to the CPOA, the Albuquerque Police Department and the City of Albuquerque more broadly.

I very much appreciate your consideration and look forward to speaking with you about my application.

Best Regards,

Alex DeSantis  
  


M004790

**From:** [Beth Mohr](#)  
**To:** [Green, Alan](#); [Hults, Samantha M.](#); [Mark T. Baker](#); [POB](#); [Hernandez, Jessica M.](#)  
**Subject:** Re: Background Forms  
**Date:** Thursday, July 30, 2015 11:17:19 AM  
**Attachments:** [CPOA FD Release Forms - Complete Set.pdf](#)

---

Alan - Enclosed is the complete set of signed releases.

The POB spent quite a long time last night considering candidates. Our top three are very closely matched. We decided that we want to spend some time checking references and having the City do employment verifications and criminal history checks, we will then reconvene at another special meeting on Tuesday, August 4th, at 5 pm, in order to review reference checks and take a vote to rank the candidates. City Council staff indicated that they would not likely be able to approve a candidate on August 3rd anyway, so we decided to spend this time on reference, employment and background checks, and ask Council to do final consideration at their meeting of August 17th. We take our responsibility to select the next Executive Director of the CPOA very seriously, and we want to ensure that we are selecting someone who will be able to move the community forward in a positive direction with respect to civilian oversight.

Please check the top 4 candidates for us, this is everyone except for Duncan Bradley, who will not receive further consideration. That way if one of our top three has significant issues revealed during reference checks we can replace them with the 4th place person, who is also an excellent candidate.

Alan, we will need you to be there on Thursday at 5pm to go over the results of the reference checks with us. If you are unable to attend, please see if Loc could be there in your stead, but we will need someone there from HR with adequate authority to answer questions.

If you have any questions, please call my cell, I'm teaching to a group of government auditors most of today and won't be particularly available until after 4:30, but I have some availability tomorrow.

Thanks much, -Beth

Beth A. Mohr, Volunteer  
Albuquerque Police Oversight Board

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On Thu, Jul 30, 2015 at 9:14 AM, Green, Alan <[alangreen@cabq.gov](mailto:alangreen@cabq.gov)> wrote:

Good morning Beth,

I hope all went well with the interviews last night. I am following up on the background

M004791

waivers. The normal procedure for these is to do the background check for the finalist only. In this case we can get do them for the three finalists or even the group of six. It normally takes 2-3 business days for them to be completed. If August 3<sup>rd</sup> is still the target date for the City Council appointment I should start the background checks as soon as I can get them. If you can scan and email them I can get started.

Thanks.



# City of Albuquerque

## HUMAN RESOURCES

### Background Investigation Waiver and Release Form

In connection with my application of employment with the City of Albuquerque, hereby known as "Hiring Entity" I understand that investigative reports may be requested that will include information as to my performance and experience along with reasons for termination of past employment from previous employers. Further, I understand that information may be requested concerning my motor vehicle registration history and criminal history from various states, private insurance sources along with other public records available.

I voluntarily and knowingly authorize any present or past employer or supervisor, institution of learning; administrator, law enforcement agency, local or state agency, Federal agency; private business; military branch or the National Personnel Records Center to give records of information they may have concerning information requested as part of my background investigation. I voluntarily and knowingly unconditionally release any named or unnamed format from all liability resulting from the furnishing of this information. A photocopy of this Designation and Authorization for Release and Redisclosure of Information shall be considered by the recipient to be a signed original, as long as it is transmitted to the recipient by the Hiring Entity and is received within one year of the signature date,

I understand that a thorough and complete background investigation will be conducted to determine my fitness and desirability as a candidate for employment or as a volunteer. I hereby release from liability and agree to hold harmless; under any and all possible cause of legal action, including negligence, the City of Albuquerque, the Agency and any of its officers, agents or employees for any neglect or wrongful statements, acts, omissions made or recorded in the course of my background investigation.

If I am denied employment, either wholly or partly because of information contained in resulting reports, a disclosure will be made to me of the name and address of the consumer reporting agency making such report. If the report contains information about me that is matter of public record, such as arrests, indictments or convictions, I may also be informed of the name and address of any person to whom the information is reported.

Edna Frances Sprague 07/29/15  
 Applicant Signature Date

Parent/Guardian Signature (If under 18) Relationship Date

**APPLICANT INFORMATION - Please complete ALL blanks**

Last Name: Sprague First Name: Edna Full Middle Name: Frances Social Security Number: [REDACTED]

Maiden Name: [REDACTED] Names, Nicknames, or Aliases used: A.B.S. Date of Birth (Month/Day/Year): 8/10/10

Present Address Number/Street/Quadrant: [REDACTED] City: Alb. State: NM Zip Code: 87104 How Long: \_\_\_\_\_

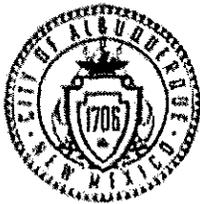
Previous Address (within last 7 years) Number/Street/Quadrant: [REDACTED] City: NM State: NM Zip Code: \_\_\_\_\_ How Long: \_\_\_\_\_

Driver's License Number: \_\_\_\_\_ State Issued: 9/9/15 Expiration Date: \_\_\_\_\_ Operator  Commercial (CDL)

**City of Albuquerque Information:**

Department/Job Title: \_\_\_\_\_ Department No: \_\_\_\_\_

Position Applying for: \_\_\_\_\_ Requested BY: \_\_\_\_\_



# City of Albuquerque

## HUMAN RESOURCES

### Background Investigation Waiver and Release Form

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I voluntarily and knowingly authorize any present or past employer or supervisor, institution of learning; administrator, law enforcement agency, local or state agency, Federal agency; private business; military branch or the National Personnel Records Center to give records of information they may have concerning information requested as part of my background investigation. I voluntarily and knowingly unconditionally release any named or unnamed format from all liability resulting from the furnishing of this information. A photocopy of this Designation and Authorization for Release and Rediscovery of Information shall be considered by the recipient to be a signed original, as long as it is transmitted to the recipient by the Hiring Entity and is received within one year of the signature date,

I understand that a thorough and complete background investigation will be conducted to determine my fitness and desirability as a candidate for employment or as a volunteer. I hereby release from liability and agree to hold harmless; under any and all possible cause of legal action, including negligence, the City of Albuquerque, the Agency and any of its officers, agents or employees for any neglect or wrongful statements, acts, omissions made or recorded in the course of my background investigation.

If I am denied employment, either wholly or partly because of information contained in resulting reports, a disclosure will be made to me of the name and address of the consumer reporting agency making such report. If the report contains information about me that is matter of public record, such as arrests, indictments or convictions, I may also be informed of the name and address of any person to whom the information is reported.

Jay Alan Rowland \_\_\_\_\_ Date 7/24/15  
 Applicant Signature \_\_\_\_\_  
 \_\_\_\_\_  
 Parent/Guardian Signature (If under 18) Relationship Date

**APPLICANT INFORMATION - Please complete ALL blanks**

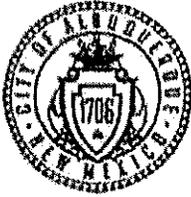
ROWLAND \_\_\_\_\_ JAY \_\_\_\_\_ ALAN \_\_\_\_\_  
 Last Name First Name Full Middle Name Social Security Number

[Redacted] \_\_\_\_\_ WARWICK \_\_\_\_\_ NY \_\_\_\_\_ 10990 \_\_\_\_\_ 2 YRS  
 Maiden Name Other Names, Nicknames or Aliases used Date of Birth (Month/Day/Year)  
 Present Address Number/Street/Quadrant City State Zip Code How Long

[Redacted] \_\_\_\_\_ WARWICK \_\_\_\_\_ NY \_\_\_\_\_ 10990 \_\_\_\_\_ 5 YRS  
 Previous Address (Within last 7 years) Number/Street/Quadrant City State Zip Code How Long

[Redacted] \_\_\_\_\_ NY \_\_\_\_\_ 9/22/21 \_\_\_\_\_ Operator  Commercial (CDL)   
 Driver's License Number State Issued Expiration Date

**City of Albuquerque Information:**  
 Department/Job Title: \_\_\_\_\_ Department No: \_\_\_\_\_  
 Position Applying for: \_\_\_\_\_ Requested BY: \_\_\_\_\_



# City of Albuquerque

## HUMAN RESOURCES

### Background Investigation Waiver and Release Form

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If I am denied employment, either wholly or partly because of information contained in resulting reports, a disclosure will be made to me of the name and address of the consumer reporting agency making such report. If the report contains information about me that is matter of public record, such as arrests, indictments or convictions, I may also be informed of the name and address of any person to whom the information is reported.


7/27/2015  
 Applicant Signature Date

Parent/Guardian Signature (If under 18) Relationship Date

APPLICANT INFORMATION - Please complete ALL blanks					
HARNES	Edward	Woody			
<small>Last Name</small>	<small>First Name</small>	<small>Full Middle Name</small>	<small>Social Security Number</small>		
<small>Maiden Name</small>	<small>Other Names, Nicknames or Aliases used</small>		<small>Date of Birth (Month/Day/Year)</small>		
	Whitefish Bay		WI	53217	14 yrs
<small>Present Address</small>	<small>Number/Street/Quadrant</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>	<small>How Long</small>
<small>Previous Address (Within last 7 years)</small>		<small>City</small>	<small>State</small>	<small>Zip Code</small>	<small>How Long</small>
		WI			
<small>Driver's License Number</small>	<small>State Issued</small>	<small>Expiration Date</small>	Operator <input checked="" type="checkbox"/> Commercial (CDL) <input type="checkbox"/>		
		11/16/2020			
<b>City of Albuquerque Information:</b>					
<small>Department/Job Title:</small>			<small>Department No:</small>		
<small>Position Applying for:</small>			<small>Requested BY:</small>		



# City of Albuquerque

## HUMAN RESOURCES

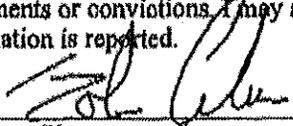
### Background Investigation Waiver and Release Form

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 Applicant Signature \_\_\_\_\_ Date 7-27-15

Parent/Guardian Signature (If under 18) \_\_\_\_\_ Relationship \_\_\_\_\_ Date \_\_\_\_\_

APPLICANT INFORMATION - Please complete ALL blanks							
Grubasic	John	Todd Laurence	■■■■■■■■■■				
<small>Last Name</small>	<small>First Name</small>	<small>Full Middle Name</small>	<small>Social Security Number</small>				
	John Grubasic						
<small>Maiden Name</small>	<small>Other Names, Nicknames or Aliases used</small>		<small>Date of Birth (Month/Day/Year)</small>				
■■■■■■■■■■	■■■■■■■■■■		Albuquerque	NM	87111	7	
<small>Present Address</small>	<small>Number/Street/Quadrant</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>	<small>How Long</small>		
<small>Previous Address (Within last 7 years) Number/Street/Quadrant</small>		<small>City</small>	<small>State</small>	<small>Zip Code</small>	<small>How Long</small>		
■■■■■■■■■■		NM	07/30/2017	Operator <input checked="" type="checkbox"/>	Commercial (CDL) <input type="checkbox"/>		
<small>Driver's License Number</small>	<small>State Issued</small>	<small>Expiration Date</small>					
<b>City of Albuquerque Information:</b>							
<small>Department/Job Title:</small> _____				<small>Department No.:</small> _____			
<small>Position Applying For:</small> <u>Civilian Police Oversight Agency Director</u>				<small>Requested BY:</small> _____			



# City of Albuquerque

## HUMAN RESOURCES

### Background Investigation Waiver and Release Form

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If I am denied employment, either wholly or partly because of information contained in resulting reports, a disclosure will be made to me of the name and address of the consumer reporting agency making such report. If the report contains information about me that is matter of public record, such as arrests, indictments or convictions, I may also be informed of the name and address of any person to whom the information is reported.

*[Signature]* \_\_\_\_\_ Date 07/26/2015  
 Applicant Signature

\_\_\_\_\_  
 Parent/Guardian Signature (if under 18)      Relationship      Date

APPLICANT INFORMATION -- Please complete ALL blanks					
BRADLEY	DUNCAN	LEE			
<small>Last Name</small>	<small>First Name</small>	<small>Full Middle Name</small>	<small>Social Security Number</small>		
N/A	N/A		[REDACTED]		
<small>Maiden Name</small>	<small>Other Names, Nicknames or Aliases used</small>		<small>Date of Birth (Month/Day/Year)</small>		
[REDACTED]	RUIDOSO		NEW MEXICO	88345	8+ Yrs
<small>Present Address</small>	<small>Number/Street/Quadrant</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>	<small>How Long</small>
N/A		N/A	N/A	N/A	N/A
<small>Previous Address (Within last 7 years)</small>		<small>City</small>	<small>State</small>	<small>Zip Code</small>	<small>How Long</small>
[REDACTED]		NEW MEXICO	05/02/2016	Operator <input checked="" type="checkbox"/> Commercial (CDL) <input type="checkbox"/>	
<small>Driver's License Number</small>	<small>State Issued</small>	<small>Expiration Date</small>			
<b>City of Albuquerque Information:</b>					
<small>Department/Job Title:</small> _____			<small>Department No:</small> _____		
<small>Position Applying for:</small> _____			<small>Requested BY:</small> _____		

**From:** Beth A. Mohr  
**To:** Green, Alan; Mark T. Baker; POB; Hernandez, Jessica M.; Hults, Samantha M.  
**Subject:** Re: Background Forms  
**Date:** Thursday, July 30, 2015 12:30:47 PM

---

FYI - My assumption when I sent this was that this email and its attachments held confidential HR records or attorney-client work product privilege for everyone included. If that does NOT properly apply to anyone reading this, kindly delete the previous email and all its attachments. As I previously stated, I am teaching at a remote location and am getting by with suboptimal technology to try to conduct POB business as an unpaid volunteer. 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.*

Beth Mohr <cabq.pob.mohr@gmail.com> wrote:

Alan - Enclosed is the complete set of signed releases.

The POB spent quite a long time last night considering candidates. Our top three are very closely matched. We decided that we want to spend some time checking references and having the City do employment verifications and criminal history checks, we will then reconvene at another special meeting on Tuesday, August 4th, at 5 pm, in order to review reference checks and take a vote to rank the candidates. City Council staff indicated that they would not likely be able to approve a candidate on August 3rd anyway, so we decided to spend this time on reference, employment and background checks, and ask Council to do final consideration at their meeting of August 17th. We take our responsibility to select the next Executive Director of the CPOA very seriously, and we want to ensure that we are selecting someone who will be able to move the community forward in a positive direction with respect to civilian oversight.

Please check the top 4 candidates for us, this is everyone except for Duncan Bradley, who will not receive further consideration. That way if one of our top three has significant issues revealed during reference checks we can replace them with the 4th place person, who is also an excellent candidate.

Alan, we will need you to be there on Thursday at 5pm to go over the results of the reference checks with us. If you are unable to attend, please see if Loc could be there in your stead, but we will need someone there from HR with adequate authority to answer questions.

If you have any questions, please call my cell, I'm teaching to a group of government auditors most of today and won't be particularly available until after 4:30, but I have some availability tomorrow.

M004798

Thanks much, -Beth

Beth A. Mohr, Volunteer  
Albuquerque Police Oversight Board

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

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On Thu, Jul 30, 2015 at 9:14 AM, Green, Alan <[alangreen@cabq.gov](mailto:alangreen@cabq.gov)> wrote:

Good morning Beth,

I hope all went well with the interviews last night. I am following up on the background waivers. The normal procedure for these is to do the background check for the finalist only. In this case we can get do them for the three finalists or even the group of six. It normally takes 2-3 business days for them to be completed. If August 3<sup>rd</sup> is still the target date for the City Council appointment I should start the background checks as soon as I can get them. If you can scan and email them I can get started.

Thanks.

**From:** [Edward Harness](#)  
**To:** [Beth Mohr](#)  
**Cc:** [Mark T. Baker](#); [Hults, Samantha M.](#); [Leonard Waites](#); [Scott S. Wilson](#); [Joanne Fine](#); [Eric H. Cruz](#); [Molra Amado-McCoy](#); [Jeannette V. Baca](#); [David Ring](#); [susanne.brown37@gmail.com](mailto:susanne.brown37@gmail.com)  
**Subject:** Re: CPOA Executive Director Status  
**Date:** Thursday, July 30, 2015 12:10:45 PM

---

Thank you for the update.

Ed Harness  
Sent from my iPhone  
414-647-2222 Office

On Jul 30, 2015, at 12:36 PM, Beth Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

Dear Candidates: (BCC'd in this email)

The POB spent quite a long time last night considering candidates. Our top three are very closely matched. We decided that we want to spend some time checking references and having the City do employment verifications and criminal history checks, we will then reconvene at another special meeting on Tuesday, August 4th, at 5 pm, in order to review reference checks and take a vote to rank the candidates. There is no need for candidates to attend this meeting. I will contact you with our final decision.

City Council staff indicated that they would not likely be able to approve a candidate on August 3rd anyway, so we decided to spend this time on reference, employment and background checks, and ask Council to do final consideration at their meeting of August 17th.

The POB takes our responsibility to select the next Executive Director of the CPOA very seriously, and we want to ensure that we are selecting someone who will be able to move the community forward in a positive direction with respect to civilian oversight.

If any of you have given this position further reflection and have changed your mind and would NOT be amenable to accepting this position if called upon, please let me know right away. We want to confidently submit the top three ranked names to Council, knowing that they could select anyone off that list and we would have our new Executive Director.

If you have any questions or need to chat, please feel free to call me at [REDACTED] - [REDACTED] (cell) or 505-554-2968 (office). I am teaching much of today to a statewide group of professionals, so I will have limited availability until after 4:30 today. The other person to call with questions would be our Independent Counsel, Mark T. Baker. Mr. Baker is included on this email if you wish to contact him, or his cell is [REDACTED]

Thank-you again for your willingness to serve our community in this position. -  
Beth

M004800

Beth A. Mohr, Volunteer  
Albuquerque Police Oversight Board

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

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**From:** [Maira Amado-McCoy](#)  
**To:** [Joanne Fine](#)  
**Subject:** Re: CRC  
**Date:** Wednesday, September 30, 2015 9:57:02 PM

---

Thanks, Joanne.

Maira

On Sep 30, 2015, at 8:45 PM, joannefine413 <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:

I can do the 12th.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Maira Amado-McCoy <[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)>

Date: 9/30/2015 9:52 PM (GMT-05:00)

To: Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>, Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>

Subject: CRC

Hi, Leonard and Joanne.

I've just finished reading all 126 of the cases/letters from the last time we reviewed to the end of Ms. Hammer's tenure. Would you be able to meet for a CRC meeting on Monday, 12th October at 12:00 noon?

We'd then meet again on the 30th of October (15 days after our October full board meeting).

Just want to check your availability before I send agenda items to Michelle and Paul.

Maira

**From:** Beth A. Mohr  
**To:** Joanne Fine  
**Subject:** Re: Commendation for Sharon Saavedra  
**Date:** Thursday, August 06, 2015 8:56:36 AM

---

Yes. Signed by all members on letterhead would be my preference. Would you draft something? Thanks!

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.*

Joanne Fine <joannefine413@gmail.com> wrote:

As long as it is something that is printable and can be put in her permanent file.

Joanne Fine

[I am a volunteer working on the ABQ Police Oversight Board. I welcome all messages about our work. Those that include obscenities or lack civility will not be read. Thank you.]

On Aug 6, 2015 8:52 AM, "Beth A. Mohr" <cabq.pob.mohr@gmail.com> wrote:

Maybe we should do a resolution or something?

Beth A. Mohr  
Albuquerque Police Oversight Board

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I already sent one right after the class ended to her boss at that time, Mike Archibeque, who has since retired. Would be happy to be part of a POB letter as well.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Beth A. Mohr" <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)>

Date: 08/06/2015 7:28 AM (GMT-07:00)

To: pob <[pob@cabq.gov](mailto:pob@cabq.gov)>, "Robin S. Hammer, Esq." <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)>, "Mark T. Baker" <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>, "Hults, Samantha M." <[shults@cabq.gov](mailto:shults@cabq.gov)>

Subject: Commendation for Sharon Saavedra

All: I'd like to ask the POB to do an official letter of commendation for Ofc. Saavedra, something that can go into her personnel file. Perhaps we can take it up as other business at the next meeting. Please call me if you would like to be the one to draft something. Thanks,  
- B

Beth A. Mohr  
Albuquerque Police Oversight Board

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**From:** Leonard Waites  
**To:** Beth Mohr  
**Cc:** Joanne Fine  
**Subject:** Re: Commendation for Sharon Saavedra  
**Date:** Thursday, August 06, 2015 10:59:24 AM

---

I think that is a great idea. Also maybe we can do a presentation at one of our meetings. I will put something together and send it for your approval

On Aug 6, 2015 8:56 AM, "Beth A. Mohr" <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

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Albuquerque Police Oversight Board

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Albuquerque Police Oversight Board

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From: "Beth A. Mohr" <cabq.pob.mohr@gmail.com>

Date: 08/06/2015 7:28 AM (GMT-07:00)

To: pob <pob@cabq.gov>, "Robin S. Hammer, Esq." <rhammer@cabq.gov>, "Mark T. Baker" <mbaker@peiferlaw.com>, "Hults, Samantha M." <shults@cabq.gov>

Subject: Commendation for Sharon Saavedra

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Albuquerque Police Oversight Board

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**From:** Beth A. Mohr  
**To:** Joanne Fine  
**Subject:** Re: Commendation for Sharon Saavedra  
**Date:** Thursday, August 06, 2015 8:52:09 AM

---

Maybe we should do a resolution or something?

Beth A. Mohr  
Albuquerque Police Oversight Board

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To: pob <pob@cabq.gov>, "Robin S. Hammer, Esq." <rhammer@cabq.gov>, "Mark T. Baker" <mbaker@peiferlaw.com>, "Hults, Samantha M." <shults@cabq.gov>

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Albuquerque Police Oversight Board

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**From:** [Edward Harness](#)  
**To:** [Beth Mohr](#)  
**Cc:** [POB](#)  
**Subject:** Re: Conference App  
**Date:** Tuesday, October 06, 2015 7:40:21 AM

---

Beth, An App for the conference is a great idea. Thanks for the info. BTW, Albuquerque is part of the Developing Issues session. The settlement agreement is part of the reference materials.

Ed Harness  
Sent from my iPad

On Oct 5, 2015, at 9:36 PM, Beth A. Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

Ed - This is the company who did a really cool app for the ACFE conference. It had schedules, materials, evaluations, the ability to contact other attendees, networking, the ability to tweet and share photos, recommend restaurants and provide information on activities and sights. I don't know anything about the cost to have an app, but it might not be much different than printing materials and handing out jump drives with more materials. -B

<http://www.quickmobile.com/solutions/conferences-seminars>

Beth A. Mohr  
Albuquerque Police Oversight Board

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thoughtful when forwarding or replying to this email.*

**From:** [Jeannette Baca](#)  
**To:** [Leonard Waites](#)  
**Cc:** [Joanne Fine](#)  
**Subject:** Re: Diversity & sensitivity training  
**Date:** Wednesday, August 19, 2015 2:56:08 PM

---

At this time, I am available for 2.5 hours of Diversity and Sensitivity Training on Sept. 1 in the afternoon, Sept. 2 in the morning and all day Thursday.

Jeannette

On Wed, Aug 19, 2015 at 7:47 AM, Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)> wrote:

Thanks Joanne

On Aug 18, 2015 8:13 PM, "joannefine413" <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:  
Sept 3rd works for me.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>

Date: 08/18/2015 6:41 PM (GMT-07:00)

To: "Scott S. Wilson" <[jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com)>, Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>, [jvbaca.pob@gmail.com](mailto:jvbaca.pob@gmail.com), "[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)" <[cabq.pobmohr@gmail.com](mailto:cabq.pobmohr@gmail.com)>, "Eric H. Cruz" <[cabq.pob.cruz@gmail.com](mailto:cabq.pob.cruz@gmail.com)>, [dzt3@juno.com](mailto:dzt3@juno.com), Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>, "Mark T. Baker" <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>, Susanne Brown <[sbrownpob@gmail.com](mailto:sbrownpob@gmail.com)>, Moira Amado-McCoy <[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)>  
Subject: Diversity & sensitivity training

Good evening everyone,

Dr. McCoy has identified a talented trainer for our required Diversity & Sensitivity training. We need to identify a date that everyone can meet for 2.5 hours. the dates available are Sept. 1,2,3 and the 4th. the only date that I am available is the 2,3rd. please late me know a sap what date works for each of you. I will schedule a meeting room once I have everyone's reply.

--

Leonard Waites Chairman  
Police Oversight Board

**From:** Beth Mohr  
**To:** Hammer, Robin  
**Cc:** Bullock, Nicholas; Mark T. Baker; Davila, Natalee Z; Contreras, Michelle; Davidson, Christopher; McDermott, Diane L; O'Neil, Erin; Skotchdopole, Paul A.; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Subject:** Re: Diversity Training, Sept. 3 from 5:30pm - 8 pm  
**Date:** Monday, August 24, 2015 8:26:41 AM

---

All: Unfortunately, I'm working in Oklahoma that day. If the CPOA Office could arrange for me to get the tape or DVD of the class in order to make it up, I'd be appreciative. Thanks, -B

Beth A. Mohr, Volunteer  
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.

On Mon, Aug 24, 2015 at 8:00 AM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

POB Members:

Sofiah Ngoan-Nguessan is scheduled to conduct the mandated Sensitivity and Diversity training on 9/3/15 from 5:30pm - 8:00 pm in the basement hearing room of Plaza del Sol (Room 160, 600 2<sup>nd</sup> ST NW).

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

M004811

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

**From:** [Leonard Waites](#)  
**To:** [Hammer, Robin](#)  
**Cc:** [Beth Mohr](#); [David Ring](#); [Eric H. Cruz](#); [Jeannette V. Baca](#); [Joanne Fine](#); [Molra Amado-McCoy](#); [Scott S. Wilson](#); [Susanne Brown](#); [Contreras, Michelle](#); [Mark T. Baker](#)  
**Subject:** Re: Draft Minutes from July 9, 2015 POB Meeting  
**Date:** Monday, July 27, 2015 4:14:15 PM

---

Ms. Hammer,

I stated for the record that I would like to thank Officer Saavedra for the outstanding work that she has done in getting us all through the 47th Citizen Police Academy. This should be placed in the Other Business section.

On Mon, Jul 27, 2015 at 10:29 AM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

POB Members:

Attached are draft Minutes from the July 9, 2015 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>

M004813

--  
Leonard Waites Chairman  
Police Oversight Board

**From:** [Joanne Fine](#)  
**To:** [Leonard Waites \(leonard.waites@yahoo.com\)](#)  
**Cc:** [POB; mbaker@peiferlaw.com; McDermott, Diane L.](#)  
**Subject:** Re: FW: 2015 Semi-Annual Report Part 1 of original email  
**Date:** Thursday, July 23, 2015 10:01:10 PM

---

Do we know why this report does not have the Executive Summary yet? In addition, I have a request.

Please have Robin print this for us double sided and hand it to us. While I appreciate all of the work the staff has done on this report, it is too important and too large to leave it to us to print. It seems to me the CPOA budget should be able to include the printing of the report of the work product for the agency.

Thank you, Diane. I appreciate all that you and Paul have done. I just think, especially because the E.D. Executive Summary is not yet included, it should be printed and given to us when it is complete, and hopefully by the assigned deadline.

On Thu, Jul 23, 2015 at 5:31 PM, McDermott, Diane L. <[dmcdermott@cabq.gov](mailto:dmcdermott@cabq.gov)> wrote:

The original email you were sent was too big to go as one email. Mr. Cash asked that I resend it in smaller increments so here is the first.

---

**From:** Cash, Paul  
**Sent:** Thursday, July 23, 2015 4:16 PM  
**To:** POB  
**Cc:** [mbaker@peiferlaw.com](#); Hammer, Robin; Skotchdopole, Paul A.; O'Neil, Erin; Davidson, Christopher; McDermott, Diane L.  
**Subject:** 2015 Semi-Annual Report

Dear Board Members:

Attached please find the 2015 Semi-Annual Report. It is complete, with the exception of the executive director's executive summary. Once the executive director includes the summary, the page numbers on the table of contents will need to be added/adjusted.

Unfortunately, the combination of CIRIS' unreliability concerning exporting data, along with its utter inability to export data on the DOJ mandated demographic information, forced me to do a lot of work by hand. Thus, I have included the spreadsheets to "show my work."

I have also included a list of the data information I enter/verify for opening and closing

cases per Ms. Hammer's request.

### **IA Pro**

IAPro, at least at this point, has almost no ability to report out accurate information concerning the CPCs. These issues have been raised with APD's IT division, and specific documentation to show the program's deficiencies has been given to Rishma Khimji at APD. She is working with IAPro to remedy this situation. My work on this issue has been saved to the share drive under Rishma.Projects and IAPro.

### **Blue Team/IAPro**

The CPOA data has limited statistical value because of the limited amount of CPCs received. Thus, access to APD's data will be crucial in determining trends and providing analysis of APD's interactions with the public.

Eric Daigle's writings/blog <https://www.daiglelawgroup.com/attorneys/eric-p-daigle/> would be an excellent resource for what data would be the most useful the CPOA in meeting its purpose.

<http://www.dailykos.com/story/2014/12/06/1349810/-5-of-New-York-City-cops-make-40-of-all-resisting-arrest-charges#>

Arrest to force ratio (by shift, or area command, be sure to compare apples to apples) More incidents of use force will likely be used in SE than in NE.

Arrest to injury ratio

Force to injury ratio

Focus on front line sergeant actions (including who is getting their reports in on time)

Civil lawsuit data (settlements compared to injury)

Calls to arrests

Calls to complaints (and separately, calls to IA complaints ratio)

Blue Team should also allow you to focus in on specific types of force (baton, mace) and

that should be compared geographically as well

Compare whether calls for service for particular crimes have risen

Compare this data to other cities of similar size

Cleveland just signed off on a similar consent decree/settlement agreement, so it may be worthwhile to follow their progress, esp. regarding use of force

Suggested Policy changes:

Revisions of office policy concerning when Garrity warning is read.

Require officers to affirmatively state whether or not money was found during a vehicle search.

Require the downloading of pictures immediately to a cloud or other hard drive.

Requirement to tag in video any time use of force is used.

Requirement to list all persons involved in tact plan, even training tact plans.

Revise lapel camera policy following UNM study.

Customer service training for officers (perception problem)

Mobile crisis vans with mental health professionals available on all shifts:

[http://www.csmonitor.com/USA/Justice/2015/0615/In-Los-Angeles-a-national-model-for-how-to-police-the-mentally-ill?utm\\_medium=referral&utm\\_source=pulsenews](http://www.csmonitor.com/USA/Justice/2015/0615/In-Los-Angeles-a-national-model-for-how-to-police-the-mentally-ill?utm_medium=referral&utm_source=pulsenews)

I have also included a copy of the spreadsheet I have been keeping concerning Board member training.

Best of luck.

Paul Cash

Civilian Police Oversight Analyst

P.O. Box 1293

Albuquerque, NM 87103

M004818

--  
Joanne Fine  
Police Oversight Board Member

**From:** [Nora Anaya](#)  
**To:** [Silvio Dell'Angela](#)  
**Cc:** [POB; Harris, Don; Garduno, Rey; Vanita.Gupta@usdoj.gov; Gibson, Diane G.; Lewis, Dan P.; pmrinc@mac.com; Benton, Isaac; Winter, Brad D.; Elizabeth Martinez; Sanchez, Ken; Pena, Klarissa J.](#)  
**Subject:** Re: Former cop Ed Harness-a nice guy-but the clearly wrong guy-unqualified to be new POA's Executive Director. Please don't insult us by selecting Ed and not Jay Rowland  
**Date:** Thursday, August 06, 2015 10:52:15 AM

---

I am Behind You 110 % Silvio Dell' Angela. Everyone Knows You Do Your Research.

On Aug 6, 2015 10:42 AM, "Silvio Dell'Angela" <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)> wrote:

### **Councilors**

**Info to others shown and sent this Bcc**

**Before you vote on the new Executive Director, I suggest that you review the POB interviews with Harness, Rowland, and Sprague on the youtube posting below**

<https://www.youtube.com/watch?v=hfqMznu-XRE>

**You were willing to be left out of the negotiations with the DOJ who rammed with Judge Brack's help a toothless reform agreement and toothless monitor down our throats. Will you betray us again?**

**Nobody knows who picked the five candidates to be interviewed by the POB and why a second meeting on this was needed by the POB.**

**Silvio**

**For WE THE PEOPLE**

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]  
**Sent:** Wednesday, August 05, 2015 11:36 AM  
**To:** '[POB@cabq.gov](mailto:POB@cabq.gov)'  
**Subject:** The unqualified former Milwaukee cop Edward Harness is your first choice to be the next

M004820

Executive Director of the Oversight Agency. What's the message that it sends to the people if the Councilors approve him?

**TO: POB Members**

**Info to Councilors, media and others not shown**

Reference my earlier e-mail shown below that expected you to respect the people and select the only candidate that was truly qualified to serve as the next Executive Director (ED)-Jay Rowland. You interviewed the five on July 29 and after conferring for hours should have announced your ranking then. You did not. The public had lost confidence in the oversight process as only attorney Alan Wagman spoke on July 29.

Rather than making your choice(s) on the 29<sup>th</sup> many believe you instead chose to ask APD, those Councilors who wanted to keep the oversight process a sham, the City's dictatorial Mayor and CAO just who they wanted. Of course these who wanted no real APD reform wanted a former cop even though Harness was completely unqualified for the job-had absolutely no related experience.

You then held another unnecessary POB meeting last night where **not even one citizen was willing to speak to you knowing it would be a waste of time. This says that you have lost our confidence.** You again went again into secret executive session/discussions.

You came out incredulously saying that former Milwaukee cop Edward Harness was your first choice followed by very experienced (but likely feared by APD Jay Rowland) and then made the also unqualified Edna Sprague your third choice. Those close to Edna say she has blessed everything cops do.

After once again reviewing Harness's responses to you last week it was again clear he had no clue of the problems with the oversight old process but spoke only in generalities trying to cover up his lack of qualifications for the job.

Does working for the Better Business Bureau show the proper police investigative experience? Neither Ed nor the others were ever asked what they thought was wrong with the old and current oversight process some of which the knowledgeable Jay Rowland discussed in detail without being asked.

Both the DOJ and Judge Brack ignored some of the required changes to the still flawed process documented in APD Forward's filed Amicus Curiae last January-first page of it is attached. Unlike Jay Rowland, neither Harness nor the other three ever discussed what should be the limitations of the 1967 "Garrity vs. Supreme Court" ruling that the DOJ opined to the Seattle Mayor but was ignored by the DOJ here. See page 1 of that opinion-attached. Nor did Ed or the other three discuss the police officers' "qualified immunity" that essentially gives them the benefit of doubt in any of their killings.

Harness restated his belief that a cop's life is more important than that of the average

citizen-something it is NOT. Do you agree with that belief? This essentially gives cops the right to kill using the bogus excuse that they "felt threatened." Look at these same lies being told in court this week to try to justify Sandy's and Perez's murder of James Boyd.

Ed apparently never knew that under the current changed Ordinance that the Director and the POB cannot dictate discipline but that the APD Chief can ignore your recommendations offering up only some ridiculous excuses.

I guess Ed's only claim to fame was his alleged outreach ability-trade shows, police work with his local village association and his teaching of good financial practices to the poor. Again-he has no investigative experience other than responding to Better Business Bureau (BBB) complaints.

We already have one pro bad APD cop hired as a police oversight investigator while the two others were former employees of Target and Lowe's and have none. Robin Hammer who was sued for judicial misconduct while working for the DA was a bad enough selection by the Mayor (who she worked for) and Council and now you want a former out of town clueless cop Harness to replace her?

The Councilors likely bothered to read the resumes of those many extremely qualified applicants for the APD Chief job before blessing the incompetent bureaucrat Eden. Likely the Councilors also never read the resumes of the five applicants for this Executive Director position-resumes we were not allowed to see for some unknown reason.

Realizing that this is a dictatorship here with the Councilors choosing to abdicate its role as an integral part of our government, the nine likely never reviewed the GOV-TV interviews with the five (handpicked by who?) candidates to see how they responded to the often too broad questions posed them by you on the 29<sup>th</sup>.

Choosing the clearly unqualified Edward Harness to be your first choice was disappointing to say the least. If this former cop is chosen, the oversight process will still be toothless-yet another example of disrespect shown to us citizens-the real stakeholders who want real reform from the ED-not the ones the Mayor chooses.

Time to rethink your choice.

Silvio

For WE THE PEOPLE

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Thursday, July 30, 2015 1:42 PM

**To:** 'POB@cabq.gov'

**Cc:** 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'avramwagman@gmail.com'; 'rhammer@cabq.gov'

**Subject:** YOUR INTERVIEWS FOR THE EXECUTIVE DIRECTOR OF THE POLICE OVERSIGHT AGENCY-THERE IS ONLY ONE CHOICE-JAY ROWLAND WHO WILL SERVE YOU, THE PEOPLE AND THE GOOD POLICE OFFICERS

**TO: The Honorable Police Oversight Board Members**

**Info to City Councilors and Bcc to others**

**After viewing your meeting on GOV-TV last night that included interviews of five candidates for the "Executive Director of POA, the following are some of my observations/questions:**

- 1. I assume that since current interim Executive Director Ms. Hammer was not interviewed, she did not apply for this POA Executive Director position or being considered as a sixth candidate**
- 2. The talk by attorney Alan Wagman was right on target saying essentially that this selection is critically important-that we don't need more of the same (translated-not another Robin Hammer)**
- 3. This position never required that it be an attorney when Ms. Hammer was hired for the IRO job since an attorney is already assigned to the IRO-yet all were attorneys.**
- 4. Who chose these five candidates who you interviewed and more importantly who decided that you had to send three of the five interviewed to the Council to pick one? Only one stood out!**
- 5. You saw their resumes-something that should have also been posted on the website. One candidate-a former Colorado sheriff's deputy had conflicting-erroneous information on his resume**
- 6. Two of the applicants were former law enforcement/police officers both of whom had beliefs like Ms. Hammer.**

**Your selection decision is easy.**

**The only candidate that stood head and shoulders above the other four was former IRO during 2002-2007 Jay Rowland.**

**Based on his demonstrated knowledge of this job and expected respect by both the many APD honest police officers and the people, only Jay should be nominated to the City Council.**

**The only other even remotely credible candidate of the other four interviewed was Edna Sprague.**

**After Edna has the opportunity to review all of the GOV-TV interviews today, she too would likely believe that Jay would be the right choice.**

**Regards**

**Silvio**

**For WE THE PEOPLE**

**P.S.**

**Jay would also be a great Mayor if he ever chose to run.**

**From:** [Maira Amado-McCoy](#)  
**To:** [Beth Mohr](#)  
**Cc:** [Joanne Fine](#)  
**Subject:** Re: Get together  
**Date:** Friday, October 16, 2015 6:00:48 PM

---

Thanks, Joanne! Sounds great. I'll be there.

Maira

On Oct 16, 2015, at 4:15 PM, Beth A. Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

We'll be there!

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.*

joannefine413 <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:

I would like to gather the POB members, spouses, as well as the staff and their significant others to welcome Ed Harness to Albuquerque.

I am proposing supertime, Wed, Nov 18th, at my home in Glenwood Hills. How about everyone bring something to go with what Art and i grill on the BBQ. Drinks, alcohol and otherwise, would be our treat as well.

We have been through a lot together in the last few months. Let's celebrate our collective endurance and success as we head into our shared future.

I will include all staff once we have a date that works for the Board. Please let me know by Monday if the date will or will not work for you.

Thank you,  
Joanne and Art Fine

P.S. due to the Open Meetings Law we cannot make this event about our work. All the better. Let's talk about anything else. :0)

Sent from my Verizon Wireless 4G LTE smartphone

M004825

**From:** [Beth A. Mohr](#)  
**To:** [Joanne Fine](#)  
**Subject:** Re: Get together  
**Date:** Friday, October 16, 2015 4:16:09 PM

---

We'll be there!

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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joannefine413 <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:

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Thank you,  
Joanne and Art Fine

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Sent from my Verizon Wireless 4G LTE smartphone

**From:** [Jeannette Baca](#)  
**To:** [Joanne Fine](#)  
**Subject:** Re: Get together  
**Date:** Monday, October 19, 2015 8:42:25 AM

---

Good morning!

What a nice way to welcome our new Executive Director. Yes, Randy and I will plan to attend the get together on November 18.

Thanks for the invite,  
Jeannette

On Fri, Oct 16, 2015 at 2:24 PM, joannefine413 <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:  
I would like to gather the POB members, spouses, as well as the staff and their significant others to welcome Ed Harness to Albuquerque.

I am proposing suppertime, Wed, Nov 18th, at my home in Glenwood Hills.  
How about everyone bring something to go with what Art and i grill on the BBQ. Drinks, alcohol and otherwise, would be our treat as well.

We have been through a lot together in the last few months. Let's celebrate our collective endurance and success as we head into our shared future.

I will include all staff once we have a date that works for the Board. Please let me know by Monday if the date will or will not work for you.

Thank you,  
Joanne and Art Fine

P.S. due to the Open Meetings Law we cannot make this event about our work. All the better. Let's talk about anything else. :0)

Sent from my Verizon Wireless 4G LTE smartphone

**From:** [Susanne Brown](#)  
**To:** [Joanne Fine](#)  
**Subject:** Re: Get together  
**Date:** Tuesday, October 20, 2015 8:50:50 AM

---

What a nice and generous idea. Wed, Nov. 18 works for me. Sue

On Fri, Oct 16, 2015 at 2:24 PM, joannefine413 <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:

I would like to gather the POB members, spouses, as well as the staff and their significant others to welcome Ed Harness to Albuquerque.

I am proposing supertime, Wed, Nov 18th, at my home in Glenwood Hills. How about everyone bring something to go with what Art and i grill on the BBQ. Drinks, alcohol and otherwise, would be our treat as well.

We have been through a lot together in the last few months. Let's celebrate our collective endurance and success as we head into our shared future.

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Thank you,  
Joanne and Art Fine

P.S. due to the Open Meetings Law we cannot make this event about our work. All the better. Let's talk about anything else. :0)

Sent from my Verizon Wireless 4G LTE smartphone

**From:** [Dave Ring](#)  
**To:** [Joanne Fine](#)  
**Subject:** Re: Get together  
**Date:** Sunday, October 18, 2015 1:38:11 AM

---

Your proposed date sounds good to me. -- Dave Ring

---

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<http://thirdpartyoffers.juno.com/TGL3141/56234c4e75bbb4c4e1387st04vuc>

**From:** [Beth A. Mohr](#)  
**To:** [cfoster643](#)  
**Cc:** [POB](#); [Mark T. Baker](#)  
**Subject:** Re: Greetings  
**Date:** Friday, August 14, 2015 8:43:10 AM

---

Public records requests need to be made to the CABQ. In this case, the City HR Department may be the custodian of those particular records. This group of volunteers cannot directly provide any of the documents you've requested. Thanks. -Beth

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.*

cfoster643 <[cfoster643@gmail.com](mailto:cfoster643@gmail.com)> wrote:

Please provide resumes of executive director candidates

Sent from my T-Mobile 4G LTE Device

M004830

**From:** [Jonathan Locke](#)  
**To:** [David Ring](#)  
**Cc:** [POB IPRA](#)  
**Subject:** Re: Highway Patrolling  
**Date:** Friday, June 26, 2015 10:00:37 AM

---

Thanks for listening. I hope something can be done.

Jon

Sent from my iPhone

> On Jun 25, 2015, at 6:25 PM, Dave Ring <[dzr3@juno.com](mailto:dzr3@juno.com)> wrote:

>

> Thanks for your input! -- Dave Ring

>

>

> 

---

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**From:** [Jonathan Locke](#)  
**To:** [David Ring](#)  
**Cc:** [POB IPRA](#)  
**Subject:** Re: Highway Patrolling  
**Date:** Sunday, August 30, 2015 2:05:35 PM

---

For what it's worth I've seen two more episodes of driving to endanger since my last email. I was just passed on the right in an exit only lane by a car going probably twice my speed of 65 mph. Extremely dangerous.

Sent from my iPhone

> On Jun 25, 2015, at 6:25 PM, Dave Ring <[dzr3@juno.com](mailto:dzr3@juno.com)> wrote:

>

> Thanks for your input! -- Dave Ring

>

>

> 

---

Fast, Secure, NetZero 4G Mobile Broadband. Try it.

> <http://www.netzero.net/?refcd=NZINTISP0512T4GOUT2>

**From:** [Dave Ring](#)  
**To:** [jonathan.locke@gmail.com](mailto:jonathan.locke@gmail.com)  
**Cc:** [POB IPRA](#)  
**Subject:** Re: Highway Patrolling  
**Date:** Thursday, June 25, 2015 6:27:22 PM

---

Thanks for your input! -- Dave Ring

**From:** [joannefine413](#)  
**To:** [Leonard Waites](#); [Beth Mohr](#)  
**Cc:** [POB](#); [Hults, Samantha M.](#); [Mark T. Baker](#)  
**Subject:** Re: Journal interview  
**Date:** Thursday, August 13, 2015 10:43:21 AM

---

Yes. Well done. Thank you.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>  
**Date:** 08/13/2015 8:32 AM (GMT-07:00)  
**To:** Beth Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)>  
**Cc:** POB <[pob@cabq.gov](mailto:pob@cabq.gov)>, "Samantha M. Hults" <[shults@cabq.gov](mailto:shults@cabq.gov)>, "Mark T. Baker" <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>  
**Subject:** Re: Journal interview

Nice article, good job Beth.  
Leonard

On Aug 12, 2015 3:15 PM, "Beth Mohr" <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

All: Ryan Boetel of the ABQ Journal called me and did a quick interview regarding the CPOA Executive Director candidates (3 min and 41 seconds, to be exact).

Ryan asked about the three candidates, how we chose and why we ranked them the way we did. I told him that had an excellent group of candidates from which to choose, that we reviewed applications and a writing assignment from each one, followed up by interviews of 5 people. I said that Mr. Harness was our first choice based on his experience with Values Based Policing, his experience with successful oversight elsewhere, and being a fresh set of eyes to see the issues in ABQ. I said that Jay Rowland was the former IRO, and a fine candidate with experience under the prior system, and I said that Edna Sprague was an excellent lawyer with a successful background as a prosecutor who rounded out the group, and that the entire group was excellent, but that we were required to rank them and we did.

He asked about whether Robin Hammer applied and why she wasn't selected. I told him that it wouldn't be right for me to discuss any of the candidates who weren't selected, that not being selected wasn't a slight against any of them. He then said, "But I know that Ms. Hammer did apply, was she interviewed?" And I said that we had a very good group of candidates, and that not being selected wasn't a slight against any of them, including Ms. Hammer, that it was extremely competitive and that we selected the three to send to Council that we thought would be the best. He asked a different way about why Robin wasn't selected, and I repeated myself word for word, after which he gave up.

He asked how soon the new person would be in place, and I told him that we hoped that Council would move for immediate action and select their choice on August 17th.

He asked my position on the POB, and I said "co-Vice Chair" and "Chair of the Personnel

Committee", this seemed to confuse him, but he just said, "Okay, uh, thanks", and the interview was done (incoming call at 2:39 pm, lasting 3 min and 41 seconds)..

I just wanted to let everyone know that I did speak with him. Hopefully he won't misquote me too badly. I aspired to be thoughtful in my answers, and take the high road. -B

Beth A. Mohr, Volunteer  
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:** [Dave Ring](#)  
**To:** [Joanne Fine](#)  
**Cc:** [Leonard Waites](#); [Beth Mohr](#); [POB](#); [Hults, Samantha M.](#); [mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)  
**Subject:** Re: Journal Interview  
**Date:** Thursday, August 13, 2015 10:49:06 AM

---

I also agree. A good article for our POB. Well done, Beth! -- Dave Ring

**From:** Leonard Waites  
**To:** Beth Mohr  
**Cc:** POB; Hults, Samantha M.; Mark T. Baker  
**Subject:** Re: Journal interview  
**Date:** Thursday, August 13, 2015 8:32:59 AM

---

Nice article, good job Beth.  
Leonard

On Aug 12, 2015 3:15 PM, "Beth Mohr" <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

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Beth A. Mohr, Volunteer  
Albuquerque Police Oversight Board

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**From:** Beth Mohr  
**To:** David Ring; POB; Green, Alan; Hults, Samantha M.; Mark T. Baker  
**Subject:** Re: Materials  
**Date:** Monday, July 27, 2015 12:00:24 PM  
**Attachments:** Final Interview Questions - approved 7-24-2015.docx

---

Dave -

I appreciate your concern, but I think that all your concerns are all based on a misunderstanding of this process, so perhaps that means I have been unclear in trying to provide you with all of the information and procedures involved, and you're now confused. Let me try again.

To answer your questions: There were 7 "Yes", applicants, 3 "Maybe", and 8 "No". One "Yes" person withdrew, leaving the 6 remaining, which correspond with the 6 sets of materials which I previously sent out. I don't think I ever said there were 8 "yes" candidates, but if I said that, it was in error.

I thought that I already sent out the interview questions, but maybe I didn't attach it. There are six questions, plus one which is an opportunity for the applicants to tell us anything they wish. The questions are attached to this email. These questions were approved by the Personnel Subcommittee in a public meeting.

The questions as formatted presume a simple scoring method, as I've discussed, but that is just a proposal. The POB will decide in the public meeting to use the proposed scoring or a scoring system of our own design at the meeting; if we change the scoring system, we will have to hand-write the new scoring system on the sheets, but that is easily done. All I ask is that whatever scoring system we use be easy to understand, unweighted, add up to some even number as the best possible attainable score, and have odd numbers as the individual components. (It's a statistical thing, with which you need not concern yourself).

Protocols for asking questions, including who will ask which question, along with any change to the scoring, and so on, will be the first task of the POB in our meeting on July 29th.

Your concern about employer liability is because you have combined verification of employment with reference checks, but those things are done separately, and should not be a concern. Verification of employment (did they work there, are they eligible for rehire) may be done by POB members, or we may ask the City HR department to take care of that for us; I had originally said that I could do it, but this thing has turned into a huge amount of work for me, so I'm taking back my offer to do the whole thing. I would propose that the City can do their own employment verification - there's not that much too it. Also, the City has a background check release form, which some candidates have already signed, and others will be asked to bring to their interview, which covers the City's liability, and by extension us.

As a separate issue, each candidate gave us references - those references will be asked the *reference questions*. Some of the references may also be employers, but most are not. The applicants gave us these references with the understanding that we'd be asking reference questions of them, one would hope that they'd pick a reference who wouldn't say anything that would cause the applicant to sue their own reference, but one never knows. I'm not worried about it.

As for Mark looking at our questions, he already looked at the raw proposed questions and had input, but the fact is that Assistant City Attorney Samantha Hults is our only lawyer for employment matters, and she had already taken a look at our entire process, including the questions for the interview and references, so I think we're good. She will definitely let us know if there's a problem.

Hopefully this clears up everything. I know we're all looking forward to getting to the successful conclusion of this hiring process, and getting back to what we actually signed up for, which is civilian oversight.

Please, all, be careful about replying to this email - we are not crafting this process via email, this process was crafted during the public Personnel Subcommittee meeting, and will be refined during the public POB meeting on Wednesday.

Thanks much, -B

Beth A. Mohr, Volunteer  
Albuquerque Police Oversight Board

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

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On Mon, Jul 27, 2015 at 10:23 AM, Dave Ring <[dzt3@juno.com](mailto:dzt3@juno.com)> wrote:

Beth, Thanks for the clarification. I understood that one person had withdrawn, but thought that was from the original 8 which your subcommittee had approved, leaving 7. I did not realize that there was an additional withdrawal since. But 6 are certainly easier than 7, so I've no complaint.

I realize you're doing a massive amount of work and much appreciate such. Notwithstanding, I have two further items for clarification. You make reference to "six questions" that each interviewee will be asked at our upcoming Wednesday night meeting. I'd like to see those six questions in advance in order to be better prepared to evaluate the answers thereto. Who will be asking those questions; will we each and all take turns?

Second, I looked over the post-interview reference check form that you prepared and with which you'll be asking some of us to help. And I'm somewhat amazed by it. As someone who's done a fair amount of hiring over the years I long ago came to understand that, for legal liability reasons, reference request responses should be limited to: 1. The person actually worked here -- yes or no? 2. Date placed on payroll and date removed from payroll. 3. Eligible for rehire -- yes or no?

Anything further, such as almost all the reference questions you plan for us to ask, exposes a former employer to possible legal action by the former employee. So I must say you should check out those questions with our attorney Mark Baker before you actually have us use them. Sorry, but that's reality as I've known it.

Blessings, Beth. You're doing wonderful work overall! -- Dave Ring

---

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## CPOA Executive Director Search – Interview Questions 7/29/2015

Applicant Name: \_\_\_\_\_

POB Member's Name: \_\_\_\_\_

Question	Score	Possible
1. What experience as an employee most impacted the way you manage others?		<b>5</b>
2. Can you describe your experience working under the direction of a board of directors or analogous body of individuals? What are some of the strategies you would use to ensure a constructive and collaborative working relationship between yourself and the POB?		<b>5</b>
3. How would you measure the success of the CPOA?		<b>5</b>
4. How will you deal with institutional resistance to change?		<b>5</b>
5. How will you create a strategy for public outreach? What groups will you prioritize for outreach, and why?		<b>5</b>
6. Based on your review of the DOJ Findings Letter, Settlement Agreement/Consent Decree, the Police Oversight Ordinance, what do you expect to be some of the primary challenges for the Executive Director, and how do you plan to address those?		<b>5</b>
7. Please add anything else you'd like to tell us that will assist us in making this decision.		<b>5</b>
<b>Add points for experience, qualifications &amp; writing assignment</b>		<b>15</b>

Total Points awarded \_\_\_\_\_ of 50

Notes:

**From:** [Jeannette Baca](#)  
**To:** [Traci Quinn](#)  
**Cc:** [POB](#)  
**Subject:** Re: Meeting regarding upcoming exhibition at UNM Art Museum  
**Date:** Wednesday, August 19, 2015 2:58:11 PM

---

Hi Traci,

My name is Jeannette Baca, I am a member of the Police Oversight Board (POB) and Chair of the Outreach Subcommittee. The exhibition sounds very interesting and timely; I would be happy to meet with you and discuss the role of the Police Oversight Board. I'm sure you have contacted Celina Espinosa, she is the outreach person for APD. You can reply to this email or call me at [REDACTED]

Regards,  
Jeannette

On Wed, Aug 19, 2015 at 2:47 PM, Traci Quinn <[tmquinn@unm.edu](mailto:tmquinn@unm.edu)> wrote:

Hello -

I am writing to you because I have been in discussion with community members and organizations regarding an upcoming exhibition that at the UNM Art Museum "Necessary Force: Art in the Police State" (see description below). I am organizing educational programming that will invite a diverse range of topics to be discussed and we would like to include a voice that represents how local law enforcement is working with the ABQ community. Is there anybody that I can meet with regarding this? I want to explain the exhibition in further detail and also talk about programming.

The bridge between the community and law enforcement is an important one - and I feel like the work you are doing is crucial to building solutions.

<http://unmartmuseum.org/upcoming-exhibitions/necessary-force-art-in-the-police-state/>

Thanks for considering this!

Traci Quinn

Curator of Education and Public Programs

M004843

University of New Mexico Art Museum

505.277.4010

tmquinn@unm.edu

**From:** [Beth A. Mohr](#)  
**To:** [Hammer, Robin](#)  
**Cc:** [David Ring](#); [Eric H. Cruz](#); [Jeannette V. Baca](#); [Joanne Fine](#); [Leonard Waites](#); [Maira Amado-McCoy](#); [Scott S. Wilson](#); [Susanne Brown](#); [Contreras, Michelle](#)  
**Subject:** Re: NACOLE Conference  
**Date:** Friday, June 19, 2015 7:14:11 AM

---

I plan to go. 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.*

"Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

POB Members:

Please let me know if you wish to attend the National Association of Civilian Oversight of Law Enforcement Conference in Riverside, California from Sunday, October 4 through Thursday, October 8, 2015. It is my understanding that the host hotel rooms are filling up and that we should reserve our rooms.

Michelle Contreras will coordinate the travel plans using the City's credit card.

Please let me know if you have any questions.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

M004845

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:** [Dave Ring](#)  
**To:** [Hammer, Robin](#)  
**Cc:** [POB IPRA](#)  
**Subject:** Re: NACOLE Conference  
**Date:** Friday, June 19, 2015 10:42:59 AM

---

Robin, As I told you in my e-mail of yesterday, assuming that I get back from Africa as planned on Oct. 3rd, I would very much like to go to the NACOLE Conference. And I'm very glad that the city has someone who can coordinate our group's attending. -- Dave Ring

**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 7:57:11 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 McElhiney 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

M004848

*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 A. Mohr  
**To:** Joanne Fine  
**Subject:** Re: NACOLE is coming to ABQ in 2016  
**Date:** Friday, June 26, 2015 3:23:12 PM

---

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.*

Joanne Fine <joannefine413@gmail.com> wrote:

Congrats Beth. My dear friend Elise Rogers is a VP of the ACVB and we have been celebrating this since we heard. I will not be at NACOLE this yr as I have an east coast wedding at the same time. Perhaps, Mark could take my place. I am willing to help with the 2016 conference in ABQ if help is needed. Keep me in mind, please.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Beth Mohr <cabq.pob.mohr@gmail.com>  
Date: 06/26/2015 2:58 PM (GMT-05:00)  
To: pob <pob@cabq.gov>, "Mark T. Baker" <mbaker@peiferlaw.com>, "Hammer, Robin" <rhammer@cabq.gov>, pskotchdopole@cabq.gov, mcontreras@cabq.gov, christopherdavidson@cabq.gov, dmcdermott@cabq.gov, eoneil@cabq.gov, Jessica Hernandez <jmhernandez@cabq.gov>, jzaman@cabq.gov  
Subject: NACOLE is coming to ABQ in 2016

All: I just had a very nice conversation with Cameron McElhiney 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

M004850

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

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Albuquerque Police Oversight Board

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**From:** Dave Ring  
**To:** Hammer, Robin  
**Cc:** Jeannette V. Baca; Leonard Waites; Contreras, Michelle  
**Subject:** Re: Outreach Minutes-May 26, 2015 Meeting  
**Date:** Monday, June 22, 2015 6:27:59 PM

---

Thanks for the draft minutes, Robin. On the second page, point 3 under V, I believe that the title of the position we are offering should start with "CPOA" in both instances. Other than that editorial correction, they seem OK to me. -  
- Dave Ring

**From:** [Beth Mohr](#)  
**To:** [Leonard Waites](#); [Scott S. Wilson](#); [Joanne Fine](#); [Eric H. Cruz](#); [Maira Amado-McCoy](#); [Jeannette V. Baca](#); [David Ring](#); [susanne.brown37@gmail.com](#); [Mark T. Baker](#); [Jacobl, Jenica L](#); [Hernandez, Jessica M.](#); [Hults, Samantha M.](#)  
**Subject:** Re: POB Candidates  
**Date:** Sunday, July 26, 2015 11:53:21 AM

---

Sorry, forgot to attach the list of candidates:

Application Received Met Minimum Qualifications Returned Writing Assignment Personnel Subcommittee Decided  
Bradley, Duncan Yes 7/7/2015 Yes Brown, James Richard Yes 7/23/2015 Yes Grubestic, John Yes 6/24/2015 Yes Otten, Robin Dozier Yes 7/10/2015 Yes Rowland, Jay Yes 7/13/2015 Yes Sprague, Edna Frances Yes 7/24/2015 Yes Harness, Edward Yes 7/1/2015 Yes Brown, Bradley Yes 7/1/2015 Maybe Dabney, Philip Yes 7/14/2015 Maybe DeForest, Denise Yes 7/14/2015 Maybe Burrill, Jennifer Yes 7/14/2015 No Hammer, Robin Yes 7/23/2015 No Lind, Niva Yes 6/30/2015 No Lopez, Stephanie Yes 7/14/2015 No Petrucelli, Julia Yes 7/1/2015 No Reynolds, Dawn Yes Due 7/25/2015 No Strassberg, Herbert Yes 6/22/2015 No Timm, Michael Yes 7/18/2015 No

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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On Sun, Jul 26, 2015 at 11:21 AM, Beth Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

All: On July 24th, the POB's Personnel Subcommittee met and evaluated the candidates supplied to us by City HR. To guide our decisions, we utilized a matrix based on the job description you all created, the NACOLE standards for executives, and discussion that the POB and Subcommittee had about the traits we desired in a candidate. We did not score applicants, but used these documents as a guide, along with the applicant's application, writing assignment and any other materials they provided. We divided candidates into "Yes", "Maybe" and "No" piles based on this protocol. The City asked us to invite one candidate for an interview based on Military Service, per a City policy. In the end, we had 8 "Yes" candidates, 3 "Maybe" candidates and 8 "No" candidates, as listed below. We further decided that if 3 or more of the "Yes" candidates withdrew, we would invite the "Maybe" candidates.

The list of "Yes" candidates below have been invited to the interview on Wednesday, July 29th. I have spoken with all of them. IT took a couple of days to reach everyone. Only one candidate has withdrawn. After some consideration, J. (James) Richard Brown has decided to withdraw, I will forward his email of explanation to you. At this point, we have 7 candidates to interview on July 29th, therefore, we will not be inviting the "Maybe" candidates.

The subcommittee also went through interview questions proposed by us, other members of the POB, Mr. Baker, Ms. Hults, APD officers, and a few others. All proposed questions

were considered. In the end, 6 questions were selected, hopefully these questions will help us discern which of these candidates are our top three, and rank them for City Council to select one. I will send you the questions, and I will bring print-outs for everyone to use at the July 29th meeting. We propose that each answered question be scored by each POB member during the interviews. After the interviews are conducted, we will have a brief Executive Session (if so approved by the POB during the meeting) where we can discuss the relative merits of the candidates and tally scores. We will then return to the public meeting and vote to rank the top three candidates, and send their names to Council.

After that, the City will conduct a background check on the top three candidates, prior to any vote by Council. The Personnel Subcommittee also created a set of questions to ask references. The POB can decide how to divide up the task of reference checks at the meeting. There is a July 31st Personnel Subcommittee meeting during which we can discuss any findings of the reference checks which require further action.

I have committed to contact all of the candidates who will not be offered an interview, and let them know the status. I didn't want them to find out that they weren't selected when they saw the other candidates interviewing on TV or read about it in the newspaper.

I will send you the complete packets for each of the 7 remaining candidates. Please spend some time reviewing their qualifications, as that is still a relevant part of your decision, along with the interview. I will also send you the questions we'll be asking at the interview, so you can review them.

I know there's one or two of you who will not be able to attend the meeting, it is very important that everyone who possibly can be there to participate in this process.

Please avoid hitting "reply all" or communicating about this outside of the public meeting. We will deal with questions and any housekeeping matters at the beginning of the meeting to ensure that we're all on the same page before we take our first interview. I'll see you all on July 29th, we begin promptly at 5:30.

Thanks much, -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:** [Edward Harness](#)  
**To:** [Beth Mohr](#)  
**Cc:** [POB; Hulst, Samantha M.](#); [Mark T. Baker](#); [Zaman, Jon K.](#); [Moya, Julian N](#)  
**Subject:** Re: POB Ranks Executive Director Candidates - Names sent to City Council  
**Date:** Monday, August 10, 2015 6:41:39 PM

---

Good Evening: What information will the council receive to help them with its decision?  
Should I reach out to the council to introduce myself?

Ed Harness  
Sent from my iPhone  
414-647-2222 Office

On Aug 4, 2015, at 8:55 PM, Beth Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

Dear Candidates: (BCC'd on this email)

Today the Police Oversight Board held a special meeting and ranked our top three Executive Director candidates to sent to Council. The POB is acutely aware that our selection for Executive Director will have an impact on this community for years to come. Therefore, with much deliberation, we selected the following candidates to forward to Council for their ultimate selection:

1. Edward Harness
2. Jay Rowland
3. Edna Sprague

The POB extends a sincere thanks to all of the candidates. Every candidate was given consideration, and our selections were as the result of several hours of thoughtful discussion and deliberations.

City Council is free to selected any one of these names, without regard to our ranking of them, and offer that person the position. If Council's first choice does not accept the position, they may offer to a second choice; if their second choice does not accept the position they are obligated to ask us to start the search over again. We have no idea what action Council will take; it is difficult to predict the actions of those over whom we have no control.

We expect that Council will take up this matter for a vote at their August 17th meeting. I'm not exactly sure how you will be contacted about their choice, but presumably someone from Council staff will take care of that detail.

In the mean time, if each of the top three candidates would kindly let me know how soon you could start if you are selected, that would help the POB with our short-term planning.

If any of you would like to discuss this matter with me, please feel free to call me at [REDACTED]

Beth A. Mohr, Volunteer  
Albuquerque Police Oversight Board

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

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**From:** [Edward Harness](#)  
**To:** [Beth Mohr](#)  
**Cc:** [POB; Hults, Samantha M.](#); [Mark T. Baker](#); [Zaman, Jon K.](#); [Moya, Julian N](#)  
**Subject:** Re: POB Ranks Executive Director Candidates - Names sent to City Council  
**Date:** Wednesday, August 05, 2015 1:37:07 PM

---

Beth: Thank you for the great news. I will anxiously await the council's decision. I should be available no later than 30 days after the council decision.

Ed Harness  
Sent from my iPhone  
414-647-2222 Office

On Aug 4, 2015, at 8:55 PM, Beth Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

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If any of you would like to discuss this matter with me, please feel free to call me at [REDACTED]

Beth A. Mohr, Volunteer  
Albuquerque Police Oversight Board

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**From:** [Beth Mohr](#)  
**To:** [Susanne Brown](#); [Mark T. Baker](#); [POB](#)  
**Subject:** Re: POB interviews set of July 29.  
**Date:** Sunday, July 26, 2015 8:44:10 PM

---

Sue - Questions like this are public record requests, so we'll let Mark Baker respond officially. Anything the POB reviews during a police meeting becomes public record after the meeting. We are not handing out people's CVs at all, any request for those would be directed to the City. We are also not going to discuss candidates and who did or not did receive an invitation to interview. Anything about Ms. Hammer might also be protected personnel information. In other words, we at the POB will not be releasing any of this information. If someone wants to make a public record request that will be handled by Mr. Baker on our behalf. Thanks, -B

Beth A. Mohr, Volunteer  
Albuquerque Police Oversight Board

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

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On Sun, Jul 26, 2015 at 8:24 PM, Susanne Brown <[susanne.brown37@gmail.com](mailto:susanne.brown37@gmail.com)> wrote:

Hi,

I don't know the answers to these questions about whether CV are available or if the candidate list is released to the public prior to our meeting. Would you be able to answer her? sue

----- Forwarded message -----

**From:** S Namaste <[sayrahn@hotmail.com](mailto:sayrahn@hotmail.com)>  
**Date:** Thu, Jul 23, 2015 at 2:46 PM  
**Subject:** Fwd: POB interviews set of July 29.  
**To:** Sue Brown <[susanne.brown37@gmail.com](mailto:susanne.brown37@gmail.com)>

Hi Sue,

I heard that the POB is interviewing a new exec director. For the July 29, 2015 meeting for interviews of a new executive Director for the POB, is there any info available as to who the candidates are who who have made it to the interview stage ? And have copies of their applications and CV's been made available to the public ? The city web sites indicates that the meeting time is from 5:30 to 9:30 PM. Is there any indication of if this means that once a new Executive Director is hired that Robin Hammer will be terminated? Is Hammer a candidate for this ED position ?

Will there be any public comment allowed at this meeting ?

Lots of questions and lots of interested community members!

Thank you for any info!  
Sayrah

**From:** [Beth Mohr](#)  
**To:** [Joanne Fine](#)  
**Subject:** Re: Personnel Matter  
**Date:** Monday, August 03, 2015 6:20:17 PM

---

POB Members - Just for your information prior to the meeting so you can have time to read and digest this.

This is the one Grubestic article that really bothers me: This was written by him in the Spring of 2011, just a few years ago. I'm sure this was intended to be political satire, but it's still disturbing due to its violent imagery. I quote:

"New Mexico needs someone who can gut his own mother and eat her liver, chase it with a bottle of '82 Chateau Lafite and still have an appetite for a bucket of Häagen Dazs."

"New Mexico needs a senator with the morals of a tapeworm, the energy of a drug-addled mongoose and the cajones of a rutting moose. Somebody who can down a gallon of vodka, bed an intern and finagle funding out of an economy that is sputtering like an accountant with a speech impediment at an IRS audit."

Full article:

<http://watchdog.org/6159/nm-senator-richardson-seriously/>

Beth A. Mohr, Volunteer  
Albuquerque Police Oversight Board

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On Mon, Aug 3, 2015 at 5:31 PM, Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:  
Attached are the summaries of the interviews I did with the references who have returned my calls. I have one more pending for Grubestic who I hope to hear from tonight. I provide them here for your review prior to our meeting tomorrow. These are not for publication at this time. They are for your eyes only, which is why I am including Mark Baker.

In addition, I attempted to gather more info on both candidates from news sources online. I tried to attach them but the file size appears to be too much. I will bring hard copies with me tomorrow for your review.

See you tomorrow.  
Joanne

--  
Joanne Fine  
Police Oversight Board Member

M004861

**From:** Beth A. Mohr  
**To:** [Hammer, Robin](#); [Eric H. Cruz](#); [Joanne Fine](#); [Leonard Waites](#); [Scott S. Wilson](#); [Mark T. Baker](#)  
**Subject:** Re: Personnel Subcommittee Minutes  
**Date:** Monday, June 22, 2015 9:31:48 PM

---

Robin - Eric cannot make the personnel subcommittee meeting and Joanne had a family emergency. Therefore the meeting will be postponed and rescheduled. 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.*

"Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Beth,

Please send the Personnel Agenda again. I never received it. I looked in my spam folder. I'm not sure where it went.

Thanks,  
Robin

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency

Sent from my iPhone

On Jun 22, 2015, at 7:39 PM, Beth A. Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

Did you get the personnel subcommittee agenda posted that I sent you on Friday?  
I never received a reply. Thanks.

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*

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"Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Personnel Subcommittee Members:

Attached are the draft Minutes from the June 6, 2015 Personnel Subcommittee.

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:** Hammer, Robin  
**Cc:** Eric H. Cruz; Joanne Fine; Leonard Waites; Contreras, Michelle  
**Subject:** Re: Personnel Subcommittee Minutes  
**Date:** Thursday, July 23, 2015 11:31:07 AM

---

Those minutes look okay to me, Joanne or Eric, any input or corrections? Thanks, -B

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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On Tue, Jul 21, 2015 at 11:49 AM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Attached please find a draft of the July 7, 2015 Personnel Subcommittee Minutes 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>

**From:** Eric Cruz  
**To:** Beth Mohr; Hammer, Robin  
**Cc:** Joanne Fine; Leonard Waltes; Contreras, Michelle  
**Subject:** Re: Personnel Subcommittee Minutes  
**Date:** Thursday, July 23, 2015 11:47:57 AM

---

Minutes look appropriate.

On Thu, Jul 23, 2015, 11:31 Beth Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

Those minutes look okay to me, Joanne or Eric, any input or corrections? Thanks, -B

Beth A. Mohr, Acting Chair  
Albuquerque Police Oversight Board

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Acting Executive Director

Civilian Police Oversight Agency

City of Albuquerque

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Fax: [\(505\) 924-3775](tel:(505)924-3775)

<http://www.cabq.gov/cpoa>

M004865

**From:** [Hammer, Robin](#)  
**To:** [Beth Mohr](#)  
**Cc:** [Eric H. Cruz](#); [Joanne Fine](#); [Leonard Waites](#); [Scott S. Wilson](#); [Mark T. Baker](#)  
**Subject:** Re: Personnel Subcommittee Minutes  
**Date:** Monday, June 22, 2015 9:53:22 PM

---

Beth,  
Just got this email. I'll take down the Agenda and note the meeting will be reset.  
Let us know when you would like to reset it.  
Thanks,  
Robin

Sent from my iPhone

On Jun 22, 2015, at 9:31 PM, Beth A. Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

Robin - Eric cannot make the personnel subcommittee meeting and Joanne had a family emergency. Therefore the meeting will be postponed and rescheduled.  
Thanks. -B

Beth A. Mohr  
Albuquerque Police Oversight Board

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Thanks,  
Robin

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency

Sent from my iPhone

On Jun 22, 2015, at 7:39 PM, Beth A. Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

Did you get the personnel subcommittee agenda posted that I sent you on Friday? I never received a reply. Thanks.

Beth A. Mohr  
Albuquerque Police Oversight Board

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Personnel Subcommittee Members:

Attached are the draft Minutes from the June 6, 2015 Personnel Subcommittee.

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 A. Mohr](#)  
**To:** [Cash, Paul](#)  
**Cc:** [POB; Hammer, Robin](#)  
**Subject:** Re: Personnel Subcommittee meeting will be Tuesday July 7th at 3:00 pm  
**Date:** Wednesday, July 01, 2015 2:56:30 PM

---

Thanks much. I was delighted to see that the day and the date and the time all appear to be correct. A trifecta!

Thanks -B

Beth A. Mohr  
Albuquerque Police Oversight Board

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*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.*

"Cash, Paul" <[pcash@cabq.gov](mailto:pcash@cabq.gov)> wrote:

Beth, the agenda has been posted on the website, and Michelle will post a copy at City Hall this afternoon.

Paul

**From:** Beth A. Mohr [<mailto:cabq.pob.mohr@gmail.com>]  
**Sent:** Wednesday, July 01, 2015 3:39 AM  
**To:** Cash, Paul  
**Cc:** POB; Hammer, Robin  
**Subject:** Re: Personnel Subcommittee meeting will be Tuesday July 7th at 3:00 pm

Has anyone updated the agenda I previously sent with the new date and time and posted it? If so, please send a copy to everyone, if not, please get that posted and sent right away. With the holiday weekend we want to give as much notice as possible to the public regarding this rescheduled meeting. Thanks. -B

Beth A. Mohr  
Albuquerque Police Oversight Board

M004868

*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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"Cash, Paul" <[pcash@cabq.gov](mailto:pcash@cabq.gov)> wrote:

Beth,

The basement hearing room has been booked for Tuesday July 7th at 3pm.

Paul

**From:** Beth A. Mohr [<mailto:cabq.pob.mohr@gmail.com>]  
**Sent:** Sunday, June 28, 2015 12:15 PM  
**To:** POB; Cash, Paul; Hammer, Robin  
**Subject:** Personnel Subcommittee meeting will be Tuesday July 7th at 3:00 pm

All - Let's set the personnel subcommittee for Tuesday July 7th at 3pm. Please get us a room and let me know where. The agenda I sent already just needs to be updated and posted. Please send me your updated version to approve prior to 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:** [Beth A. Mohr](#)  
**To:** [Cash, Paul](#)  
**Cc:** [POB; Hammer, Robin](#)  
**Subject:** Re: Personnel Subcommittee meeting will be Tuesday July 7th at 3:00 pm  
**Date:** Monday, June 29, 2015 8:04:48 AM

---

Great, thanks. -B

Beth A. Mohr  
Albuquerque Police Oversight Board

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**Subject:** Personnel Subcommittee meeting will be Tuesday July 7th at 3:00 pm

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Beth A. Mohr  
Albuquerque Police Oversight Board

M004871

*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:** Beth Mohr [mailto:[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)]

**Sent:** Monday, July 20, 2015 1:09 PM

**To:** POB; Hammer, Robin; Mark T. Baker; Hernandez, Jessica M.; Hults, Samantha M.; Green, Alan; Contreras, Michelle; Cash, Paul

**Subject:** Personnel subcommittee agenda

All: Enclosed is the personnel subcommittee proposed agenda. The meeting is Friday, July 24th at 1:30 pm in the basement of the Plaza del Sol meeting. We will be going through applications and writing assignments and selecting the final applicant pool for interviews to be held during the special POB meeting on July 29th.

Let me know if there are any changes, otherwise the CPOA Office will post this in compliance with requirements for this public meeting.

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.

M004877

**From:** Beth Mohr  
**To:** Joanne Fine  
**Subject:** Re: Phones for non-profit  
**Date:** Sunday, August 02, 2015 7:10:53 PM

---

Yes, I got a funny voice mail but I did leave a message.

Beth A. Mohr CFE, CAMS, MPA, PI  
Managing Partner  
McHard Accounting Consulting LLC

*Sent with haste from my Verizon Wireless 4G LTE DROID*

joannefine413 <joannefine413@gmail.com> wrote:

You called and no one called u back?

Sent from my Verizon Wireless 4G LTE smartphone  
----- Original message -----  
**From:** Beth Mohr <Bmohr@themchardfirm.com>  
**Date:** 08/02/2015 4:36 PM (GMT-07:00)  
**To:** joannefine413 <joannefine413@gmail.com>  
**Subject:** RE: RE: Phones for non-profit

I didn't hear form anyone, but I posted the phones on the Center for Non-Profit Excellence "free to good non-profit home" site. We'll see what happens with it. If that works we have a used copy machine that I'll put on there as well. -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*

M004878

---

**From:** joannefine413 [mailto:joannefine413@gmail.com]  
**Sent:** Wednesday, July 22, 2015 10:48 AM  
**To:** Beth Mohr  
**Subject:** Fwd: RE: Phones for non-profit

The Center for Nonprofit Excellence, a program of United Way, does this. Their number is 247 3671 ask for Tsiporah (SEE pur a).

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** Chehreh Gibson <Chehreh.Gibson@uwcnm.org>  
**Date:** 07/22/2015 9:12 AM (GMT-07:00)  
**To:** 'Joanne Fine' <joannefine413@gmail.com>  
**Cc:** Mike Swisher <Mike.Swisher@uwcnm.org>  
**Subject:** RE: Phones for non-profit

Hello Joanne,

Happy summer, I hope you're well.

I refer GIK requests to CNPE. The website allows individuals and business to donate items or request items. Please see link.

<http://www.centerforprofitexcellence.org/new-mexico-gifts-in-kind>

Thank you and take care!

**Chehreh Gibson**

United Way 2-1-1 Coordinator  
**United Way of Central New Mexico**

W: 505 245 1735 | F: 505 242 3576 | Toll Free: 2-1-1  
2340 Alamo Ave. SE, 2nd floor, Albuquerque, NM 87106

***The UWCNM Community Fund, the best way to help the most people***  
**GIVE | ADVOCATE | VOLUNTEER | 2-1-1**

**From:** [Beth Mohr](#)  
**To:** [Hammer, Robin](#)  
**Cc:** [Davila, Natalee Z](#); [Funes, Ana R.](#); [Garcia, Jennifer](#); [Gonzalez, Arturo E.](#); [Bullock, Nicholas](#); [Mark T. Baker](#); [Contreras, Michelle](#); [Davidson, Christopher](#); [McDermott, Diane L.](#); [O'Neil, Erin](#); [Skotchdopole, Paul A.](#); [David Ring](#); [Eric H. Cruz](#); [Jeannette V. Baca](#); [Joanne Fine](#); [Leonard Waites](#); [Maira Amado-McCoy](#); [Scott S. Wilson](#); [Susanne Brown](#)  
**Subject:** Re: Police and Procedure Subcommittee Meeting Scheduled for Thursday, August 13, 2015 at 2 pm  
**Date:** Tuesday, August 11, 2015 5:28:11 PM

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All: With apologies, client obligations preclude my attendance at this subcommittee meeting. Over the next few weeks I am working out-of-state and in remote locations that limit my availability for days at a time, even by email or cellular phone. Please be assured that if I do not respond to your email or call, I will do so at my earliest convenience. Thanks for your understanding. -B

Beth A. Mohr, Volunteer  
Albuquerque Police Oversight Board

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

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On Mon, Aug 10, 2015 at 1:41 PM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

POB Members:

Policy and Procedure Subcommittee Chair Susanne Brown has scheduled their next meeting for Thursday, August 13, 2015 at 2pm to be held in the City Council Chambers. Attached is the posted Agenda and a draft version of APD SOP 3-45, which will be discussed.

Please let me know if you have any questions.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

M004880

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

**From:** [Jeannette Baca](#)  
**To:** [Susanne Brown](#)  
**Cc:** [Maira Amado-McCoy](#); [Leonard Waites](#); [Mark Baker](#); [Beth Mohr](#); [Scott S. Wilson](#); [POB](#); [O'Neil, Erin](#); [McDermott, Djane L.](#); [Skotchdopole, Paul A.](#); [Davidson, Christopher](#)  
**Subject:** Re: Policies subcommittee  
**Date:** Tuesday, August 18, 2015 5:52:01 PM

---

On Tuesday, August 18, 2015, Jeannette Baca <[jvbaca.pob@gmail.com](mailto:jvbaca.pob@gmail.com)> wrote:

On Wednesday, August 5, 2015, Susanne Brown <[sbrownpob@gmail.com](mailto:sbrownpob@gmail.com)> wrote:

Good morning,

I've just read your e-mail, Moira, and will miss your clarity on the policy committee but do agree that with all the work you have with the Case Review Committee, that policy is yet another huge responsibility. Thank you for coming to our first meeting and we'll look forward to issues your committee feel need to go into policies. sue

On Tue, Aug 4, 2015 at 8:10 AM, Moira Amado-McCoy <[amadamccoy.pob@gmail.com](mailto:amadamccoy.pob@gmail.com)> wrote:

Dear Sue and Leonard --

After giving this some good thought, and in consideration of my other responsibilities as a member of the POB, I am writing to let you know I have decided it best to resign my position on the Policies and Procedures subcommittee this year, effective immediately.

As you and I have observed in discussions over the past month, Policies and Procedures is currently one member larger than other subcommittees. Given this fact, plus the observation I've articulated in several forums, and with which I know you agree--that the other subcommittees should be continually feeding into Policies and Procedures as a matter of course--I resign this committee knowing that the work is well covered and that we will be working closely on these tasks in any case. I do believe that my particular strengths and expertise are probably best suited for, and therefore best focused, on the committee I already chair, Case Review.

Thank you, Sue, for the work you've already accomplished to get this committee of the ground, and in advance, for the excellent work that I know will emerge from this committee as we move along. I look forward to working in close collaboration with you over the coming year.

Best,

Maira

**From:** [Jeannette Baca](#)  
**To:** [Susanne Brown](#)  
**Cc:** [Maira Amado-McCoy](#); [Leonard Waites](#); [Mark Baker](#); [Beth Mohr](#); [Scott S. Wilson](#); [POB](#); [O'Neil, Erin](#); [McDermott, Diane L.](#); [Skotchdopole, Paul A.](#); [Davidson, Christopher](#)  
**Subject:** Re: Policies subcommittee  
**Date:** Tuesday, August 18, 2015 5:45:14 PM

---

On Wednesday, August 5, 2015, Susanne Brown <[sbrownpob@gmail.com](mailto:sbrownpob@gmail.com)> wrote:

Good morning,

I've just read your e-mail, Moira, and will miss your clarity on the policy committee but do agree that with all the work you have with the Case Review Committee, that policy is yet another huge responsibility. Thank you for coming to our first meeting and we'll look forward to issues your committee feel need to go into policies. sue

On Tue, Aug 4, 2015 at 8:10 AM, Moira Amado-McCoy <[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)> wrote:

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Best,

Moira

**From:** [Susanne Brown](#)  
**To:** [Moira Amado-McCoy](#)  
**Cc:** [Leonard Waites](#); [Mark Baker](#); [Beth Mohr](#); [Scott S. Wilson](#); [POB](#); [O'Neil, Erin](#); [McDermott, Diane L.](#); [Skotchdopole, Paul A.](#); [Davidson, Christopher](#)  
**Subject:** Re: Policies subcommittee  
**Date:** Wednesday, August 05, 2015 7:13:20 AM

---

Good morning,

I've just read your e-mail, Moira, and will miss your clarity on the policy committee but do agree that with all the work you have with the Case Review Committee, that policy is yet another huge responsibility. Thank you for coming to our first meeting and we'll look forward to issues your committee feel need to go into policies. sue

On Tue, Aug 4, 2015 at 8:10 AM, Moira Amado-McCoy <[amadamccoy.pob@gmail.com](mailto:amadamccoy.pob@gmail.com)> wrote:

Dear Sue and Leonard --

After giving this some good thought, and in consideration of my other responsibilities as a member of the POB, I am writing to let you know I have decided it best to resign my position on the Policies and Procedures subcommittee this year, effective immediately.

As you and I have observed in discussions over the past month, Policies and Procedures is currently one member larger than other subcommittees. Given this fact, plus the observation I've articulated in several forums, and with which I know you agree--that the other subcommittees should be continually feeding into Policies and Procedures as a matter of course--I resign this committee knowing that the work is well covered and that we will be working closely on these tasks in any case. I do believe that my particular strengths and expertise are probably best suited for, and therefore best focused, on the committee I already chair, Case Review.

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Best,

Moira

**From:** [Maira Amado-McCoy](#)  
**To:** [Beth Mohr](#)  
**Cc:** [Hammer, Robin](#); [Scott S. Wilson](#); [Susanne Brown](#); [Leonard Waites](#); [Mark T. Baker](#); [POB](#)  
**Subject:** Re: Policy and Procedure Subcommittee  
**Date:** Monday, July 06, 2015 7:32:10 AM

---

Thanks, Robin. Thanks, Beth.

As I understand this, and as I've been moving forward myself as Chair of the Case Review Committee, the Board is working on policies and procedures through the already working subcommittees. I am, for instance, contributing to the work of outlining a hearty and final version of the "training" required before we are able to review cases at all, procedures for tracking the movement through the agency, policies regarding appropriate and timely delivery of investigated cases to the CRC and then the full POB, and policies and procedures regarding expedient and appropriate coordination of case review between the POB and APD.

As far as I know, Policies and Procedures has not yet met. Meantime, the working committees have found it necessary to spend most/all of their time in these first months of the Board's existence specifically on policies and procedures. My sense is that it's not necessary to convene the Policies and Procedures committee itself until the committees currently relegated to doing only policies and procedures work complete their preliminary tasks.

Maira

On Wed, Jul 1, 2015 at 2:41 PM, Beth A. Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

I am concentrating my efforts on the personnel subcommittee right now, as well as coordinating with Mr. Baker and Mr. Waites. So I will not participate right now.

I will be interested in getting the policy and procedure subcommittee going once we have accomplished our hiring tasks and the POB is off and running and hearing cases again.

The rest of you should feel free to go on without me and I'll catch up with you later if I can be helpful, or will happily leave you to it if you don't need me.

Thanks to all of your for your work. -B

Beth A. Mohr  
Albuquerque Police Oversight Board

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*Sent with haste from my "smart" phone.*

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"Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Members of the Policy and Procedure Subcommittee:

M004885

I have not heard from anyone regarding a meeting of this Subcommittee this month. Do you wish to hold a meeting next week prior to Thursday's full Police Oversight Board meeting? Please let me know.

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:** [Maira Amado-McCoy](#)  
**To:** [Beth Mohr](#)  
**Cc:** [Hammer, Robin](#); [Scott S. Wilson](#); [Susanne Brown](#); [Leonard Waites](#); [Mark T. Baker](#); [POB](#)  
**Subject:** Re: Policy and Procedure Subcommittee  
**Date:** Monday, July 06, 2015 10:49:58 AM

---

Also --

I'm reviewing the CPOA Web site this morning, and see that we are responsible for both a "Policies and Procedures" subcommittee and a "Rules and Regulations" subcommittee.

Did we actually do this to ourselves, or is this a miscommunication somehow?

Maira

On Mon, Jul 6, 2015 at 7:32 AM, Maira Amado-McCoy <[amadamccoy.pob@gmail.com](mailto:amadamccoy.pob@gmail.com)> wrote:

Thanks, Robin. Thanks, Beth.

As I understand this, and as I've been moving forward myself as Chair of the Case Review Committee, the Board is working on policies and procedures through the already working subcommittees. I am, for instance, contributing to the work of outlining a hearty and final version of the "training" required before we are able to review cases at all, procedures for tracking the movement through the agency, policies regarding appropriate and timely delivery of investigated cases to the CRC and then the full POB, and policies and procedures regarding expedient and appropriate coordination of case review between the POB and APD.

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Maira

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I will be interested in getting the policy and procedure subcommittee going once we have accomplished our hiring tasks and the POB is off and running and hearing cases again.

The rest of you should feel free to go on without me and I'll catch up with you later if I can be helpful, or will happily leave you to it if you don't need me.

Thanks to all of your for your work. -B

M004887

Beth A. Mohr  
Albuquerque Police Oversight Board

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*Sent with haste from my "smart" phone.*

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"Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Members of the Policy and Procedure Subcommittee:

I have not heard from anyone regarding a meeting of this Subcommittee this month. Do you wish to hold a meeting next week prior to Thursday's full Police Oversight Board meeting? Please let me know.

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 A. Mohr  
**To:** Maira Amado-McCoy  
**Cc:** Scott S. Wilson; Joanne Fine; Hammer, Robin; Susanne Brown; Leonard Waites; Mark T. Baker; POB  
**Subject:** Re: Policy and Procedure Subcommittee  
**Date:** Monday, July 06, 2015 2:21:39 PM

---

I suggest this discussion take place in the public POB meeting on Thursday, during the section for subcommittee reports. -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.*

Maira Amado-McCoy <amadamccoy.pob@gmail.com> wrote:

Good to have this clarified in public, for sure, but my question is less one of our defined responsibility, and more pointing to questions of efficiency.

Neither of these committees is meeting, as far as I know, and now that we see clearly (see my two emails this morning) how 1) there is a definite overlap of activity at least for the short term (the question of whether Policies and Procedures is meeting and what we're actually doing in subcommittee meetings right now: investigating and recommending policies and procedures) and 2) there seem to be two committees afoot where one would/might suffice, I wonder if this isn't a necessary conversation for the Board now.

Either, as Scott says, whether to review the two (?) purpose/s given the changes since Mark arrived (this is the umbrella under which CRC, for instance, is considering a definitive schedule of training for POB members present and future), AND, now, I think, the question of whether we really need two separate committees (and if so, how to define the separate scope/s of their work).

Maira

On Mon, Jul 6, 2015 at 11:40 AM, Scott Wilson <[jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com)> wrote:  
Absolutely Joanne. Thanks for remembering that piece!

J. Scott Wilson

"When everything around you seems to be lacking in integrity, find it in yourself.  
Change the world from where you're standing..."

---

Date: Mon, 6 Jul 2015 11:27:40 -0600  
Subject: RE: Policy and Procedure Subcommittee  
From: joannefine413@gmail.com  
To: jswilsonpob@outlook.com; amadomccoy.pob@gmail.com; cabq.pob.mohr@gmail.com  
CC: rhammer@cabq.gov; sbrownpob@gmail.com; phamason.lw@gmail.com;  
mbaker@peiferlaw.com; pob@cabq.gov

That is helpful Scott. Thank you. Is it not also true that policy and procedure recommendations from POB to APD (51% of our output) be vetted thru the Policy and Procedures Committee prior to coming to the full POB?

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Scott Wilson <jswilsonpob@outlook.com>  
Date: 07/06/2015 11:03 AM (GMT-07:00)  
To: Moira Amado-McCoy <amadomccoy.pob@gmail.com>, "Beth A. Mohr" <cabq.pob.mohr@gmail.com>  
Cc: "Hammer, Robin" <rhammer@cabq.gov>, Susanne Brown <sbrownpob@gmail.com>, Leonard Waites <phamason.lw@gmail.com>, "Mark T. Baker" <mbaker@peiferlaw.com>, POB <pob@cabq.gov>  
Subject: RE: Policy and Procedure Subcommittee

Here's my understanding, for what it's worth...

The settlement agreement requires APD to send us (the board) any changes in their policy/procedures for review. It is my impression that this is what the Policies and Procedures committee was created to do. The past meeting, for example, was scheduled to review APD's new harassment/retaliation policy.

The rules and regulations committee was created before Mark was on board, and was set up to create the settlement agreement mandated rules and procedures for the Board hearing CPC's, etc. Mark is now handling that, so I'm not sure if this committee is necessary; however, I am still interested in being part of that review, whether through the committee or as part of the Board as a whole.

Scott

"When everything around you seems to be lacking in integrity, find it in yourself.  
Change the world from where you're standing..."

---

Date: Mon, 6 Jul 2015 10:49:48 -0600

M004890

Subject: Re: Policy and Procedure Subcommittee  
From: [amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)  
To: [cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)  
CC: [rhammer@cabq.gov](mailto:rhammer@cabq.gov); [jwilsonpob@outlook.com](mailto:jwilsonpob@outlook.com); [sbrownpob@gmail.com](mailto:sbrownpob@gmail.com);  
[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com); [mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com); [pob@cabq.gov](mailto:pob@cabq.gov)

Also --

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Did we actually do this to ourselves, or is this a miscommunication somehow?

Moira

On Mon, Jul 6, 2015 at 7:32 AM, Moira Amado-McCoy <[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)> wrote:

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Moira

On Wed, Jul 1, 2015 at 2:41 PM, Beth A. Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:

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I will be interested in getting the policy and procedure subcommittee going once we have accomplished our hiring

tasks and the POB is off and running and hearing cases again.

The rest of you should feel free to go on without me and I'll catch up with you later if I can be helpful, or will happily leave you to it if you don't need me.

Thanks to all of you for your work. -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.  
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"Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Members of the Policy and Procedure Subcommittee:

I have not heard from anyone regarding a meeting of this Subcommittee this month. Do you wish to hold a meeting next week prior to Thursday's full Police Oversight Board meeting? Please let me know.

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:** [Molra Amado-McCoy](#)  
**To:** [Scott S. Wilson](#)  
**Cc:** [Joanne Fine](#); [Beth Mohr](#); [Hammer, Robin](#); [Susanne Brown](#); [Leonard Waites](#); [Mark T. Baker](#); [POB](#)  
**Subject:** Re: Policy and Procedure Subcommittee  
**Date:** Monday, July 06, 2015 12:34:04 PM

---

Good to have this clarified in public, for sure, but my question is less one of our defined responsibility, and more pointing to questions of efficiency.

Neither of these committees is meeting, as far as I know, and now that we see clearly (see my two emails this morning) how 1) there is a definite overlap of activity at least for the short term (the question of whether Policies and Procedures is meeting and what we're actually doing in subcommittee meetings right now: investigating and recommending policies and procedures) and 2) there seem to be two committees afoot where one would/might suffice, I wonder if this isn't a necessary conversation for the Board now.

Either, as Scott says, whether to review the two (?) purpose/s given the changes since Mark arrived (this is the umbrella under which CRC, for instance, is considering a definitive schedule of training for POB members present and future), AND, now, I think, the question of whether we really need two separate committees (and if so, how to define the separate scope/s of their work).

Maira

On Mon, Jul 6, 2015 at 11:40 AM, Scott Wilson <[jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com)> wrote:  
Absolutely Joanne. Thanks for remembering that piece!

J. Scott Wilson

"When everything around you seems to be lacking in integrity, find it in yourself.  
Change the world from where you're standing..."

---

Date: Mon, 6 Jul 2015 11:27:40 -0600  
Subject: RE: Policy and Procedure Subcommittee  
From: [joannefine413@gmail.com](mailto:joannefine413@gmail.com)  
To: [jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com); [amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com); [cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)  
CC: [rhammer@cabq.gov](mailto:rhammer@cabq.gov); [sbrownpob@gmail.com](mailto:sbrownpob@gmail.com); [phamason.lw@gmail.com](mailto:phamason.lw@gmail.com);  
[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com); [pob@cabq.gov](mailto:pob@cabq.gov)

That is helpful Scott. Thank you. Is it not also true that policy and procedure recommendations from POB to APD (51% of our output) be vetted thru the Policy and Procedures Committee prior to coming to the full POB?

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Scott Wilson <[jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com)>

Date: 07/06/2015 11:03 AM (GMT-07:00)

To: Moira Amado-McCoy <[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)>, "Beth A. Mohr" <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)>

Cc: "Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)>, Susanne Brown <[sbrownpob@gmail.com](mailto:sbrownpob@gmail.com)>, Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>, "Mark T. Baker" <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>, POB <[pob@cabq.gov](mailto:pob@cabq.gov)>

Subject: RE: Policy and Procedure Subcommittee

Here's my understanding, for what it's worth...

The settlement agreement requires APD to send us (the board) any changes in their policy/procedures for review. It is my impression that this is what the Policies and Procedures committee was created to do. The past meeting, for example, was scheduled to review APD's new harassment/retaliation policy.

The rules and regulations committee was created before Mark was on board, and was set up to create the settlement agreement mandated rules and procedures for the Board hearing CPC's, etc. Mark is now handling that, so I'm not sure if this committee is necessary; however, I am still interested in being part of that review, whether through the committee or as part of the Board as a whole.

Scott

"When everything around you seems to be lacking in integrity, find it in yourself.  
Change the world from where you're standing..."

---

Date: Mon, 6 Jul 2015 10:49:48 -0600

Subject: Re: Policy and Procedure Subcommittee

From: [amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)

To: [cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)

CC: [rhammer@cabq.gov](mailto:rhammer@cabq.gov); [jswilsonpob@outlook.com](mailto:jswilsonpob@outlook.com); [sbrownpob@gmail.com](mailto:sbrownpob@gmail.com); [phamason.lw@gmail.com](mailto:phamason.lw@gmail.com); [mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com); [pob@cabq.gov](mailto:pob@cabq.gov)

Also --

I'm reviewing the CPOA Web site this morning, and see that we are responsible for both a "Policies and Procedures" subcommittee and a "Rules and Regulations" subcommittee.

Did we actually do this to ourselves, or is this a miscommunication somehow?

Moira

M004895

On Mon, Jul 6, 2015 at 7:32 AM, Moira Amado-McCoy <amadamccoy.pob@gmail.com> wrote:

Thanks, Robin. Thanks, Beth.

As I understand this, and as I've been moving forward myself as Chair of the Case Review Committee, the Board is working on policies and procedures through the already working subcommittees. I am, for instance, contributing to the work of outlining a hearty and final version of the "training" required before we are able to review cases at all, procedures for tracking the movement through the agency, policies regarding appropriate and timely delivery of investigated cases to the CRC and then the full POB, and policies and procedures regarding expedient and appropriate coordination of case review between the POB and APD.

As far as I know, Policies and Procedures has not yet met. Meantime, the working committees have found it necessary to spend most/all of their time in these first months of the Board's existence specifically on policies and procedures. My sense is that it's not necessary to convene the Policies and Procedures committee itself until the committees currently relegated to doing only policies and procedures work complete their preliminary tasks.

Moira

On Wed, Jul 1, 2015 at 2:41 PM, Beth A. Mohr <cabq.pob.mohr@gmail.com> wrote:

I am concentrating my efforts on the personnel subcommittee right now, as well as coordinating with Mr. Baker and Mr. Waites. So I will not participate right now.

I will be interested in getting the policy and procedure subcommittee going once we have accomplished our hiring tasks and the POB is off and running and hearing cases again.

The rest of you should feel free to go on without me and I'll catch up with you later if I can be helpful, or will happily leave you to it if you don't need me.

Thanks to all of your for your work. -B

Beth A. Mohr  
Albuquerque Police Oversight Board

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Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

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Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

**From:** Beth A. Mohr  
**To:** Hammer, Robin  
**Cc:** Molra Amado-McCoy; Scott S. Wilson; Susanne Brown; Leonard Waites; Mark T. Baker; POB  
**Subject:** Re: Policy and Procedure Subcommittee  
**Date:** Wednesday, July 01, 2015 2:41:40 PM

---

I am concentrating my efforts on the personnel subcommittee right now, as well as coordinating with Mr. Baker and Mr. Waites. So I will not participate right now.

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Thanks to all of you for your work. -B

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Albuquerque Police Oversight Board

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Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

M004898

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**From:** [Beth A. Mohr](#)  
**To:** [David Sandoval](#)  
**Cc:** [POB; Skotchdopole, Paul A.](#)  
**Subject:** Re: Public meetings  
**Date:** Thursday, October 29, 2015 3:38:27 PM

---

Mr. Sandoval, The CPOA office may have those. Mr. Skotchdopole will get with you.  
Thanks. -B

Beth A. Mohr  
Albuquerque Police Oversight Board

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David Sandoval <dave50s@comcast.net> wrote:

Several years back the police oversight committee had some meetings geared toward public input. These were put on video and available for all to see. I cannot find these now. Can you tell me how and where I can see these or get copies.

Thanks, David Sandoval

**From:** Beth A. Mohr  
**To:** Contreras, Michelle  
**Cc:** "Edward Harness"; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown  
**Subject:** Re: Reimbursement for Meals during NACOLE Conference  
**Date:** Tuesday, September 29, 2015 9:19:28 AM

---

And we need to save receipts?

Beth A. Mohr  
Albuquerque Police Oversight Board

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*Sent with haste from my "smart" phone.*

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"Contreras, Michelle" <mcontreras@cabq.gov> wrote:

Good morning Board Members and Mr. Harness:

Your meals will be reimbursed based on GSA rates. Here is the website to look up the rates:  
<http://www.gsa.gov/portal/content/101518>

If you have questions, please feel free to contact our office.

Thank you.

Michelle

**Michelle Contreras**

Senior Administrative Assistant

Civilian Police Oversight Agency

City of Albuquerque

P.O. Box 1293

Albuquerque, NM 87103

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Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

**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 7:43:34 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

M004903

Civilian Police Oversight Agency

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**From:** [Beth A. Mohr](#)  
**To:** [Hammer, Robin](#)  
**Cc:** [Joanne Fine](#); [Eric H. Cruz](#); [Hernandez, Jessica M.](#); [Hults, Samantha M.](#); [Mark T. Baker](#)  
**Subject:** Re: Reschedule POB Personnel Subcommittee meeting  
**Date:** Wednesday, June 24, 2015 2:13:32 PM

---

As you pointed out to me, the agenda didn't get posted until 62 hours prior to the meeting. That's not in compliance with the OMA.

After you sent me that information, I emailed Eric. When I learned that neither he nor Joanne could attend I cancelled the meeting. I would not have cancelled based on the posting time without first consulting with the City Attorney, but that wasn't necessary since there wouldn't be a quorum anyway.

Please confirm that in the future you'll be providing staff assistance for the meetings as I requested in my previous email. Thanks.

Beth A. Mohr  
Albuquerque Police Oversight Board

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"Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Beth,

It was my understanding that the primary reason you cancelled this meeting was due to the fact that two of the three Subcommittee members were unavailable for the June 25 date.

Thanks,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

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<http://www.cabq.gov/cpoa>

**From:** Beth Mohr [mailto:cabq.pob.mohr@gmail.com]

**Sent:** Wednesday, June 24, 2015 11:53 AM

**To:** Joanne Fine; Eric Cruz; Hernandez, Jessica M.; Hults, Samantha M.; Hammer, Robin

**Subject:** Reschedule POB Personnel Subcommittee meeting

All: Please let me know your availability to reschedule the personnel subcommittee meeting. Ms. Hammer, unfortunately, didn't receive the email that I sent last Friday with the Agenda for posting, and I didn't check with her until Tuesday, assuming it was done. This meeting needs to be rescheduled, so please let me know your availability. Thanks, -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:** [Leonard Waites](#)  
**To:** [Hammer, Robin](#)  
**Cc:** [POB](#); [Mark T. Baker](#); [Hults, Samantha M.](#); [Beth Mohr](#); [Leonard Waites](#)  
**Subject:** Re: Robin Hammer  
**Date:** Monday, July 27, 2015 4:00:07 PM

---

Dear Ms. Hammer,

I am in receipt of your email and will be forwarding it to legal counsel at the City Attorney's Office for a response. Please note that Assistant City Attorney Samantha Hults represents the Board in all employment issues and I am requesting that you direct any further correspondence on this issue to her.

Thank you  
Leonard Waites POB Chairman

On Mon, Jul 27, 2015 at 8:57 AM, Hammer, Robin <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Dear POB Members:

Last Thursday I wrote a letter to the City's Chief Administrative Officer (CAO), Robert Perry, stating why I thought the Board's reprimand was invalid based on my appointment contract, city ordinances and regulations. It occurred to me over the weekend that I should probably share briefly what I wrote him. I wanted to make sure the full POB was also aware of my contract terms, the controlling laws, and rules for my remaining time as a unclassified, department director with the City.

Under my employment contract with the City the POB can only recommend termination to the City's Chief Administrative Officer, and even then, only after giving me notice, holding hearing, and allowing an opportunity to be heard. Pursuant to Sections 3-1-2(C) and 3-1-2(C) (3) of the City ordinances "the Chief Administrative Officer shall have the following authority: ... (3) To reprimand, suspend, demote or discharge unclassified employees and to reprimand, suspend, demote or discharge classified employees for just cause. (emphasis added). No one has delegated the CAO's exclusive authority to the POB. *See also* City Personal regulation 902.3- The City Personal Regulations confirm this exclusive authority of the CAO to discipline department heads, such as myself, "No person except the Chief Administrative Officer shall discipline directors or the Internal Auditor." *See also* the City's Charter, Article X.

Out of an abundance of caution, as you may know, I have filed a grievance with the City Human Resources Department to appeal the Letter of Reprimand, both upon the facts and the law. (Just as the POB had no authority to issue me a reprimand, the Human Resources Department has no authority to review the discipline issued to department heads.)

As you know, the POB Personnel Subcommittee chose not to forward my application to the full POB for consideration to be selected as the Executive Director. I will continue to diligently work in my position Acting Executive Director until my contract expires. I would appreciate the Board respecting what are clearly my legal rights until that time.

Please let me know if you have any questions.

Regards,

Robin

**Robin S. Hammer, Esq.**

Acting Executive Director

Civilian Police Oversight Agency

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--

Leonard Waites Chairman  
Police Oversight Board

**From:** [Maira Amado-McCoy](#)  
**To:** [Skotchdopole, Paul A.](#); [Edward Harness](#); [Contreras, Michelle](#)  
**Cc:** [POB](#); [Mark T. Baker](#); [McDermott, Diane L.](#); [Davidson, Christopher](#); [O'Neil, Erin](#); [Gonzalez, Arturo E.](#)  
**Subject:** Re: SOP passed and published since 8/1/15  
**Date:** Thursday, September 10, 2015 9:19:24 AM

---

Paul -- You'll have hard copies of all of this for us tonight, Yes?

I know things have been tricky, and some of this is unavoidable, but let's make a concerted effort to avoid the "data dump" (in the 24-48 before meetings) that I've been speaking against for the past six months.

Also, if you are getting these copies together, would you please ask Michelle (copied here) to bring me (tonight) copies of the citizen response letters that the agency has sent out since my last pick-up through today? She should have the date that I'm up-to-date through.

[I won't be checking my mail anytime again before tonight's meeting, so if anyone needs clarification or anything else from me before the meeting tonight, please call my cell.]

Thanks.

Maira

On Wed, Sep 9, 2015 at 4:50 PM, Skotchdopole, Paul A. <[pskotchdopole@cabq.gov](mailto:pskotchdopole@cabq.gov)> wrote:

All,

These are the SOP's passed and published since my last update.

Should you have any questions feel free to contact me at 924-3773.

Best Regards,

Paul Skotchdopole

Assistant Lead Investigator

Civilian Police Oversight Agency

924-3773

**From:** [Hammer, Robin](#)  
**To:** [Joanne Fine](#)  
**Subject:** Re: Second ride along  
**Date:** Wednesday, July 29, 2015 5:44:32 PM

---

Thanks

Robin S. Hammer, Esq.  
Acting Executive Director  
Civilian Police Oversight Agency

Sent from my iPhone

On Jul 29, 2015, at 5:23 PM, joannefine413 <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:

Completed with Officer Eric Wellford, NE Area Command, Swing shift on Mon,  
July 27, 2015.

Sent from my Verizon Wireless 4G LTE smartphone

**From:** Ilse Biel  
**To:** Silvio Dell'Angela  
**Cc:** Susan Schuurman; Vargas, Dinah; steve kramer; pmrinc@mac.com; Eden, Gordon; Elizabeth martinez; Damon Martinez; Vanita.Gupta@usdoj.gov; Board of Regents' Office; kbrandenburg@da2nd.state.nm.us; Mayor Berry; Hernandez, Jessica M.; stop\_police\_violence\_in\_abq-request@lists.riseup.net; Garduno, Rey; Joline Gutierrez Krueger; POB  
**Subject:** Re: Secret meeting at Peace and Justice Center Friday-why no publicity? Sham outreach collaboratives, a \$15K UNM rip-off of taxpayers run by City and UNM. Your secrecy.  
**Date:** Wednesday, August 19, 2015 9:20:45 PM

---

Silvio, I contacted Mr Rickman and got this community meeting together. I, therefore, accept responsibility for the fact that the publicity was not concluded in the manner you expected. I will explain further in my following message to you personally as this particular meeting was never envisaged to involve most of the people on this distribution list. I'll write to you personally now.

Go well  
Ilse Biel

On 19 Aug 2015, at 19:30, Susan Schuurman <[susanjschuurman@gmail.com](mailto:susanjschuurman@gmail.com)> wrote:

it's possible the organizers have not had time to put out a press release yet.

in terms of agenda, you'll have to ask the organizers, but my impression was that it was an informal gathering intended to give members of the community a chance to ask questions of the community relations member of the monitoring team.

i did announce it on KUNM today. on Grassroots New Mexico.... and it's on the peace center website calendar.

how did you hear about it, sylvio?  
thanks  
sue

On Wed, Aug 19, 2015 at 7:11 PM, Silvio Dell'Angela <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)> wrote:

**Thanks Susan**

It may have not been secret to some but I saw nothing about it on TV or Journal- the reason for my e-mail to James Ginger. He may be a good guy but he knowingly is powerless under the agreement but he got his \$4.5 million. Like these bogus \$15K UNM run collaboratives, is this just more of the same City directed PR scams to pretend they really care what we say about APD?

I would have thought that the P&J folks would have put something out on it with those of us to the stop violence in abq address list.. What is Friday's agenda? Just

an update by Ginger and Rickman or more?

Nothing has really changed for the better in APD since James Ginger and his fellow former cops in PMR Inc were hired and Greenwood rehired. APD still shoots people and don't release recordings. Now they are in an outrage that both Sandy and Perez were charged with murder. The smug two killers thought the judge would be intimidated-wouldn't have the guts to charge them.

Hope media picks up on P&J meeting Friday. Who is Steve Rickman? Who is this "someone" who asked Rickman to come? More divide and conquer tactics?

Seems like the Councilors couldn't care less whether APD reform ever occurs. Nobody even dared challenge the Mayor's \$120+ million ART, his dictatorial position on even a changed version to the Fair Workweek Act, and the much needed ban on kids out at 2PM in the morning that Joline in Journal today tried to claim is somehow beyond a loving mother's control. Really?

Unlike allowing them to negotiate with their parents as equal decision makers, as Dianne Goodman said was necessary Monday in her/this new/misguided approach to parenting, good parents don't negotiate.

See also how a deputy city attorney I met with today somehow couldn't justify why the attendees at the collaboratives weren't in the \$10K UNM reports and why I have to go to UNM to find out the qualifications of those who were their facilitators. Meanwhile Berry's new version of Dave Tourek-another Guv discard-Jessica Hernandez remains in hiding like her boss. She is another high paid City embarrassment!

APD's leadership beginning with those in the Mayor's office are like a cancer that we have been forced to live with too long. The DOJ agreement won't fix it.

Anyone bet that when Sandy and Perez go to trial that the jury will have enough courage to convict them? Not here! The jurors will be afraid of APD retaliation, just like the very few honest councilors.

Thanks

Silvio

P.S.

Below is what shadow Mayor Perry again looked like at Monday's Council meeting along with his protégé Jessica Hernandez. Do you think he has a drinking problem as does the District 9 Councilor who also shows up with a flushed red face?

<image005.jpg><image007.jpg>

----- Forwarded message -----

From: Susan Schuurman <[susanjschuurman@gmail.com](mailto:susanjschuurman@gmail.com)>

Date: Wed, Aug 19, 2015 at 6:13 PM

Subject: Re: Secret meeting at Peace and Justice Center Friday-why no publicity? Sham collaboratives, a \$15K rip-off of taxpayers run by City and UNM. Your secrecy.

To: Silvio Dell'Angela <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)>

Cc: [pmrinc@mac.com](mailto:pmrinc@mac.com), [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net), Elizabeth Martinez <[Elizabeth.Martinez@usdoj.gov](mailto:Elizabeth.Martinez@usdoj.gov)>, Damon Martinez <[damon.martinez@usdoj.gov](mailto:damon.martinez@usdoj.gov)>, Vanita.Gupta@usdoj.gov, "Duran, Roberta M." <[RDuran@cabq.gov](mailto:RDuran@cabq.gov)>, [kbrandenburg@da2nd.state.nm.us](mailto:kbrandenburg@da2nd.state.nm.us), "Eden, Gorden" <[geden7@cabq.gov](mailto:geden7@cabq.gov)>

I don't think this meeting was secret. Someone ???? asked Stephen Rickman to meet with members of the community at the P&J and he said yes quite recently, a few days ago. I will be out of town so can't attend, but I hope you come Silvio and also help spread the word about it. Sponsored by Burque Media Productions and The Working Group. He confirmed quite late, and the organizers are grassroots folks without a big marketing budget.....

Sue

On Wed, Aug 19, 2015 at 1:10 PM, Silvio Dell'Angela <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)> wrote:

**TO: James Ginger-PMR Inc.**

**Info to councilors and others shown and not shown**

Citizens want to believe the \$4.5+ million of our taxes given you is being well spent. Yet there has been too much avoidance by you and your people of us who have been on the front lines in this reform effort. Just what are you doing with Scott Greenwood and Tom Streicher from Cincinnati whose paycheck is now at \$650K? Why wasn't your secret planned meeting to be held Friday at the Peace and Justice Center publicized? What is agenda? Is it just another PR scam/stunt like the tax-wasting \$15K City/UNM run outreach collaboratives? At one of these outreach collaboratives one speaker at Monday's Council meeting confirmed they were indeed scams and mentioned a talk by an APD cop attendee who berated citizens saying we must accommodate APD-not the opposite. He also said APD didn't need the DOJ or you here. They could reform themselves. A former San Diego police officer sitting on the Police Oversight Board-POB is now trying to justify making a former Milwaukee police officer (who is clueless about Albuquerque and the oversight process) to be the new Executive Director of the new police oversight agency-POA. What else is new? We continued to get stonewalled on NM IPRA requests and seemingly you don't care. No police recordings-no accountability. The murder of James Boyd was the only exception and that recording likely leaked out. The media continues to give credibility to another embarrassing/disgraceful police officer-APD union VP Willoughby who was outraged as was attorney "Saul" Bregman that the judge yesterday. Judge Candelaria properly ignored all of the lying and other BS thrown at him by the killer cops' attorneys and their paid to lie "experts" defending Perez and Sandy who murdered homeless camper James Boyd. This was the first APD officer ever charged here in 50 years despite the APD bloodbath that has been going on first under Schultz and now under the incompetent Eden. See Willoughby's beliefs in the attachment. As a former cop, are you part of the solution or part of the problem? We wonder.

Silvio

**For WE THE PEOPLE**

<image001.jpg><image002.jpg>

**THE MOST CORRUPT ADMINISTRATION AND  
DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** Susan Schuurman  
**To:** Silvio Dell'Angela  
**Cc:** ilse blel; Vargas, Dinah; Steve Kramer; pmrinc@mac.com; Eden. Gorden; Elizabeth Martinez; Damon Martinez; Vanita.Gupta@usdoj.gov; Board of Regents' Office; kbrandenburg@da2nd.state.nm.us; Mayor Berry; Hernandez, Jessica M.; stop\_police\_violence\_in\_abq:request@lists.riseup.net; Garduno, Rey; Joline Gutierrez Krueger; POB  
**Subject:** Re: Secret meeting at Peace and Justice Center Friday-why no publicity? Sham outreach collaboratives, a \$15K UNM rip-off of taxpayers run by City and UNM. Your secrecy.  
**Date:** Wednesday, August 19, 2015 7:30:48 PM

---

it's possible the organizers have not had time to put out a press release yet.

in terms of agenda, you'll have to ask the organizers, but my impression was that it was an informal gathering intended to give members of the community a chance to ask questions of the community relations member of the monitoring team.

i did announce it on KUNM today. on Grassroots New Mexico.... and it's on the peace center website calendar.

how did you hear about it, sylvio?  
thanks  
sue

On Wed, Aug 19, 2015 at 7:11 PM, Silvio Dell'Angela <Dellansi@comcast.net> wrote:

**Thanks Susan**

It may have not been secret to some but I saw nothing about it on TV or Journal-the reason for my e-mail to James Ginger. He may be a good guy but he knowingly is powerless under the agreement but he got his \$4.5 million. Like these bogus \$15K UNM run collaboratives, is this just more of the same City directed PR scams to pretend they really care what we say about APD?

I would have thought that the P&J folks would have put something out on it with those of us to the stop violence in abq address list.. What is Friday's agenda? Just an update by Ginger and Rickman or more?

Nothing has really changed for the better in APD since James Ginger and his fellow former cops in PMR Inc were hired and Greenwood rehired. APD still shoots people and don't release recordings. Now they are in an outrage that both Sandy and Perez were charged with murder. The smug two killers thought the judge would be intimidated-wouldn't have the guts to charge them.

Hope media picks up on P&J meeting Friday. Who is Steve Rickman? Who is this "someone" who asked Rickman to come? More divide and conquer tactics?

Seems like the Councilors couldn't care less whether APD reform ever occurs. Nobody even dared challenge the Mayor's \$120+ million ART, his dictatorial position on even a changed version to the Fair Workweek Act, and the much needed ban on kids out at 2PM in the morning that Joline in Journal today tried to claim is somehow beyond a loving mother's control. Really?

Unlike allowing them to negotiate with their parents as equal decision makers, as Dianne Goodman said was necessary Monday in her/this new/misguided approach to parenting, good parents don't negotiate.

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Thanks

Silvio

P.S.

Below is what shadow Mayor Perry again looked like at Monday's Council meeting along with his protégé Jessica Hernandez. Do you think he has a drinking problem as does the District 9 Councilor who also shows up with a flushed red face?



----- Forwarded message -----

From: Susan Schuurman <[susanjschuurman@gmail.com](mailto:susanjschuurman@gmail.com)>

Date: Wed, Aug 19, 2015 at 6:13 PM

Subject: Re: Secret meeting at Peace and Justice Center Friday-why no publicity? Sham collaboratives, a \$15K rip-off of taxpayers run by City and UNM. Your secrecy.

To: Silvio Dell'Angela <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)>

Cc: [pmrinc@mac.com](mailto:pmrinc@mac.com), [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net), Elizabeth Martinez <[Elizabeth.Martinez@usdoj.gov](mailto:Elizabeth.Martinez@usdoj.gov)>, Damon Martinez <[damon.martinez@usdoj.gov](mailto:damon.martinez@usdoj.gov)>, [Vanita.Gupta@usdoj.gov](mailto:Vanita.Gupta@usdoj.gov), "Duran, Roberta M." <[RDuran@cabq.gov](mailto:RDuran@cabq.gov)>, [kbrandenburg@da2nd.state.nm.us](mailto:kbrandenburg@da2nd.state.nm.us), "Eden, Gorden" <[geden7@cabq.gov](mailto:geden7@cabq.gov)>

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On Wed, Aug 19, 2015 at 1:10 PM, Silvio Dell'Angela <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)> wrote:

**TO: James Ginger-PMR Inc.**

**Info to councilors and others shown and not shown**

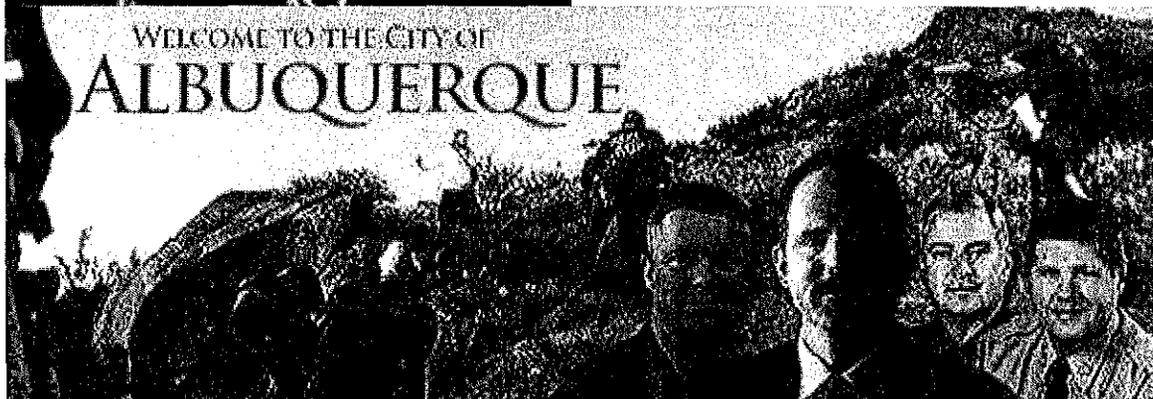
**Citizens want to believe the \$4.5+ million of our taxes given you is being well spent. Yet there has been too much avoidance by you and your people of us who have been on the front lines in this reform effort. Just what are you doing with Scott Greenwood and Tom Streicher from Cincinnati whose paycheck is now at \$650K? Why wasn't your secret planned meeting to be held Friday at the Peace and Justice Center publicized? What is agenda? Is it just another PR scam/stunt like the tax-wasting \$15K City/UNM run outreach collaboratives? At one of these outreach collaboratives one speaker at**

M004917

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For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS  
POLICE FORCE IN THIS CITY'S HISTORY**

**From:** Ilse Biel  
**To:** Silvio Dell'Angela  
**Cc:** Vargas, Dinah; Steve Kramer; pmrinc@mac.com; Eden, Gordon; Elizabeth Martinez; Damon Martinez; Vanita.Gupta@usdoj.gov; Board of Regents' Office; kbrandenburg@da2nd.state.nm.us; Mayor Berry; Hernandez, Jessica M.; stop\_police\_violence\_in\_abq-request@lists.riseup.net; Garduno, Rey; Joline Gutierrez Krueger; POB; Susan Schuurman  
**Subject:** Re: Secret meeting at Peace and Justice Center Friday-why no publicity? Sham outreach collaboratives, a \$15K UNM rip-off of taxpayers run by City and UNM. Your secrecy.  
**Date:** Wednesday, August 19, 2015 9:23:50 PM

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Silvio, I contacted Mr Rickman and got this community meeting together. I, therefore, accept responsibility for the fact that the publicity was not concluded in the manner you expected. I will explain further in my following message to you personally as this particular meeting was never envisaged to involve most of the people on this distribution list. I'll write to you personally now. Go well. Ilse Biel

Sent from my iPhone

On Aug 19, 2015, at 19:30, Susan Schuurman <[susanjschuurman@gmail.com](mailto:susanjschuurman@gmail.com)> wrote:

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<image005.jpg><image007.jpg>

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Date: Wed, Aug 19, 2015 at 6:13 PM

Subject: Re: Secret meeting at Peace and Justice Center Friday-why no publicity? Sham collaboratives, a \$15K rip-off of taxpayers run by City and UNM. Your secrecy.

To: Silvio Dell'Angela <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)>

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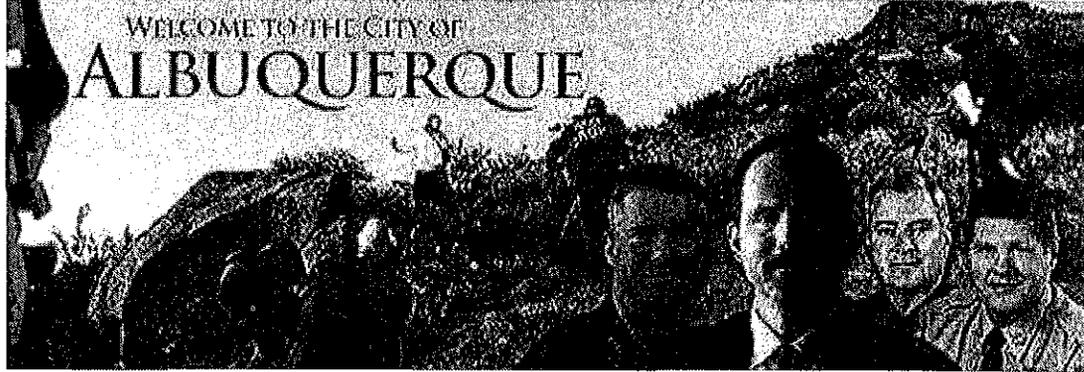
M004921

Albuquerque and the oversight process) to be the new Executive Director of the new police oversight agency-POA. What else is new? We continued to get stonewalled on NM IPRA requests and seemingly you don't care. No police recordings-no accountability. The murder of James Boyd was the only exception and that recording likely leaked out. The media continues to give credibility to another embarrassing/disgraceful police officer-APD union VP Willoughby who was outraged as was attorney "Saul" Bregman that the judge yesterday. Judge Candelaria properly ignored all of the lying and other BS thrown at him by the killer cops' attorneys and their paid to lie "experts" defending Perez and Sandy who murdered homeless camper James Boyd. This was the first APD officer ever charged here in 50 years despite the APD bloodbath that has been going on first under Schultz and now under the incompetent Eden. See Willoughby's beliefs in the attachment. As a former cop, are you part of the solution or part of the problem? We wonder.

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For WE THE PEOPLE

<image001.jpg>



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS  
POLICE FORCE IN THIS CITY'S HISTORY**

**From:** [Jeannette Baca](#)  
**To:** [Moira Amado-McCoy](#)  
**Cc:** [Moya, Julian N](#); [POB](#); [mbaker@pelferlaw.com](mailto:mbaker@pelferlaw.com); [Zaman, Jon K.](#); [Melendrez, Chris P.](#)  
**Subject:** Re: Selection of Executive Director of CPOA  
**Date:** Sunday, August 16, 2015 8:31:59 PM

---

I am terribly disappointed by the delay recommended by City Council President Rey Garduno to act on the CPOA Executive Director position. As a member of POB, I feel as if we have been in a "holding pattern" for months; despite the numerous hours of service we have provided the citizens of Albuquerque.

As chair of the POB Outreach Subcommittee, be advised that we are in the process of hiring a Community Engagement Specialist [as required by the consent agreement]. Because the Executive Director is required to hire the Community Engagement Specialist, filling this position will also be delayed. The advertised position closed on July 13th. I'm concerned that, as with the Executive Director position, the most qualified candidates may withdraw (or possibly have withdrawn) due to the excessive delay.

I respectfully ask President Garduno to reconsider his decision and lift this "holding pattern" by acting on the Executive Director position tomorrow so we can move forward as a Board.

Thank you in advance for your consideration.

Regards,  
Jeannette Baca, Ed.D., LPC

On Sat, Aug 15, 2015 at 3:07 PM, Moira Amado-McCoy <[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)> wrote:

"the right decision in order to continue to move civilian oversight in Albuquerque in the right direction." I thought we were seated as a board to do just that. So, the "right decision" here must be whether Council will trust the processes, judgement, and integrity of the POB?

This is the only relevant question such a move now raises to the level of public discussion. Very much looking forward to reviewing the language of OC-15-25, Julian; I trust it will address how bringing this (always latent) question into the formal public sphere works for the benefit of this community. It must be quite a compelling argument to risk so much.

Moira Amado-McCoy

On Fri, Aug 14, 2015 at 3:31 PM, Moya, Julian N <[julianmoya@cabq.gov](mailto:julianmoya@cabq.gov)> wrote:

Police Oversight Board Members,

City Council President Rey Garduño has decided to introduce OC-15-25, Selection of the Executive Director of the Civilian Police Oversight Agency, at the City Council meeting on Monday, August 17th and hold it over to the following City Council meeting on September 9th for Final Action.

President Garduño understands the urgency in filling this position, but wants to ensure that the Council has adequate time for each Councilor to review each candidate's material and possibly meet with them. Councilor Garduño also wants to allot enough time for the candidates to arrange their schedules to attend the City Council meeting and be available to answer any questions from City Councilors.

President Garduño appreciates the diligent work of the Police Oversight Board on this issue and he understands the importance of the position, however, he also wants to ensure the Council makes the right decision in order to continue to move civilian oversight in Albuquerque in the right direction.

Thank you,

Julian Moya

Policy Analyst

City Council President Rey Garduño

District 6

Office: (505) 768-3152

Cell: (██████████)

[julianmoya@cabq.gov](mailto:julianmoya@cabq.gov)

<http://www.cabq.gov/council/councilors/district-6>

**From:** [Moira Amado-McCoy](#)  
**To:** [Moya, Julian N](#)  
**Cc:** [POB](#); [mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com); [Zaman, Jon K.](#); [Melendrez, Chris P.](#)  
**Subject:** Re: Selection of Executive Director of CPOA  
**Date:** Saturday, August 15, 2015 3:08:04 PM

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<http://www.cabq.gov/council/councilors/district-6>

**From:** [Mark Baker](#)  
**To:** [Moya, Julian N](#)  
**Cc:** [POB; Zaman, Jon K.; Melendrez, Chris P.](#)  
**Subject:** Re: Selection of Executive Director of CPOA  
**Date:** Friday, August 14, 2015 10:59:24 PM

---

Any insight you all can share with me on this? I know there are Board members pretty upset.

Sent from my iPhone

On Aug 14, 2015, at 3:31 PM, Moya, Julian N <[julianmoya@cabq.gov](mailto:julianmoya@cabq.gov)> wrote:

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<http://www.cabq.gov/council/councilors/district-6>

**From:** Beth A. Mohr  
**To:** Zaman, Jon K.; Mark T. Baker; POB; Moya, Julian N  
**Subject:** Re: Selection of Executive Director of CPOA  
**Date:** Friday, August 14, 2015 9:51:47 PM

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Julian, We were first told that Council would "absolutely" take this up on August 3rd. That promise was broken. Then we were told to just be patient and you all would handle this on the 17th. Again, those words meant nothing. Now we're told to wait again, meanwhile, we may lose our top candidate to another position. We have certainly lost additional momentum and time with these needless delays. The community has all but given up hope that we will be meaningful.

We were also told that Council would absolutely respect our first choice and want to select that person. Is that agreement meaningless as well?

I can't speak for the rest of the POB members, but I've invested over 300 hours of my time since being appointed, and have very little to show for my efforts. I'm extremely disappointed in Council's lack of support for our efforts.

For some time now, my email quote for the POB has been the following:

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

Please tell Council its time to do something. -B

Beth A. Mohr  
Albuquerque Police Oversight Board

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*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.*

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Office: (505) 768-3152

Cell: [REDACTED]

[julianmoya@cabq.gov](mailto:julianmoya@cabq.gov)

<http://www.cabq.gov/council/councilors/district-6>

**From:** [Beth A. Mohr](#)  
**To:** [Moya, Julian N](#)  
**Cc:** [POB](#); [Mark T. Baker](#); [Zaman, Jon K.](#); [Melendrez, Chris P.](#)  
**Subject:** Re: Selection of Executive Director of CPOA  
**Date:** Monday, August 17, 2015 10:20:34 AM

---

Julian, I trust you have forwarded all of the POB members' emails to Council. They need to understand how disgusted members are and also the risk for losing the entire Board if they fail to select someone today. -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.*

"Moya, Julian N" <[julianmoya@cabq.gov](mailto:julianmoya@cabq.gov)> wrote:

Police Oversight Board Members,

City Council President Rey Garduño has decided to introduce OC-15-25, Selection of the Executive Director of the Civilian Police Oversight Agency, at the City Council meeting on Monday, August 17th and hold it over to the following City Council meeting on September 9th for Final Action.

President Garduño understands the urgency in filling this position, but wants to ensure that the Council has adequate time for each Councilor to review each candidate's material and possibly meet with them. Councilor Garduño also wants to allot enough time for the candidates to arrange their schedules to attend the City Council meeting and be available to answer any questions from City Councilors.

President Garduño appreciates the diligent work of the Police Oversight Board on this issue and he understands the importance of the position, however, he also wants to ensure the Council makes the right decision in order to continue to move civilian oversight in Albuquerque in the right direction.

Thank you,

Julian Moya

Policy Analyst

City Council President Rey Garduño

District 6

Office: (505) 768-3152

Cell: [REDACTED]

[julianmoya@cabq.gov](mailto:julianmoya@cabq.gov)

<http://www.cabq.gov/council/councilors/district-6>

**From:** [Beth A. Mohr](#)  
**To:** [Edward Harness](#)  
**Cc:** [Contreras, Michelle](#); [David Ring](#); [Eric H. Cruz](#); [Jeannette V. Baca](#); [Scott S. Wilson](#); [Joanne Fine](#); [Leonard Waites](#); [Moira Amado-McCoy](#); [Susanne Brown](#); [McDermott, Diane L.](#); [Davidson, Christopher](#); [Skotchdopole, Paul A.](#); [O'Neil, Erin](#)  
**Subject:** Re: Super Shuttle for NACOLE Conference  
**Date:** Tuesday, September 29, 2015 9:02:21 AM

---

I think the entire POB is on the plane together, except Joanne who isn't able to join us. I have rented a car and Leonard, Moira and Jeannette said they'll ride with me. I don't think any staff were able to get our same flight. 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.*

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Edward Harness <[ed\\_harness@live.com](mailto:ed_harness@live.com)> wrote:

Good Morning: It looks like there will be 3 of us arriving from Phoenix at 12:40 on Sunday. Unless, I hear differently I will make a reservation on Supershuttle for 3 at the close of business today.

Edward W. Harness  
Attorney & Counselor at Law  
[REDACTED]  
Milwaukee, WI 53202  
Call, Text, or Fax 1-877-243-9184

SuperLawyers WI Rising Star 2008-2010  
Milwaukee's Lifestyle Magazine Highest Rated Attorneys 2012 - 2015

<https://twitter.com/VetBenefitsAtty>  
<https://www.facebook.com/veteranbenefitshelpcenter>

THE INFORMATION CONTAINED IN THIS MESSAGE IS PERSONAL, CONFIDENTIAL AND MAY BE PRIVILEGED COMMUNICATION, IT IS SOLELY FOR THE ABOVE LISTED RECIPIENT(S). IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY THE SENDER AND IMMEDIATELY DESTROY AND DISPOSE OF THIS MESSAGE, THANK YOU!

---

From: [mcontreras@cabq.gov](mailto:mcontreras@cabq.gov)  
To: [cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com); [dzr3@juno.com](mailto:dzr3@juno.com); [cabq.pob.cruz@gmail.com](mailto:cabq.pob.cruz@gmail.com);

M004932

jvbaca.pob@gmail.com; jswilsonpob@outlook.com; joannefine413@gmail.com;  
phamason.lw@gmail.com; amadamccoy.pob@gmail.com; sbrownpob@gmail.com;  
dmcdermott@cabq.gov; christopherdavidson@cabq.gov; pskotchdopole@cabq.gov;  
eoneil@cabq.gov; ed\_harness@live.com

Subject: RE: Super Shuttle for NACOLE Conference

Date: Wed, 23 Sep 2015 16:54:43 +0000

Good morning,

If you are taking the SuperShuttle from the Airport to your hotel, they are usually readily available at the airport. The cost of the Supershuttle is \$39.00 for the first passenger and \$9.00 for each additional. They take cash and Credit Cards. You can also go to their website at <http://www.supershuttle.com/> and reserve your spot in advance. I spoke with a representative at Supershuttle, and they confirmed that reservations are recommended but not required.

In the event there is no Supershuttle at the airport when you arrive, there is a Kiosk that you can utilize to call for a ride. I have confirmed with both the Mission Inn Hotel and the Marriott Riverside at the Convention Center that the SuperShuttle does pick up and drop off at their hotels.

There is also taxi service available.

If you have questions, please let me know.

Thanks.

Michelle

---

**From:** Contreras, Michelle

**Sent:** Tuesday, July 28, 2015 8:47 AM

**To:** Beth Mohr; David Z. Ring; Eric H. Cruz; Jeannette Baca; Jeffery Scott Wilson; Joanne Fine; Leonard Waites (phamason.lw@gmail.com); Molra Amado-McCoy; Susanne Brown

**Cc:** Hammer, Robin

**Subject:** Super Shuttle for NACOLE Conference

Good morning POB Members:

M004933

The City of Albuquerque will not be paying for rental cars in California. Here is the information for you to book your own shuttle: <http://www.supershuttle.com/>

If you choose to purchase a rental car with your own money, you must notify us so we can alert City Risk Management.

Please let me know if you have questions.

Michelle

**Michelle Contreras**

Senior Administrative Assistant

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:** Edward Harness  
**To:** Contreras, Michelle  
**Cc:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown; McDermott, Diane L.; Davidson, Christopher; Skotchdopole, Paul A.; O'Neil, Erin  
**Subject:** Re: Super Shuttle for NACOLE Conference  
**Date:** Wednesday, September 23, 2015 12:12:14 PM

---

Good Afternoon: Before I make my reservation I wanted to see when everyone else is arriving. I arrive at 12:40 on the 4th.

Ed Harness  
Sent from my iPhone  
414-647-2222 Office

On Sep 23, 2015, at 11:54 AM, Contreras, Michelle <[mcontreras@cabq.gov](mailto:mcontreras@cabq.gov)> wrote:

Good morning,

If you are taking the SuperShuttle from the Airport to your hotel, they are usually readily available at the airport. The cost of the Supershuttle is \$39.00 for the first passenger and \$9.00 for each additional. They take cash and Credit Cards. You can also go to their website at <http://www.supershuttle.com/> and reserve your spot in advance. I spoke with a representative at Supershuttle, and they confirmed that reservations are recommended but not required.

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There is also taxi service available.

If you have questions, please let me know.

Thanks.  
Michelle

---

**From:** Contreras, Michelle  
**Sent:** Tuesday, July 28, 2015 8:47 AM  
**To:** Beth Mohr; David Z. Ring; Eric H. Cruz; Jeannette Baca; Jeffery Scott Wilson; Joanne Fine; Leonard Waites ([phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)); Moira Amado-McCoy; Susanne Brown  
**Cc:** Hammer, Robin  
**Subject:** Super Shuttle for NACOLE Conference

Good morning POB Members:

The City of Albuquerque will not be paying for rental cars in California. Here is the

information for you to book your own shuttle: <http://www.supershuttle.com/>

If you choose to purchase a rental car with your own money, you must notify us so we can alert City Risk Management.

Please let me know if you have questions.

Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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:** [Joanne Fine](#)  
**Subject:** Re: The particulars  
**Date:** Tuesday, October 27, 2015 5:38:04 PM

---

We are looking forward to it!

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.*

joannefine413 <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:

Our get together:  
6 PM Wed, Nov 18th, at my home at [REDACTED], 87111.  
Bring a side dish to share.

I have invited staff via separate email. When I tried to send it together gibberish ensued. Sorry.

Scott will be celebrating his anniversary so will not be joining us this time.

This is very casual. Let me know, if you have not already, if you will be bringing a guest so I can get a rough count.

Thank you so much. Grateful to know all of you.  
Joanne

Sent from my Verizon Wireless 4G LTE smartphone

**From:** [Susanne Brown](#)  
**To:** [Joanne Fine](#)  
**Subject:** Re: The particulars  
**Date:** Monday, October 26, 2015 8:10:13 PM

---

Hi,

Like the idea of a party to welcome Ed. I am late to RSVP as I didn't know if Jim could come. Alas, he leaves town on the 17th so I'll be coming alone. sue

On Wed, Oct 21, 2015 at 3:49 PM, joannefine413 <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:

Our get together:

6 PM Wed, Nov 18th, at my home at [REDACTED] 87111.

Bring a side dish to share.

I have invited staff via separate email. When I tried to send it together gibberish ensued.  
Sorry.

Scott will be celebrating his anniversary so will not be joining us this time.

This is very casual. Let me know, if you have not already, if you will be bringing a guest so I can get a rough count.

Thank you so much. Grateful to know all of you.  
Joanne

Sent from my Verizon Wireless 4G LTE smartphone

M004938

**From:** [Dave Ring](#)  
**To:** [Molra Amado-McCoy](#)  
**Cc:** [Joanne Fine](#); [leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com)  
**Subject:** Re: pre-work for Sept 3rd training  
**Date:** Tuesday, September 01, 2015 8:10:51 PM

---

All, I had no problems, completing the several pre-work tasks in a single afternoon and sending my test results to Sofia. See you Thursday evening! -- Dave Ring

---

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<http://thirdpartyoffers.juno.com/TGL3141/55e65a9c410c05a9c330bst01vuc>

**From:** [Maira Amado-McCoy](#)  
**To:** [Joanne Fine](#)  
**Cc:** [Leonard Waites, \(leonard.waites@yahoo.com\)](#)  
**Subject:** Re: pre-work for Sept 3rd training  
**Date:** Tuesday, September 01, 2015 6:38:22 PM

---

Dave? Our Dave who is seldom seen without his eyes on his smartphone?! ;) I'd bet he's good -- simple hotlinks. And, he'd write if he needed anything.

M.

On Tue, Sep 1, 2015 at 6:26 PM, joannefine413 <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:  
Thanks. I did just that. I worried about Dave though. He seems more hesitant about technology. Perhaps, I am mistaken.  
Thanks for checking up.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Maira Amado-McCoy <[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)>

Date: 9/1/2015 6:12 PM (GMT-07:00)

To: Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>

Cc: Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>

Subject: Re: pre-work for Sept 3rd training

I'm just seeing this now, so you've probably already got this solved, but wanted to respond. The links work fine from my compute, Joanne, so maybe just cut and paste the URLs? And/or, you can go to the TED site, and search for the relevant talks by the speaker's name and talk title, which are part of each URL.

Maira

On Wed, Aug 26, 2015 at 3:04 PM, Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)> wrote:

I am not at a computer right now. When I figure out the problem I will contact you

On Aug 26, 2015 2:42 PM, "Joanne Fine" <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:

The links on page two of the first document are not working.

On Tue, Aug 25, 2015 at 7:24 AM, Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)> wrote:

All, attached are pre-work/information that needs to be looked at prior to our training.  
Leonard

----- Forwarded message -----

From: "Maira Amado-McCoy" <[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)>

Date: Aug 24, 2015 10:55 PM

Subject: pre-work for Sept 3rd training

To: "Mark Baker" <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>, "Leonard Waites"

<[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>, "Leonard Waites, (leonard.waites@yahoo.com)"

<[leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com)>

Cc:

Hi, Leonard.

Here are the two documents Ms. Ngoran has provided as pre-work for our Sept. 3rd training. Will you please make sure all board members receive these documents. She has asked that the appropriate pieces ("inventory") be returned to her by 8/29.

Thank you. I'm excited about the work here; I think it will be a useful and meaningful part of our continuing work together. We'll certainly have the potential to be a very well-oiled machine when all is said and done!

Best,

Moira

--

Joanne Fine  
Police Oversight Board Member

**From:** [Mojra Amado-McCoy](#)  
**To:** [Leonard Waites](#)  
**Cc:** [Joanne Fine](#)  
**Subject:** Re: pre-work for Sept 3rd training  
**Date:** Tuesday, September 01, 2015 6:12:25 PM

---

I'm just seeing this now, so you've probably already got this solved, but wanted to respond. The links work fine from my compute, Joanne, so maybe just cut and paste the URLs? And/or, you can go to the TED site, and search for the relevant talks by the speaker's name and talk title, which are part of each URL.

Mojra

On Wed, Aug 26, 2015 at 3:04 PM, Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)> wrote:

I am not at a computer right now. When I figure out the problem I will contact you

On Aug 26, 2015 2:42 PM, "Joanne Fine" <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:

The links on page two of the first document are not working.

On Tue, Aug 25, 2015 at 7:24 AM, Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)> wrote:

All, attached are pre-work/information that needs to be looked at prior to our training.  
Leonard

----- Forwarded message -----

From: "Mojra Amado-McCoy" <[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)>

Date: Aug 24, 2015 10:55 PM

Subject: pre-work for Sept 3rd training

To: "Mark Baker" <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>, "Leonard Waites" <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>, "Leonard Waites, ([leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com))" <[leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com)>

Cc:

Hi, Leonard.

Here are the two documents Ms. Ngoran has provided as pre-work for our Sept. 3rd training. Will you please make sure all board members receive these documents. She has asked that the appropriate pieces ("inventory") be returned to her by 8/29.

Thank you. I'm excited about the work here; I think it will be a useful and meaningful part of our continuing work together. We'll certainly have the potential to be a very well-oiled machine when all is said and done!

Best,

Mojra

--

Joanne Fine  
Police Oversight Board Member

**From:** [Eric Cruz](#)  
**To:** [Moira Amado-McCoy](#)  
**Cc:** [David Ring](#); [Joanne Fine](#); [Leonard Waites, \(leonard.waites@yahoo.com\)](#)  
**Subject:** Re: pre-work for Sept 3rd training  
**Date:** Wednesday, September 02, 2015 8:29:36 PM

---

Got it. Ill be there.

-e

On Wed, Sep 2, 2015, 18:22 Moira Amado-McCoy <[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)> wrote:  
Tomorrow night, Eric (Thursday). 5:30.

Moira

On Wed, Sep 2, 2015 at 5:42 PM, Eric Cruz <[cabq.pob.cruz@gmail.com](mailto:cabq.pob.cruz@gmail.com)> wrote:

Where/what time is this training? Im in jury duty for the 2nd judicial so i may be a bit late.

R,  
Eric

On Tue, Sep 1, 2015, 20:10 Dave Ring <[dzt3@juno.com](mailto:dzt3@juno.com)> wrote:

All, I had no problems, completing the several pre-work tasks in a single afternoon and sending my test results to Sofia. See you Thursday evening! -- Dave Ring

---

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<http://thirdpartyoffers.juno.com/TGL3141/55e65a9c410c05a9c330bst01vuc>

**From:** [Maira Amado-McCoy](#)  
**To:** [Eric H. Cruz](#)  
**Cc:** [David Ring](#); [Joanne Fine](#); [Leonard Waites, \(leonard.waites@yahoo.com\)](#)  
**Subject:** Re: pre-work for Sept 3rd training  
**Date:** Wednesday, September 02, 2015 6:23:02 PM

---

Tomorrow night, Eric (Thursday). 5:30.

Maira

On Wed, Sep 2, 2015 at 5:42 PM, Eric Cruz <[cabq.pob.cruz@gmail.com](mailto:cabq.pob.cruz@gmail.com)> wrote:

Where/what time is this training? Im in jury duty for the 2nd judicial so i may be a bit late.

R,  
Eric

On Tue, Sep 1, 2015, 20:10 Dave Ring <[dzi3@juno.com](mailto:dzi3@juno.com)> wrote:

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---

Want to place your ad here?

Advertise on United Online

<http://thirdpartyoffers.juno.com/TGL3141/55e65a9c410c05a9c330bst01vuc>

**From:** [Eric Cruz](#)  
**To:** [David Ring](#); [Moira Amado-McCoy](#)  
**Cc:** [Joanne Fine](#); [leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com)  
**Subject:** Re: pre-work for Sept 3rd training  
**Date:** Wednesday, September 02, 2015 5:42:56 PM

---

Where/what time is this training? Im in jury duty for the 2nd judicial so i may be a bit late.

R,  
Eric

On Tue, Sep 1, 2015, 20:10 Dave Ring <[dzr3@juno.com](mailto:dzr3@juno.com)> wrote:

All, I had no problems, completing the several pre-work tasks in a single afternoon and sending my test results to Sofia. See you Thursday evening! -- Dave Ring

---

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<http://thirdpartyoffers.juno.com/TGL3141/55e65a9c410c05a9c330bst01vuc>

**From:** [Leonard Waites](#)  
**To:** [Joanne Fine](#)  
**Subject:** Re: pre-work for Sept 3rd training  
**Date:** Wednesday, August 26, 2015 3:04:46 PM

---

I am not at a computer right now. When I figure out the problem I will contact you

On Aug 26, 2015 2:42 PM, "Joanne Fine" <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)> wrote:  
The links on page two of the first document are not working.

On Tue, Aug 25, 2015 at 7:24 AM, Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)> wrote:

All, attached are pre-work/information that needs to be looked at prior to our training.  
Leonard

----- Forwarded message -----

From: "Moira Amado-McCoy" <[amadomccoy.pob@gmail.com](mailto:amadomccoy.pob@gmail.com)>  
Date: Aug 24, 2015 10:55 PM  
Subject: pre-work for Sept 3rd training  
To: "Mark Baker" <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>, "Leonard Waites" <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>, "Leonard Waites, ([leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com))" <[leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com)>  
Cc:

Hi, Leonard.

Here are the two documents Ms. Ngoran has provided as pre-work for our Sept. 3rd training. Will you please make sure all board members receive these documents. She has asked that the appropriate pieces ("inventory") be returned to her by 8/29.

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Best,

Moira

--  
Joanne Fine  
Police Oversight Board Member

**From:** [Dinah Vargas](#)  
**To:** [Silvio Dell'Angela](#)  
**Cc:** [McKay, Dan](#); [POB](#); [rboetel@abqjournal.com](#); [pscotchdopole@cabq.gov](#); [Bruin, Barbara](#); [Moses, Karen](#); [Beth Mohr](#)  
**Subject:** Re: your article today-never bothering to check the facts on Harness-perceived why many as just part of the problem  
**Date:** Friday, September 11, 2015 2:21:24 PM

---

Silvio,

Thanks for adding me to this email.

We filed an IPRA for the 19 applicants- an IPRA was required because, well, to be honest it was us. The Records request process allows 15 days ( legitimate days) for records to be produced. Of course for us, ( and by 'us', I mean the people, community, YOU or I) the process took the maximum time allotted.

For media, and guys like Dan McKay, that process is, I'm guessing here, but probably easier. Submitting an IPRA is not a requirement in receiving public documents as much as it is the process to ensuring due process afforded in NM Sunshine Laws. Often mainstreamers

Sent from my iPhone

On Sep 11, 2015, at 11:23 AM, Silvio Dell'Angela <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)> wrote:

**TO: Dan**

**(info to others shown and not shown)**

**Your article today parroting the half truths or outright lies told to the Council trying to justify the POB's and Council selection of Ed Harness was inexcusable. This was much like Ryan Boetel joining the defense team for James Boyd's killer Dominique Perez. Did you ever take the time to look at the POB interview with Harness? Did you bother to read his posted resume?**

**Did you or anybody there bother to ask why this former Milwaukee cop Harness even applied for the job? Did we taxpayers pay for a nationwide search for the new Agency's Executive Director or did APD or former cop-POB member Beth Mohr just conveniently find him?**

**Now with former cops Harness, two on the POB and Harness's investigator Paul Scotchdopole, the Oversight Agency has lost all credibility with the people. Why even file a complaint against an APD officer as it would be a waste of time as the process has been corrupted?**

**The situation we have now in the Agency is comparable to having the judge, the prosecutor and two members of the jury all family members of bad cops against whom charges by the people are filed-CPCs or other.**

M004949

You and other reporters there could take some lessons from the objective reporters at the ABQ Free Press on TV, bloggers and other news sources who have more credibility than any of you Journal reporters or your editorial board. You should be ashamed.

We expect soon to see an Journal editorial blessing the selection by the POB and Councilors of Harness-clearly the wrong as well as unqualified man for the job

Maybe if your Journal predecessor Jim Ludwick leaves the Animal Welfare Department, Berry might hire you to replace him as a reward to your loyalty to him and APD.

As for the Department's head Barbara Bruin, the only experience I had with her was to see the professionalism and integrity she showed to me and my neighbors to personally resolve a barking dog problem in our neighborhood.

Time to think of another profession Dan and/or look yourself in the mirror. You are an embarrassment to the news/journalistic profession.

See my e-mail below and that from Paul Livingston.

Silvio  
296 3241

---

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Thursday, September 10, 2015 7:35 PM  
**To:** 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'  
**Cc:** 'mmmontoaya@cabq.gov'; 'Mayor Berry'; 'POB@cabq.gov'; 'Hernandez, Jessica M.'; 'jzaman@cabq.gov'; 'living@rt66.com'; 'Eden, Gorden'  
**Subject:** Monday's Council meeting and your disgraceful actions and selection of ex cop Ed Harness + attorney Paul Livingston's related Notice of Violations of NM Open Meetings Act by the CPOA sent you

**TO: COUNCILORS**

(info to those shown and not shown)

**YOUR DISRESPECT FOR US AND THE CITY'S DISRESPECT SHOWN TO COUNCILOR GIBSON**

Last night during the first 2 ½ hours, you tolerated the idiot treatment given to Councilor Gibson by Berry's disgraceful personal (not our City) attorney Jessica Hernandez and by CAO Perry trying to justify giving pay increases to the already overpaid Command staff while denying it to the rank and file.

Cops on the beat who talk to me knowing I would not reveal who they are, have told

me what is really needed in APD is for all of the Command staff to retire or be fired- not have their already high pay raised. The presence of the disgraceful Eden and his fellow contemptuous of you command staff thugs in the back of the room was nothing but pure intimidation of you

After waiting 3 ½ hours along with others who signed up to speak last night (many of whom left in disgust including POB chairman Leonard Waites), I stayed.

Had we been given more than 2 minutes, all would have condemned the over 2 ½ hours you wasted on far too many long proclamations, the Q&A and considering Councilor Harris' bill before the public comment period. During the 2 ½ hours before you took your dinner break it's clear that you obviously like to hear yourselves talk/pontificate on local issues things that could have been resolved with the administration in non Council meeting communications.

But instead we public speakers were deemed by you to be unimportant much like APS's School Board's blatant disrespect of other citizens over the Valentino affair of which Councilor Brad Winter while still at APS was complicit in what Valentino had done.

One of the questions you chose to never ask of the arrogant Chief Eden was just what specifically were the alleged 3,400 APD calls for service over the past weekend by APD as reported in the September 9 Albuquerque Journal? How many of these were just calls to 911? Did these calls to 911 constitute 90% or more of the calls for service and not actual police responses? Or didn't you care?

The Journal article cited only five incidences over the weekend that APD responded to. Yet fiscally irresponsible Councilor Sanchez who seemingly treats our taxes as nothing more than play or fun money claims in the absence of a long overdue resource allocation study by the Chief says that we ought to increase APD's manpower to possibly as high as 1500 as the Chief wants but can never justify.

#### THE EYE AND ABQ FREE PRESS

See the September 9 (previously dormant since July 7) Eye on Albuquerque posting "The Thin Blue Line" at <http://eyeonalbuquerque.blogspot.com/> . It properly places the blame for all of the APD problems squarely on the "*politicians who have created this mess and have no clue how to fix it.*"

"Having no clue" was too nice a description for the damned politicians here who do have a clue/know how to fix it but don't have the guts or integrity to do it. You know that this criticism includes you but you choose to be in denial about this "uncomfortable truth." One local journalist properly said you nine-like this Mayor are the worst of any in this city's history. .

Also check out the latest September 9 issue of the ABQ Free Press that includes columns by another disgusted retired cop Dan Klein and articles by Joe Monahan and other writers. This ABQ Press issue (unlike the Berry Journal) speaks the truth about the complicit Berry Journal, Mayor Berry, Governor Martinez and her machine.

It also has articles about APD's former IPRA directed stonewaller and now whistleblower Reynaldo Chavez, the top APD brass worrying that their illegal bonuses are on the front burner and Berry's Convention Center insider the ACRV who has been ripping taxpayers off for years despite their abysmal performance.

Seems like you nine couldn't care less with any of this-nor do the other politicians in NM.

#### MY AND OTHERS' TALKS MONDAY

Before I spoke, Tony Pirard gave you an earful but you brushed him off as you do with all of us. Tony, like me is far too blunt-won't mince words about his disgust with the culture of corruption here. It extends to US Attorney Damon Martinez and Judge Brack-the reason he was visited twice by Damon's US Marshals for daring to criticize Martinez, Brack and others here.

When I finally spoke, you again showed disrespect to me when my upside down flag-an official US Flag code signal of distress-something that this city is in was put on the overhead projector and again was not shown on GOV-TV as yet another blatant example of censorship. Neither did you show any of the other public speakers' overhead projector presentations on GOV-TV.

In addition to the many earlier e-mails sent you opposing the selection of former cop Ed Harness who was clearly unqualified to be the POB's first choice to be the next POA Executive Director (ED) my talk was again critical of all of the previous foxes (former cops) assigned to guard the hen house.

I expressed my disgust for the POB preference for Harness who as Tony Pirard also said was not only clueless about our city's oversight process but was an embarrassing choice. Ed's only job as a mediator in Milwaukee was in a chump change paying job working for the Better Business Bureau. His only claimed police oversight experience was confined to his local village.

#### MORE FOXES GUARDING THE HEN HOUSE

After abdicating your responsibility to us when choosing to be MIA in the negotiations with the DOJ, you first blessed the Mayor's hiring of Schultz's Taser buddies former Cincinnati police Chief Tom Streicher whose Department was also a mess and investigated by the DOJ. This was yet another fox guarding the

henhouse. You also hired his and Schultz's lying to you attorney buddy Scott Greenwood. .

You also cared little that Judge Brack chose the toothless PMR inc made up mostly of former cops to merely monitor-"audit" APD. Yet even more foxes guarding the hen house. Then-not surprisingly last night you chose yet another former cop/fox Ed Harness to be the new Executive Director of the Police Oversight Agency never really challenging his sweet sounding B.S-eloquently blowing the same smoke at you that he had done earlier to the POB during their interviews with him and the four others.

Your failure to use due diligence in his selection was the very same thing you did when never bothering to check the resume of all 40+ applicants for the APD Chief's job (most with eye-watering qualifications) before you blessed Berry's clearly unqualified Eden.

Many or most of you apparently never bothered to see the POB interviews with the five then candidates for the important ED job and never questioned the lack of experience of Ed Harness before approving him. Another fox guarding the hen house.

After me, Barbara Grothus also told you how you have willing become part of the problem rather than the solution here but you brushed her off as well. She made the same points as in the Eye posting. You nine, Jessica Hernandez and Perry also gave the idiot treatment to Dianne Goodman regarding a bond question to be put on the ballot.

**THE KNOWINGLY CLUELESS-EVEN ARROGANT CITIZENS YOU NAMED TO THE POB INCLUDED ONE CONDESCENDING ELITIST AND TWO FORMER POLICE OFFICERS**

Rather than former LAPD police officer Beth Mohr who conducted the POB's interviews and promoted Harness for the job in the press showing up to talk, it was Dr. Moira Amado McCoy. She, like Beth and the others on the POB have never been involved in the old oversight process was the first to speak trying to defend their selection of Harness. You councilors were afraid of appointing knowledgeable people like us to the POB.

In McCoy's presentation, she demonstrated to all that she was an elitist who would repeatedly talk down to you and the rest of us as if we were all idiots-not up to her perceived PhD intellect. She would say that being an attorney was important for the ED although the POB already has an attorney. She incredulously deemed experience here irrelevant but claimed Harness was instead a "transformational leader-a collaborator." She also questioned our allegedly "dichotomous thinking" saying police are not enemies of the people.

She either naively or intentionally ignored the fact that bad-unaccountable APD officers and their leaders do in fact view themselves as enemies of the people. It's "them vs. us" as APOA VP Willoughby reminded the union rank and file in his secret 2013 memo previously sent you.

McCoy would further claim that being a collaborator (even working for the BBB in Milwaukee), rather than having relevant police oversight experience here was very important. (Memo to Maiora-That's NOT what the key job of the ED job is.)

Then it was POB member Joanne Fine who also said that experience here particularly in the past and current oversight process was also not that important. As I said POB President Waites left rather than speak.

Now with Harness, you have three other former cops in the Police Oversight Agency. This includes POB member and another strong Harness advocate former LAPD cop Beth Mohr, POB member Jeff Wilson and even one Executive Director's investigator-a former Belen senior police officer. It's clear where their loyalties lie. You know it but don't care.

#### EXECUTIVE DIRECTOR CANDIDATES SPEAK

Candidate and current NM prosecutor Ms Sprague during her talk pointed out that it was vitally important that people know the situation here and also that she is not a former police officer. That was right on.

The most qualified candidate Jay Rowland who was urged by the former IRO Judge Deaton to succeed him years ago proved from his interview with the POB and talk before you that he was the best man for the job. Likely he wasn't the Chief's or Mayor's choice who likely the POB first checked with as Jay was viewed as too knowledgeable-thus too dangerous.

During his talk, Harness claimed that being "empathetic and not intimidated" was his "persona." He then incredulously claimed the toothless settlement agreement between Berry's Cincinnati mercenaries and DOJ signed by Judge Brick was credible.

Ed also talked about APD's "core values" but never mentioned or discussed them. Any core values APD has are a joke-mere propaganda. He said the police nationwide are going through a "paradigm shift." Translated-this means there is now citizen and DOJ pressure to make them accountable, forcing them to wear body cameras and no longer above the law as our police officers have been here for far too long and still are.

While claiming he "empathizes" with police officers, Ed claimed he never said an officer's life was more important than that of a citizen. In fact contrary to his

interview with the POB and what's in his resume, this man has shown himself to be dishonest regarding this. He is part of the brotherhood.

Ed showed no understanding that under the new Ordinance that APD Chief Eden still has the final decision in any police officer's punishment and can essentially ignore the POB as Schultz did to the old POC. A citizens' only recourse is to file a civil lawsuit.

I don't know who found Ed Harness in Milwaukee if not APD but it was clear Ed was making chump change working for the BBB there.

It's not clear why there had to be a secret ballot rather than have us see last night just who of you voted for Harness as the first choice. It showed your cowardice. Yet one Councilor claimed your votes would be later revealed.

#### **POB'S VIOLATION OF THE OPEN MEETINGS ACT**

Below is an e-mail you received yesterday from Attorney Paul Livingston with his attachment. It demonstrates just how bad this Police Oversight Agency Executive Director selection process was corrupted-but you don't care. It's really the way it is here as corruption is a part of our NM culture and few care while most feel that nothing they do will ever change it..

Disgusted with all of you and Berry's traitors of we the people

Silvio

For WE THE PEOPLE

PMs-2-9-2015\_abq\_rolling\_stone\_newyorker

Inline image 1



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** Paul Livingston [<mailto:living@rt66.com>]  
**Sent:** Wednesday, September 09, 2015 3:39 PM

**To:** [mmmontoya@cabq.gov](mailto:mmmontoya@cabq.gov); [MayorBerry@cabq.gov](mailto:MayorBerry@cabq.gov); [POB@cabq.gov](mailto:POB@cabq.gov);  
[reygarduno@cabq.gov](mailto:reygarduno@cabq.gov)  
**Cc:** [danlewis@cabq.gov](mailto:danlewis@cabq.gov); [kenSanchez@cabq.gov](mailto:kenSanchez@cabq.gov); [dharris@cabq.gov](mailto:dharris@cabq.gov); [kpena@cabq.gov](mailto:kpena@cabq.gov);  
[dgibson@cabq.gov](mailto:dgibson@cabq.gov); [bwinter@cabq.gov](mailto:bwinter@cabq.gov); [ibenton@cabq.gov](mailto:ibenton@cabq.gov); [trudyjones@cabq.gov](mailto:trudyjones@cabq.gov)  
**Subject:** Notice of Violations of NM Open Meetings Act by the CPOA

Dear City Councilors,

Attached is a letter giving notice of violations of the New Mexico Open Meetings Act by the Citizens' Police Oversight Agency concerning the selection of an Executive Director. As the attorney representing Mark Bralley and Vecinos United, I sought and secured a Writ of Mandamus ordering the Police Oversight Board to hold its selection of an Independent Review Officer "openly and in public in accordance with the mandatory provisions of the New Mexico Open Meetings Act." That was sixteen years ago, in 1999.

Unfortunately, City attorneys and officials are engaging in the same misconduct now with respect to selection of an Executive Director of the new Citizens' Police Oversight Agency. Please review the attached letter, and consider whether the City would be making the same mistake it made 16 years ago and whether the selection of a Director today would be in accordance with law and the rights of the people to know about the operations of their government. Thank you.

Paul Livingston  
(505) 771-4000

<Letter-City-Council-OMA.pdf>

**From:** [Beth Mohr](#)  
**To:** [POB](#); [Mark T. Baker](#); [Hults, Samantha M.](#)  
**Subject:** Reference check questions  
**Date:** Sunday, July 26, 2015 9:10:08 PM  
**Attachments:** [Final Reference Check Questions - approved 7-24-2015.docx](#)

---

All: After the POB meeting on the 29th, but before the Personnel Subcommittee meeting on July 31st, we will need to check references on our top three candidates. Because time is so short, we'll need to divide these up and have folks call on all of the references, and report anything unusual to the Subcommittee. If all of the references are fine, we'll probably just cancel this personnel subcommittee meeting, and Council will select their choice of candidates, hopefully at their next meeting of August 3rd.

Enclosed is the reference check form. Please look at your schedule and carve out some availability to be able to contribute to this task. We'll hand out these assignments at the end of the POB meeting on the 29th. Thanks, -B

Beth A. Mohr, Volunteer  
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.

## CPOA Executive Director Search – Reference Check Questions

Applicant Name: \_\_\_\_\_

Name of Reference: \_\_\_\_\_

Person's name conducting reference check: \_\_\_\_\_

Date & time of reference interview: \_\_\_\_\_

1. Tell me about [the applicant].
  
2. Give me 5 adjectives that best describe this person. (Insist on 5, even if it takes a while for them to come up with them).
  - 1.
  - 2.
  - 3.
  - 4.
  - 5.
  
3. If you could bestow any skill on this person, what would it be?
  
  
  
  
  
  
  
  
  
  
4. What else should I ask you about them? What else do we need to know about them?

**From:** [NACOLE Director of Training & Education](#)  
**To:** [Joanne Fine](#)  
**Subject:** Registration Now Open for One-Day NACOLE Symposium on Civilian Oversight  
**Date:** Tuesday, October 20, 2015 11:20:41 AM

---

Upcoming One-Day Symposium on Civilian Oversight

[View this email in your browser](#)

**REGISTER NOW**

## ***LOOKING TOWARD THE FUTURE OF CIVILIAN OVERSIGHT***

**December 4, 2015**

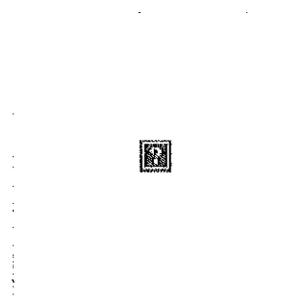
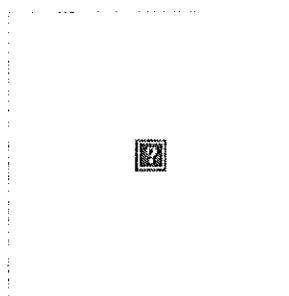
**University of the District of Columbia**

**David A. Clarke School of Law**

The National Association for Civilian Oversight of Law Enforcement is proud to partner with the University of the District of Columbia David A. Clarke School of Law to co-host a symposium, *Looking to the Future of Civilian Oversight*, in Washington, DC, on the law school's campus. The symposium will bring together experienced oversight professionals, community stakeholders, government officials across all levels of government, law enforcement, scholars, members of the media, and more to discuss issues facing civilian oversight and policing.

Registration for members of NACOLE is \$125 and \$150 for all non-members. Seating is limited so secure your spot by registering today!

For more information, visit [www.NACOLE.org](http://www.NACOLE.org) or contact NACOLE's Director of Training & Education, Cameron McElhiney, by phone or email at 317.721.8133 or [mcellhiney@nacole.org](mailto:mcellhiney@nacole.org).





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You are receiving this email because of your participation and/or interest in the upcoming Academic Symposium

**Our mailing address is:**

NACOLE  
P.O. Box 87227  
Tucson, AZ 85754

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Want to change how you receive these emails?  
You can [update your preferences](#) or [unsubscribe from this list](#)



**From:** Contreras, Michelle  
**To:** "Edward Harness"; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waltes; Molra Amado-McCoy; Susanne Brown  
**Subject:** Reimbursement for Meals during NACOLE Conference  
**Date:** Tuesday, September 29, 2015 9:17:52 AM

---

Good morning Board Members and Mr. Harness:

Your meals will be reimbursed based on GSA rates. Here is the website to look up the rates:

<http://www.gsa.gov/portal/content/101518>

If you have questions, please feel free to contact our office.

Thank you.

Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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; 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:** Reminder of Mandatory Training for POB Members and CPOA Staff, tomorrow 6/24  
**Date:** Tuesday, June 23, 2015 11:45:37 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:** Skotchdopole, Paul A.  
**To:** POB  
**Cc:** Mark T. Baker  
**Subject:** Required Ride Alongs  
**Date:** Tuesday, September 29, 2015 1:17:13 PM

---

Greetings everyone,

I had a meeting this morning with the Quality Assurance Auditors from APD. They are the people who are responsible for making sure that APD and the CPOA are meeting their requirements as set forth in the Settlement Agreement. Chairman Waites, Board Member Fine, and your legal counsel were also in attendance. One of the things they asked about was compliance with ride alongs. As you are all aware, members of the POB must complete two ride alongs every six months.

The old process required your coordination through the former Executive Director. That process has now changed. There is a Sergeant from APD named Kenneth Johnston, who will now coordinate all of your ride alongs. He has that responsibility assigned to him by APD because someone needs to collect the ride along waivers you all sign at the beginning of your ride along. Those waivers will be saved and used as proof of compliance. They will be submitted to the monitor for each reporting period. So...

I believe that everyone completed your required ride alongs for the first six months. Alas, we are in a new six month period so everyone will need to complete their required ride alongs by February 2, 2016. Please coordinate your ride alongs through Sgt. Kenneth Johnston. He can be reached at telephone number 980-8275. His e-mail is [kjohnston@cabq.gov](mailto:kjohnston@cabq.gov).

It was suggested that when you sign your waiver that you obtain a copy of it for your records as well as for records being kept here in the office.

Please let me know if you have any questions regarding the above.

Sincerely,  
Paul Skotchdopole

M004963

**From:** [Hammer, Robin](#)  
**To:** [POB](#)  
**Cc:** [Mark T. Baker](#); [Rodgers, Shane](#); [Gonzalez, Arturo E.](#); [Cash, Paul](#)  
**Subject:** Required Ride-Alongs  
**Date:** Wednesday, July 08, 2015 9:43:40 AM

---

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 [REDACTED]

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:** [Joanne Fine](#); [Eric Cruz](#); [Hernandez, Jessica M.](#); [Hults, Samantha M.](#); [Hammer, Robin](#)  
**Subject:** Reschedule POB Personnel Subcommittee meeting  
**Date:** Wednesday, June 24, 2015 11:52:49 AM

---

All: Please let me know your availability to reschedule the personnel subcommittee meeting. Ms. Hammer, unfortunately, didn't receive the email that I sent last Friday with the Agenda for posting, and I didn't check with her until Tuesday, assuming it was done. This meeting needs to be rescheduled, so please let me know your availability. 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*

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**From:** Cash, Paul  
**To:** Hammer, Robin  
**Cc:** POB; Skotchdopole, Paul A.; McDermott, Diane L.; O'Neil, Erin; Davidson, Christopher  
**Subject:** Resignation  
**Date:** Friday, July 10, 2015 1:42:45 PM

---

From: Paul M. Cash

To: Robin Hammer

RE: Resignation

Date: July 10, 2015

Dear Ms. Hammer:

Please accept this correspondence as my formal resignation as the Analyst for the Civilian Police Oversight Agency, effective two weeks from today's date. My last day will be July 24, 2015.

Sincerely,

Paul Cash

**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 T. Baker  
**Subject:** Revised Meeting Minutes  
**Date:** Tuesday, July 28, 2015 8:58:01 AM  
**Attachments:** July 9 2015 Minutes CPOA-Draft 2.doc

---

Dear POB Members:

Attached is a revised draft of the July 9, 2015 Meeting Minutes which added Chair Waites' thanks to Officer Saavedra at the end of the meeting.

Please let me know if you have any questions.

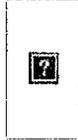
Thanks,  
Robin

**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:** [Robin via Dropbox](#)  
**To:** [Joanne Fine](#)  
**Subject:** Robin Hammer wants to share "CRC Chair" with you  
**Date:** Monday, October 26, 2015 8:50:08 AM

---



Hi there,

Robin (rhammer@cabq.gov) wants to share some files in a folder called "CRC Chair" with you via Dropbox.

[View folder](#)

Enjoy!  
- The Dropbox Team

© 2015 Dropbox

M004968

**From:** Hammer, Robin  
**To:** POB  
**Cc:** Hernandez, Jessica M.; Mark T. Baker  
**Subject:** Robin Hammer  
**Date:** Monday, July 27, 2015 8:57:41 AM

---

Dear POB Members:

Last Thursday I wrote a letter to the City's Chief Administrative Officer (CAO), Robert Perry, stating why I thought the Board's reprimand was invalid based on my appointment contract, city ordinances and regulations. It occurred to me over the weekend that I should probably share briefly what I wrote him. I wanted to make sure the full POB was also aware of my contract terms, the controlling laws, and rules for my remaining time as a unclassified, department director with the City.

Under my employment contract with the City the POB can only recommend termination to the City's Chief Administrative Officer, and even then, only after giving me notice, holding hearing, and allowing an opportunity to be heard. Pursuant to Sections 3-1-2(C) and 3-1-2(C)(3) of the City ordinances "the Chief Administrative Officer shall have the following authority: ... (3) To reprimand, suspend, demote or discharge unclassified employees and to reprimand, suspend, demote or discharge classified employees for just cause. (emphasis added). No one has delegated the CAO's exclusive authority to the POB. *See also* City Personal regulation 902.3- The City Personal Regulations confirm this exclusive authority of the CAO to discipline department heads, such as myself, "No person except the Chief Administrative Officer shall discipline directors or the Internal Auditor." *See also* the City's Charter, Article X.

Out of an abundance of caution, as you may know, I have filed a grievance with the City Human Resources Department to appeal the Letter of Reprimand, both upon the facts and the law. (Just as the POB had no authority to issue me a reprimand, the Human Resources Department has no authority to review the discipline issued to department heads.)

As you know, the POB Personnel Subcommittee chose not to forward my application to the full POB for consideration to be selected as the Executive Director. I will continue to diligently work in my position Acting Executive Director until my contract expires. I would appreciate the Board respecting what are clearly my legal rights until that time.

Please let me know if you have any questions.

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

M004969

Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** Skotchdopole, Paul A.  
**To:** POB; Mark T. Baker  
**Subject:** Rules Notice  
**Date:** Friday, September 11, 2015 4:26:15 PM

---

The proposed policies and procedures notice has been posted on our website. There is a link there to find the proposed policies. Notice has been posted as well of the Special Meeting on August 28, 2015 on the website and at City Hall. Notice has also been posted about the Policies and Procedures Subcommittee meeting on Tuesday at 10:00 AM. Have a great weekend.

Paul

**From:** [Skotchdopole, Paul A.](#)  
**To:** [PQB](#)  
**Cc:** [Mark T. Baker](#); [McDermott, Diane L.](#); [Davidson, Christopher](#); [O'Neil, Erin](#); [Contreras, Michelle](#); [Gonzalez, Arturo E.](#)  
**Subject:** SOP passed and published since 8/1/15  
**Date:** Wednesday, September 09, 2015 4:51:16 PM  
**Attachments:** [01-37-EDITED.doc](#)  
[2-02-2 - EDITED.doc](#)  
[3-22 - EDITED.doc](#)  
[2-02 - EDITED.doc](#)  
[3-23-EDITED.doc](#)  
[02-45-EDITED.doc](#)

---

All,

These are the SOP's passed and published since my last update.  
Should you have any questions feel free to contact me at 924-3773.

Best Regards,  
Paul Skotchdopole  
Assistant Lead Investigator  
Civilian Police Oversight Agency  
924-3773

M004972



## 1-37 USE OF COMPUTER SYSTEMS

### 1-37-1 Policy

It is the policy of the Albuquerque Police Department to implement the City of Albuquerque's "Employee Code of Conduct" regarding automated systems, to maintain proper licensing restrictions and requirements. To centralize and coordinate all automation efforts that include, but are not limited to, the effective acquisition and implementation of all computer systems, system applications and hardware components, under the direction of the Technical Assistance Section structure. This policy also applies to the security of the systems housed and utilized within APD.

### 1-37-2 Definitions

#### A. Automated System - Computers

Any electronic device, to include personally owned devices, wherein any work related access is subject to city audit or investigation.

### 1-37-3 Rules

#### [2-6] A. Computer Responsibility

##### Department System and Computer Security Violations

1. Department personnel will not disseminate or reveal any department related information without proper authorization.
2. Personnel shall not use City computer time, hardware or software for any personal compensation or profit.
3. The access of department records, systems, the Criminal Justice Information System and the files located within CJIS are only permitted in the performance of official duties and for criminal justice purposes.
- [7] 4. Personnel will report violations or suspected violations to their supervisor or commander. The supervisor or commander will inform the Technical Assistance Section of the violations.
5. Personnel will not create or run unauthorized jobs, operate a computer in an unauthorized mode or intentionally cause any kind of operational malfunction or failure.
6. Personnel shall not compromise the physical security of any departmental building, property, equipment, and / or record(s).



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Effective: 08/13/15 Expires: 02/13/16 Replaces: 04/27/15

B. Computer Training

1. All APD personnel who are issued credentials to any APD application will request the appropriate training information from Technical Services if necessary.

C. Access

1. Personnel will be given access to computer systems according to their assignment, duties, and responsibilities
2. Personnel will comply with all application access rules.
- [6] 3. Personnel will only use his/her own password or username to gain access to their designated systems.
- [5] 4. Personnel will not lend their password or username to anyone, so to gain access into an automated system or computer.
5. Personnel will adhere to system procedural requirements as set forth within the application or the system user's manuals.

[5] D. Terminating Sessions

1. Personnel will log off the computer system before leaving their workstations. On-line terminals will not be left unattended.

[7] E. Computer Equipment

1. Personnel will contact the Technical Assistance Section if computer equipment needs to be installed or moved.

[5] F. Loading of Computer Software on Personal Computers

1. To maintain support and licensing requirements, all personnel will contact the Technical Assistance Unit and initiate a software installation approval form before loading software on any department owned personal computer.
2. Personal software, games, or any software not related to city business will not be loaded on department owned personal computers. Violations will immediately be reported.
- [7] 3. Department owned software will not be removed or "downloaded" from any department personal computer without prior approval.

G. Computer Files



ALBUQUERQUE POLICE DEPARTMENT  
GENERAL ORDERS

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1. All externally saved files are to be stored within areas of controlled access.
2. All files are retained in accordance with the City of Albuquerque Retention Schedule.



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE SUPPORT BUREAU ORDERS

SOP 2-02

Effective: 08/07/15 Expires: 08/07/16 Replaces: 10/14/02

## 2-02 RECORDS DIVISION

### 2-02-1 Purpose

The Records Division is an integral part of the Albuquerque Police Department's operational and support service delivery systems. By applying professional records management techniques to the processing, storage, and retrieval of Department reports, the Records Division provides a critical service to Department personnel, other criminal justice organizations, and the community as a whole.

This manual is prepared at the direction of the Division Manager. It sets forth policies, procedures, and standards of performance in regard to Division operations. It is a reference resource providing guidelines that may be familiar to all Records Division personnel. Supervisors are charged with applying its provisions, enforcing its rules, and where necessary, submitting proposals for updates and changes.

The manual supplements the Department Standard Operating Procedures, Collective Bargaining Agreements, the Merit Ordinance, and Personnel Rules and Regulations. If a conflict occurs, these other manuals and agreements take precedence over this manual.

### 2-02-1 Rules and Procedures

#### A. Records Administration

1. The Records Division is comprised of diverse units. The units and their primary duties are as follows:
  - a. Report Review Unit
    - i. Responsible for the intake and initial processing and indexing of all documents submitted to Records. NCIC entries are made by the Unit.
  - b. Uniform Crime Reporting (UCR) Unit
    - i. Responsible for reviewing, editing, and compiling data and statistics sent to the NMDPS, FBI and other governmental organizations.
  - c. Central Records/Imaging Unit
    - i. Responsible for processing distributing, filing, scanning, indexing and retrieving Offense/Incident reports, Accident reports and all documents in the records repository.
  - d. Officer Service Unit
    - i. Responsible for serving all law enforcement personnel needing to access record copies.
  - e. Data Entry Unit
    - i. Responsible for the entry, review and editing of APD and BCSO Offense/Incident and Accident report information in the Records Management System.

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- f. Police Information Unit
  - i. Responsible for providing general police information and for writing specific reports to relieve field services to handle more serious crimes. In addition, the unit retrieves and refiles reports to the public.
- g. Telephone Report Unit
  - i. Responsible for taking police Offense/Incident reports that occur within the city of Albuquerque that would not generally require an officer's immediate response to include processing on-line reports generated by the public.
- h. Alarm Ordinance Unit
  - i. Responsible for the issuance and maintenance of alarm permits.

2. Standard Operating Procedures

- a. The Standard Operating Procedures (SOP) is maintained in the PowerDMS application to include Special Orders and other department correspondence. Each Records Division employee is required to review all PowerDMS correspondence and perform an electronic signature for each item. Each Records Supervisor is responsible to maintain any unit memorandums and correspondence pertaining to their respective units.

3. Inventory

- a. The Records Division shall maintain an updated inventory as required by the Property Management Unit.
- b. Property Acquisition
  - i. When property is acquired, it shall be recorded on inventory as required by the Property Management Unit.
- c. Transfer of Property
  - i. When property is transferred from control of the Records Division, or within Records units, prior approval of the Division Manager must be obtained.
- d. Special Inventories
  - i. The Records Division shall conduct inventories as required by the Property Management Unit, or as directed by anyone in the chain of command.

4. Hours of Operation

- a. Report Review operates 24 hours per day, seven days per week, 365 days per year.
- b. The Uniform Crime Reporting Unit operates 0630 to 1530 hours, Monday through Friday.
- c. The Central Records/Imaging Unit operates from 0700 to 1700 hours, Monday through Friday.
- d. Officer Service Unit operates from 0700 to 1700 hours, Monday through Friday.



- e. The Police Information Unit is open to the public Monday through Friday from 0700 to 1700 hours. Telephone service is also provided through this Unit for the same times.
- f. The Data Entry Unit operates from 0630 through 1530 hours, Monday through Friday.
- g. The Alarm Ordinance Unit operates from 0730 to 1600, Monday through Friday.
- h. The Telephone Report Unit operates from 0700 to 1700 hours, Monday through Friday.

#### 5. Work Schedule

- a. A normal workweek is 40 hours. Personnel may be required to work odd hours, holidays, and weekends. Shift work is a condition of employment consistent with the White Collar Contract.
- b. Normal Watch Hours
  - i. First Watch - 2230 hours to 0700 hours
  - ii. Second Watch - 0630 hours to 1500 hours
  - iii. Third Watch - 1430 hours to 2300 hours
- c. Special Watches
  - i. The Division Manager or his/her designee may assign personnel to special watches or tours of duty when in the best interest of the Division or the Police Department.
- d. Days Off
  - i. Consecutive day off slots for each Watch shall be assigned by the functional supervisor. Employees will bid for the available day off slots according to the current White Collar Contract.

#### 6. Tardiness

- a. The Watch supervisor shall ensure that the employees assigned to his/her shift arrive on time for work. If an employee foresees arriving to work late, he/she shall inform the Watch supervisor ahead of time. If the supervisor is not available, the employee will leave a message and phone number so the supervisor can make contact with them. When employees are late for duty, including lunch or break periods, they will time stamp in on a designated form by the unit supervisor to submit back to his/her respective supervisor. Tardiness may result in disciplinary action in the event of repeated occurrences.

#### 7. Attendance

- a. Unauthorized Absence from Duty
  - i. Personnel absent from duty without authorization shall be listed as Leave Without Pay.
  - ii. Disciplinary action may also be taken, pursuant to the Merit Ordinance, Personnel Rules and Regulations, and the Department SOP.



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b. Sick Leave

- i. Employees reporting themselves as sick shall notify their supervisor at least 30 minutes prior to the start of the shift they will miss. If the supervisor is not available, the employee will leave a message and phone number so the supervisor can make contact with them. If the functional supervisor is not on duty, the employee will contact the lead clerk and advise them that they are sick.
- ii. In the event of excessive sick leave usage, the employee may be required to submit a doctor's certificate for the use of sick leave.

c. Relief by On-Coming Shift

- i. Each employee will remain at his/her station until properly relieved by on-coming personnel or by the supervisor and will continue to work until time for relief.

8. Confidentiality of Information

- a. Information obtained during a tour of duty concerning Department operation, plans, and activities are confidential and shall not be divulged to unauthorized persons.

9. Overtime

- a. Overtime will be made available as authorized with prior approval of the Division Manager or his/her designee. The procedures for overtime will follow the most current White Collar Contract.

10. Chain of Command

- a. The chain of command is a term which refers to the order of rank of supervisory personnel. On matters requiring the attention of a supervisor, personnel assigned to the Records Division will go through their immediate supervisor. If the matter must go to a higher authority, the supervisor will take the matter to the Division Manager, who reports directly to the Administrative Support Bureau (ASB), Executive Director.
- b. In submitting written communication to anyone in the Department, the chain of command must be followed:
  - i. Example: Letters to the Chief of Police must first be submitted to the immediate supervisor. The supervisor will initial the letter and forward it to the Division Manager, who will initial and forward to the Executive Director, who then forwards it to the Chief of Police.
  - ii. If any employee wishes to speak with someone in the Bureau who is higher in rank than the immediate supervisor, the employee is to follow the chain of command prior to doing so. Failure to follow this policy is reason for disciplinary action.
- c. Personnel are expected to show respect for their supervisors when addressing them. Sworn supervisors will be called by their rank (sergeant, lieutenant,

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commander, chief) not by their first name, unless specifically permitted by the supervisor him/herself.

d. Chain of Command

- i. Division Manager - The Division Manager is a civilian, equivalent to a police commander, selected by an interview process that complies with the Merit Ordinance. The Manager reports to the Administrative Support Bureau (ASB), Executive Director.
- ii. Supervisor - Records Unit Supervisors are non-sworn personnel, the supervisory equivalent in the Records Division of a police sergeant. Records civilian supervisors are selected by an interview process that complies with the Merit Ordinance.
- iii. Senior Police Records Technician (Lead Clerks) - Lead Clerks in the Records Division are non-sworn personnel. Lead Clerks are in the clerical series and are selected by an interview process that complies with the Merit Ordinance.

B. Supervisor Assignment

1. There are two types of supervisors assigned to the Records Division: Functional and Line supervisors. A supervisor may operate as both a functional and a line supervisor, or as one or the other.
  - a. A functional supervisor is one who, along with higher authority, establishes procedures, sets up guidelines, makes rules and regulations, assigns personnel to specific shifts, days off and duties.
  - b. A line supervisor is one who supervises the work of personnel during a particular tour of duty.
2. One supervisor shall be the functional supervisor of the Report Review Unit.
3. One supervisor shall be the functional supervisor of the Police Information Unit.
4. One supervisor shall be the functional supervisor of the Uniform Crime Report Unit and the Data Entry Unit.
5. One supervisor shall be the functional supervisor of the Central Records/Imaging Unit and the Officer Service Desk Unit.
6. One supervisor shall be the functional supervisor of the Alarm Ordinance Unit.
7. One supervisor shall be the functional supervisor of the Telephone Reporting Unit.

C. Supervisor Duties

1. His/her assigned unit, and is responsible for the efficient operation of the unit and for the proper and accurate care/keeping of all records and files assigned to the Unit
2. Maintaining active direction and supervision of assigned subordinates

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Effective: 08/07/15 Expires: 08/07/16 Replaces: 10/14/02

3. The proper reception, service, and transmission of official police business conducted within the unit
4. Assuring that records under his/her control are not removed from the Division, unless necessary as evidence in court or for an investigation. In the event that records are removed, an accurate account of their disposition is to be kept. No records shall be removed without copies of such records being retained in the files;
5. The proper receipt, posting and accounting for all money collected during his/her watch
6. Approving of Department Time Sheets, accurately approving the duty assignments of subordinates
7. Requiring subordinates to report for duty at the designated time
8. Determining, by personal observation and investigation, that each subordinate under his/her supervision performs their duties completely and promptly, while complying with Departmental Rules and Regulations
9. Investigating any delinquent conduct in the performance of duty, or in the observance of the Departmental Rules of personnel under his/her control
10. Familiarizing him/herself with the capabilities of subordinates and make proper performance appraisals of personnel under his/her control
11. Addressing grievances as they come to their attention and shall refer grievances upward when necessary
12. Attempting to create and maintain a high degree of morale among subordinates
13. Giving particular attention to new employees and fully inform them of their duties. Personally follow their progress and assist them in meeting the problems of a new job. Shall carefully instruct them throughout their probationary period and thereafter, as the need may arise
14. Advising all subordinates of the proper action to take in questionable cases, as well as the applicable legal provisions
15. Making personnel evaluations refraining from prejudice or unsupported opinions. Shall mark a subordinate favorably/unfavorably where the facts warrant
16. Recommending to the Division Manager personnel assignment adjustments that will promote greater efficiency



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17. Issuing reprimands as may be necessary, and confer with the Division Manager, regarding any chronic inefficiency on the part of any subordinate
  18. Planning and management within appropriate areas of responsibility. Shall submit to the Division Manager written proposals to improve the efficiency of the Unit
  19. Proper use, maintenance, and repair of equipment assigned to the Unit
  20. Performing such additional duties as may be assigned to him/her by the Division Manager
  21. Maintaining or cause to be maintained complete and accurate access logs and be responsible for the security of the Unit's files at all times
  22. Not permitting or condoning the admittance of unauthorized personnel into the Records Division
  23. Checking for errors, inconsistencies, and omissions on any paperwork forwarded to a higher level
  24. Responding as necessary, within department guidelines, to news media inquiries
  25. Supervising the dissemination, on a timely basis, to the proper location, law enforcement teletypes received by the Department
  26. Supervising the response of teletypes requiring Records Division assistance
  27. Accurate completion of the monthly report to be given to the Division Manager by the 10th workday of each month
  28. Utilization of the copiers in the Records Division only for department material
  29. Giving the authorization to sign out original reports upon official ordered requests
  30. Destruction of original reports that have been microfilmed
  31. Records Division maintenance of personnel history folders
  32. Responding to requests from the crime Victim's Reparation Commission
  33. Annotating, updating, and maintaining a training file folder for each permanent unit employee.
- D. Senior Records Technician (Lead Clerk)
1. Assist in the workflow of personnel assigned to a designated shift with or without the presence of a supervisor

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SOP 2-02

Effective: 08/07/15 Expires: 08/07/16 Replaces: 10/14/02

2. Be responsible for Unit's effectiveness and efficiency, including planning, assigning duties to subordinates, and scheduling workflow coverage
3. May be obligated for administrative responsibilities such as delegating, making decisions, and keeping the Unit Supervisor abreast of any problems that may arise
4. Be responsible for the training of new personnel in the proper procedures in performing their duties
5. Under the supervision of a Unit Supervisor, will provide input on Unit direction, performance, and development
6. Responsible for aiding in preparing monthly reports, due no later than the 10th work day of each month on unit productivity and creating a report utilizing the data
7. Responsible for Unit accuracy and Quality Control
8. Responsible for monthly supply orders
9. Will perform duties as assigned by Unit Supervisor.

E. Report Retention Schedule

1. All police Offense/Incident and Accident reports processed through the Records Division will remain part of the official files until such time that the records are no longer needed.
2. When accessing the files for routine information, the normal span of inquiry will go back to May 1982 when Department's police reporting system became computerized.
3. When conducting background checks, criminal history checks, etc., the normal span of inquiry will be through the computerized Records Management Systems.
4. Except as otherwise required by federal, state, or municipal law, or by contract, or regulation, the retention periods for general records common to and maintained by all City Departments, agencies, and offices shall be as listed in the Retention and Disposition Schedules for General Administrative, Finance, and Personnel Records dated January 1992.



ALBUQUERQUE POLICE DEPARTMENT  
FIELD SERVICES BUREAU ORDERS

SOP 3-22

Effective: 08/18/15 Expires: 2/18/16

**3-22 APPARENT NATURAL DEATH / SUICIDE**

**3-22-1 Procedures**

**A. Apparent Natural Death**

1. For all apparent natural death calls except calls where a death occurs in a hospital or nursing home, the dispatched officer will:
  - a. Check the body for signs of life.
  - b. Investigate the incident and complete the incident report, and the Apparent Natural Death Worksheet (PD3066).
  - c. Attempt to contact the deceased's physician if it is known that the deceased was under a doctor's care.
  - d. OMI will be called to all unattended deaths.
  - e. Coordinate with OMI on next of kin notification and document in the report. The officer will only make death notification accompanied by a Chaplain or another officer.

**B. Suicide**

1. For all suicides that are not of a suspicious nature, the dispatched officer will:
  - a. Request that the Office of the Medical Investigator respond to the scene.
  - b. Request a Crime Scene Specialist.
  - c. Conduct a preliminary investigation.
  - d. Take statements, if witnesses are present.
  - e. Be responsible for the crime scene and the investigation.
  - f. Coordinate with OMI on next of kin notification and document in the report. The officer will only make death notification accompanied by a Chaplain or another officer.
  - g. Contact the Office of the Medical Investigator within forty-eight hours to debrief and/or determine if further investigation is necessary.
  - h. After determining that the death is a suicide, make arrangements with the Evidence Unit for the release of any evidence to the family.
2. The dispatched supervisor will ensure that the investigation is comprehensive and complete.

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SOP 2-02-2

Effective: 08/07/15 Expires: 08/07/16 Replaces: 07/13/05

**2-02-2 DATA ENTRY**

**2-02-2-1 Duties and Responsibilities**

**A. Data Entry Supervisor**

1. The Data Entry Supervisor plans, directs, manages and oversees the activities of the Data Entry Unit including personnel management, policy evaluation and development, employee training and development; provides highly responsible and complex administrative support to the Police Records Manager.
2. The supervisor performs administrative and technical tasks as needed. The position requires good judgment, leadership, and is accountable for the quality and productivity of the Unit. The supervisor initiates and/or investigates any disciplinary action and/or Internal Affairs (IA) issues. The supervisor is directly responsible for the Unit efficiency and the overall harmony of its personnel.
3. Hours of operation will be determined by supervisor and /or Division Manager.

**B. Senior Police Records Technicians (Lead Clerk)**

1. The Senior Police Records Technician (Lead Clerk) is responsible for staff and productivity during the absence of the Supervisor. The Lead oversees and participates in the more complex work of staff responsible for performing a variety of specialized clerical and technical duties.
2. The Lead Clerk is directly responsible for the following:
  - a. Ensure all records pertaining to the Unit are kept up-to-date, and that the Unit, as a whole, runs as smoothly as possible.
  - b. Assist in training employees.
  - c. Monitor work hours, days off, and leave to ensure Unit coverage.
  - d. Review, evaluate and assign daily work to ensure completion in a timely manner.
  - e. Perform and other duties assigned by unit supervisor.

**C. Police Records Technicians II**

1. The Police Records Technicians II are responsible for accurately and efficiently entering, verifying, and processing data on all police reports (non-NCIC related) into the Records Management computer database system. All information entered must be in compliance with UCR/NIBRS standards. In addition, operators will perform additional duties as assigned by supervisory personnel.
2. The Police Records Technicians II are responsible for the following:



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SOP 2-02-2

Effective: 08/07/15 Expires: 08/07/16 Replaces: 07/13/05

- a. Data Entry receives, reviews, enters and verifies incoming reports into the Records Management Computer database System from APD, Bernalillo County Sheriff's officers, and the Albuquerque Aviation Police.
- b. Police Records Technicians II must have an extensive knowledge of UCR/NIBRS standard in order to verify correctness of source data, recognize deficiencies in the source document, and properly enter information for all offense reports, supplemental reports, accident reports, and other police-related documents.
- c. Police Records Technicians II must also access all applicable databases for verification of source data in order to ensure proper entry of information on all various types of reports.
- d. Police Records Technicians II will enter and/or verify all report data as it exists on report.
- e. All operators will be held to a work standard.
- f. Perform any other duties assigned.

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FIELD SERVICES BUREAU ORDERS

SOP 3-23

Effective: 08/07/15 Expires: 08/07/16

**3-23 COMMUNITY RESPONSE UNIT (CR)**

**3-23-1 Policy**

It is the policy of the Albuquerque Police Department to establish a unit that will address issues in the Downtown Entertainment District and will improve communication between the Department and other stakeholders in this area. The Unit will be in concert with the City's mission as it pertains to the Downtown Entertainment District.

**3-23-2 Rules and Responsibilities**

A. Community Response Unit

1. CR Units will be assigned to the Downtown Entertainment District.
2. CR Units will be responsible for calls for service and proactive enforcement within the designated boundaries.
3. CR Units should conduct frequent contacts with business owners, patrons and other stakeholders in their area of responsibilities.
4. CR Units will address issues coming to their attention during their daily patrols and community contacts. Any issues that cannot be addressed will be reported to their supervisor to determine if other resources will be required in order to address those concerns.
5. CR Units will not be dispatched to routine calls for service outside of their assigned area unless authorized by a supervisor.
6. CR Units may be required to attend special events within their area command at the direction of the CR Unit Supervisor.
7. CR Units may wear the regular duty uniform or bike uniform with the designated CR Unit Patch (optional).
8. CR Units will be bike certified before conducting any bicycle patrols and will abide by SOP 3-7.
9. CR Units may be required to report directly to a watch commander, or as designated by their area command.
10. CR Units may be required to attend community meetings within the Downtown Entertainment District.
11. CR Unit Officers will provide homeless individuals with information on resources or outreach programs when a person requests those resources or they believe that person is in need of those resources.

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ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-45

Effective: 08/6/15 Expires: 08/6/16 Replaces: 06/22/15

**2-45 USE OF CANINE UNIT**

**2-45-1 Policy**

Department policy is to utilize the Canine Unit to search buildings for intruders and to track wanted subjects.

**2-45-2 Rules**

[7] A. On-Call Status

1. Canine Units are on call 24 hours per day via Communications. If no Canine Unit is on duty, an on-duty area supervisor must give approval before calling out the Canine Unit.

[7] B. Operational Control / Conflict of Orders

1. The K-9 Unit Sergeant will assume operational control of any situation requiring the deployment of the Police Service Dogs (PSD). In the absence of the K-9 Sergeant a Tactical Section supervisor will be contacted.
2. If the K-9 Unit Sergeant is not present and a handler is requested by another supervisor to deploy his PSD in a manner that the handler feels is inappropriate, the handler will inform the supervisor of this and state the reasons for his concern and contact a Tactical Section supervisor. Ultimate authority to deploy a Police Service Dog shall be at the discretion of the individual K-9 handler.
3. Under no circumstance will a handler comply with an order that he knows to be illegal or violates the civil rights of any individual, or is in violation of the Use of Force Policy.
4. If the handler is participating in a full tactical activation the authority to deploy the Police Service Dog resides with the Tactical Commander or his designee.
  - a. When the Tactical Section is activated for crowd control situations, civil disturbances, and/or riots, K-9 Handlers will not deploy with their police service dogs as a force option. However, this does not preclude K-9 Handlers from being utilized for other tasks at the discretion of the Tactical Commander.

[7] C. Canine Unit Searches

1. Building Searches

- a. The primary duty of the Canine Unit is to search buildings for intruders.
- b. During the Canine Unit's normal working hours, a Canine Unit will be dispatched to all commercial and school silent alarms.



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PROCEDURAL ORDERS

SOP 2-45

Effective: 08/6/15 Expires: 08/6/16 Replaces: 06/22/15

- c. A Canine Unit will be utilized to search all commercial buildings and schools where a point of entry is found or the suspect is believed to be in the building.
- d. As soon as a point of entry is found, the building will be secured and no one will be allowed to enter the building until the Canine has arrived.
- e. In the event a commercial business appears secure, the business will be searched by canines only after:
  - i. It is determined that there is a strong possibility that the alarm is valid.
  - ii. It would be impractical to conduct a search by officers due to building design.
  - iii. The owner/manager arrives and requests the search, in concurrence with the officer at the scene.
  - iv. Approval has been granted by an on-duty area supervisor.

## 2. Tracking/Area Searches

- a. Canine Units can be utilized to track a subject and search for articles associated with the subject in an area.
- b. Officers should remain out of the area to prevent contamination if a canine unit is to be utilized.
- c. The Canine Unit should be called to the scene as quickly as possible while the subject's scent is still fresh.

## 3. Apprehension of Fleeing or Resisting Subjects

- a. Canine units can be used to apprehend persons fleeing or resisting arrest, when there is reason to believe that the subject(s) has committed a felony.
- b. The decision to utilize the canine for apprehension will be based on the threat posed by the subject. The age of the subject (i.e. juvenile) will not preclude the use of the canine, but should be considered in evaluating the threat the subject poses.

M004989

**From:** Skotchdopole, Paul A.  
**To:** POB  
**Cc:** Hammer, Robin; Davidson, Christopher; McDermott, Diane L.; Cash, Paul; O'Neil, Erin; Contreras, Michelle; Gonzalez, Arturo E.; Mark T. Baker  
**Subject:** SOP's Recently Published  
**Date:** Tuesday, July 14, 2015 2:33:27 PM  
**Attachments:** 02-21-EDITED.doc  
02-33-EDITED.doc  
02-45-EDITED.doc  
02-49-EDITED.doc  
03-42-EDITED.doc  
03-57-EDITED.doc  
03-72-EDITED.doc  
2-4 - EDITED.doc  
2-7 - EDITED.doc  
3-6 - EDITED.doc  
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3-13 - EDITED.doc  
3-19-EDITED.doc  
3-20 - EDITED.doc  
3-21 - EDITED.doc  
4-1 - EDITED.doc  
2-07 - EDITED.doc  
4-09-EDITED.doc

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POB Members:

Attached are SOPs which I received from APD. These reflect the SOPs which APD have recently been changed and adopted. These can also be accessed by the public through the CPOA website at <http://www.cabq.gov/police/our-department/standard-operating-procedures> by looking up the individual SOP numbers.

Please let me know if you have any questions.

Sincerely,  
Paul Skotchdopole  
Assistant Lead Investigator  
Civilian Police Oversight Agency  
924-3773

M004990



## **2-21 HARM REDUCTION ACT/NEEDLE EXCHANGE PROGRAM**

### **2-21-1 Policy**

It is the policy of the Albuquerque Police Department to comply with all aspects of the Harm Reduction Act, which authorizes the New Mexico Department of Health to establish a needle exchange program for intravenous drug users.

### **2-21-3 Rules and Procedures**

#### **A. Harm Reduction Act**

1. The provisions of New Mexico State Statute Section 30-31-25.1, which deals with the possession of drug paraphernalia, specifically hypodermic syringes and needles, specifically exempts a person who is in possession of hypodermic syringes and needles at the time he/she is directly engaged in a harm reduction program as provided in the Harm Reduction Act.
2. Section 24-2 C-6 of the Harm Reduction Act states, "Immunity From Criminal Liability," that the exchange or possession of hypodermic syringes and needles in compliance with the procedures of a harm reduction program for the purpose of sterile hypodermic syringe and needle exchange shall not constitute a violation of the Controlled Substances Act for persons enrolled in the program.

#### **B. Needle Exchange Program Participants**

1. Officers will not arrest or cite a person who is in the possession of drug paraphernalia, if the person is enrolled in the Needle Exchange Program and has the appropriate identification card
2. If a person does not have the appropriate identification card and claims to be enrolled in the program, the officer will call the New Mexico Department of to verify.



## 2-33 CRIMES AGAINST CHILDREN

### 2-33-1 Policy

Department policy is to respond to child abuse and/or neglect, immediately. Allegations of child abuse and/or neglect will be thoroughly investigated.

### 2-33-2 Rules and Procedures

#### [7] A. Inter-Agency Cooperation

1. Department personnel will work in close cooperation with the New Mexico Children, Youth and Families Department (CYFD), Child Protective Services and the District Attorney's office (DA) for the protection of victims and the prosecution of offenders.

#### [7] B. Dispatched Officers' Responsibilities

1. If the following injuries are present, personnel will notify the Crimes Against Children Unit (CACU) immediately:
  - a. Inflicted Injury to a child 5 years old and under
  - b. Serious inflicted injury to a child less than 13 years old, when the offender is a household member.
    - i. Serious bruising likely to cause great bodily harm or death.
    - ii. Broken Bones
    - iii. Medical intervention is necessary for treatment of serious inflicted injuries.
    - iv. Inflicted internal injuries
    - v. Burns/Scalding
    - vi. Inflicted head injury requiring medical intervention.
    - vii. Serious neglect likely to cause great bodily harm or death.
  - c. All unattended deaths of children under eighteen years of age
    - i. Apparent SIDS
    - ii. Suicide
    - iii. Homicide by parent or guardian
    - iv. Any accidental death to include; drowning, drug or alcohol overdose
    - v. Apparent natural unattended death
2. The officer will secure the scene and await contact from the detective and possibly CYFD personnel.
3. Officers will conduct a complete and thorough preliminary investigation and will write reports (using the State of New Mexico Uniform Incident Report) on all cases (confirmed or suspected) of child abuse, neglect, abandonment, or cruelty to children. Per state statute 32A-4-3 officers will immediately notify CYFD when they have reasonable suspicion that a child is abused or neglected.



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- a. Officers will not use the word(s) "suspected" or "information" in the offense portion of the report. Reports should be titled as child abuse:
  - i. For non-confirmed cases of child abuse.
  - ii. When the reported child abuse occurred outside the jurisdiction of the department. Note: "Information" reports on children are available to the public.
- b. Officers will forward a copy of their report to CYFD within 48 hours per state statute 32A-4-3
  - i. Referring a case to CYFD does not relieve the officer of the responsibility of completing a criminal investigation.
4. The CACU detectives may be called for assistance on any case involving:
  - a. Non-felony crimes.
  - b. Requests for assistance from CYFD
  - c. Situations where there are questions about abuse and neglect.
5. Field Services officers will have case responsibility for misdemeanor child abandonment/cruelty to children.

[7] C. Crimes Against Children Unit Responsibilities

1. The CACU will be called out to assume investigative responsibility for any of the following cases:
  - a. Child abuse or neglect resulting in death; or the child is likely to die.
  - b. Apparent Sudden Infant Death Syndrome (SIDS) deaths.
  - c. Child abuse or neglect causing injuries resulting in great bodily harm of a child less than 13 years of age (see NM State Statute, Section 30-1-12A).
  - d. All child deaths
  - e. Injury resulting in great bodily harm of a child less than 13 years of age that appears to have occurred accidentally.
2. Criminal Sexual Penetration
  - a. Children less than 13 years of age.
    - i. The CACU will be notified immediately.
    - ii. Because of the complex nature of child sexual abuse, formal interviews of children less than 13 years of age will be investigated by the CACU.
  - b. The Sex Crimes Unit will investigate all criminal sexual penetration cases in which the victim is 13 years of age or older, regardless of how the offender is related to the victim.
  - c. The CACU will investigate all criminal sexual penetration cases where the suspect is a parent, guardian, or other family member, and the victim is under 18 years of age at the time of report.



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3. Criminal Sexual Contact

- a. Children less than 13 years of age.
  - i. The CACU will be notified immediately.
  - ii. Because the complex nature of child sex abuse, formal interviews of children less than 13 years of age will be investigated by the CACU.
- b. The appropriate area command Impact Unit will investigate criminal sexual contact of a minor 13 years old or older, regardless of how the offender is related to the victim.

4. Juvenile Abduction/Attempted Abduction

- a. Field Services personnel will contact their supervisor and will also contact the on-call Child Exploitation Detail detective who will assume on scene responsibility. The preliminary investigation (original report) will still be completed by Field Services personnel.
- b. The Field Services supervisor will coordinate the proper notification of investigative personnel and ensure that all officers involved complete their reports and submit them to the on-scene detective prior to leaving the scene.

[6] D. Taking Protective Custody of a Child

1. 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:
  - a. Is suffering from illness or injury
  - b. Has been abandoned
  - c. Is in danger from surroundings and removal from those surroundings is necessary.
2. In making a determination of removal for protective custody, officers will obtain all pertinent information, and review the need for removal with their supervisor.
3. When taking a child into custody the officer will:
  - a. Notify CYFD immediately.
    - i. A CYFD Child Protective Services caseworker can assist with placing the child in a temporary home.
    - ii. Immediate contact with CYFD is critical so custody petitions can be filed within 24 hours.
4. CYFD Requests
  - a. When CYFD requests that APD take custody of a child, the officer shall ask the caseworker for any documentation of abuse or neglect.



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- b. IF the caseworker has no documentation and the officer does not find reasonable grounds to remove the child, the officer shall:
  - i. Record the caseworker's statement before making the decision to remove the child
  - ii. Request that the caseworker get a court order to remove the child.
- c. The initial report will list the offense for which the child was taken into protective custody.
  - i. "Protective custody" is not an appropriate title, as protective custody cases are public record
  - ii. Records obtained from ACYFD are confidential and cannot be released to the general public or news media.

[6] E. Hospitalization of an Abused or Neglected Child

1. When hospitalizing an abused or neglected child is necessary:

- a. Officers will complete a police hold on the child with the assistance of CYFD.
- b. The child will not be removed unless authorized by a police officer of the agency that has been given custody of the child.

2. When a child is already hospitalized because of injuries, the following conditions apply:

- a. Officers may take the child into protective custody if the parents attempt to remove the child from the hospital.
- b. Officers have the legal right and responsibility to prevent the removal of the child in cases where the officer reasonably believes:
  - i. The parents are directly responsible for the injuries to the child.
  - ii. There appears to be danger to the physical well-being of the child.

[7] 3. Victims of child abuse may be photographed in all cases without the consent of the parents or legal guardian. Photographs will be taken, if possible when it will not interfere with the well-being of the child. A person from the hospital should be present.

[6] F. Arrest for Child Abuse

1. Before making an arrest for child abuse, officers should consider the safety and protection of the child. If the child can be removed from the environment in is preferred that a complete investigation be conducted prior to an arrest. Officers should consider:

- a. Whether the child is safe from the offender
- b. Whether the offender is a flight risk



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- c. Whether the case can be fully investigated before it is presented to the grand jury, to include medical, psychological evaluations, and forensic interview of the child and witness.
- 2. All felony arrest warrants, search warrants, and psychological evaluations will be approved by the Assistant District Attorney assigned to the Family Crimes Division.

[N/A]

3. Domestic Abuse

- a. Refer to Field Services SOP for duties of Police Officers  
Note: Children have the same rights as adults and are granted the same protection as an adult under the Family Violence Protection Act. When children are present, their welfare should be determined.
- [7] b. If domestic abuse against a child escalates to a felony, the CACU will be notified by the dispatched officer, before further investigation.
- c. The investigating officer will contact CACU for determination of case responsibility during a domestic violence investigation, if it is determined that felony child abuse charges meeting the criteria of 2-33-2-B exist.

[N/A]

4. Citations may be issued for:

- a. Abandonment and cruelty to children
- b. Enticement
- 5. Citations should only be issued for violations occurring in the investigating officer's presence.
  - a. The use of a criminal summons is preferable in situations involving a misdemeanor that has already occurred.

[N/A]

G. Child Molestation Reports

- 1. Child molestation refers to sexually oriented incidents or indecent exposure, enticement, obscene language, or criminal sexual contact of a minor.
- 2. Reports of child molestation that occurred on school property or while the victim was traveling to or from school will be handled as follows:
  - a. Officers will transmit (via service channel) pertinent suspect information to Albuquerque Public Schools (APS) Security for a radio broadcast.
- 3. All reports of child molestation will be recorded on a Uniform Incident Report form. Officers writing these reports will indicate that a copy will be sent to AOS Security in the agency optional use box (in the Status Distribution box).

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4. APS Security maintains a child molester file that is available to police officers, upon request. The information in these files is confidential and should be considered as an investigative aid, rather than confirmed factual data.

H. Forced Entry Search Warrants and/or Methamphetamine Labs

- [N/A] 1. If children are present at the scene of a search where forced entry is necessary and weapons may be drawn or where a methamphetamine lab is found, child abuse charges against the parents/guardians of those children may be justified.
  - [7] a. In cases where child abuse charges are clearly justified, those charges will be filed at the time of the incident, and will be fully documented in the offense report.
  - [7] b. In cases where the possibility of child abuse exists, either due to a "lab" situation or as a result of action the police were forced to take, the reporting officer will:
    - i. Clearly document the danger to which the child was exposed.



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SOP 2-45

Effective: 06/22/15 Expires: 06/22/16 Replaces: 04/27/15

**2-45 USE OF CANINE UNIT**

**2-45-1 Policy**

Department policy is to utilize the Canine Unit to search buildings for intruders and to track wanted subjects.

**2-45-2 Rules**

[7] A. On-Call Status

1. Canine Units are on call 24 hours per day via Communications. If no Canine Unit is on duty, an on-duty area supervisor must give approval before calling out the Canine Unit.

[7] B. Operational Control / Conflict of Orders

1. The K-9 Unit Sergeant will assume operational control of any situation requiring the deployment of the PSDs. In the absence of the K-9 Sergeant a Tactical Section supervisor will be contacted.
2. If the K-9 Unit Sergeant is not present and a handler is requested by another supervisor to deploy his PSD in a manner that the handler feels is inappropriate, the handler will inform the supervisor of this and state the reasons for his concern and contact a Tactical Section supervisor. Ultimate authority to deploy a Police Service Dog shall be at the discretion of the individual K-9 handler.
3. Under no circumstance will a handler comply with an order that he knows to be illegal or violates the civil rights of any individual, or specifically prohibits against excessive force.
4. If the handler is participating in a full tactical activation the authority to deploy the Police Service Dog resides with the Tactical Commander or his designee.

[7] C. Canine Unit Searches

1. Building Searches

- a. The primary duty of the Canine Unit is to search buildings for intruders.
- b. During the Canine Unit's normal working hours, a Canine Unit will be dispatched to all commercial and school silent alarms.
- c. A Canine Unit will be utilized to search all commercial buildings and schools where a point of entry is found or the suspect is believed to be in the building.
- d. As soon as a point of entry is found, the building will be secured and no one will be allowed to enter the building until the Canine has arrived.
- e. In the event a commercial business appears secure, the business will be searched by canines only after:



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- i. It is determined that there is a strong possibility that the alarm is valid.
- ii. It would be impractical to conduct a search by officers due to building design.
- iii. The owner/manager arrives and requests the search, in concurrence with the officer at the scene.
- iv. Approval has been granted by an on-duty area supervisor.

2. Tracking/Area Searches

- a. Canine Units can be utilized to track a subject and search for articles associated with the subject in an area.
- b. Officers should remain out of the area to prevent contamination if a canine unit is to be utilized.
- c. The Canine Unit should be called to the scene as quickly as possible while the subject's scent is still fresh.

3. Apprehension of Fleeing or Resisting Subjects

- a. Canine units can be used to apprehend persons fleeing or resisting arrest, when there is reason to believe that the subject(s) has committed a felony.
- b. The decision to utilize the canine for apprehension will be based on the threat posed by the subject. The age of the subject (i.e. juvenile) will not preclude the use of the canine, but should be considered in evaluating the threat the subject poses.



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SOP 2-49

Effective: 06/22/15 Expires: 12/22/15 Replaces: 04/27/15

## 2-49 TRAFFIC AND ROADWAY SERVICES

### 2-49-1 Policy

Department policy is to ensure that appropriate action is taken in a safe and timely manner in all cases where the department is asked to provide general or emergency assistance to motorists.

### 2-49-2 Rules

#### [7] A. General Assistance to Motorists

1. Officers and PSA will reasonably attempt to provide assistance to motorists in need of mechanical assistance, i.e., provide jumper cables (if available), etc. Officers will not attempt to push-start vehicles.
2. Officers and PSA will summon the on call wrecker at the request of the motorist, after explaining that the motorist is responsible for all towing charges.
3. Unless necessary to retrieve a child or an animal locked in a vehicle, officers will not attempt to unlock vehicles using "slim jim" or other unlocking devices. Officers may summon a locksmith (at the motorists request) or call a third party when extra keys are available.

#### [7] B. Stranded Motorists

1. When requested by a stranded motorist, officers and PSA may transport the motorist to the nearest service station for fuel. When work load conditions permit, and when no undue delay is anticipated, the motorist may be returned to the vehicle.
2. Motorists requesting assistance regarding shelter services will be referred to the appropriate agency.

#### C. Hazardous Highway/Roadway Conditions

#### [7] 1. Appropriate Action to be taken upon noticing or being advised of a traffic hazard:

- a. The officer or police service aide will contact the appropriate city department.
- b. If warning lights are necessary, the officer or PSA will contact the appropriate agency/company to put warning barricades/ lights in place.
- c. If barricades or warning lights are necessary, the officer or PSA shall remain at the scene to alert drivers and provide traffic direction when necessary, until the condition has been corrected and/or the warning lights or barricades have been placed at the scene.
  - i. Non-uniformed officers in unmarked cars will call for a uniformed officer or a PSA with a marked car.

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- [N/A] d. Vehicles found parked or abandoned on or near the roadway will be handled as outlined in SOP 2-48.
- [6] e. Animals and/or livestock on a roadway
- i. Officers will engage emergency lights and use any means available, i.e., siren, horn, P.A. system, to ensure the animal vacates the roadway.
  - ii. If this cannot be accomplished, officers will call, or have Communications call animal control, and/or the New Mexico Livestock Bureau (841-4000) if applicable and advise them of the situation.
  - iii. If the animal/livestock are injured or deceased, animal control will be called.
  - iv. Officers will not leave the scene until safe passage on the roadway is secured.

2. Roadway/Roadside vehicle hazards

- a. When a vehicle is stalled on the roadway, officers and PSA will:
- i. Position their vehicles to provide safety for the motorist.
  - ii. Engage emergency red/amber lights and hazardous lights
  - iii. Ensure removal of the vehicle from the roadway as soon as possible.

[7] D. Closure of Interstate Highways

1. The on scene supervisor will notify communications whenever an interstate highway is closed advising the location of the closure, the reason for the closure, and the expected length of the closure, if possible. Communications will notify the State Police in Santa Fe.

E. Traffic Direction and Control

1. Circumstances may arise where officers are required to provide traffic control and direct traffic to ensure safe and efficient movement of vehicles. These duties may be performed by either sworn officers or Police Service Aides.
2. During events that require the manual use of traffic control devices (traffic box), only officers that have been trained and issued keys by Traffic Engineers will be assigned to work the control box.
3. All officers conducting traffic direction and control shall wear their safety reflective vest/jacket at all times.

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SOP 3-42

Effective: 07/13/15 Expires: 01/13/16 Replaces: 04/15/12

## 3-42 INSPECTIONS PROCESS

### 3-42-1 Policy

Department policy is to provide an inspectional process as an essential mechanism for evaluating the quality of Department operations, ensuring that the Department's goals are being pursued, identifying the need for additional resources, and ensuring that control is maintained throughout the Department. Line and staff inspections provide the Chief of Police with a means of regularly assessing the Department's efficiency and effectiveness.

### 3-42-2 Definitions

#### A. Line Inspections

Inspections carried out by supervisors at all levels on a daily, weekly, and/or monthly basis, to ensure that personnel are adhering to basic Department policy, procedures, rules, and regulations.

### 3-42-3 Rules

#### [7] A. Informal Line Inspections

1. Informal line inspections shall be conducted at minimum once a month to ensure that personnel are acting in concert with Department requirements. These informal inspections include, but are not limited to the following:
  - a. Personal appearance, grooming, uniforms, etc.
  - b. Use and maintenance of OBRD and MDT
  - c. Adherence to Department policies, procedures, rules, and regulations in day-to-day activities.
  - d. Status and condition of physical facilities, firearms, and vehicles.
2. Supervisors may institute informal line inspections for their commands at their discretion and will maintain copies of these inspections.

#### [7] B. Formal Line Inspections

1. Formal Line Inspections will be conducted semiannually for all personnel, within the first month of a new field services bid and six months later, and when personnel report to a new permanent assignment. Formal inspections will encompass the areas of:
  - a. Appearance, grooming, uniforms
  - b. Required safety equipment, including body armor
  - c. Weapons
  - d. Assigned vehicles - condition and maintenance
  - e. Issued property - Using PD Form 3003



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- f. Facilities
- g. Updated personal information of personnel

2. Line inspections are the primary responsibility of supervisors and managers at every level of the Department and will be documented on PD Form 3003.
3. Supervisors will take appropriate corrective action on substandard conditions discovered during line inspections.
4. When corrective action has been taken, supervisors shall follow-up with a post-inspection to ensure compliance and document the action on PD Form 3003.

[N/A]

5. The Inspections Unit may be used to provide guidance, upon request, to supervisors and shall be available to coordinate inspections within the Department.

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SOP 3-57

Effective: 07/08/15 Expires: 01/08/16 Replaces: 11/01/05

**3-57 SENIORITY**

**3-57-1 Policy**

Department policy is to recognize seniority among all personnel based on specific legal criteria.

**3-57-2 Definition**

A. Department Seniority

1. The relative position of an employee to all other employees within the Department. Seniority in rank is the position of Department personnel in relationship to other personnel of the same rank.

**3-57-3 Rules**

A. Seniority shall be determined:

1. By rank.
2. By continuous service in rank.
3. By continuous service with the Department.
4. By initial date of hire by the department, if employed prior to the beginning of the sworn employee's cadet class.
  - a. All those hired at the beginning of a cadet class will be ranked by academic standing upon graduation. (Personnel who have seniority established by man number will retain that seniority.)
5. By the terms specified in the Collective Bargaining Agreement.

B. Order of Precedence

1. Employees of the same rank will take precedence according to the date of their appointment to their respective rank or grade. Among sworn personnel who are patrol officers or investigators the positions of cadet or recruit officer, probationary officer, non-probationary officer, or patrol officer first class are separate ranks.
2. Where two or more employees are working together on the same assignment and are of equal rank, seniority shall not be exercised except in an emergency necessitating it unless, by competent authority, one employee has been designated as being in command.



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SOP 3-72

Effective: 07/02/15 Expires: 01/02/16 Replaces: 07/13/05

**3-72 SCHEDULED AND UNSCHEDULED LEAVE**

**3-72-1 Policy**

Department policy is to grant appropriate types of leave to eligible personnel in accordance with established city guidelines and requirements.

**3-72-2 Rules**

[7] A. Vacation and Compensatory Time Leave

1. Vacation and compensatory time requests are approved or disapproved by the immediate supervisor who shall ensure minimum manning levels are maintained.
2. Refer to SOP 1-11 for additional compensatory time guidelines.
3. Under no circumstance will compensatory time be donated or transferred to another individual.

[N/A] B. Non-Duty Disability Leave (Sick, Injury, Not in the Line of Duty, etc.)

1. Personnel may use accumulated sick leave for non-duty disability, injury, and illness or may request leave as provided by collective bargaining agreements.
2. Supervisors may require a written doctor's certification for any non-duty disability leave.
3. Any use of five or more consecutive days of sick leave will require a doctor's certification.
4. Personnel absent for ten consecutive work days or more due to sick leave or non-duty disability leave will:
  - a. Have a doctor's certification prior to returning to work.
  - b. Personnel will report to the Employee Health Center and may be required to undergo an examination by the medical staff prior to returning to work.
  - c. Supervisors will ensure that a leave request is submitted for each pay period.
5. Personnel who exhaust their accumulated sick leave may request, in writing, additional leave from accrued vacation, accrued compensatory time, or leave without pay.
6. Leave without pay of 5 days or less requires the approval of the Chief of Police. More than 5 days requires approval of the Chief Administrative Officer. Collective bargaining agreements may provide variances for leave without pay requests.

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7. Personnel who require planned medical treatment, such as corrective surgery, physical therapy, pregnancy, etc., must advise their supervisor in the form of a letter to the Chief of Police. The letter shall include anticipated time lost from work for treatment and/or recovery, limitations on current duties or when any limitations will be imposed. The letter will be accompanied by a notice from the treating physician that will indicate: the person's ability to continue work, for how long, an estimate of when and how long the person will be absent, and any limitations on work assignments.
8. Personnel who are unable to perform their assigned duties because of non-duty disability, including maternity, may use accrued leave or my request additional leave without pay in accordance with the city Merit Ordinance, Personnel Rules and Regulations, or applicable collective bargaining agreements.
9. The acceptable level of sick leave usage for employees will be 44% of the amount of leave accrued for one (1) year. For employees who work 40 hours a week and accrue eight (8) hours of sick leave per month, this will be 42 hours per calendar year. Sick leave usage over the specified percentage is considered over utilization and is just cause for disciplinary action.
10. Absences involving FMLA leave (i.e., hospitalization, out-patient surgery, serious illness or a disability requiring long term sick leave absences, including child birth) or emergency leave will be exempt from the 44% standard. All absences require appropriate documentation.

[7] C. Injury in Line of Duty (ILD)

1. Personnel will promptly notify their immediate supervisor of any on the job injury or job related illness.
2. On the job injuries or illnesses will also be reported to Risk Management through Medcor.
3. Injured personnel requiring medical care between 0700 and 1700 hours on weekdays will report to the Employee Health Center.
4. If a serious injury occurs or if the injury occurs at night or on weekends personnel will:
  - a. If Emergency – Call Albuquerque Fire Department paramedics.
  - b. If Non-Emergency – Call Medcor to recommend appropriate additional medical care including, but not limited to, treatment at an approved local emergency facility.
  - c. Report to, or have someone call, the Employee Health Center the next working day.
5. If personnel are admitted to a hospital for treatment of an injury, the medical doctor for the City of Albuquerque Employee Health Center, or his representative, must be notified at the time of admission or within a reasonable time.

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6. Treatment for work related injuries by personal primary care physicians or any other physicians not on the staff of the City of Albuquerque Employee Health Center, is not authorized without the prior approval of the Health Center Medical Director. Authorization will be given if indicated for treatment by certified specialists who will be selected by the Medical Director.
7. If personnel are under treatment by an outside consulting physician, they will be required to be seen in the Employee Health Center following each visit with the consulting physician in order that the health center remain informed of their progress.
8. Injuries sustained in the line of duty will be photographed if they are a result of a criminal offense and/or the supervisor reasonably believes that photographs are vital to the criminal case.
9. In cases of injury involving a criminal offense, the Supervisor's Injury Investigation Report will contain the offense report number and the offender's name and address, if known.
10. Supervisor's Responsibilities:
  - a. Supervisors will ensure that appropriate medical treatment is obtained.
  - b. Supervisors will investigate the injury or illness and complete the City of Albuquerque Supervisor's Injury Investigation Report. If the injury or illness does not require medical treatment, the supervisor will mark the report for "reporting purposes only," and report the injury to the Risk Management immediately, or the next working day if after hours or on weekends. This report must be submitted through the chain of command to the Claims Validation Unit within three working days
  - c. If the injury is the result of a shooting, the requirements of SOP 2-31 will be met also.
  - d. If the injury was a result of a traffic accident or criminal offense, a complete copy of all written offense and/or traffic accident reports will be submitted with the Supervisor's Injury Investigation Report to Risk Management via the chain of command.
11. Completion of Form P-30 Leave Request for ILD.
  - a. Personnel must submit a completed Form P-30 prior to returning to work. This requires:
    - i. Written approval by the City of Albuquerque Employee Health Center medical staff allowing personnel to return to work, and stating what, if any, limitations exist.
    - ii. Approval by the chain of command up through the bureau deputy chief/deputy director/area commander.
    - iii. Verification of time lost by Police Payroll personnel.
    - iv. Approval of Form P-30 by the Risk Management Department.

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v. Return of the remaining portions of Form P-30 to the Police Payroll office.

12. If the attending physician releases personnel back to full duty during a time when the medical staff of the Employee Health Center is not available, personnel will report to their next assigned shift. Personnel may be allowed to work assigned shifts until necessary individuals are available to complete the clearance process. This applies to personnel submitting a P-30 indicating either time lost or no time lost.

13. Supervisors of incapacitated personnel will ensure that the Form P-30 is submitted for each pay period where time has been or is being lost due to injury or illness in the line of duty. Time lost should be logged as Injury Leave on the Form P-30.

- a. The Form P-30 must be submitted to Police Payroll and reach Risk Management by 1200 hours, Friday, the week preceding a pay day. If the Friday or Monday preceding a pay day is a holiday, the Form P-30 must reach Risk Management by 1200 hours, Thursday, proceeding the city pay week.
- b. Supervisors will ensure that the Form P-30 is submitted for each pay period when time is being lost by personnel required attend doctor appointments, physical therapy, work hardening programs, etc.
- c. Personnel who are capable of submitting the Form P-30 themselves must make sure that one is submitted for each pay period as indicated above.

14. Failure to submit leave requests in compliance with Subsection 3-72-3-C-11 may result in a delay in pay.

[N/A] D. Military Leave

1. As provided for by state and federal law, every effort will be made to support employees who will need to be absent from work for reserve training. The guidelines for leave are:

- a. Employees are authorized 15 calendar days per year (Military Fiscal Year - October to October).
  - i. Leave will be the equivalent of three work weeks (120 hours) and may be non-consecutive.
  - ii. Leave will be granted for any activity or training for employees who have active duty orders for up to fifteen calendar days. This will include any active duty training time and allowable travel time. Orders may not be available at time of departure, but leave may still be authorized.
  - iii. Military leave will not be authorized for inactive duty training (IADT).

- [4]
- b. Employees will be allowed to attend regularly scheduled drills when notification is made 30 days in advance. Supervisors should try to allow employees to attend drill with less than 30 days notification.
    - i. Adjusted days off will be the preferred method.
    - ii. Compensatory time or vacation at employee's discretion.



- iii. Leave without pay will be used per City of Albuquerque Merit System Ordinance.
- c. Employees will notify their supervisors of their anticipated absences, to include regularly scheduled drills.
  - i. Supervisors may request a memorandum from the employee's unit Commander or NCOIC listing planned training activities.
  - ii. Drill dates may change on short notice.
  - iii. Every effort should be made to minimize negative impact of absences on non-military members.
- d. A military liaison officer will be appointed by the Chief of Police.
  - i. He or she should be both a sworn police officer and commissioned officer in the guard/reserve.
  - ii. Liaison officer will ensure participation and be familiar with Employer Support of the Guard/Reserve programs.
  - iii. The military liaison officer will be available, in addition to normal duties, to coordinate and resolve problems between supervisor (whether military or department) and employee at the lowest, most informal level possible.
- [7] e. Military Leave with pay is authorized in accordance with the City of Albuquerque Merit System Ordinance.
  - i. Personnel requesting Military Leave will submit a P-30 Form with a copy of their military orders that direct them to active duty or active duty for training.
  - ii. Personnel shall notify their supervisors as far in advance as possible of expected active duty military requirements.
  - iii. Commanders are the approval authority for valid Military Leave requests and will ensure that military orders accompany the P-30 Form.
  - iv. Military Leave with pay is limited to 15 calendar days per calendar year.
- f. Military Leave with pay does not apply to personnel attending inactive duty training (commonly referred to as monthly drills or weekend drills).
  - i. Personnel having a conflict between department work hours and military inactive duty training hours will notify their immediate supervisors of such conflicts with as much notice as possible.
- [7] E. Paid Leave Status
  - 1. Personnel shall not submit time sheets, overtime slips, or compensation time slips; and supervisors shall not approve time sheets, overtime slips, or compensation time slips that result in personnel being compensated twice for the same work period.
    - a. An example of this would be working a tact plan during regularly scheduled hours as overtime while on vacation, compensation time, and/or sick leave.



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2. Personnel shall not submit, and supervisors shall not approve, any documentation that indicates personnel are on more than one type of paid leave status for the same work period at any given time.
3. The only exception to this rule is when personnel are on paid leave and working Chief's Time. An employee on FMLA may not work Chief's Time. (See SOP 1-11)



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FIELD SERVICES BUREAU ORDERS

SOP 2-4

Effective: 06/23/15 Expires: 12/23/15 Replaces: 03/13/07

## 2-4 MEAL BREAKS

### 2-4-1 Rules and Responsibilities

#### A. Meal Breaks

1. Each officer will be responsible for requesting a meal break from Emergency Communications during each shift, unless a supervisor has scheduled a specific meal break for the officer.
2. ECC will allow officers to clear for the meal break if manning levels and numbers of calls holding permit, or as authorized by a field supervisor. Clearance for meal breaks will be obtained through the police radio or MDT, not the telephone. When the CADS system is operational, those officers with MDTs will go on the MDT to notify Emergency Communications when he/she arrives for the meal break and when he/she is back in service. Units with operational MDTs will log their location of the meal break via the MDT.
3. No more than three marked police units and/or three uniformed officer will be in the same place on a break at the same time unless approved by a supervisor.
4. Officers must respond to emergencies or requests for assistance from the public during the lunch break. Officers are also required to stay within their assigned area command unless specific prior authorization is obtained from the officers' supervisor and the officer notifies the supervisor when he/she leaves the area command.
5. In order to help facilitate the undue stacking of calls for service, officers will not take their meal breaks within one hour from the beginning of their shift, or within one hour from their end of shift, unless prior approval has been obtained from their supervisor.

M005011



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SOP 2-7

Effective: 07/08/15 Expires: 07/08/16 Replaces: 05/07/15

## 2-7 ISSUANCE AND USAGE OF AREA COMMAND EQUIPMENT

### 2-7-1 Policy

It is the policy of Field Services to provide for accountability of issuance and the proper usage of equipment assigned to the Area Commands.

### 2-7-2 Rules and Procedures

#### A. Child Restraint Devices

1. Although the State Law (Section 66-7-369 NMSA) exempts emergency vehicles from complying with the law on Child Restraint Devices, the Chief has ordered that we will comply. Therefore, the following is applicable:
  - a. If an officer/PSA transports a child less than one year old, then the officer/PSA will properly secure the child in a rear-facing child passenger restraint device that meets federal standards, in the rear seat of a vehicle that is equipped with a rear seat. If the vehicle is not equipped with a rear seat, the child may ride in the front seat of the vehicle if the passenger-side air bag is deactivated or if the vehicle is not equipped with a deactivation switch for the passenger-side air bag.
  - b. If an officer/PSA transports a child one year of age and older, but less than five years of age, regardless of weight, or children who weigh less than forty pounds, regardless of age, then the officer/PSA will properly secure the child in a child passenger restraint device that meets federal standards.
  - c. If an officer/PSA transports a child five year of age through six years of age, regardless of weight, or children who weigh less than sixty pounds, regardless of age, then the officer/PSA will secure the child in either a child booster seat or an appropriate child passenger restraint device that meets federal standards.
  - d. If an officer/PSA transports a child seven years of age through twelve years of age, then the officer/PSA shall properly secure the child in a child passenger restraint device or by a seatbelt.
    - i. A child is properly secured in an adult seatbelt when the lap belt properly fits across the child's thigh and hips and not the abdomen.
    - ii. The shoulder strap shall cross the center of the child's chest and not the neck, allowing the child to sit all the way back against the vehicle seat with knees bent over the seat edge.
  - e. Each PSA car is equipped with two child restraint devices (seats) in case an officer/PSA needs one. The Officer shall return it once they are through with the seat.

#### B. Issue of Speed Measuring Devices

1. Each area command is issued laser speed-measuring devices for use by area command personnel. Area commanders will implement procedures, using these guidelines, to effectively control this equipment. The guidelines to be followed are 1005012



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- a. Secure by lock and key for storage.
- b. Keys will be given only to those personnel designated by the area commander.
- c. Each command will maintain sign-in/sign-out logs for the purpose of accountability.
- d. Equipment will be issued by those personnel designated by the area command (i.e., watch commander, sergeant) in accordance with those procedures established within the area command.
- e. Missing or damaged equipment will be reported to the area commander as soon as practical.

C. Pool Cars

1. Commander's Responsibilities

- a. Watch commanders will monitor this procedure to ensure that the pool car sign out/in and inspection forms are completed as required. The area commander will designate a watch commander to supervise the pool cars.

2. Issuance of Pool Cars

- a. The pool car keys will be kept locked in the appropriate storage cabinet. All area supervisors will have keys to the cabinets in their areas. When an officer needs a pool car, they must contact an area supervisor.
- b. The officer must complete the Pool Car Sign-Out and Inspection Form before the vehicle is issued. The officer and supervisor will sign this form. No supervisor will sign this form if it has not been filled out appropriately. It will not be complete until the car is signed in.

3. Checking in of Pool Car

- a. When checking in a pool car, the officer must contact a supervisor and both of them must sign the Pool Car Sign Out and In Inspection Form. No supervisor will sign this form until it is completely filled out.
- b. The completed form will then be filed and kept by the area command for three years.
- c. The vehicle will be parked in the designated area as determined by the area commander.

4. Pool Car Maintenance

- a. If a pool car needs minor repairs, the officer should leave a note directed to the appropriate commander and they will have the vehicle repaired.
- b. If major problems develop with a pool car, the officer should leave the vehicle at the Pino Yards. If the vehicle must be towed, the on-call City wrecker services will be utilized.

M005013



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5. Issuance of Pool Cars for Extended Periods

- a. Officers must have the permission of their supervisor to take a pool car home.
- b. If the need arises, a supervisor has the authority to re-call a pool car at any time.

D. Issuance of Citation Books

1. The Watch Commanders and Sergeants have responsibility for the issuing and logging of citation books.
2. All issued books will be logged at the time of delivery.
3. Citations will be stored in a secure area accessible only to the Area and Watch Commanders and Sergeants or designee.

E. Emergency Equipment

1. Patrol officers and supervisors shall carry the following Department issued items in their patrol cars in order to handle emergencies and preliminary investigations effectively:
  - a. First Aid Kit
  - b. Fire Extinguisher
  - c. Flares
  - d. Protective (gas) mask, if issued



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SOP 3-6

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**3-6 METHADONE DISTRIBUTION CENTERS**

**3-6-1 Rules and Procedures**

A. Surveillance

1. New Mexico state law, Section 26-2-13D, prohibits police officers from conducting a surveillance of drug abuse rehabilitation (or Methadone) centers for the purpose of identifying the center's clients.

B. Entering the Center

1. Officers may enter the center after obtaining an arrest warrant and/or search warrant. The only exception to entering the center without an arrest warrant and search warrant is if the officer is in "fresh pursuit" of a suspected felon or on a call for service.

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SOP 3-11

Effective: 07/02/15 Expires: 01/02/16 Replaces: 08/19/13

### 3-11 DWI INVESTIGATIONS AND REVOKED/SUSPENDED LICENSE

#### 3-11-1 Policy

It is the policy of the Albuquerque Police Department to apprehend, arrest, and assist in the efficient prosecution of persons who are found to be operating a motor vehicle while under the influence of intoxicating liquor, drugs, or driving a vehicle while their license is revoked or suspended for a previous DWI violation.

#### 3-11-2 Rules and Procedures

##### A. Initial Contact with DWI Suspects

1. Officers who contact the driver of a motor vehicle and develop reasonable suspicion to believe that driver may be impaired by alcohol and/or drugs shall ensure that a DWI investigation is conducted.
2. DWI investigations will be conducted in accordance with the National Traffic Highway Safety Administration guidelines.
3. Miranda warnings are only required after an arrest has been made or during custodial interrogations. Miranda warnings are not usually required during a roadside DWI investigations or prior to a chemical test.

##### B. Preliminary Breath Testing (PBT)

###### 1. PBT Operation

- a. Officers should, in every case, have probable cause to believe the driver is driving while intoxicated, before utilizing the PBT. The random use of the PBT on drivers not suspected of being intoxicated is prohibited.
- b. Officers should wait at least 15 minutes after contacting the driver to test them to allow any mouth alcohol to dissipate.
- c. Issuance of a PBT is strictly voluntary and is not required equipment. Officers issued a PBT will use it for their investigations only. Officers may allow another officer to use their PBT, however, they will not conduct the test for them.

###### 2. PBT Calibration

- a. The use of a PBT is a non-evidentiary test. However, officers noting a difference .03 from the preliminary to the evidential test shall take the PBT out of service and return it to DWI Seizure Unit
- b. It will be the operator's responsibility to ensure that the PBT remains properly calibrated.

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C. Check for Prior Convictions

1. Any person arrested for driving while Under the Influence (DWI) must have their prior conviction record checked to determine if the person has prior DWI convictions.

D. BATmobile Booking

1. Any officer may book any offender at the BATmobile. Booking officers will have the discretion to refuse some prisoners. The DWI Sergeant will have final say over any booking disagreement.

E. Administering a Breath Test

1. Officers will only use intoxilyzers they have been trained and certified on. If there is not an intoxilyzer available they are certified on, they will call for a blood tech.
2. Upon completion of the test, the operator shall detach all of the copies of the Breath Alcohol Test Card. Distribution of the Breath Alcohol Test Card for the CMI Intoxilyzer Models 8000 is as follows:
  - a. A copy shall be submitted to the Motor Vehicle Division, with the DWI Affidavit, the MVD copy of the DWI Citation, and the driver's license (if applicable).
  - b. A copy is to be filed with the booking report and other paperwork and forwarded to the Metro Court Clerk.
  - c. A copy shall be sent to records.
  - d. A copy shall also be scanned and emailed per the instructions posted at scanners.
  - e. A copy will also be placed in the drop box located next to the scanners at each location and noted in the log book
3. Procedures for handling damaged or illegible Breath Alcohol Test Cards or malfunction of the breath alcohol instrument are as follows:
  - a. Regardless of the test score, in the event a Breath Alcohol Test Card is damaged, illegible, or prematurely printed upon, the card shall be maintained as evidence and submitted with the original report.
  - b. Under no circumstances shall any Breath Alcohol Test Card used in a breath alcohol test be discarded or destroyed.
  - c. Breath alcohol tests may be administered until a valid test is obtained. All test cards will be maintained as evidence and submitted with the original report.
4. Supervisors will ensure that all uniformed officers have completed the eight-hour Intoxilyzer 8000 Certification Course or any re-certification class in order to maintain their current certification.

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F. Administering a Blood Test

1. If a blood test is necessary, a blood test shall be administered by a qualified blood technician.
2. Communications shall notify the blood technician.
3. Upon arrival of the blood technician, the arresting officer will be present to witness the blood tests being administered.
4. Upon completion of the blood test the officer will give the blood technician a case number and the suspect's information for his/her report. The blood technician will then surrender the sealed blood test kit back to the arresting officer. The arresting officer will tag it into evidence according to APD Evidence procedures.
5. The Law Enforcement Officer's Statement form shall be retained by the officer until results are obtained. Only the MVD copy of the DWI citation shall be mailed immediately. The driver's license shall not be taken and will remain with the driver's property when booked.
6. When blood test results are received, the information shall be filled in on the Officer's Statement form. The statement shall be placed in the DWI citation drop box, located at the area command substations/testing locations.

G. Issuing the Implied Consent Warning

1. Once a suspect is placed under arrest for Driving While Intoxicated, the Implied Consent Warning shall be read as posted at the testing sites:

H. Documentation of Refusal/Warrant Requirement

1. On misdemeanor DWI arrests, if the subject refuses to submit to the chemical test that the officer specifies, the officer will check all of the appropriate boxes on the Officer's Statement Form and submit it in the normal manner.
2. The standard procedure in misdemeanor cases is to not compel a sample (blood sample). In the rare event a sample is needed for misdemeanor prosecution, a warrant must be obtained prior to compelling a blood draw.
3. For felony investigations, Implied Consent advisory is sufficient for breath test results. If a blood sample is needed a warrant will be obtained.

I. DWI Citation

1. The DWI Citation will be filled out the same way as other citations with the inclusion of the blood alcohol concentration box.

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2. At no time will "See the Report" be placed in the essential factor section of the citation. Officers must provide a basis for the DWI charge in this section.

J. Testing of Injured or Incapacitated Persons

1. The following procedures shall be followed if the arrestee is injured or incapacitated to such an extent that the breath test cannot be administered.
  - a. A blood test shall be administered by a qualified blood technician.
  - b. Communications shall notify the blood technician.
  - c. If the suspect is conscious, the suspect shall be advised of the Implied Consent Law. During the reading of the Implied Consent Law, a witness should be present, i.e., the Blood Technician. The name of the witness will be indicated in the officer's report.
  - d. The physician in charge of treating the suspect will be consulted prior to obtaining a blood test. Physicians must give their permission for the test to avoid aggravation of the suspect's condition.

K. Intoxilyzer Log

1. The arresting officer shall fill in the intoxilyzer logbook at the testing location. The log shall be filled out completely.

L. Arrests for Driving While Driver's License is Revoked

1. Booking

- a. Officers will take the subject into custody and book him under NMSA 66-5-39 (Driving While License Is Revoked).
- b. Prior to booking subject, officer will need to obtain a copy of the read out from the NCIC operator.
- c. The arresting officer will then give this documentation to the booking officer at the time of booking the offender.
- d. If multiple offenses apply, officers shall book the subject for all traffic violations.

M. Proving Revocation in Court

1. It is an important element to show that the violator was notified that his license had been revoked at the time of the violation.
2. Proof through Motor Vehicle Department
  - a. The Motor Vehicle Department will send notice of revocation to the violator by registered mail.
  - b. The Motor Vehicle Department will be responsible for providing any other pertinent documentation showing notice of revocation, including a certified notarized copy of the Notice of Revocation, which will be kept in the District Attorney's Office.



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3. Additional ways to prove revocation

- a. Subject has been arrested for driving while intoxicated and physical proof of the following can be obtained:
  - i. Failed a breath alcohol or blood test.
  - ii. Violator refused to submit to a breath alcohol/blood test.
  - iii. Subject arrested for a second or subsequent driving while intoxicated charge.
  - iv. If second or subsequent driving while intoxicated charge, prior arresting officer will be called to testify in court, that he had given prior notice of revocation, at the time of his arrest.

N. DWI Forfeiture

1. It is the policy of the Albuquerque Police Department to actively seek seizure proceedings against any person should the subject's driving history reveal one of the following:
  - a. A revoked or denied driver's license with an arrest clause, 66-8-122G, as a result of a DIO or D11.
  - b. And/or the person is suspected of driving while under the influence of an intoxicating liquor or drug and MVD reveals that the driver has been successfully convicted of one or more DWI violations.
2. These procedures will be in compliance with Albuquerque City Ordinance 7, Article 6 ROA 1994.

3. Vehicle Seizure Procedures

- a. Place the driver under arrest.
- b. A wrecker service will be requested and the seized vehicle will be towed to the designated DWI storage lot. {The wrecker company will be advised to bill the tow service to the City of Albuquerque, Albuquerque Police Department, attention DWI Unit (Forfeiture).}
- c. The on-call DWI Seizure Officer may be contacted through Radio Dispatch at any time when questions or concerns arise.
- d. The officer shall instruct the wrecker driver to tow the seized vehicle to the Gerald Cline Memorial Substation.
- e. The tow truck driver will be instructed to place the keys to the seized vehicle in a labeled drop box located at the Gerald Cline Substation.
- f. The officer will perform an extensive inventory of the seized vehicle, which will be documented on the Tow in Form. Also to be documented is any observed damage on the interior or exterior of the vehicle.
- g. The arresting officer shall complete the Forfeiture of Seizure paperwork to include a copy of:
  - i. The arrest report.
  - ii. Copy of the individuals driving history to include the revocation and/or DWI history.



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- iii. Copy of the registration of the vehicle being seized.
- iv. Copy of the Notice of Vehicle Seizure form.

h. This paperwork shall be sent to the DWI Forfeiture Detail within 24 hours of seizure.

i. Officers shall not disclose the location of the seized vehicle.

O. DRE/DWI Program

1. It is the policy of this department that the DRE/DWI Program provide trained and certified Drug Recognition Officers trained in the identification and detection of drivers under the influence of substances other than alcohol.

2. The coordinator may come from any area of the department. The DRE Coordinator is directly responsible to the DWI Lieutenant for any DRE issues.

3. DRE Officer

a. Is assigned on a rotation basis to an on-call list. This schedule will be posted in the DWI Sergeant's office and be distributed department wide and an On Call List will be sent to Radio Communications.

b. Responds to requests requiring drug recognition skills and performs DRE evaluations in accordance with State of New Mexico DRE Regulations.

c. Arrests persons suspected of driving while under the influence of alcohol or drugs.

d. Conducts breath or directs blood tests on suspected DWI offenders and logs results.

e. Prepares written reports of DRE events on shift and prepares a DRE event report to be turned in at the end of the month to the DRE Coordinator.

f. Prepares a DRE report at the end of each on call period and submits it to the DRE Coordinator.

4. DRE Testing Site

a. Officers must be aware of officer safety during the DRE evaluation.

b. Prisoners under the influence may react unexpectedly or violently.

c. Officers will secure firearms in a locker or trunk of a police vehicle.

d. DRE Officers are responsible for the drug evaluation investigation. The arresting officer will be available to maintain officer safety during the evaluation.

e. There should always be one officer assigned to cover (officer safety) responsibilities

5. Reports Distribution

a. DRE Officers are responsible for ensuring that all original forms are forwarded to the DRE Coordinator.

b. DRE Officers are responsible for making and maintaining personal copies of all forms and evaluations.

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- c. The DRE Coordinator is responsible for reviewing all DRE forms and for forwarding the originals to the Records Division in a timely manner.
- d. The DRE Coordinator is responsible for maintaining a central file system for all DRE forms, logs, and evaluations for all DRE certified officers.
- e. The DRE Coordinator is responsible for coordination and distribution of all results of drug analysis from the State Scientific Laboratory Division.

6. Evidence Handling

- a. The DRE is responsible for taking the blood evidence to SLD within 24 hours. If the Blood cannot be taken within 24 hours the DRE will tag the blood into evidence. Once the evidence unit has concluded the intake process (usually 3-4 days) the DRE will check out the evidence and transport it to SLD for processing. It is recommended that the DRE officer call Evidence prior to pick up to insure it can be checked out. This process must be completed within 5 days of the actual blood draw.

7. Drug Recognition Call-Out

- a. Investigating officer's supervisor will approve all call-out requests.
- b. Officers may call-out DRE personnel in cases where:
  - i. A subject shows physical impairment based on performance of Standard Field Sobriety Tests (SFST's) and/or operation of a vehicle and give a low breath test score (below .08% blood alcohol content) on the Intoxilyzer.
  - ii. There is a case of a fatality or serious injury crash.
  - iii. Circumstances lead the investigating officer to believe that the impairment of the subject is due to illegal street narcotics, prescription medications, or volatile substances.
  - iv. The DRE Coordinator has cleared the call-out.
  - v. When called to assist, it will be the DRE Officer's responsibility to determine if a blood technician will be called out.

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SOP 3-12

Effective: 06/22/15 Expires: 12/22/15 Replaces: 11/06/12

### 3-12 DOMESTIC VIOLENCE

#### 3-12-1 Policy

It is the policy of the Albuquerque Police Department to enforce laws dealing with domestic abuse and to take appropriate action in cases involving domestic abuse.

#### 3-12-2 Definitions

##### A. Domestic Abuse

Any incident resulting in physical harm, bodily injury or assault, or a threat causing imminent fear of such harm by any household member.

##### B. Household Member

A spouse, former spouse, parent, present or former step-parent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for the purposes of the Crimes Against Household Members Act.

#### 3-12-3 Rules and Procedures

##### A. Order of Protection

1. An Order of protection is issued by any state district court judge pursuant to the Family Violence Protection Act and is granted for the protection of victims of domestic abuse with a specific expiration date, valid for the time period listed by the court.
2. A victim of domestic abuse may petition the district court under the Family Violence Protection Act for an Order of protection. The Albuquerque Police Department is required to keep blank petition forms for distribution to victims of domestic violence. These forms will be available at all police substations and will be in possession of police officers for distribution to victims. Officers should familiarize themselves with these forms and their implication in order to instruct family violence victims seeking such relief.

##### B. Emergency Order of Protection (EOP)

1. Officers are authorized to obtain emergency order of protection after regular business hours. Officers responding to a domestic violence incident shall complete an application for an EOP when appropriate, adhering to the following guidelines:
  - a. Probable cause exists that an act of domestic violence/abuse has occurred.
  - b. The victim wants an order of protection issued.

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- c. The victim and/or children are in danger of, or believe they are in danger of receiving additional acts of domestic violence/abuse.
  - d. Prior to obtaining an emergency order of protection, the location of the restrained party shall be known by the officer.
  - e. EOP must be approved by a supervisor prior to requesting approval by a judge.
2. If the aforementioned conditions exist, officers will complete Sections 1 through 4 of the Application (Order of protection), APD Form 3094.
  3. Officers must contact a district court judge for approval.
    - a. Permanent numbers to all district court judges can be obtained through ECC or the on-call victim advocate.
    - b. Officers must provide the judge a brief description of the facts surrounding the incident.
    - c. Officers must provide the judge with viable reasons/facts as to why the EOP should be granted.
    - d. If the EOP is denied, officers will indicate in the report the name of the judge and the reason denied.
  4. After approval by the judge, sections 7 through 9 (the actual EOP) will be filled out indicating judge's approval.
  5. EOP will be distributed as follows:
    - a. The original white copy (top page) will be hand-carried immediately to the Bernalillo County Sheriff's Department, Warrants Section.
    - b. The yellow copy will be given to the victims.
    - c. If the offender is at the scene, serve the offender his/her copy (pink copy) and complete proof of service portion of the EOP.
    - d. The goldenrod copy will be scanned and logged in the sergeant's report log.
  6. If the offender is not present, leave the EOP with the victim/protected party.
  7. If officers are responding to a call where an EOP has already been approved by a judge and the offender is present but has not been serviced, officers will:
    - a. Obtain the EOP from the victim/protected party and serve the offender.
    - b. Complete a Return of Service Form. These forms should be available at all substations.
    - c. The original Return of Service will be hand-carried to the Bernalillo County Sheriff's Office, Warrants Section, immediately.
    - d. The officer will scan and submit the goldenrod copy to be retained with the original report.



### C. Temporary Orders of Protection

1. Temporary orders of protection are granted by a judge at the 2nd Judicial District Court, during normal business hours.
2. Initial temporary orders of protection are granted as non-mutual and apply to only one party, therefore, can only be violated by the restrained part. Initial orders are valid until the listed date, then a hearing is held on whether the order should be extended for six months or more.
3. After the hearing date noted on the temporary order of protection, an order of protection may be granted for an extended period of time.

### D. Out-of-State Protective Orders

1. All out-of-state protective orders shall be enforced as written.
2. All out-of-state protective orders are presumed valid upon presentation to law enforcement officers and under full faith and credit.
3. Out-of-state orders do not have to be filed in district court to be valid and enforceable.

### E. Civil Service of Court Orders

1. Officers shall serve district court orders of protection under the following circumstances only:
  - a. If the officer is requested to do so.
  - b. The restrained party must be physically served with the order.
  - c. The protected party must have a copy of the valid district court order in his possession.
  - d. Before serving the restrained party with the court order, officers will have ECC contact the Warrants Section of the Bernalillo County Sheriff's Office and determine if the order has already been served.
    - i. If service has not been made, officers will promptly serve the Order of protection on the respondent.
    - ii. If service has been made and the Order of protection prohibits the restrained party from being on the premises.
    - iii. The officer will complete a police report and thoroughly document the incident.
2. Any officer serving a civil district court order as outlined above will fill out a 'Sheriff's Return of Service' form and hand carry the original to the Bernalillo County Sheriff's Office, Warrants Division, immediately.

### F. Enforcement of Orders of Protection

1. An order of protection shall be deemed valid if the following criteria are met:



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- a. The order states the name of the protected and restrained parties.
  - b. The order contains the date it was issued.
  - c. The order has an expiration date and has not expired.
  - d. The order contains the name of the issuing court.
  - e. The order is signed by, or on behalf of a judicial officer.
2. When an order of protection is presented to an officer by the complainant, the officer shall:
- a. Officers will deem if the order is valid using the above noted criteria.
  - b. Determine if the conduct is prohibited by the order.
  - c. Attempt to confirm the order through BCSO Warrant Division or NCIC.
  - d. The officer shall assume that the restrained party was given notice of the Order of protection and its contents
  - e. If it is determined the restrained party has not been served, the officer shall serve the restrained party with a copy of the restraining order and file a return of service through BCSO warrants.
  - f. If the officer has probable cause to believe that the Order of protection has been violated, he shall arrest for the violation of the order and charge violation of order of protection 40-12-6.
3. Orders of protection must be enforced per NMSA 40-13-6D, "Service of Order". A peace officer shall arrest without a warrant and take into custody a person whom the peace officers had probable cause to believe has violated order pursuant to this section.
- G. Officers – Pursuant to State Statute 40-13-7
1. Officers responding to requests for assistance shall take whatever steps are reasonably necessary to protect the victim(s) from further domestic abuse.
  2. Officers will enforce the provisions of valid court orders of protection.
  3. Officers will advise the victim of the procedures and remedies available under the Family Violence Protection Act, i.e., the right to file a written statement or request for an arrest warrant, and the availability of domestic violence shelters, medical care, counseling, other services, and the importance of preserving evidence.
  4. Officer shall make reasonable efforts to arrange for transportation to a shelter, safe refuge, or medical facility, for victims of domestic abuse. When it is possible and the Sheriff's Department is available, arrangements can be made for transportation to destinations substantially outside the city limits but within Bernalillo County. A reasonable effort to resolve the situation locally is sufficient until other arrangements can be made at a more appropriate time.

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5. Police Service Aides should be utilized whenever possible or practical. However, it is the officer's responsibility to make sure that the mandate of the court is carried out.
6. Officers shall, upon request of the victim, accompany the victim to the victim's residence to remove the victim's clothing and personal effects required for immediate needs and the clothing and personal effects of any children in the care of the victim.
7. Officers shall enforce the provisions of custody as set forth in the court order which may include removing a child or children from the non-custodial parent or guardian.
8. Officers shall, upon request of the victim, assist in placing the victim in possession of the dwelling or premises or otherwise assist in execution or service of the order of protection.
9. Officers shall arrest the abusing household member when appropriate.
  - a. As stated in the Warrantless Arrest Act, Section 31-1-7, NMSA 1978, officers may arrest a person without a warrant when the officer is at the scene of a domestic disturbance and has probable cause to believe that the person has committed an assault or a battery upon a family or household member. When an arrest is made, officers shall charge domestic violence offenses under the Assault Against a Household Member Section 30-3-12, NMSA 1978, and Battery Against a Household Member Section 30-3-15, NMSA 1978. These laws can be used even when no order of protection exists. This does not preclude the application of felony charges arising out of domestic violence incidents, if and when such probable cause exists. If felony charges are appropriate, the arrest and applicable charges will be handled in accordance with SOP 2-14, or NMSA 1978 as applicable.
  - b. If an arrest is appropriate, but cannot be reasonably effected at the time of the incident, a summons will be issued by the responding officer(s). Summons cannot be issued for both parties arising out of the same incident.
  - c. It is incumbent upon the officers at the scene of a domestic violence incident to determine the predominant aggressor and then effect an arrest (or issue a summons if appropriate) for the applicable party.
  - d. Dual arrests shall not be made for domestic violence offenses.
  - e. When an arrest has been made under this section, but the offender is taken to the hospital for treatment, an officer will stay with the prisoner until such time as the prisoner can be transported to the Metropolitan Detention Center or PTC and booked. Hospital holds will not be placed on prisoners arrested pursuant to the Family Violence Protection Act (Domestic Violence), even when the applicable charges involve only misdemeanor offenses. The transporting officer is responsible for remaining with and guarding the prisoner.
10. Officers shall complete a standard Albuquerque Police Department offense and incident report on all domestic violence investigations.

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11. Criminal Complaints

a. When a subject is arrested for a charge committed by a household member against a household member, the arresting officer shall list the charge in the "charges" portion of the criminal complaint as a domestic violence incident. For example, when a household member is charged with battery against a household member (30-3-15) and harassment (30-3A-2), the "charges" portion of the complaint should read "Domestic Violence, Battery against a Household Member, Harassment" The bottom of the complaint where each section is listed, should read "31-1-7, 30-3-15, 30-3A-2". This procedure shall be followed for all domestic situations where an offender is arrested or summoned following a domestic violence incident.

12. Officers will not offer or accept any waivers of prosecution in any domestic violence case.

13. Hand written statements from the victim(s) and witness(es) will be obtained at the scene, whenever possible.

a. Officers shall scan all domestic violence statements to be included with their report. The handwritten statement will be turned in to the supervisor to be logged and sent to Report Review

14. Any visible injuries relating to the battery shall be documented and photographed to be used as evidence for prosecution whenever possible.

15. Officers shall have available and provide to victims the necessary court petition forms and instructions (Domestic Violence Packets) for their completion. These forms are available in both English and Spanish.

16. All officers should utilize the following guidelines in determining the need to locate and arrest an offender in domestic violence.

a. If an offender is still at or near the scene of a domestic violence case, the officer shall make every reasonable attempt to place the offender under arrest, rather than merely issuing a criminal summons.

b. If an offender has fled the scene of a domestic violence case, prior to officer's arrival, and cannot be located at or near the scene of the domestic violence, a summons or warrant will be issued for the offender.

c. Officers should take whatever steps that are reasonably necessary to protect the victim from further domestic abuse which may include writing an arrest warrant.

17. On all domestic violence calls when an officer requests authorization to change the call to something other than a domestic violence, the supervisor will conduct a thorough investigation prior to granting the change. Additionally, the officer will supply sufficient remarks in the "added remarks" to justify the change in the status of the call.

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H. Victim Notification

1. The arresting officer at the scene of a domestic abuse incident will ask the victim the following:
  - a. Telephone number and email address where she/he may be contacted personally.
  - b. If a telephone number is not available, a telephone number where a message can be left for the victim in order to provide notification of offender release.
  - c. The officer will get an address where notification can be made.
2. The arresting officer will complete the Victim Notification Information Worksheet (PD 3075) and telephone the New Mexico Offender Release Notification System at 768-CARE (2263) with the telephone number(s) and or address(es) where the victim can be notified.
3. The arresting officer shall complete the Albuquerque Police Department Pre-booking worksheet (PD 3068). This worksheet contains a section for the Domestic Violence Notification ID# and the CADS number.
4. Upon notification by MDC to the Albuquerque Police Department's Emergency Communications Center that the offender is released from custody, the Communications Center will make every reasonable attempt to notify the victim in accordance to the information provided by the arresting officer.
5. In the rare case where no telephone is available. Emergency Communications will create a 10-10 event and dispatch an officer to make notification at the victim's location.

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SOP 3-13

Effective: 07/02/15 Expires: 01/02/16 Replaces: 08/19/13

### 3-13 ROADBLOCKS/CHECKPOINTS

#### 3-13-1 Policy

It is the policy of the Albuquerque Police Department to use roadblocks when reasonably necessary to detour motorists from hazardous roadway conditions; when authorized by supervisors for selective traffic enforcement; when necessary to prevent the escape of a felon(s) from a contained area; and when reasonably necessary to stop the driver of a vehicle attempting to avoid apprehension, after all other means have failed.

#### 3-13-2 Definitions

A. Roadblock

Emergency intentional obstruction of traffic for the safety of the community.

B. Class A Roadblock

Stopping traffic by use of portable signs and warning devices without physically blocking the roadway.

C. Class B Roadblock

Physically blocking the roadway with lightweight materials and/or equipment which will cause little or no damage to a vehicle striking them, i.e., lightweight barricade devices, flares, pylons, etc.

D. Class C Roadblock

Physical blockage of the roadway with heavy material or equipment, i.e., patrol vehicles, city-owned equipment, etc. Only city owned materials and equipment shall be used for a Class "C" roadblock. Commandeering a tractor-trailer or other such vehicle is prohibited.

E. Checkpoint

Planned enforcement activity, with a specific violation targeted, where vehicles are stopped and drivers are contacted.

#### 3-13-3 Rules and Procedures

A. Classification of Roadblocks/Checkpoints

1. A Class A Roadblock may be used to inspect persons and vehicles in the event of jail/prison escapes, major felony investigations, D.W.I. detection, etc.

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2. A Class B Roadblock may be used to warn motorists of severe road conditions, such as snow and ice, or to reroute traffic due to special events, traffic accidents, crime scenes, etc.
3. A Class C Roadblock shall be used as a last resort after other reasonable and less hazardous measures have failed and when stopping the vehicle is necessary to protect lives.

B. Criteria for All Checkpoints

1. The selection of the site and procedures for conducting the roadblock must be made and established by supervisory personnel.
2. Vehicles should not be stopped randomly. A pre-established formula must be used when determining what vehicles to stop i.e., every vehicle, every third vehicle, etc. Uniform procedures must be established for dealing with each motorist in precisely the same manner.
3. Safety measures must be considered for warning approaching traffic, the degree to which the roadblock causes traffic congestion and whether the roadblock is set up in such a way so as to put the motoring public and officers in unnecessary peril.
4. The roadblock location should be reasonable.
5. The time and duration of the roadblock should be reasonable.
6. The official nature of the roadblock should be immediately apparent. Officers should be uniformed, police cars should be highly visible, marked, and the use of warning or stop signs, flares, and pylons are advisable.
7. The average length of time that a motorist is detained at the roadblock and the degree of intrusiveness should be minimized. Where facts within the observation of the officer warrant further investigation, the suspected motorist should be asked to pull into a separate area so as not to unreasonably inhibit the flow of traffic.
8. Selective traffic enforcement roadblocks should be given advance publicity to enhance deterrence.

C. Authorization for Checkpoints

1. All enforcement targeted checkpoints must be approved by the Traffic Division Commander. In all cases a supervisor will be in charge at the scene.

D. Initiating Road Blocks

1. The decision to activate a roadblock should be based on the following:



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- a. Seriousness of the crime.
- b. Sufficient information and description on the wanted persons or vehicles.
- c. The elapsed time between the criminal act and its discovery.

E. Roadblock Sites

1. Selection of roadblock sites should:

- a. Provide safety and convenience in stopping vehicles.



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### 3-19 RESPONSE TO DEMONSTRATIONS

#### 3-19-1 Policy

It is the policy of Field Services to oversee and handle a demonstration in an efficient and effective manner.

#### 3-19-2 Rules and Responsibilities

##### A. Response to Demonstrations

1. Supervisors should handle these situations, no matter what size, with the forethought that the situation could escalate in size and the potential for violence. They must understand that although a crowd (large or small) has gathered to demonstrate, no laws may have been broken.
2. Supervisors should contain the gathering with as few visible officers as practical, but have sufficient officers in reserve and out of sight so as to not provoke an incident but be able to respond to an incident quickly.
3. The on-scene supervisor should notify Radio Control to notify ERT and SWAT. The following conditions should be evaluated in determining if additional manpower is needed:
  - a. Size of crowd
  - b. Propensity for violence
  - c. Level of cooperation
  - d. Location
  - e. Permit or no permit
  - f. Demonstration or disturbance
4. Try to determine who is in charge of protesters.
5. Deploy patrol officers to:
  - a. Contain demonstrators.
  - b. Keep "pro" and "con" demonstrators apart
  - c. Allow non-participants to utilize hallways, doorways, and roadways without hindrance.
  - d. Begin keeping a log (written or radio) of incidents and law violations.
  - e. Call for Public Information Officer (PIO).
  - f. Set up command post.
  - g. Depending on the magnitude of the situation, consider re-routing vehicular and pedestrian traffic.
  - h. If violence flares within inner perimeter, do not let anyone else enter the inner perimeter.

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### 3-20 FLOOD CONTROL CHANNEL ACTION PLAN (CODE RAFT)

#### 3-20-1 Rules and Procedures

##### A. Code Raft

1. Commencement of Albuquerque Fire Department Emergency Plan (Code Raft) will be initiated at the first indication of drowning victim(s) in the flood control channels located in the Northeast, Foothills, and/or Southeast Area Commands.

##### B. Responsibility

1. Upon confirmation of victim(s) in a flood control channel, which are trapped in the channel by water build-up, the following procedures will be initiated:
  - a. Emergency Communications Center dispatches officers of the to prearranged check points. Department personnel will keep citizens away from the flood control channel and stop people from attempting unauthorized rescue attempts.
  - b. A frequency will be secured by the Communications Center for the purpose of coordinating the rescue between personnel involved in the incident.
  - c. A supervisor will respond to the Albuquerque Fire Department's prearranged command post location for the purpose of relaying radio information to Albuquerque Fire Department personnel.
  - d. It will be the responsibility of all officers involved in the rescue procedure to act as spotters of the victim(s) location and direction of travel in the flood control channels, and relaying this information to the Emergency Communications Center and/or supervisor. Officers will not enter the water to initiate a water rescue of victim(s).

##### C. Flood Control Action Plan - Northeast, Foothills, and/or Southeast Spotter Deployment Locations

###### 1. Embudo/Main Channel Plan

- a. Foothills Area Spotter Locations
  - i. Embudo Channel/Eubank Blvd. NE
- b. Northeast Area Spotter Locations
  - i. Embudo Channel/Moon NE
  - ii. Embudo Channel/Wyoming Blvd. NE
  - iii. Embudo Channel/Pennsylvania NE
- c. Southeast Area Spotter Locations
  - i. Main Channel (I-40)/Louisiana Blvd. NE (Overpass)
  - ii. Main Channel (I-40)/San Pedro NE
  - iii. Main Channel (I-40)/San Mateo Blvd NE (Overpass)
  - iv. Main Channel (I-40)/Washington NE (Overpass)
  - v. Main Channel (I-40)/Carlisle NE (Overpass)



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2. Hahn Channel Plan

a. Northeast Area Spotter Locations

- i. North Hahn Channel/San Pedro NE
- ii. Hahn Channel/San Pedro NE
- iii. Hahn Channel/San Mateo Blvd. NE
- iv. Hahn Channel/Monroe NE
- v. Hahn Channel/Washington NE
- vi. Hahn Channel/Morningside NE
- vii. Hahn Channel/Carlisle NE

D. Northeast, Foothills, and/or Southeast Supervisor Deployment Locations

1. Embudo/Main Channel Plan

- a. Embudo Channel/Snow Park
- b. North Diversion Main Channel/Menaul Blvd. NE

2. Hahn Channel Plan

- a. Hahn Channel/Montgomery Park-On Comanche Blvd. NE

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SOP 3-21

Effective: 07/02/15 Expires: 01/02/16 Replaces: 03/13/07

## 3-21 LOST AND FOUND ID CARDS AND DRIVER'S LICENSES

### 3-21-1 Policy

It is the policy of the Albuquerque Police Department to return ID cards and driver's licenses to citizens during any type of contact, before the end of that contact except as required for evidentiary purposes. In the event an officer or civilian employee comes into possession of a driver's license or identification card (ID) belonging to a citizen and cannot reasonably and safely return it to the owner listed on the ID or license at that time, the officer or employee will follow this procedure in an attempt to return the ID or license to the owner.

### 3-21-2 Procedures

#### A. Substation Lost and Found ID and License Log Book and Repository

1. Each area command substation will maintain a lost and found ID and license log book and repository. Contained in the log book will be a weekly log form, instructions for using the log book and a set of plastic sleeves organized alphabetically.
2. The officer or employee who assists the citizen will make a reasonable attempt to verify the person retrieving the license is the owner of that ID or license.
3. The IDs and licenses will be held in the log book and repository for no less than 30 days. Each Area Commander will designate an officer or employee whose responsibility it will be to remove those licenses that have been held for over 30 days and return them to the New Mexico Motor Vehicle Division. It will be this employee's responsibility to log which cards were taken to MVD and the date.
4. No officer or employee will remove an ID or license from the log book without logging their name, the date and what was done with the ID or license.

#### B. Personnel

1. The officer or employee will first attempt to notify the owner by phone. If the owner is reached by phone, or there is voicemail, the officer or employee will advise the citizen the name, address and hours of the substation where they can pick up their ID or license in person. The officer or employee will then log the ID or license in the substation's log book.
2. The officer or employee will log the license using the form in the front of the log book. This is to include the date, the name on the ID or license, the name of the officer or employee, what attempt was made to return or notify the owner of the license or ID.



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3. If the officer or employee does not reach the owner by phone, the ID or license should be logged and placed into the substation's log book in a plastic sleeve in the correct alpha section by last name of the owner of the ID or license.
4. Officers and employees are not required to look for phone numbers of individuals who reside outside of Albuquerque.

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SOP 4-1

Effective: 06/22/15 Expires: 12/22/15 Replaces: 03/13/07

## 4-1 AREA COMMAND INVESTIGATIONS UNIT (IMPACT TEAMS)

### 4-1-1 Policy

It is the policy of the Albuquerque Police Department to establish Investigation Teams (Watch II and III) in each Area Command to conduct investigations in violent/property crimes, and to provide Field Services officers with assistance and follow-up investigation as needed.

### 4-1-2 Definitions

#### A. Major Felony Crime

Generally accepted to be a violent crime, may also apply to white collar violation of \$20,000 or more; or major drug dealers categorized as class one violations (per D.E.A. standards) Other crimes may fit into this category depending upon the command and public interest of the investigation.

#### B. Polygraph

An electronic device that measures the Galvanic skins response and is used to detect deception or untruthfulness.

### 4-1-3 Objectives

A. The primary objective of the Impact Team is to conduct follow-up investigations on all felonies that are not the responsibility of other units, bureaus, or agencies.

B. Additional objectives include:

1. Assisting and training officers in the procedures of criminal investigation.
2. Establishing and conducting directed activities, including problem solving initiative.
3. Coordinating investigations with uniformed officers, Investigations Division personnel, and other area commands and agencies.
4. Monitoring all crime reports occurring within the area to identify criminal activity or patterns.
5. Assisting field units whenever possible and accepting case investigative responsibility in order to increase uniformed patrol manpower levels.

### 4-1-4 Rules and Responsibilities

#### A. Impact Team

1. The Impact Team has investigative responsibility on the following:

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- a. Aggravated Assault
- b. Aggravated Battery
- c. Auto Burglary
- d. Larceny
- e. Recovered Stolen Property
- f. Any investigation or activity that the Area Commander assigns.

2. The Team will assist uniformed personnel:

- a. In obtaining arrest and search warrants when requested.
- b. In whatever capacity requested to bring an investigation to a conclusion.
- c. In the event detectives are called out to an in-custody investigation, the officer shall ensure case responsibility information is added on the last line of the criminal complaint, including the name of the person responsible.

3. The Impact Team will assist other personnel in Field Services, Investigations, and outside agencies when requested and approved.

4. When needed, the Impact Team will assist with station reports and other substation functions and activities.

B. Sergeant

1. Each Investigative Unit (Watch II and Watch III) will be supervised by a sergeant.

2. If in the course of case monitoring, the unit sergeant determines that the criteria for continued investigation no longer exists; he/she will have the authority to suspend the investigation until such time as additional information is developed.

3. The unit sergeant or the assigned detective will periodically advise the crime victim of the status of their case.

4. The unit sergeant will maintain a schedule of attendance.

C. Commander

1. The Area Commanders have the ultimate responsibility of overseeing the Impact Team.

2. The Impact lieutenant will have overall functional responsibility for the Impact team.

D. Detective

1. Will periodically attend Field Services briefings at their assigned area command. This interaction should enhance relations with field officers, as well as establish an informational exchange.

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E. Completed Cases

1. The detective's sergeant, prior to its distribution to the Records Section and District Attorney Liaison will review all cases.

F. Officer in Charge (OIC):

1. The Impact team detective is the OIC of an investigation unless the responsibility lies with another unit or agency.
2. Whenever a detective from an Impact Team is requested and dispatched to the scene of a call out, the detective will assume responsibility for investigation. This includes the direct control of the call itself. If the detective determines that the case does not fall within his investigative duties, that information will be passed on to the initial officer so that he may take the appropriate action.
3. If there is a disagreement involving the Impact Team detective and the initial responding field officer or the field officer's supervisor over a decision made by the detective, the on-call Investigative Unit supervisor will be contacted to assist. Once the on-call Impact Team supervisor is contacted, the final decision or responsibility for the decision will rest with him unless countermanded by a command officer.

G. If a criminal investigation involves a multitude of crimes where several officers initially investigated the offenses, the case is to be turned over to the Investigative Unit.

1. A uniformed Field Services officer may be temporarily assigned to the Impact Team utilizing the assistance of the team to complete a complicated investigation.
2. If the investigation is going to be of some length, the investigation should be turned over to Impact Team.

H. Communication

1. The Impact Team sergeants will be responsible for formal and informal lines of communication within his/her area command, Criminal Investigations Division, and other Impact teams.
2. The Impact Team detective should formally notify the affected officer of the final disposition of an investigation he initiated.

I. Assignment of Follow-Up Investigations

1. The Area Command Impact team shall review all unsolved felony cases that the department receives and to initiate an investigation when solvability factors dictate the case may be unfounded or lead to an arrest or indictment.
2. Report Review and Case Assignment.

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- a. The unit sergeant will review each incoming Field Services report and determine if the case is to be followed up, and assign the case to a detective for investigation.
3. Each sergeant will maintain a case log of all cases assigned within his/her unit. This log will contain the investigator assigned; date case is assigned, case number or victims' name. At the end of 15 days, an entry will be made stating the case status. When the case has been under investigation for 30 days, the sergeant will review the case and determine if case is to be continued or not and the appropriate entry will be made on the case log. No case will be open for more than 45 days unless the appropriate sergeant has granted approval.

J. On-Call Status

1. It is the policy of Area Command Impact teams to provide service to the department by formulating "on call" lists and making their services available when needed.
2. It may be necessary because of the member's job assignment, to either be routinely or temporarily placed in an "on call" status (as defined by the collective bargaining agreement).
3. The unit supervisor will be responsible in determining the need for an "on call" status subject to the approval of the section commander.
4. In the event of an emergency or other situation where a detective cannot complete the assigned "on call" period, they will notify the unit sergeant as soon as possible to arrange for a replacement. Until this contact is made, the detective "on call" will be responsible for any call out assignment.
5. When in an "on call" status, detectives will ensure their availability for duty within one hour from notification of the request for assistance.
6. Nothing in this section prohibits unit supervisors from calling out additional personnel for duty as the situation dictates. In the event of this occurring, personnel will make themselves available for service as soon as practical unless excused by the unit supervisor.

K. Equipment

1. All detectives shall have access to all Department issued equipment consistent with their unit's mission and training. The list of approved equipment shall be maintained by the Assistant Chief/Deputy Chief/Major of the bureau.



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SOP 2-07

Effective: 07/13/15 Expires: 01/13/16

**2-07 INSPECTIONS/AUDIT UNIT**

**2-07-1 Definitions**

A. Staff Inspections

Inspections conducted by the Inspections Unit to ensure objective review of Department facilities, property, evidence items/storage, equipment, personnel and administrative and operational activities outside the normal supervisory and line inspection procedures and the chain of command.

**2-07-2 Rules**

[N/A] A. Staff Inspections

1. Responsibility and Authority

a. Staff inspections are conducted by the Inspections Unit at the direction of the Chief of Police.

b. The Inspections Unit will:

- i. Act on behalf of the Chief of Police as a staff investigative body.
- ii. Function under the policies and directions established by the Chief of Police.
- [5] iii. Have access to all records and any other properties relevant to the performance of an inspection.
- iv. Have the authority to review and appraise any policy, order, plan, procedure, or record within the department.
- v. Have the authority to solicit the expertise of additional personnel whenever necessary.
- vi. Conduct staff inspections of all organizational components within the department.

c. Personnel being inspected will:

- [5] i. Cooperate fully with inspection personnel during the execution of an inspection.
- [6] ii. Keep all appointments with Inspections personnel.
- [5] iii. Make available all records and properties requested by Inspections personnel.
- iv. Will not obstruct the inspection process in any manner

2. Nature and Types of Inspections

a. Types of Inspections

- i. A general inspection examines a cross-section of operational functions and procedures of a particular unit or command.
- ii. A specific inspection is an examination and evaluation of a single function or operational procedure performed either by a single unit or as a process by several units.



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PROFESSIONAL ACCOUNTABILITY BUREAU ORDERS

SOP 2-07

Effective: 07/13/15 Expires: 01/13/16

b. Nature of Inspections

- i. General and specific inspections are designed to provide concise, objective, and relevant information free of the subjectivity often found in information provided through the normal chain of command.
- ii. The focus throughout an inspection is on procedures, effects, and issues; not on personalities.
  - All facts, findings, and recommendations are phrased without reference to particular individuals.
  - It must be emphasized that the focus is on improvement rather than fault finding.
- iii. In the event that a serious or criminal violation by personnel is brought to an inspector's attention, the inspector will:
  - Notify the affected commander immediately.

3. Objective of an Inspection:

- a. The objective of an inspection is to assist all employees of the management team through independent and objective analysis, review, and evaluation of existing programs, procedures, and activities.
  - i. A staff inspection reviews programs to determine whether results are consistent with pre-established goals and objectives; and whether programs are being carried out as planned.
  - ii. An inspection is concerned with all phases of department operations and obtaining a thorough understanding of those operations under review.
- b. To attain overall objectives, inspections include, but not limited to:
  - i. Evaluating compliance of rules, regulations, policies, and procedures.
  - ii. The review and appraisal of financial as well as other operational controls.
  - iii. Appraisal of the quality of performance in regard to assigned responsibilities.
  - iv. Evaluating compliance with established plans and programs.
  - v. Ascertaining the extent to which department resources are accounted for and evaluate safeguards in place to limit losses of all kinds.

4. Response to Inspection Reports

- [6] a. The affected Deputy Chief, Major, Executive Director, Commander, or Division Manager or designee, will respond in writing to the Inspections Unit no later than 30 days after receiving their copy of the inspection report from the Inspections Unit.
- [6] b. Responses to inspection reports will not question the inspection process and/or scope. Responses will either accept or reject that the issue identified during the inspection exists. The recommendation made by the Inspections Unit may then be accepted in whole or in part. Commanders may implement other methods of correcting deficiencies, however they shall document the action being taken in their response.
- [5] c. All inspection reports will be hand carried to the Inspections Unit. No one outside the Inspections Unit is authorized to keep or duplicate an inspection report. M005043



5. Follow-up Inspection

- a. An unannounced follow-up inspection will be conducted 30 to 90 days after the affected Deputy Chief, Major, Executive Director, Commander, and/or Division Manager has responded, to ensure compliance.

B. Audit Unit

1. The Audit Unit is comprised of Quality Assurance Auditors and a Quality Assurance Auditor supervisor. The Unit reports directly to the Administrative Support Bureau Executive Director.

2. Duties

- a. Plan, conduct and monitor compliance requirements
- b. Assure ongoing compliance with quality and Governmental regulatory requirements
- c. Document internal audits, findings, and other quality assurance activities
- d. Evaluate adequacy of quality assurance standards
- e. Interpret and implement quality assurance standards
- f. Collect and compile statistical quality data
- g. Support on-site audits conducted by external providers
- h. Review the implementation and efficiency of quality systems
- i. Analyze data to identify areas for improvement in the quality system

3. Quality Assurance Auditors shall assess:

- a. Quality and timeliness of required reporting submissions
- b. Fulfillment of required training of all personnel
- c. Compliance with Department Standard Operating Procedures
- d. Effectiveness of internal control mechanisms



ALBUQUERQUE POLICE DEPARTMENT  
SPECIAL SERVICES BUREAU ORDERS

SOP 4-09

Effective: 07/08/15 Expires: 01/08/16 Replaces: 11/01/10

## 4-09 OPEN SPACE SECTION

### 4-09-1 Objective

To protect, maintain, and manage significant natural landscapes and cultural resources for present and future generations. To accomplish this objective, the Open Space Section will practice strict enforcement of the law and provide public education regarding the use and preservation of these lands.

### 4-09-2 Definitions

#### A. Open Space

Those lands so designated in the adopted Plan for Major Open Space and acquired by the City of Albuquerque; any other lands so designated at the time of acquisition or subsequently; and any lands for which the city has assumed control or management responsibility by lease, easement, or legal agreement.

### 4-09-3 Rules and Responsibilities

#### A. Areas

1. Since they are cross-commissioned, Open Space officers routinely patrol areas that are not accessible by regular field unit patrol cars, but are not formally declared Open Space areas. These areas include, but are not limited to areas on the "near" Northwest Mesas (generally, the areas bordering the Volcano Park, the Shooting Range, the North Geological Window); the Tingley Beach area; areas near the Manzano Open Space (the Tijeras Arroyo) and infrastructure assets not accessible by passenger vehicle.
2. Open Space Officers will patrol open space lands that are outside of the City of Albuquerque limits and within Bernalillo County. All Violent crimes in these areas will be turned over to the Bernalillo County Sheriff's Office.

#### B. Administrative

1. The Open Space Section will be tasked with assisting the City Parks and Recreation, Open Space Division with facility and park opening and closures.
2. Open Space Officers will be tasked from time to time to conduct visitor programs in cooperation with the Open Space Division.
3. Any mutual aid agreement regarding facility or park opening and closures will be agreed upon by the Open Space Division and the Open Space Commander.

M005045



C. Uniforms and Patches

1. Hovercraft Patrol: Green cover-all type "flight" suit with APD cloth patch and badge clearly displayed
2. Patches
  - a. In addition to the regulation APD patch, Officers assigned to the Open Space Section are authorized to wear the "Open Space" section patch. The patch will be worn in accordance with APD Uniform Regulations.

D. Vehicle Lock-Ins

1. Several Open Space parks are closed at night (i.e. entrance gates are physically secured) by Open Space Officers on a nightly basis. The times of these closures vary with the seasons. As such, vehicles may be found to be in the parking areas after posted park hours and are required to be locked-in overnight. The following procedure will be followed to ensure that the interests of the City of Albuquerque are addressed:
  - a. At the appropriate hour, the Open Space Officer will announce over their Public Address system that the park is closed and that the owners of the remaining vehicle(s) must return to their vehicle immediately.
  - b. The Open Space Division will insure that signs are clearly posted with times of operations are respected parking lots.
  - c. A reasonable time will be given for the return of the owner to the vehicle, considering the terrain and/or weather conditions.
  - d. If the Responsible Party responds to the call to return to the vehicle, a plain view inspection of the vehicle through the windows will be conducted. This is to determine if any signs of criminal activity and/or instances of distress are present.
  - e. The license plate of the vehicle will be run for stolen vehicle reports and/or informational ATL and/or missing person alerts.
  - f. A "Lock-In" form will be completed and prominently displayed on the vehicle's windshield. Officers will not be dispatched to unlock gates. The gates will reopen the following day at 0700.
  - g. The patrol officer will advise dispatch that the vehicle is a lock-in at the respective park and dispatch, in turn, will make a dispatch log note of this information.

E. Search and Rescue

1. Because of the nature of land use by park visitors, search and rescue operations become necessary from time to time. These search and rescue operations have (historically) most often occurred in the Sandia Mountain area. On occasion, however, the need arises for a search and rescue operation in the Rio Grande River involving use of the hovercraft or airboat. The following procedure will be followed during search and rescue/missing person situations in Open Space.



2. For foothills areas call-outs:

- a. The On-Duty Supervisor will be summoned to the area where the reporting party believes the missing person was last seen or known to frequent.
- b. Critical information will be gathered immediately and will include, the missing person's name, description, age; time elapsed since the missing person was last contacted; medications/medical conditions/mental conditions present; the frame of mind of the person when last seen (distress state, etc.); the manner of dress of the missing person with regards to the weather conditions; the familiarity the missing person has with regards to the terrain.
- c. This information will be forwarded to the On-Duty or On-Call APD Search and Rescue (SAR) Supervisor make an on-sight assessment of the situation.
- d. The On-Duty SAR Supervisor will coordinate a search of the immediate area. The On-Duty SAR Supervisor will not use civilian volunteers in the search, this is to minimize the chance of secondary search and rescue missions.
- e. The area command will be notified of the event.
- f. The on Duty Supervisor will request the assistance of the Air Unit if conditions warrant.

3. For Rio Grande River call-outs:

- a. If not on-duty at the time, the SAR/Dive Team supervisor will be notified by the on-duty supervisor of the nature of the call.
- b. The SAR/Dive Team supervisor will gather all pertinent information and determine whether a deployment is necessary with approval from the Open Space Commander.
- c. If a deployment is determined to be required, the SAR/Dive Team supervisor will initiate a call-out for a pilot and on-board observer.
- d. The On-Duty SAR/Dive Team supervisor will coordinate a search of the immediate area. The On-Duty Supervisor will not use civilian volunteers in the search. This is to minimize the chance of secondary search and rescue missions.
- e. If the event requires a swift-water rescue, or potential dive team call out, the APD Dive Team will be notified.
- f. The area command will be notified of the event.
- g. The On Duty Supervisor will request the assistance of the Air Unit if conditions warrant.

F. Sergeants

1. Sergeants shall be directly responsible to the Lieutenant of the Open Space Section.
2. Shall communicate directly with the Open Space Lieutenant and brief team members on all ongoing issues.
3. Shall conduct monthly uniform and equipment inspections for team personnel. Personnel will be evaluated on the following:



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- a. Personal appearance and vehicle condition.
  - b. Equipment both personal and issued that is carried in the assigned vehicle.
4. Shall ensure reports, timesheets, weekly reports and all applicable paperwork are completed in accordance with department guidelines.
  5. Shall ensure that all reports and citations are submitted to the Report Review Unit.
  6. Shall ensure that minimum staffing levels are met on their respected shifts.
  7. Shall approve and disapprove vacation based on the needs of the department.
  8. Shall be responsible for personnel reporting to their assigned district. Shall work the same shift as their team members.
  9. Shall keep and maintain an up-to-date list of phone numbers and addresses of team personnel.
  10. Shall insure that all team members are conducting themselves and their activities within accordance of the department SOP.
  11. Will familiarize themselves with the capabilities and special skills of subordinates.
  12. Will communicate directly with the relieving shift supervisor on issues of the day.
  13. Shall be responsible for training subordinates in leadership in the event of their absences.
  14. Shall be responsible for all directed activity planning.
  15. Shall familiarize themselves with the duties of the Open Space Lieutenant and be prepared to assume command duties in the event that the commander is absent.
  16. Be familiar with all Open Space Areas and Access Points.
- G. Wild Land Fires
1. The Open Space Unit will take preventative action to minimize the risk of catastrophic fires from occurring in the Rio Grande Valley State Park and other Open Space areas. The level of patrol or closure is directly affected by the severity of drought, fire conditions in the Open Space Areas, historic fire information and the Fourth of July holiday.
  2. The Open Space Commander will coordinate with the Open Space Division, AFD, BCFD, and the State Forestry Department to determine the fire danger in the Open Space Areas.



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3. During extreme fire conditions the Open Space section will concentrate patrols within these the high-risk areas to reduce the fire danger.
4. The Open Space Section will investigate thoroughly all calls that involve possible fires or smoke within the Open Space Areas.
  - a. In the event of a fire the Open Space Supervisors will insure that the fire department is notified.
  - b. A Unified Command will be established in accordance with the National Incident Management System (NIMS).
  - c. Open Space Officers will staff the access points that best allow fire equipment to access the area.
  - d. Start an evacuation of park visitors, contractors, or other persons in the area.
  - e. Set up a perimeter to keep non-public safety personnel out of the area.

M005049

**From:** Beth Mohr  
**To:** Joanne Fine  
**Subject:** Sandra Gardner  
**Date:** Thursday, July 16, 2015 9:41:45 PM  
**Importance:** High

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Sandra Garner's email is [REDACTED] and phone is [REDACTED]. If she'd like to change her mind and resubmit her application the deadline is right now, Friday, July 17<sup>th</sup>, she would then have the weekend to complete her writing assignment. -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  
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*The greatest obstacle to discovery is not ignorance - it is the illusion of knowledge. ~ Daniel Boorstin*

**From:** [Silvio Dell"Angela](mailto:Silvio.Dell@Angela)  
**To:** [pmrinc@mac.com](mailto:pmrinc@mac.com)  
**Cc:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net); "Elizabeth Martinez"; "Damon Martinez"; [Vanita.Gupta@usdoj.gov](mailto:Vanita.Gupta@usdoj.gov); Duran, Roberta M.; [kbrandenburg@da2nd.state.nm.us](mailto:kbrandenburg@da2nd.state.nm.us); Duran, Roberta M.; Edén, Gorden  
**Subject:** Secret meeting at Peace and Justice Center Friday-why no publicity? Sham collaboratives, a \$15K rip-off of taxpayers run by City and UNM. Your secrecy.  
**Date:** Wednesday, August 19, 2015 1:10:29 PM  
**Attachments:** [APOA-Willoughby.doc](#)

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**TO: James Ginger-PMR Inc.**

Info to councilors and others shown and not shown

Citizens want to believe the \$4.5+ million of our taxes given you is being well spent. Yet there has been too much avoidance by you and your people of us who have been on the front lines in this reform effort. Just what are you doing with Scott Greenwood and Tom Streicher from Cincinnati whose paycheck is now at \$650K?

Why wasn't your secret planned meeting to be held Friday at the Peace and Justice Center publicized? What is agenda? Is it just another PR scam/stunt like the tax-wasting \$15K City/UNM run outreach collaboratives?

At one of these outreach collaboratives one speaker at Monday's Council meeting confirmed they were indeed scams and mentioned a talk by an APD cop attendee who berated citizens saying we must accommodate APD-not the opposite. He also said APD didn't need the DOJ or you here. They could reform themselves.

A former San Diego police officer sitting on the Police Oversight Board-POB is now trying to justify making a former Milwaukee police officer (who is clueless about Albuquerque and the oversight process) to be the new Executive Director of the new police oversight agency-POA. What else is new?

We continued to get stonewalled on NM IPRA requests and seemingly you don't care. No police recordings-no accountability. The murder of James Boyd was the only exception and that recording likely leaked out.

The media continues to give credibility to another embarrassing/disgraceful police officer-APD union VP Willoughby who was outraged as was attorney "Saul" Bregman that the judge yesterday. Judge Candelaria properly ignored all of the lying and other BS thrown at him by the killer cops' attorneys and their paid to lie "experts" defending Perez and Sandy who murdered homeless camper James Boyd.

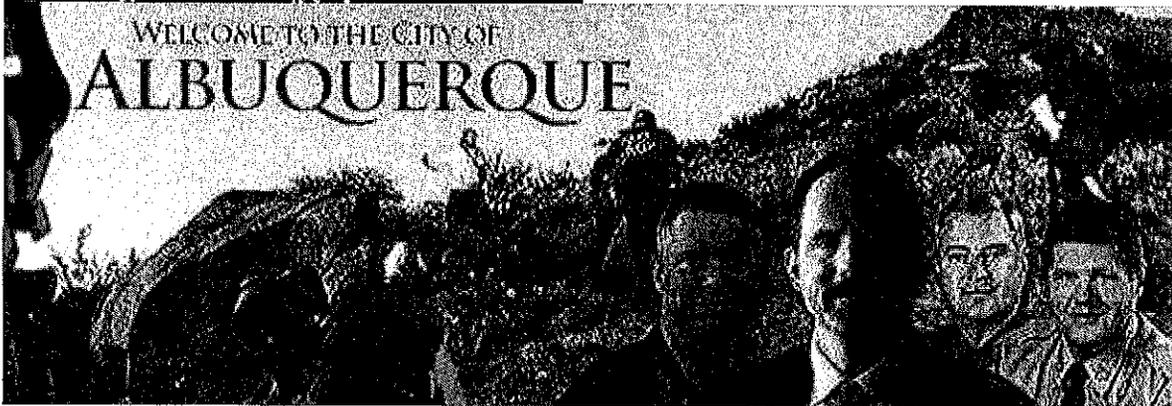
This was the first APD officer ever charged here in 50 years despite the APD bloodbath that has been going on first under Schultz and now under the incompetent Eden.

See Willoughby's beliefs in the attachment. As a former cop, are you part of the solution or part of the problem? We wonder.

M005051

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE  
FORCE IN THIS CITY'S HISTORY**

TO: POC and Task Force on August 20, 2013 by Silvio Dell'Angela-Stop Police Atrocities NOW!-SPAN

FYI is a recent appeal sent out to all APD union officers in response to a recent Eye on Albuquerque.com posting. It was sent out to all APD/APOA union members by Shaun Willoughby -the current APOA VP and its Political Action Committee Chairman. The disgraceful Shaun pretends that another APD officer authored it. It was directed against all honest officers and retired APD Sergeant mayoral candidate Paul Heh who dared break Schultz's and now Banks' oppressive blue code of silence on former Union President Joey Sigala's misuse of APOA dues. One honest officer recipient disgusted with Shaun's "it's us against them" appeal for all to shut up, leaked it to the "Eye" and TV reporter. Note the misuse of grammar and failure to proofread.

Prior to last night's 8/19 Council meeting new Chief Banks apparently asked a number of Councilors who are the willing enablers of police misconduct like Janice Arnold Jones, Trudy Jones and others to honor APD officers for some routine actions. Among the officers recognized was the Leah Kelly-Acata, the shooter of a young man downtown who was only cutting himself with a six inch round-tip butter spreader. The former Leah Kelly-now married, has also been the subject of numerous citizen public complaints (CPC) to the POC and because no recordings were made she was always exonerated. I pointed out to these councilors that they never bother to honor returning military vets who truly put their lives at risk. I am a Vietnam vet.

The disgusting letter from this disgraceful cop/union officer follows:

*Disappointed board member, said...Hello,*

*I would like to say this to all officers.I would first like to voice my displeasure at the comments here and at work by officers against the APOA and it's staff present and past.*

*Everyone wants to judge what we do here. I am sick of it. I am sick of hearing you needy complaining officers bash us, the department, the city and it's leadership. You are all worthless. We work hard at keeping stability and you all do nothing but attack the place and tear it down. You all are the reason for things falling apart. Don't cry about how your money is spent when you all never show up for union meetings.*

*We know who is speaking out against us and you will see. All of you air our dirty laundry. Laundry that should be kept in house. You all give the community ammunition against us. You should know better. This liberal retarded band of vengeful activists called Albuquerque makes me sick. You are no better than them. These bunch of uneducated subhuman animals that constantly attack us, march against us and sue us for no other reason than to fill their greedy pockets so that they can buy more drugs to smoke up and shiny rims for their ghetto rides.*

*You have lost sight of the big picture. We should be backing eachother. For your information, it is us against them! Do half of these so called citizens have jobs? Probably not. They probably have EBT cards though. These entitled lowlifes have the guts to insult us in our house? But you all attack the APOA? As for money being stolen, that should have been handled in-house. There was no reason for that to get out. That was just plain stupid. Everyone here is angry and hateful. I will not standby and accept the trash talking just because we are not backing Paul. He should have left well enough alone. He decided to cross the blue line when he made complaint against a fellow board member. You don't turn on eachother. A rat is a rat. Period. Joey may have been a bonehead, but he was our bonehead. We could have taken care of it, but Paul had to be the hero and take the official route. This caused so much aggravation. Paul is also supported here. This is why we voted*

not to support him. He betrayed us just as all of you shit talkers here do. You cry about representation. You don't deserve representation and he doesn't deserve support. Be happy you have jobs. If you don't like it, quit and join the jobless moochers called Vecinos United and the rest of the entitlement crowd sucking the city dry. Go join the crybabies and see if anyone cares. Just like all of you complainers, these worthless whiners will eventually lose interest when their circus loses it's followers.

In closing, I will say this, nothing is perfect and nobody said life was fair. Get over it! You all deserve what you get. Crybaby people constantly bitching about the police when they contribute nothing to society and cops who are snitches who sell out their own. Sleep in the bed you all made. We do our jobs. Shame is you all have no idea because you are never at a damn meeting.

Cheers!

August 18, 2013 at 4:57:00 PM MDT

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VICE-PRESIDENT-OFFICER SHAUN WILLOUGHBY

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o Committees: Political Action Committee (Chair)

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I became a member of the Albuquerque Police Department in 2002. I have been a member of the Albuquerque Police Officers Association Executive Board for the past 4 years and held the position of CIB representative for 3 years prior to becoming the APOA Vice President in May of 2012. My primary goals in this first term is to bring the APOA to a more solid fiscal position by controlling spending and over hauling our By-Laws to protect the assets of the Association.

Second,I would like to see the APOA more proactive in the community, thus having a positive impact for the citizens we are sworn to protect.

Most importantly, I want to bring that sense of family back to this organization, I want our members to look upon this Association with prideful eyes knowing they have people they Trust in their corner when the time comes. Thank you for the honor and opportunity to serve those who devote their lives serving others.

Shaun T. Willoughby APOA Vice President

**From:** [Moya, Julian N](#)  
**To:** [POB](#)  
**Cc:** [mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com); [Zaman, Jon K.](#); [Melendrez, Chris P.](#)  
**Subject:** Selection of Executive Director of CPOA  
**Date:** Friday, August 14, 2015 3:32:00 PM

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Police Oversight Board Members,

City Council President Rey Garduño has decided to introduce OC-15-25, Selection of the Executive Director of the Civilian Police Oversight Agency, at the City Council meeting on Monday, August 17th and hold it over to the following City Council meeting on September 9th for Final Action.

President Garduño understands the urgency in filling this position, but wants to ensure that the Council has adequate time for each Councilor to review each candidate's material and possibly meet with them. Councilor Garduño also wants to allot enough time for the candidates to arrange their schedules to attend the City Council meeting and be available to answer any questions from City Councilors.

President Garduño appreciates the diligent work of the Police Oversight Board on this issue and he understands the importance of the position, however, he also wants to ensure the Council makes the right decision in order to continue to move civilian oversight in Albuquerque in the right direction.

Thank you,

Julian Moya  
Policy Analyst  
City Council President Rey Garduño  
District 6  
Office: (505) 768-3152  
Cell: (██████████)  
[julianmoya@cabq.gov](mailto:julianmoya@cabq.gov)  
<http://www.cabq.gov/council/councilors/district-6>

M005055

**From:** Silvio Dell'Angela  
**To:** kwalz@abqjournal.com  
**Cc:** rboetel@abqjournal.com; kbrandenburg@da2nd.state.nm.us; Mayor Berry; Eden, Gordon  
**Subject:** So Boetel-the Journal are now on Dominique Perez's defense team? His article today below-No journalistic integrity  
**Date:** Friday, August 21, 2015 2:59:53 PM  
**Attachments:** 8-20-15APOA.doc

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Kent

Info-many others shown and not shown

Reference my e-mail to the disgraceful APOA President Lopez attached .

I guess to reward the Berry administration and APD for the huge chunks of money given the Journal and to your attorney brother, the Journal now even has to join the defense team for a killer cop.

You know that the disgraceful (don't convict Perez) irrelevant information in the Ryan Boetel article is not admissible in court. See my comments to it narrative highlighted in yellow below.

Boetel's was solely intended to predispose any local jurors to find this killer not guilty and justify moving the trial out of Albuquerque. See the APD's ad of the mug shots of the most wanted property crime offenders and the recruiting article below it that documented ridiculous benefits officers receive.

It omitted take home cars for their personal purposes after work and the historical freedom from accountability for crimes they commit. The benefits given to military member who are our real nation's heroes don't even come close.

When will be the one fluff piece on Sandy?

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***Facing murder charge, officer is broke and soon to be jobless (Hopefully after Perez finish his jail sentence)***

*By Ryan Boetel / Journal Staff Writer PUBLISHED: Friday, August 21, 2015 at 12:05 am*

***Dominique Perez is a nine-year veteran of the Albuquerque Police Department with a clean record. Before joining the ranks of APD, the Albuquerque native served in Iraq as a United States Marine and was wounded in battle. (Irrelevant.) He's also broke and on the verge of losing his job as a police officer since he faces trial on a second-degree murder charge, his attorney said Thursday.(Irrelevant).***

*City policies call for Perez to be fired once he is charged officially, which will happen because a judge on Tuesday found probable cause at a preliminary hearing to bind Perez and former detective Keith Sandy over for trial on second-degree murder charges in the shooting death of mentally ill, homeless camper James Boyd.*

*Celina Espinoza, a police spokeswoman, said Perez was on administrative leave Thursday and will have a "due process" hearing, which hasn't been scheduled, before he can be terminated. The hearing, though, is moot, attorney Luis Robles said. "You can always grieve these things, but there isn't much to do," Robles said Thursday. "Given that the judge bound the charges against him over (for trial), he loses his job." (He should and also go to jail)*

*Unlike a lawsuit against police officers, the city isn't paying for Perez and Sandy's defense, Robles said. Defending a case of this magnitude would cost about \$250,000, he said. (Note-all to Robles) Robles said he plans to represent Perez until the end of the case and doesn't expect to receive significant legal fees for litigating motions and defending Perez at trial. (Robles is getting enough already)*

*"All the things that you see happening (so far in the case) are coming out of the pockets of officer Perez and former Detective Sandy," Robles said. Perez "has a family and three young children. He doesn't have anything left to give." (Irrelevant. Many killed by killer Perez also had families)*

*Perez, who attended the University of New Mexico before enlisting, was wounded by an improvised explosive device in Anbar province during his second tour in Iraq. The sergeant who pulled Perez and another Marine from the burning vehicle was awarded the Silver Star.*

*The blast and fire left permanent scars. (What permanent scars? So did Ken Ellis II, Vincent Wood and others killed by APD serve and they-unlike Perez who likely never saw actual combat, came back with PTSD. DA's office or grand jury acquitted all APD killers and even refused to release incriminating video of two cops murdering Vincent Wood.)*

*As a nine-year APD officer and SWAT team member, Perez had never fired his weapon in the line of duty. (Irrelevant-does he get one free shooting/killing of a citizen before being charged for murder?)*

*His fellow officers have rallied to the defense of Perez and Sandy. (Of course-the bad ones). Earlier this year, the police department's collective bargaining unit voted to increase union dues by about \$19 a month to purchase an insurance package that provides officers with criminal defense funds, said Shaun Willoughby, the vice president of the Albuquerque Police Officers Association. A disgrace to the uniform.*

*But Perez and Sandy were already facing murder charges by the time police officers voted on that package, he said. In addition to losing his job, Robles said Perez won't work in law enforcement again. He shouldn't after he gets out of jail. "His career choice of working in law enforcement is over," he said. "Even with an acquittal, his life is ruined." (Really like APD ruined good honest cops-Dawne Roberto, Sam Costales and others? Corrupt former APD Chief Schultz's offenses*

*including TASERGATE were swept under the rug)*

#### Venue change

*The next step in the case is for prosecutors to file formal charges against Perez and Sandy. The officers will then be arraigned and booked into jail before a judge sets conditions of release. Attorneys expect there to be several motions litigated before the case goes to trial. A trial date hasn't been set. Robles said one of the defense's next tasks is to file a motion for a change of venue. If that motion is successful, it would mean the trial would be held outside of Albuquerque. (This disgraceful Boetel fluff piece on killer Perez is to brainwash potential local jurors-give the prosecution/judge no choice but to change venue. When will we read a fluff piece on Sandy?)*

*Perez and Sandy are the first Albuquerque police officers to be charged criminally for an on-duty death since 1977, when Albuquerque police officer James Babich was charged and later acquitted of a manslaughter charge for striking a man with a large flashlight and killing him. (Shows how bad it has been here for almost 40 years and this cop not surprisingly, was acquitted. Yet it's interesting that our disgraceful US Attorney for NM Damon Martinez had former Rio Arriba Sheriff Tommy Rodella jailed within months for merely an alleged assault charge.)*

*Throughout a seven-day preliminary hearing that wrapped up Tuesday, testimony showed officers in March 2014 surrounded Boyd in the Sandia foothills where he was camping illegally and allegedly pulled a knife on two uniformed officers who responded. (He pulled a knife to protect himself against the K-9 dog to protect himself. I would have done the same. A K-9 dog attack is also deemed the use of excessive force)*

*After a three-hour standoff, a group of tactical officers hatched a plan to lure Boyd down a steep slope with his belongings where they would use several less-lethal weapons and take him into custody. The less-lethal weapons were ineffective, however, and Sandy and Perez shot and killed Boyd when a fellow officer got too close to Boyd, who was armed with two knives. (The fierce K-9 dog-not a fellow officer got too close)*

*The K-9 officer testified his life was in danger and that he ducked so the cover officers could fire. (A lie. Dog let loose. Boyd would have to have gotten past the fierce K-9 dog to get to this lying K-9 officer) That's what they did.*

*Perez had arrived at the scene about 15 minutes prior to the shooting. Both he and Sandy fired simultaneously from different positions. (Sandy said in an earlier recorded conversation that he intended to shoot Boyd)*

*Prosecutors argued that Boyd was surrendering and that police used excessive force and were unreasonable, and pro tem Judge Neil Candelaria found there was probable cause to bind both over for trial. (Courageous)*

*Impact on APD*

*Robles said what is happening to Perez will likely make it harder for Albuquerque police to find new recruits. (Not find the good recruits who want to be held accountable for their actions-not expecting to be above the law. Again see overly generous benefit package offered APD officers below mug shots in Journal today)*

*The department is already understaffed and working under a consent decree after a U.S. Department of Justice investigation into Albuquerque police found a pattern of excessive force. (Good APD officers quit-fed up with their corrupt leadership while bad APD officers quit-don't now want to be held accountable for their actions)*

*Albuquerque police's administration couldn't be reached for comment Thursday. (Of course not-but APOA's corrupt leadership always willing)*

*"Why would anybody want to be a cop, especially at APD, knowing, 'This is what could happen to me,'" Robles said. "The (Bernalillo County Sheriff's Office) isn't under the same scrutiny. Wouldn't it be easier to wear tan and green?" (Yes-because BCSO's disgraceful Sheriff Manny Gonzalez doesn't want body recorders for his deputies and there is no citizens' oversight in the BCSO. Gonzalez still allows its deputies to seize incrimination cell phone and surveillance recordings in violation of a recent Supreme Court ruling. Also our NM legislators (particularly former cops Rehm and Pacheco and others) don't have the guts to call for legislation requiring that all NM officers wear cameras. The latter two only wants to reform the judicial system.)*

*Willoughby said the police union will try to raise money for Perez and Sandy. Perez also has an online fundraiser where he has raised about \$12,000. (Who raises money for families of those murdered by APD to cover legal expenses? Not the APOA)*

*"The only thing criminal about his case is what these officers had to go through," Willoughby said. (B.S) "We will do everything we can to stand behind these officers." (APOA supports APD murderers. Even have some exonerated killers on their APOA Board.)*

*Sandy retired while prosecutors were reviewing the case to determine if they would bring charges against the officers. (Eden kept him in APD for months with pay until he was allowed to retire-disgraceful) His monthly pension is \$3,141, according to the New Mexico Public Employees Retirement Association. (Too much for this bad cop)*

*The Journal should be ashamed as it is a willing part of the problem here.*

*Silvio*

*For WE THE PEOPLE*

*A Vietnam vet who doesn't expect preferential treatment by the judicial system like killer Perez*

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Thursday, August 20, 2015 5:16 PM  
**To:** 'swilloughby@cabq.gov'; 'slopez@cabq.gov'; 'office.apoa@gmail.com'  
**Cc:** 'Mayor Berry'  
**Subject:** Your disgraceful APOA Newsletter posting on APD's murderers Perez and Sandy

## **TO: Stephanie Lopez and the rest of APOA's disgraceful leadership**

Info to the Mayor and those not shown including the Chief, City Councilors, media, PMR Inc, DOJ and others

We have watched you and Shaun at Council meetings, at Police Oversight Task Force meetings, at POC police oversight meetings, in TV interviews and elsewhere claiming that those many honest cops in APD's rank and file all believe that police officers are above the law.

They can use excessive force on citizens indiscriminately believing with no recordings being made or those made will be withheld or destroyed that the justice system will always justify all they do.

Well unfortunately for your buddy killer cops Perez and his partner (cleaned up for the hearing to try to make him look respectable) Sandy, for the first time there was one incriminating video and another incriminating audio recording released. The audio recording showed the premeditation on the part of Sandy and the video showed what actually happened-the murder.

The two murdered James Boyd last year who was only holding small knives to protect himself against that vicious K-9 dog that was straining at its leash to get loose to chew him to bits. The dog was eventually released and went after Boyd. That in itself is excessive force. Even some recordings of Boyd's murder were apparently withheld as reported in the attached Live Leak report.

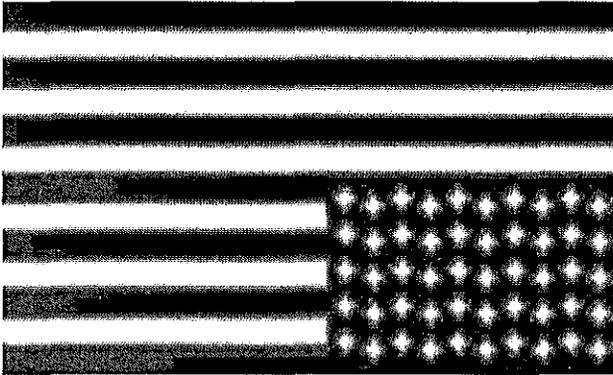
The K-9 officer was never threatened as the dog was in front of him but that's apparently what he was told to say on the stand because lying within APD is blessed and encouraged. The APOA could have taken the high road like the Mayor and say let the jury eventually rule or like Chief Eden refuse to comment rather than defend these two criminal cops.

Every time you and Shaun open your mouths, you make fools out of yourselves! You both are a disgrace to the uniform the many honest APD cops wear. Your APOA Board also includes killer cops who have never gotten punished.

See again the mindset of both of you captured in the August 18, 2013 disgraceful memo sent by the cowardly Shaun to the rank and file who pretended that this UNNAMED "disappointed board member" was other than himself. It reminded all cops in the APOA "*For your information, it is us against them!*"

One honest cop disgusted with Shaun, leaked the memo to us who we are repeatedly told that APD is here to serve and protect us and not themselves. To further insult our intelligence you dared to show the American flag below something neither of you have ever served under but instead have disgraced while APOA leaders.

Let me suggest the flag below (banned from being shown by the cowardly City Council) that better describes APOA's leadership. It is an official US Flag Code sign of distress to the citizens here because of your and APD's other corrupt leadership.



In your newsletter posting, you like Boyd killers Perez and Sandy are so arrogant to believe there will be yet another cowardly jury picked who fears APD retaliation-thus will vote will exonerate these two as the Jury did in the Levi Chavez Jr. murder case and cowardly secret grand juries did in other APD cop murder cases.

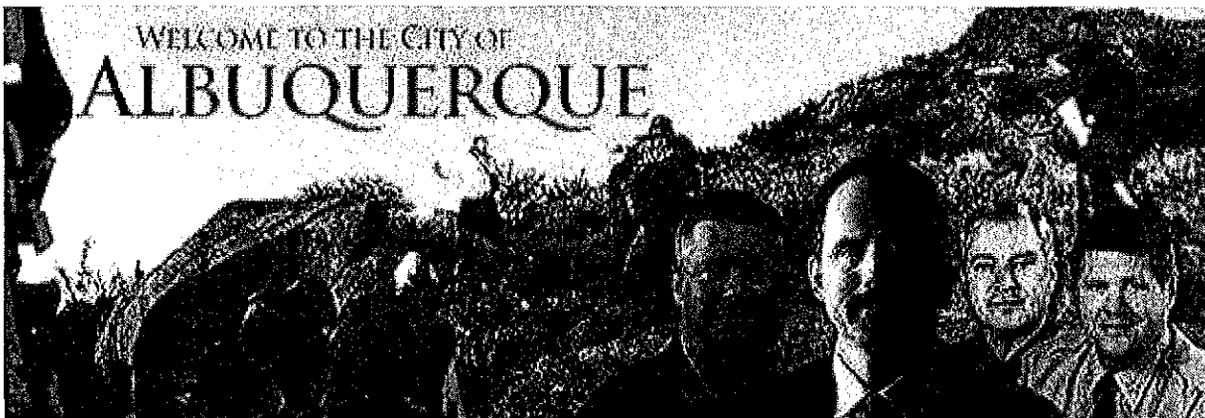
If that occurs, this City will continue to be the disgrace of the nation. You even ask the rank and file cops to look for fundraising opportunities. Why should they give even one dollar to these two?

I'm more than disgusted with you Stephanie for signing that newsletter posting likely prepared by Shaun. I'm glad you finally came out of hiding.

Silvio

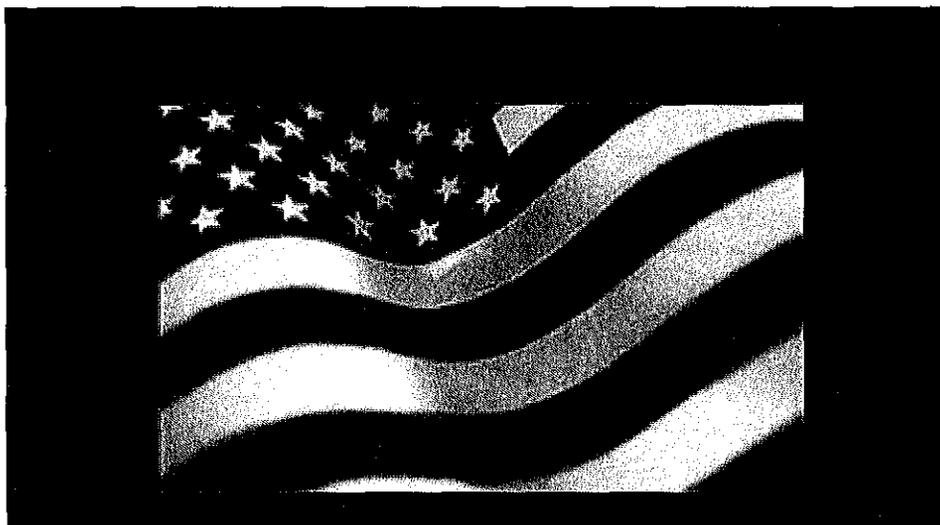
For WE THE PEOPLE

Can it get any worse here?



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE  
FORCE IN THIS CITY'S HISTORY**

**From:** Albuquerque Police Officers' Association <[office.apoa@gmail.com](mailto:office.apoa@gmail.com)>  
**Date:** August 18, 2015 at 8:36:14 PM MDT  
**Subject:** APOA Newsletter  
**Reply-To:** [office.apoa@gmail.com](mailto:office.apoa@gmail.com)



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Dear Members,

We join you in your disappointment over today's decision to hold Retired Detective Keith Sandy and Officer Dominique Perez over for trial for the shooting of James Boyd. As an association, we find it unfathomable that two officers doing their jobs and protecting their community are now being criminally charged.

We must remind ourselves, and everyone else, that the judge in the case only ruled

there is probable cause to send the case to trial and into the hands of a jury. As you know, the standard for probable cause is extremely low. We are confident that when a jury is presented all the facts that they will make the right call and find Officers Sandy and Perez not guilty of all charges.

The Albuquerque Police Officers' Association will continue to support Officers Sandy and Perez through this difficult time, including financially. Both men have already paid tens of thousands of dollars in legal bills, and those costs will only skyrocket as they now must face a drawn-out court battle and trial. Please keep your eyes out for fundraising opportunities and continue to keep these officers in your thoughts.

Stephanie Lopez  
APOA President



*Albuquerque Police Officers' Association*

**From:** [Silvio Dell"Angela](#)  
**To:** [lunar@cybermesa.com](mailto:lunar@cybermesa.com)  
**Cc:** [pmrinc@mac.com](mailto:pmrinc@mac.com); "Elizabeth"; [Vanita.Gupta@usdoj.gov](mailto:Vanita.Gupta@usdoj.gov); [Eden, Gorden](#)  
**Subject:** So you volunteered to be part of James Ginger's toothless APD team of mere "auditors."  
**Date:** Monday, August 31, 2015 8:16:26 PM

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Maria Batista

Is this true? The question is why give Ginger and his team any credibility that they don't deserve?  
It's divide and conquer-or haven't you thought about that?

Disappointed-if true

Silvio  
For WE THE PEOPLE

From: [SBdo.Dell@nash](#)  
To: [SBdo.Dell@nash](#)  
Subject: SBI a third work like City and state-most people and the media really need a reality check if they truly care-want to change it.  
Date: Monday, June 29, 2015 12:26 PM  
Attachments: [community.settlement.brief.edited.by.Jewel.docx](#)  
[6-29and28-15rev.doc](#)

**TO ALL Bcc including our councilors, media, the DOJ, citizens and others-forward this e-mail to others if you wish**

**References:**

- Councilor Dan Lewis' letter on page A11 of Sunday's Journal, "Councilors' actions were timely"
- Eye on Albuquerque blogs-June 22 and June 28-the latest an open letter to monitor James Ginger
- My earlier e-mails and talks to Council on betrayal of the people by them, this administration and the DOJ, the Journal, other in the media who we trusted and more

**GINGER'S ARROGANCE AND DISRESPECT FOR US**

Councilor Lewis was right about James Ginger's bogus excuse. It is yet another example of the arrogance of this toothless monitor who feels only contempt for the people and the Councilors we elected to serve us.

Ginger's "team" includes other former police officers whose first and likely only loyalty is to fellow police officers still working. His team also includes Federal Judge Brack, US Attorney for NM Damon Martinez, others in the DOJ here, the Mayor, his thug CAO, the Mayor's in town and out of town highly paid mercenaries-Scott Greenwood and Tom Streicher.

What Lewis fails to mention is that Ginger and the others arrogantly say is that they do not work for we-the people and for our elected councilors dismissing us all as irrelevant and some like me as their enemies.

We trusting/seemingly naïve all fully expected that the DOJ would represent us and not the Berry administration, the corrupt APD leadership and the APD union leadership all of whom created the police state here. We were wrong!

Instead under a threat of an extended lawsuit against the DOJ during the negotiations with the Mayor's mercenaries Streicher, Greenwood, Jerry Walz and others rather than us and our Council representatives, the DOJ would instead betray us and pass a knowingly toothless agreement that included a toothless monitoring team led by the arrogant Ginger.

**THE DOJ-SO FAR NOT ON OUR SIDE**

Those in the DOJ here have allowed this excessively delayed police to happen throughout the U.S. Reform of bad police departments nationwide always take a long time because the DOJ is too cowardly to force those impeding change like stonewalling police chiefs and their senior staff to be sent packing.

Obviously, it takes a change of city leadership and/or the retirement of bad officers to make change. In any business, the bad people are fired immediately but apparently this doesn't apply to police.

One must look at just who are too often the ones selected to be the DOJ/court assigned monitors? None other than organizations run by former police officers like Ginger who see it as an opportunity to get rich at taxpayers' expense. It's a nice little incestuous racket they have and we taxpayers are the losers.

The City Council allowed \$750,000 of our tax dollars to be wasted on Schultz's two TASER Inc. buddies-Tom Streicher and Scott Greenwood from Cincinnati in yet another contract like TASERGATE, "greased" at Schultz's request by the Mayor. Now we have another \$4.5+ million of our taxes is expected to be wasted on this former Schultz-like cop James Ginger and his team of opportunists/rip-off artists.

Ginger and Mayor Berry would insult us all by saying that since it's a fixed cost (rather than a cost plus fixed fee or other) contract, we shouldn't be concerned whether the \$4.5+ million and four years that Ginger asked Judge Brack for and was granted was even justified.

Even more importantly was whether this toothless/paper generating monitor was even needed. After four years, you can expect him to ask for more. See the June 28 open letter to Ginger in the Eye-attached.

Police organizations like the International Association of Police Chiefs and others meet to exchange ideas. This likely includes how best to discourage/stonewall any reform efforts.

They likely also encourage its still active members to use DOJ reform monitoring companies created by retired Chiefs or senior police officers like Ginger's to monitor reform. Police officer run organizations like the Police Executive Research Forum (PERF) are also the ones of choice to evaluate police forces. This is asking the fox to guard the hen house.

We now even have former cop, now Republican-Berry supporter NM Representative Paul Pacheco going only after the judicial system to reform it rather than also pursuing legislation requiring all state cops to have and use body cameras. Any question where his loyalty lies?

BERNCO's Sheriff Manny Gonzalez still refuses to equip his deputies with cameras and still seizes citizens' cell phones. No video-no accountability.

Further insulting us, the arrogant Ginger would later say that four years at a likely exorbitant cost per team member person was a bargain for their services because the reform of a police force in one U.S. city ripped off taxpayers there for 17 years. To reform former Chief Tom Streicher's Cincinnati police force it took seven years-something that Streicher allegedly fought tooth and nail against.

This disgraceful comparison of his four years with other city reforms by Ginger was like another mercenary-Scott Greenwood telling the Council and us taxpayers that we were really getting a bargain paying him and partner Tom Streicher only \$350/hour as he normally charges \$700/hour.

This does not including expenses that even included paying \$100/day extra for Greenwood's dog to stay with him at hotels. He will return that dog money and his other lavish expenses only because he was caught.

Both Greenwood and Streicher will now rip-off taxpayers for \$750,000 to do just what for us? Nobody really knows and the Council certainly doesn't care or feels helpless to do anything about it. Ginger already has at least one attorney on his team. Why is Greenwood even needed?

**THE SECRET MEETINGS HELD TUESDAY BY THE DOJ AND GINGER WITH MOSTLY SUPPORTERS INVITED**

In her e-mail below, Jewel Hall mentions the 2PM June 24 private meeting hosted by Ginger and the DOJ for a selected few-most of whom have been conspicuously absent/MIA recently in our reform movement and again chose to remain silent that meeting. Neither I nor Tony Pirard or others who have been among the harshest public critics of our unaccountable APD and the corruption here were invited by the DOJ.

Those invited included some family members who received lawsuit settlements and who the Mayor chose to only meet with last year and express his disingenuous remorse for the killing of their sons. Those attending included NM Representative Anthony "Moe" Maestas, LULAC's Ralph Arellanes, Linda Donahue, Ann and Bill Kass, Marla and Nyra, David Correia, Mike Gomez, Ken Ellis, Charles Atasim and a few others.

Jewel was the only one who came prepared and was courageous enough to speak out critically at the 24<sup>th</sup> meeting-likely not welcomed by either the DOJ or Ginger. See her handout to all attendees (attached) also sent to all in the broadcast and printed media. Only KOB replied back to her. Nobody else. Was she deemed irrelevant by these others or far too credible?

Following that 2PM meeting yet another secret meeting held with the "preferred" people that I'm told included another Berry mercenary ABQ's NAACP boss Harold Bailey who set up his own consulting company at Berry's urging to become his designated black spokesperson for the people.

Long time NM bureaucrat Bailey did absolutely nothing to bring the DOJ here and like the other mercenaries handpicked by Berry and Perry, all were willing to sell out we-the people for the right price.

**ACLU'S CREATED "APD FORWARD" APPARENTLY NOW THE MAYOR'S PREFERRED REPRESENTATIVE OF WE-THE PEOPLE**

APD Forward is apparently now the Mayor's and DOJ preferred representative of the people. I have been critical of APD Forward's either naïve or uninformed blessing of the toothless agreement and

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toothless monitor in their June 24 e-mail shown below. This is the reason they no longer want to hear from me.

It seems as if the ACLU that is dependent on contributions to exist often seems too willing to look the other way to the malfeasance and criminal conduct by our public officials including the police here.

What the media and others like those in APD Forward would have us forget is that many years ago under Martin Luther King Jr. Memorial Center's Jewel Hall's leadership we many allies of hers were the ones who assembled the voluminous amount of damning information on APD that eventually brought the DOJ here over the objections of the Mayor.

Along with those of my comrades, Tony (threatened twice to shut up by Damon's US Marshals), Charlie, Dinah, Art, Kathy and others including those represented by the Stop Police Violence in Albuquerque Coalition, Attorney Alan Wagman was also another of our comrades for real change who haven't been MIA. All have been there on the front lines with us at council meetings, at protests and also writing.

Alan Wagman's comments shown below are also critical of APD Forward's (APF) June 24 praise-"exciting time" of the toothless DOJ/Berry agreement was right on target. His was kinder to them than my earlier response to it.

#### THE THUS FAR SEEMINGLY AFRAID-GO ALONG MEDIA

There is no question that the Journal-particularly the editorial page is the mouthpiece for this Mayor. The leaders of our TV stations also seem afraid to challenge the corrupt and dangerous establishment here and the rich power brokers who are pulling the strings-really running this City and State.

Every effort now is also being made to silence/discredit those blog sites like the Eye on Albuquerque and Joe Monahan's and to also discredit/disparage the bi-monthly ABQ Free Press as merely an "underground newspaper." These are the ones including La Hcarita that are brave enough to criticize the corrupt leadership here and tell us the truth.

Most in the media essentially tell us that we should just get used to this third world city that has become the disgrace of the nation. See the attached June 22 EYE posting of KOB-4 efforts to try to discredit the Eye and also discusses the retaliation against an honest cop Dawne Roberto who was fired from APD for allegedly leaking the corruption within APD to the Eye.

Praised by her new boss, APD wants now wants to prevent this great cop-Roberto from still working as a police officer while APD and other killer cops who are fired or are allowed to resign are still keeping their badges. It's all part of the shadow Gestapo here. Punish the critics who tell the truth.

#### JUST FOLLOW THE MONEY

This saying couldn't be any truer than here. We are a city and state that is known nationwide for its culture of corruption and out of control police force whose thug and killer cops are NEVER held accountable. Likely the two killers of homeless camper will go free even though there are incriminating recordings.

While in the Air Force as a commissioned officer, I have lived in NJ, Virginia, Texas, Arizona, Alabama and Mississippi before coming here and none seem to be as bad as here. Those friends I made in Mississippi and others are now saying, thank God for New Mexico.

What those wealthy power brokers who actually run the politics of this City and State here and embrace the culture of corruption tell us is to just get used to it-as things will never change here.

We are also told to not worry about the rampant culture of corruption but instead look at the beautiful sunsets and Berry's great initiatives like his proposed tax wasting \$100 million+ ABQ Rapid Transit system down Central, the big NYC Rockefeller Center-like artificial ice rink, the \$40,000 clock and costly giant orange Adirondack wooden chair in the plaza and his other unjustified spending-tax waste.

Enough said

Silvio

For WE THE PEOPLE

Although threatened, I haven't given up the struggle as I love this City too much

From: JCyrus@aol.com [mailto:JCyrus@aol.com]

Sent: Thursday, June 25, 2015 3:43 AM

To: jcyrus@aol.com

Subject: Dr. Ginger Monitor for APD met with Community Advocates & Concerned Citizens

#### FOR YOUR INFORMATION

James Ginger, Ph.D., the court-appointed Independent Monitor of the Albuquerque Police Department, and his team met with some Community Advocates and Concerned Citizens at 2:00 PM on Wednesday, June 24, 2015 at the USAO ( U.S. Attorney's Office located at 201 Third Street NW, Suite 900) The purpose of the meeting was for Dr. Ginger to discuss with Community Advocates and Concerned Citizens the role of the Independent Monitor and to seek input on how he and his team can best engage with the community. ATTACHED is an Information document ( eight pages) presented to Dr. Ginger, the Community Advocates and Concerned Citizens during the meeting.

Best,

Jewel L. Hall

PO Box 40306

Albuquerque, New Mexico 87196

505-994-2335

jcyrus@aol.com

From: stop\_police\_violence\_in\_abq-request@lists.riseup.net [mailto:stop\_police\_violence\_in\_abq-request@lists.riseup.net] On Behalf Of Charles Arasin

Sent: Sunday, June 28, 2015 7:24 AM

To: stop\_police\_violence\_in\_abq@lists.riseup.net

Subject: Re: [stop] Fwd: Updates from the Front Lines of Reform

Thanks Alan.

I, along with a few others, met with Ginger last week. I asked for a copy of his 309+ page "methodology" that he spoke of in a recent news article. He promised it to me in a few days. As soon as I have it I'll let you all know. Charlie A. Sent from my iPhone

On Jun 25, 2015, at 8:47 PM, Alan Wagman <avramwagman@gmail.com> wrote: Below is the announcement APD Forward sent out earlier this week. Here is my response:

APD Forward has created a reasonably broad coalition of community groups and community members. The coalition is broad enough, in fact, that it probably could have a real impact if it chose to work in public, to work on influencing the public, to work on creating public awareness.

Instead, APD Forward restricts itself, as far as I can tell, to backstage maneuvering with the DOJ lawsuit. However, the problem with the Albuquerque Police Department will not be resolved by a lawsuit. Academic studies have shown that DOJ lawsuits produce reform only where police chiefs want to change. A DOJ lawyer confirmed to me, anecdotally, that DOJ lawsuits do not produce reform where police chiefs and mayors do not want to change. Worse, progress under friendly chiefs backslides when an unfriendly chief comes in.

There is no evidence-or at least precious little evidence-that the police chain of command in Albuquerque is sympathetic to reform. Police Chief Gordon Eden complained that he cannot discipline officers because of provisions in the union contract. Yet Mayor Berry negotiated the current contract, with those provisions, a year ago-- AFTER the DOJ report on APD noted the damaging effects of those very provisions in the old contract.

Unfortunately, our quiescent media doesn't report this. APD Forward, which could have a voice, has been silent. The police contract nominally expires on July 15 of this year. (I say "nominally," because absent a replacement contract, the current contract will likely continue in force.) Will there be pressure to eliminate the offending provisions from any new contract? Will APD Forward be part of that?

Over a year ago, Chief Eden announced that he was creating three new positions at the top of the APD command structure, at a cost of over \$300,000 in salaries per year. He claimed that the three positions were necessary to effect reforms. Yet he placed in one position a former commander of the out-of-control SWAT team. (Bob Huntsman)

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Another position was filled by an officer who had burned a man's ear partially off with a Taser and who was the commanding officer of the 41 officers who surrounded and killed James Boyd. Yet the figures provided to City Council accounting for money spent on APD reform does not appear to include the \$300,000 appropriated for the salaries for these three top-down positions.

APD policy -contrary to well-documented best practices for police - until the last month or so, allowed police officers to shoot into the passenger compartments of motor vehicles. The DOJ report released in April of last year extensively criticized this policy.

Yet as of last month, over a year later, Police Chief Gordon Eden responded to televised reports of a police officer firing at the passenger compartment of a motor vehicle that was not driving at the officer by defending the officer. (There was a 5-year-old child in the passenger compartment, the vehicle was in an apartment parking lot, making stray rounds extremely dangerous to innocent people; and the vehicle was headed out to Rio Grande Blvd, where a wounded driver would have been extremely dangerous.) APD announced that the policy was in the process of being changed.

I just checked the APD SOPs, and in fact, the policy has now been changed -- AT LAST. But why did it take a year? Why did Chief Eden go on television to justify what was in effect firing a gun at a child? How much training have APD officers been given on the new policy? A mere statement from APD Forward that 88 policies have been changed does not raise, let alone answer, these questions. Is silence on these questions really the way "Forward"?

Perhaps APD Forward is not the appropriate vehicle for what I think is necessary. I certainly would not abandon APD Forward or say that its work is not important. But APD Forward is not enough. Only public pressure will create a movement that will go beyond making APD more polite and push instead for real justice.

AW

----- Forwarded message -----

From: APD Forward <[info@apdforward.com](mailto:info@apdforward.com)>  
Date: Wed, Jun 24, 2015 at 11:00 AM  
Subject: Updates from the Front Lines of Reform  
To: Alan Wagman <[avramwagman@gmail.com](mailto:avramwagman@gmail.com)>

The APD Forward campaign has had a busy couple of weeks.

We recently held meetings with Mayor Richard Berry, Chief Gordon Eden and the federal monitor overseeing implementation of the consent decree, Dr. James Ginger. In those meetings, we learned that the first report from the monitoring team is expected this fall, and it will be voluminous -- Dr. Ginger indicated that it will be hundreds of pages. When it is released, the APD Forward legal committee will be ready to assess its contents and provide a detailed analysis to APD Forward supporters and the general public about the state of APD's progress toward achieving the mandatory reforms outlined in the consent decree.

We also learned that:

1. APD has revised 88 of its policies and Dr. Ginger's team has started reviewing the new policies to determine whether they comply with the consent decree (and Eden agreed to provide APD Forward with a list of the revised policies);
2. Dr. Ginger's team is launching a public website to disseminate information gleaned from the monitoring process;
3. Dr. Ginger's team has created the compliance plan required by the consent decree, setting up quantitative and qualitative guidelines for each of the 297 provisions in the decree.

We will be following up with the Mayor, the Chief, and Dr. Ginger soon to track the status of these and other relevant items.

At the same time, APD Forward is working with youth organizers to gather stories from young people about their interactions with police officers. These organizers are planning a town hall meeting in the near future to give Albuquerque's youth a platform for discussing the impact of policing on their lives and how the Albuquerque Police Department can improve its relations with young people. Stay tuned for details about this exciting project.

It's an exciting time. When you have a moment, contact the Mayor and your City Councilor and let them know how important it is to you that they follow through on reforming our troubled police department. Thank you for all that you do to make Albuquerque a better place to live.

The APD Forward Team

<http://www.apdforward.org/>

APD Forward - United States

This email was sent to [avramwagman@gmail.com](mailto:avramwagman@gmail.com). To stop receiving emails, [click here](#).

You can also keep up with APD Forward on [Facebook](#).

Created with NationBuilder, the essential toolkit for leaders.

M005067

Meeting with James Ginger, Ph.D., the court-appointed Independent Monitor of the Albuquerque Police Department, and his team  
2:00 PM on Wednesday, June 24, 2015

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To: James Ginger, Ph.D.

**A Special Request**

**1. Please:**

- Formulate a comprehensive plan to mitigate systemic, institutional racism, barriers and disparities.
  - ✓ "There is a myth in this country, a fable some people cherish because it makes them feel good and demands no moral or intellectual heavy lifting. That myth holds that we are done with race and have been for a very long time; that we overcame, learned our lesson, reached the Promised Land and built luxury condos there." *Leonard Pitts, Syndicate Columnist, The Miami Herald (Albuquerque Journal- June 22, 2015)*
- Include in your plan discussions on how to eliminate the many **exclusionary acts** sustained by insensitive power holders. Formulate and publish a process that gives guidelines on how to work with Community Advocates, Concerned Citizens and the parents and families to define a good system aimed at developing bottom-up solutions for struggling communities and make sure it is available to ALL. See page 6 item G.

The consent decree MUST be a stepping stone to help Albuquerque get off the bottom of all lists. It should begin Albuquerque's move to a top rate educational and health care system, living wages, equality and an end to systemic, institutional racism.

To change Albuquerque's future it is not enough for the consent decree to just address APD's use of excessive and deadly force. It **MUST** address **systemic, institutional racism** and the *structural privilege* that create the conditions that allow police use of excessive and deadly force to continue with impunity. **("Racism. We are not cured of it." President Obama, Friday, June 19, 2015)**

Police brutality and murders are a part of other disparities haunting the poor, people of color, vulnerable families, homeless people and those struggling with addictions.

The work can be arduous and conflict-ridden but the work must be done to make Albuquerque a better place for all of us to live.

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**PERCEPTIONS BASED ON DATA, NEWSPAPER STORIES AND PUBLISHED STUDIES**

There is a strong perception among many Community Advocates and Concerned Citizens that APD engages in racially discriminatory policing. The April 21, 2014 Findings Letter, and its proposed remedies, **was silent** on the issue of *race and discriminatory* policing. US DOJ did not investigate disparities and barriers in the use of force *based on race* or other policing practices, traffic stops, arrests or stop and frisk practices. The Settlement Agreement does

Meeting with James Ginger, Ph.D., the court-appointed Independent Monitor of the Albuquerque Police Department, and his team  
2:00 PM on Wednesday, June 24, 2015

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not contain a prohibition of biased policing. The framework of the agreement excluded community involvement / oversight. With these views, many Community Advocates and Concerned Citizens maintain that, once the reform process rewrites/complete the book on ADP policing (**nothing will change**) that some of the police will go on killing people like some of them did before the reform, but by a new book.

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### STATEMENT OF INTEREST

Dr. Martin Luther King, Jr. Memorial Center (MLKMC) is a self-governing, all-volunteer, non-profit community organization. A Center is being planned for Albuquerque (Completed for the center are the Master Plan, Executive Summary, Aesthetic Identity and Architect Assessment Report).

#### The Center will:

- Utilize the messages of Dr. King as well as other civil rights leaders to inspire citizens to focus on educational improvement and cultural diversity.
- Serve as New Mexico's premier hub of social justice, cultural competency and provide outreach to improve the lives of all communities.
- Serve as a guiding light to children of the region – showcasing and challenging their creativity, improving their academic skills and cultural awareness.

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### QUOTES FROM THE NEW YORKER – FEBRUARY 2, 2015

"A fifth of the Albuquerque's residents live below the poverty line, many of them in the southeast part of the city, which is often called the "war zone."

Wealthy residents tend to live in the northeastern corner, at the foot of the Sandia Mountains. "

"The division reflects the social climate throughout the state, which has the widest income gap between rich and poor in the country."

"A policeman, who once worked for the Albuquerque Police Department for twenty-five years, said that the department "did policing one way in the South Valley, where there were a lot of immigrant families and people of lower socioeconomic status, and we knew we could violate their rights. But we did not dare commit those tactics in the affluent neighborhoods, where we knew they would file complaints on us".

"Since 1987, APD has **shot at least a hundred and forty-six people**.

The shootings looked almost routine to people in Albuquerque.

Few people protested, and no one paid much attention."

"Police violence appeared to be a matter of concern only to Albuquerque's underclass: those who are mentally ill, addicted to drugs, Native American, or Hispanic and poor.

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The US Department of Justice has investigated more than fifteen police departments in the past four years, and its description of police practices in Albuquerque is arguably the most disparaging."

"The problem isn't policies, its people, says a New Mexico State Senator. He thinks the only solution is to clear out generations of bad cops. "Let's get them out of here, let's really start out with a new mentality," he says. "We're gonna be plagued with these guys for years to come. **They know this is all fake.** They can hunker down until the US Department of Justice goes away, and then it will be back to business as usual."

"The city has one of the highest rates in the country of fatal shootings by police.

"Until now, not one of the officers in those 28 killings had been charged with any crime."

"In the past five years, the police department of Albuquerque, a city of just 550,000, has managed to kill 28 people — a per-capita kill rate nearly doubles that of the Chicago police and eight times that of the NYPD."

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**A. *Dr. Martin Luther King, Jr. Memorial Center ("MLKMC") was in the forefront of organizing for police accountability and oversight in Albuquerque.***

MLKMC organized a **temporary/ Ad Hoc Dr. Martin Luther King, Jr. Memorial Center Task Force for Public Safety** (MLKMC-TFPS):

- To Work with the city of Albuquerque
- To call for action from the City of Albuquerque
- To allow the families of victims to tell their stories
- To organize community forums
- To request the United States Department of Justice investigate whether APD engages in a pattern or practice of violations of the Constitution or Federal law. In particular requested the US DOJ investigation focus on use of force by APD, including but not limited to use of deadly force.
- To request the United States Department of Justice investigate **systemic, institutional racism** and disparities in the ***use of force based on race*** or other policing practices, traffic stops, arrests or stop and frisk practices

**B. MLKMC-TFPS petitioned the DOJ over a two-year period to investigate fatal shootings by APD officers. The TFPS consisted of the following organizations:**

- ***Albuquerque Center for Peace and Justice***
- ***Albuquerque Cop Watch***
- ***American Civil Liberties Union-ACLU***
- ***ANSWER Coalition NM***
- ***Dr. Martin Luther King Jr. Memorial Center***
- ***National Alliance on Mental Illness-ABQ-Westside-NAMI***
- ***Vecinos United***
- ***In cooperation with LULAC and the Hispanic Round Table***
- ***Joined by the parents and families of some of the victims***

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**C. The Task Force members asked the US DOJ:**

- To investigate the shootings because they believed that APD lacked accountability and oversight. They believed the problem with APD stems from decades of a ***lack*** of an empathetic social perspective and an understanding of the experience of being poor, of being a person of color, those who are homeless, mental ill and those who are struggling with addictions. They believed that a lot of the problem with APD stems from years of covert race discrimination and indirect race discrimination.
- To include ***racism, barriers and disparities*** in the consent decree. Police brutality and ***murders are a part*** of other disparities haunting the poor, people of color, vulnerable families, homeless and those struggling with addictions.
- To investigate concerns regarding Civil Rights violations of ***racial, ethnic, national origin***, disabled and limited English speakers discrimination and harassment by APD.
- To correct APD's deficiencies because they believed APD was not capable of fixing itself.
- To step in and stop what the Task Force had perceived as the rampant trampling of constitutional rights and criminal acts—often with fatal consequences.

The Findings Letter, dated April 21, 2014, detailed several specific incidents in which the US DOJ found officers had violated the constitutional rights of the deceased citizens. The Community Advocates, Concerned Citizens and the parents and families of some of the victims were encouraged by this action, but after the release of the Settlement Agreement, many have directed that frustration toward the US DOJ and have strongly criticized the US DOJ and the Settlement Agreement. There was a prevailing sentiment that the US DOJ would represent community interests in the negotiations, but some of that sentiment has now changed.

**D. Profound disappointments with Settlement Agreement:**

**First**, many were baffled that the US DOJ did not seek sanctions against APD or discipline of the officers identified in the Settlement Agreement in light of the findings of wrongful conduct by APD. The failure to obtain punitive measures has been a source of great frustration to many who saw DOJ as a means to finally get justice.

**Second**, as to the City's refusal to admit wrongdoing, and the US DOJ's Willingness to enter into a Settlement Agreement without such an admission baffled and perplexed many.

**Third**, many have been particularly baffled by the failure of the City's refusal to acknowledge that it engaged in such wrongful practices.

**Finally**, many have questioned the transparency of the negotiations. They had hoped that a monitor would have broad powers and the authority to substitute its discretion for local elected and appointed officials in charge of APD. Critics may have been

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less critical of the process if there had been transparency and some mechanism in which they could have raised objections directly in the context of the negotiations

The concerns about transparency are another shortcoming for community engagement. Although the DOJ held numerous community meetings and received over a thousand emails concerning APD and the proposed consent decree, and the City held public forums, there was **no requirement** that either DOJ or the **City respond to those providing comments as to the disposition of those comments.**

**E. Many Community Advocates, Concerned Citizens, Activists, Surviving Families and organizations:**

- Believe that the level of distrust could be abated if there was a requirement for US DOJ and the city to sponsor a public comment period after the forums and requirements for DOJ to develop a process for reviewing and responding to those comments.
- Regret that community voices was not or will not be heard by the Court unless they belong to organizations fortunate enough to find/hire lawyers willing to represent them.
- Believe that real police reform is going to require changes that extend far beyond four years and far beyond the consent decree.
- Maintains that, once the reform process rewrites the book on city policing, the police will go on killing people like they did before the consent decree, but this time by a new written book.
- Would like to know from the City and US DOJ, in rendering its decision, to explain *how their concerns were taken* into reaching its decision to approve or disapprove the Settlement Agreement.

**F. RACE AND BIASED POLICING:**

The Findings Letter, and its proposed remedies, **was silent** on the issue of **race and discriminatory policing.**

Community Advocates, Concerned Citizens and the parents and families of some of the victims who brought public pressure on the DOJ to investigate not only sought an investigation of excessive use of force and its use against the mentally ill, but they also **raised questions about systemic, institutional racism.**

Albuquerque is a racially and ethnically diverse city. According to U.S. Census data its population is:

- 42 % White
- 47% Hispanic or Latino
- 5% American Indian and Alaska Native
- 3.3% Black

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- 2% Asian
- and 2% Other
- ✓ Of the 41 police shootings between 2010 and July 22, 2014, nearly half may have involved Hispanics.
- ✓ Many activists believe Hispanics comprise a majority of those fatally shot.
- ✓ Approximately, 7.5% of all the shootings and 10% of the fatal shootings involved African Americans.
- ✓ Hispanics accounted for at least 10 of the 15 civilians in non-fatal shootings in that period.
- ✓ Incarceration rates for New Mexico reflect similar disparate results.
- ✓ African Americans and Hispanics are incarcerated at a higher rate than Whites.

"There is a myth in this country, a fable some people cherish because it makes them feel good and demands no moral or intellectual heavy lifting. That myth holds that we are done with race and have been for a very long time; that we overcame, learned our lesson, reached the Promised Land and built luxury condos there." Leonard Pitts, Syndicate Columnist, The Miami Herald (Albuquerque Journal- June 22, 2015)

**Many Community Advocates, Concerned Citizens and the parents and families urge the modification of the Settlement Agreement to include a provision prohibiting biased policing.**

#### **G. INADEQUATE FRAMEWORK FOR COMMUNITY ENGAGEMENT**

The Community Advocates, Concerned Citizens, the parents and families believe that, in order to truly establish a productive, positive, and effective relationship between the community and APD, the community organizations that requested the DOJ to investigate, and others that have been involved in issues of social justice **must be brought together** in a collaborative process towards reform. The MLKMC Task Force on Police Reform, and its successor, the Albuquerque Coalition for Police Reform, was a coalition of community organizations representing diverse constituents that petitioned the DOJ, from 2011 until the DOJ announced on November 12, 2012, that it was going to conduct an investigation.

**Members of the coalition were not included in the negotiation of the Settlement Agreement.**

#### **H. Sections on community engagement.**

- Those provisions do not clearly provide a framework for Community Advocates, Concerned Citizens, the parents and families of some of the victims to continue to collaborate or engage with the City and the DOJ to foster the implementation of the Settlement Agreement.
- Those provisions do not provide for representatives from community organizations that were involved with the Dr. Martin Luther King Jr. Memorial Task Force for Public Safety or the Albuquerque Coalition for Police Reform.

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- The community representatives as well as the APD officers are to be selected by community representatives **selected by the Mayor in a fairly closed process.** Thus, Community Advocates, Concerned Citizens organizations are not assured of having representatives of their choosing.

***Subsequently, Community Advocates, Concerned Citizens organizations are not guaranteed the opportunity to have a voice that will be heard in much-needed collaborative discussions.***

Some or all of the Community Advocates, Concerned Citizens and the parents and families of some of the victims seek an active seat at the table with other community organizations in access to the Monitor and in partnering with the City to assure compliance with the Settlement Agreement.

Seek a professional method to democratically modifying the Settlement Agreement to provide a structured role for Community Advocates, Concerned Citizens and the parents and families of some of the victims to actively engage in racial justice and police reform.

This actively engagement can provide a meaningful avenue to address the inadequacies raised by many. Such inclusion will undoubtedly further the successful implementation of the Settlement Agreement and reduce the tension and improve the relationship between the community and APD.

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**Dr. Ginger, please tell us about you and your team members familiarity with policing in a racially and culturally diverse community like Albuquerque**

**Diversity goes beyond equality**

- a. What are your team's strengths and weaknesses?
- b. How do they complement each other?
- c. What have you all done in the past to gain the confidence of the police?
- d. What have you done in the past to gain the confidence of the minority/people of color communities?
- e. Your team members diversity:
- f. i.e. law enforcement experience, police reform experience, legal experience with police oversight, crisis intervention for the mentally ill, vulnerable and homeless populations
- g. Familiarity with policing in a city with a substantial Hispanic population, a significant Native American population, and relatively small African American and Asian populations.
- h. Your access to APD
- i. You're independent.
- j. Your office location and Community Advocates, Concerned Citizens access to it.

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**INSTITUTIONAL RACISM, BARRIERS AND DISPARITIES ARE ELEMENTS IN  
APD USE OF EXCESSIVE AND DEADLY FORCE**

"Racism still part of our DNA" **President Barack Obama** – June 23, 2015-Albuquerque Journal, page A3

"Racism, we are not cured of it" **President Barack Obama** - June 23, 2015-Albuquerque Journal, page A3

"We Americans are exceptionally good at evasion when we want to be. Our skills in this sphere are particularly impressive on the matter of race....." **E. J. Dionne Jr., Syndicated Columnist**- Washington Post Writers Group; June 23, 2015- Albuquerque Journal, page A5

"There is a myth in this country, a fable some people cherish because it makes them feel good and demands no moral or intellectual heavy lifting. That myth holds that we are done with race and have been for a very long time; that we overcame, learned our lesson, reached the Promised Land and built luxury condos there." **Leonard Pitts, Syndicate Columnist**, The Miami Herald (Albuquerque Journal- June 22, 2015)

**APD must reform to regain trust**

Letters to Journal Editor- Tuesday, June 23, 2015

THE RECENT LETTERS in support of our police are heartfelt and even inspiring to some degree. However, they miss the point.

Our police have lost the respect and support of the community because of their own behavior. Police statewide have too quickly resorted to deadly force rather than de-escalating a situation; have fired at vehicles containing children; and have spied on and harassed citizens engaged in peaceful protests. They have confiscated phones from citizens recording possible misconduct.

... Individual officers may be performing admirably, but it seems clear that they are handicapped by poor leadership and poor training.

Conditions will not improve until there is a thorough housecleaning of APD leadership and much stronger civilian oversight than anything contemplated now, including oversight of hiring, firing and training.

Apparently that will not happen soon, but until it does, APD officers will not get the respect and support they deserve.

PETER ROGERS, Albuquerque

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Jun 28, 2015

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## Eye On Albuquerque Welcomes Dr. Ginger to Albuquerque

Welcome to Albuquerque Dr. Ginger

June 29, 2015

Greetings Dr. Ginger,

The Eye On Albuquerque wishes to welcome you to Albuquerque. We understand you have assembled a "team" for the Albuquerque Police Department and you and the Mayor's and DOJ's lawyers have agreed the City of Albuquerque will pay you approximately \$4,500,000 to review and report on the City's compliance with the Settlement Agreement. Some of the City Councilors recently questioned whether they could get a better deal, but here you are and \$4.5M is how much we're paying you. You have informed the City you've produced over 300 pages of plans for monitoring and enforcing the Agreement, and all are looking forward to having those documents as soon as possible.

Introducing The Eye

We also need to introduce ourselves, since you don't have any local team members and might not be fully aware of what we've been doing or what our plans are, now you and your team are here. You see, our Eyes are already "monitoring" the City of Albuquerque. And our Eyes are already focused on a kind of "community outreach" that is directly connected to the community, with readers who respond with their own opinions, ideas, and facts. We have a genuinely responsive community with a potential that has only begun to be realized.

To our Eyes; APD policies, practices, procedures, politics, and issues are the topics of primary importance. We believe the corruption, ethical and legal violations, and even the much discussed "systemic deficiencies" in City government have been and are ripe for exposure. We oppose further delay. We share your concern and interest in what will happen to our City and to the Albuquerque Police Department under the agreement between the City's lawyers and the DOJ's lawyers. We believe changes have to happen right now, not over the next four years or more.

We invite you to go back and review our earlier posts and comments. Our Eyes have often been the only ones monitoring and reporting about APD, Taser contracts, ineffective leadership and training, and all sorts of other issues. No matter what you do or how much you're paid; we fully intend to keep doing this work – exposing corruption, seeking truth, telling the stories about what we know and learn, and most important, providing an open forum for public discussion of important facts and issues. The Eye On Albuquerque is a nonprofit BlogSpot.

Hard Work?

Looking at the overall picture, we really don't understand why you have given all of the community the impression your work here with APD should be considered 'that' difficult or why you Dr. Ginger, should be paid so much or need to employ so many team members. As we said, we've been unofficially "monitoring" APD for years, and there's nothing 'that' hard about it.

What makes it hard for us is Mayor RJ Berry, Rob Perry, and maybe a few jealous media people who are always attacking instead of helping us, always trying to punish instead of recognizing us, and who have done everything in their power to force the closure of the Eye On Albuquerque. You and your team, of course, have no such enemies. People yearn for justice, and are generally happy to tell their stories; documents and data are generally available. The hard part is finding someone to listen who is honest and can do something about it.

M005076

## No Pay; Delay?

As reported by one of our TV stations and then in the Albuquerque Journal, you told people attending a public meeting last week that the City Council's failure to approve your pay was holding up your report, delaying it by around three months. We hope you did not intend to excuse the City's delays in complying with the express terms of the Settlement Agreement. We also hope it is NOT your intention to delay the enforcement of the settlement in order to leverage an astronomical amount of money for the services you will be required to perform under the settlement agreement. We don't plan on making excuses or waiting for someone to give us millions of dollars before we start writing about what's wrong. And from what we're hearing, compliance with the Settlement Agreement is almost nonexistent, compliance issues are growing rather than being resolved, and transparency is completely lacking.

Finally, we have to say it: we're all working towards the same goal, but some are getting paid a lot better than others. You're a professional with a 9-member team, getting \$4.5M for four years of monitoring, and this is only one of the projects you're working on; we get nothing and work on our own time without pay. This creates inequalities and no, we are not asking to be paid. We are merely pointing out issues such as now when we're all waiting for the lawyers, the judges, and the City officials who we've elected and appointed to start doing their jobs, start earning their pay, and start cleaning up the City and its police department. As you can see; when we see something that is wrong or gives the appearance of impropriety we will call it like it is. The settlement agreement is about ethics and morality; you need to set the example and step up to the plate.

So we do welcome you, Dr. Ginger, and your team of professional monitors. And we're going to be looking very carefully at what you and the team says and does, just as we expect you will be watching us and listening to what we have to say. Please let us know when you're ready to get started.

Sincerely,  
The Eye on Albuquerque

Posted by [Stealth](#) at [6/28/2015 09:50:00 PM](#) [No comments:](#)  [Links to this post](#)

Labels: [Dr. Ginger](#)

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Jun 22, 2015

### **How does the Media Pick and Choose?**

In a recent story carried by KOB 4 ([READ IT HERE](#)) the media picks and chooses how they wish to put a "spin" on a story for their ratings benefit. They selected to bash an APD officer who enjoys praise as a "terrific employee" and on the other hand paints APD and City leaders as victims.

How is it that APD, who is now under Federal control, the victim? How is it that ex-chief Schultz is facing criminal indictments, the victim? How is it that droves of top brass have fled in fear of the collapse of APD, now the victims? How is it that Richard J. Berry who has lead the City of Albuquerque to be one of the worst City's in the United States of America for crime, now the victim? The fact is; APD Administration and the City leaders are not the victims; they are the offending parties. This is not hearsay these are facts.

The opening statement of the story states, "...a blog used to disparage the Albuquerque Police Department and city leaders..." the facts don't lie; APD Administration and City leaders have failed the community and the Eye On Albuquerque has called them out on their devilish deeds. How does this

become disparaging? Do the job you were hired to do, do it right and do it morally correct and you will never hear anything from the Eye On Albuquerque.

The second paragraph of the story states, "...operating under the screen name "Stealth" to write hateful, embarrassing and often untrue posts on the website 'Eye on Albuquerque.'" There is nothing hateful about the truth. If an APD Administrator or City leader gets embarrassed for conducting themselves or City business unethically; they deserve to be embarrassed. As for the "untrue" statement; please back it up with facts. The Eye On Albuquerque does not post a story until they have two different and separate sources to verify what has been stated. Our stories have stood the test of time and time has shown and proven; our stories are and have been true. Simply stated here our critics; put up or shut.

By telling the truth the Eye On Albuquerque has never:

- Diminished public trust and confidence in APD
- Personally attacked APD's leadership and city leaders
- Lowered morale at APD and used bad judgment
- Used information learned while on duty against APD

However, these are the legitimate and Bona-Fide charges against APD Administrators and City Leaders. This action against Roberto isn't personally motivated or a personal attack? The hope was to silence the "Whistle Blower." Now that the facts are straight; ask the DOJ why they took over the APD by a forced Federal court action?

One final thought on this story. The Eye has been told APD Administrators and City Leaders solicited assistance from the Federal Bureau of Investigations (FBI). How is that APD Administrators and City leaders managed to get the FBI involved in an employment action but they can't get the FBI involved in solving a rape or murder? If this does not prove beyond a reasonable doubt the City will stop at literally nothing to silence their critics; nothing will. The ADP Administrators and City leaders who sought assistance from the FBI should be prosecuted for gross negligence. The DOJ should now focus their attention on why the Federal Bureau of Investigations would waste valuable resource on an employment action.

PS- Here is a question that should be asked about the hearing officer, Pete Camacho. It is clear to us Camacho was unsure in his own decision stating: "I find [Roberto] did commit acts that indicate a lack of moral character that would adversely affect her ability to exercise the duties of a certified law enforcement officer." Read what he was thinking and expressed in his opinion; "...did commit acts that *indicate* a lack of moral character..." We must ask; what does Camacho mean by "indicates?" If Mr. Camacho was given clear and convincing evidence the statement should have stated: "I find [Roberto] did commit acts that *exhibited* a lack of moral character that would adversely affect her ability to exercise the duties of a certified law enforcement officer." The word indicates of a suggestive nature and is not believable. Since the hearing Officer, Pete Camacho is unsure of his own opinion, did someone "grease the wheels" like Schultz did for Taser?

And yes, the Eye On Albuquerque is alive, well and very active.

Posted by [Stealth](#) at [6/22/2015 08:38:00 PM](#) [13 comments](#):  [Links to this post](#)

Labels: [APD Admin](#), [Officer Dawne Roberto](#), [Pete Camacho](#), [Richard "RJ" Berry](#)

**From:** Silvio Dell'Angela  
**To:** wquigley@abqjournal.com  
**Subject:** Stop cherry picking mythology-Get off Garduno's PC bandwagon please-NO INDIGENOUS PEOPLE HERE AND COLUMBUS IS NOT THE DEVIL INCARNATE  
**Date:** Monday, October 26, 2015 1:43:20 PM

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## Winthrop

(info to many Bcc)

Reference your <http://www.abqjournal.com/665481/news/let-go-of-mythology-to-attain-justice-in-us.html> today

For one who claims to be critical of mythology we have seen you hypocritically promote mythology here in the city and/or ignore what's really mythology

For example, your claims that Berry's and Rizzieri's tax wasting \$100+ million ABQ (not) Rapid Transit (ART) system is justified and would also be an economic engine along Central was pure mythology as you know.

Other real myths that you chose to ignore includes:

1. That your Journal is really an "Independent" newspaper. (see Joe Monahan's posting today on the Journal's Teflon-Pinocchio poster boy Berry)
2. That this Mayor, his CAO, his APD thugs, the DOJ, the toothless monitors in PMR Inc and Federal Judge Brack are really are committed to real APD reform.
3. That real APD reform will occur without a change in not only City but APD leadership.
4. That there is both transparency and accountability in this administration particularly in Berry's (proven to be corrupt) APD leadership/Command staff
5. That our elected allegedly non-partisan City Council are really not apathetic to the problems here and are willing to represent us rather than this Mayor
6. That the contribution of Martin Luther King Jr. to America was more than either of our WHITE Presidents George Washington who led our revolutionary army and Abraham Lincoln who signed the Emancipation Proclamation and thus deserved that his birthday be named a holiday unlike these two WHITE Presidents
7. That Alan Garcia's irresponsible actions never contributed to the road rage death of his beautiful daughter Lilly Garcia

You might also learn something if you routinely check out the Eye on Albuquerque <http://eyeonalbuquerque.blogspot.com/> and Joe Monahan's blog postings <http://joemonahansnewmexico.blogspot.com/> and the ABQ Free Press [www.freeabq.com](http://www.freeabq.com) -all willing to tell us the truth-unlike the Journal.

**YOUR PANDERING "UP FRONT" ARTICLE TODAY THAT ENDORSES GARDUNO'S DISGRACEFUL PROCLAMATION IS BASED ON REAL MYTHS**

In previous e-mails I urged citizens as well as those on the Council to "not suffer fools gladly" but that's what you and five other Councilors did when blessing Garduno's secret proclamation replacing Columbus Day with NOT "Indigenous Peoples Day."

Garduno's reasons for doing so insulted the intelligence of all here as a recent Journal editorial pointed out. Have you now become Garduno's champion?

As a son of poor Italian immigrants who considered themselves Americans-not Italian-Americans, I resent the demonization of Christopher Columbus by you and Garduno (like fellow Berkeley and Portland historical revisionist) as being responsible for the genocide here and you also asserting that some of his supporters included those supportive of Mussolini's Fascist movement.

Columbus was an explorer like others Spanish and other explorers who came before and after him. Was he and Spanish and other explorers any different than astronauts who are also brave enough to put their lives at risk exploring new worlds?

Don't you wonder why our Governor and Mayor Berry refuse to embrace Garduno's lies?

The words underlined are pure lies while the truthful ones that contradicts Garduno are highlighted in yellow. You choose to cherry-pick your sources while ignoring others. You cite "Irving, Pope, Laurino, Morison? and some unnamed "recent historians" and "modern scholars"? Another Journal example of unethical journalism! Get a reality as well as P.C. check Win!

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<http://www.abqjournal.com/665481/news/let-go-of-mythology-to-attain-justice-in-us.html>

### **Letting go of mythology will help U.S. achieve justice**

By Winthrop Quigley / Journal Staff Writer Monday, October 26th, 2015 at 12:05am

*Six Albuquerque city councilors signed a proclamation a couple of weeks ago asking the citizenry to observe Indigenous Peoples' Day on the day that the federal holiday calendar calls Columbus Day. The wording of the proclamation is fairly ??? neutral.*

*It says that the city has long celebrated the contributions of New Mexico's Native Americans to the state and the country, and that the 1950s-era school-kid understanding of Christopher Columbus's voyages to the Western Hemisphere needs correcting.*

*There is no mention of the Long Walk of the Navajos, the enslavement of pueblo people or amputation of the feet of Acoma men in retaliation for their revolt against Juan de Oñate's abuses. There is no mention of wars, rapes, starvation and theft of lands at the hands of Europeans who followed Columbus to the Americas.*

*Council President Rey Garduño, who sponsored the proclamation, told the Journal in an interview earlier this month, "If somebody is going to celebrate genocide, I have every right to push back by celebrating humanity on the same day. For me, this is a human rights issue and a social justice issue."*

*Garduño later apologized for saying city councilors who did not sign the proclamation were cowards. Those councilors said they wanted the matter to be offered as legislation so it could be debated. Last week, Garduño drafted an ordinance that would establish a policy for the recognition of (not) Indigenous Peoples' Day. The legislation is expected to be introduced soon, according to the council's website.*

*In microcosm, this is the tension that Americans have lived with for centuries. A holiday that in a southwestern city looks like a celebration of genocide is in big Eastern cities a celebration of Italian America. This is a nation of victors and victims, and of countless ethnicities and nationalities, countless religions, countless languages, countless philosophies. The challenge is keeping such a messy, chaotic country together.*

*The idea that Columbus was a kind and generous friend ??? to the Indians he met when he landed in the Americas dates from at least 1828. Washington Irving mythologized Columbus in his book "A History of the Life and Voyages of Christopher Columbus," a work more recent historians have found owed more to Irving's imagination than to the historical record. Modern scholars ??? say the work was part of Irving's larger project, embodied in most of his writings, to encourage American nationalism by creating an American mythology.*

*Irving's Columbus myth was virtually all anyone knew of the man until 1942, when Samuel Eliot Morison published a new biography. By that time, Columbus Day was a national holiday, in some measure, and perhaps in large measure, because of the reliance of New Deal Democrats on the votes of immigrants and their descendants.*

*Italian immigration into the United States surged in the late 19th century and continued until around the beginning of World War I. As strange looking (to northern European descendants, anyway) Roman Catholics whose native language was not English, the Italians faced more than the usual discrimination that awaited immigrants.*

*Like other immigrant groups, Italians organized to achieve two things: protection of their community from violence and discrimination, and acceptance as Americans. Among the organizations working toward those goals was The Knights of Columbus, formed in 1882 and named after the one Italian who the country as a whole believed had been part of America from the beginning.*

*Maria Laurino, a historian ??? of Italian America, says that a number of groups, including some supportive of Mussolini's fascist movement, pressured ??? President Franklin Roosevelt to honor Italians by honoring Columbus. Among those lobbying Roosevelt was Generoso Pope, publisher of an influential Italian-language New York City newspaper who cultivated and advised many politicians, Roosevelt among them.*

*Laurino characterizes the establishment of a national Columbus Day in 1934 as "the result of decades of political jockeying to buy favor with the Italian-American voting bloc." That Columbus' men raped Indian women and pillaged native villages does not appear to have been*

on anyone's mind at the time.

*The Washington Irving's creation myths are not the only myths out there, of course. It is a myth that Europeans found and destroyed Utopia when they arrived. Indians enslaved other Indians, waged wars and engaged in human sacrifice long before Columbus was born. It is a myth that there are indigenous people in the United States. The ancestors of Native Americans migrated here, too.*

*Myths, however one might wish they were true, cannot be sustained. We know the horror Native Americans faced during the Spanish conquest and the American push to the Pacific. We know that the horror of slavery became the horror of Jim Crow and the lynch mob. And we know that the legacy of these horrors remains with us in the form of poverty, discrimination and violence. Our nation will succeed only to the extent that values replace mythology. Those values must include a respect for the whole truth of American history, ??? a commitment to justice for all Americans, and gratitude for all of the people who by coming to this place made America the nation that it is and who will make America the nation it can be.*

*UpFront is a daily front-page news and opinion column. Comment directly to Winthrop Quigley at 823-3896 or [wquigley@abqjournal.com](mailto:wquigley@abqjournal.com). Go to [ABQjournal.com/letters/new](http://ABQjournal.com/letters/new) to submit a letter to the editor.*

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**YOU SHOULD BE EMBARRASSED WITH THIS PROPAGANDA PIECE TODAY-SO TYPICAL OF THE JOURNAL.**

**I HOPE AT LEAST FIVE COUNCILORS BURY THIS PROPOSED REVISIONIST PROPAGANDA PIECE AT THEIR NOVEMBER MEETING AND NOT SUFFER THIS FOOL GLADLY!**

Silvio  
For WE THE PEOPLE

P.S.

I would have written a letter to the editor of Journal on this but knew Herrera, Westphal and boss Kent Walz-as in the past, would never publish it.

**From:** Contreras, Michelle  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown  
**Cc:** Hammer, Robin  
**Subject:** Super Shuttle for NACOLE Conference  
**Date:** Tuesday, July 28, 2015 8:47:21 AM

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Good morning POB Members:

The City of Albuquerque will not be paying for rental cars in California. Here is the information for you to book your own shuttle: <http://www.supershuttle.com/>

If you choose to purchase a rental car with your own money, you must notify us so we can alert City Risk Management.

Please let me know if you have questions.

Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** THE BIG LIE TOLD US-POLICE OFFICERS ARE HEROES AND ABOVE THE LAW-UNACCOUNTABLE. WHY APD REFORM HERE WILL NEVER HAPPEN  
**Date:** Tuesday, September 08, 2015 1:46:17 PM

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**ALL**

(including the DOJ, City and BERNCO leader, State legislators, the media and citizens)

#### References

- My Friday, August 28, 2015 e-mail *'The self proclaimed "Heroes" luncheon yesterday and Schultz's former Commander Candelaria embarrasses himself*
- My August 30, 2015 e-mail, *"Now it's the embarrassing retired Captain Gilmore (one of Schultz's minions) who embarrasses himself in his letter to the Journal yesterday.*
- My September 6 e-mail- *"Permitting the foxes to guard the hen house. Will it be more of the same at Wednesday's Council meeting? Bill OC-15-25"*

**KUDOS TO THOSE ACKNOWLEDGING OUR REAL HEROES-OUR MILITARY VETS WHO TRULY SERVE AND PROTECT US**

Kudos to those who recognize our military vets and make an effort to honor them-recognize their service like Smith's food stores, like KOAT, UNM and others. Smith's is now making a special effort to hire returning vets while the others are supporting the Wounded Warriors fund in addition to FINALLY recognizing other vets as our real heroes.

APD's and other NM cops who haven't made a career in the military (as had recently killed Rio Rancho officer Greg Benner) nor their family members even have a clue what real service and sacrifice "to serve and protect" us really requires of them.

We who served were required to be away from our families on temporary duty for extended periods of time-often for a year or more in a real war zone-not like the pretend war zone that cops would have us believe we have here. We had to move our families often and when in the US, we didn't have a take home car for our personal use when off duty.

I was required to move my family to six different states, to Europe and just me to Vietnam serving there in 1969 and 1970. We also didn't have the big pay and a generous benefits package local cops have. Unlike cops, if we did something wrong, we could expect a punishment in accordance with US Code of Military Justice that might include a court martial. Not so with APD's and other NM cops.

Those of us who returned from Vietnam like African American Vincent Wood who came back with PTSD and other vets murdered by APD, were spit on not given parades as heroes as are police officers here. Hero honors were even given by the police to two local police officers who killed themselves when driving their police vehicle and motorcycle recklessly.

M005084

Unlike police officers here, the DAs, judges and juries also didn't view us vets as above the law and permitted us to use excessive force including killing people here.

Those who are part of our judicial process are not only swayed by this constant hero propaganda/special treatment of police officers but many justifiably fear retaliation from police officers if they dared to charge and jail cops. It's no accident that not even one metro area police officer has yet to be convicted of excessive force including a murder.

#### **WHEN WILL THE DISGRACEFUL PRO-COP "HERO" PROPAGANDA TO CITIZENS END?**

Contrary to the propaganda coming out of APD and some in the media, police officers are not deserving of being called heroes just for putting on their badges. Police officers are not even among the top five most dangerous jobs in America. Less than half of our APD officers are out on the street but are doing other untold to us things.

It wasn't enough that the Journal reporter Ryan Boetel joined APD's cop Dominique Perez's defense team when doing a fluff/propaganda piece on this James Boyd's killer. Ryan claimed that since this cop was a hero and his attorney essentially bankrupted him with his excessive defense charges, Perez has already been punished enough and should not be convicted and sent to jail. Apparently to Ryan and those in our judicial system, every hero APD cop apparently gets at least one free murder of a citizen before convicted and sent to jail.

Note that APD officer Adam Casaus (whose wife is a dispatcher for the BCSO) while off duty killed young Leslie Browder while blasting through a red light then would lie claiming he was chasing a drunk driver. What was his punishment-just a slap on the wrist-three months in prison for just careless driving and not for his blatantly reckless driving. Why? Because Casaus was deemed a hero.

In my August 28 e-mail I discussed the comments made by Schultz's former Commander-now US Marshal Conrad Candelaria who at an annual heroes luncheon for all police officers called for NM legislators to make their killings a hate crime. Was Candelaria one of the two US Marshals sent by US Attorney for NM Damon Martinez to the home of activist Tony Pirard to threaten him.

Tony's only "crime" was to dare to publicly criticize Candelaria's boss Martinez, Judge Brack and others who betrayed us with that toothless reform agreement orchestrated by Berry, Perry and their two Cincinnati mercenaries-Scott Greenwood and its City's former police chief Tom Streicher.

Streicher's Police Department was also investigated by the DOJ and did his best there to stonewall every DOJ reform and even after seven years of DOJ "monitoring" after his departure. It's still not reformed. In 2013 Schultz would likely urge his two TASER Inc Cincinnati buddies to form a consulting firm promising them that he would "grease" this negotiation contract with Berry. Eden was not allowed to be involved.

Schultz earlier had done the same when the Mayor greased the no-bid \$1.9 million camera and proprietary software buy with employer Taser Inc. while still on the city payroll. City Auditor Yoshimura was forced to change her scathing report of TASERGATE and sweep it under the rug with nobody punished here. Just a "teaching moment" for the City's procurement folks-I guess.

Even former Milwaukee cop Ed Harness who disgracefully is the Police Oversight Board's top choice to be the next Executive Director of the City's Police Oversight Agency said during his interview that he believed a cop's life was much more important to save than that of any citizen.

Harness would say in his resume that police have a "*special place in our society*"-are not just public servants here hired to serve and protect us. You saw my e-mail yesterday and earlier ones about the foxes (cops) being allowed to guard the henhouse-(judge fellow officers' actions against us). It mentioned Harness as just one of the foxes if approved Wednesday.

#### NO TRANSPARENCY-NO ACCOUNTABILITY FOR OUR NM COP "HEROES"

APD's corrupt leadership that promotes this hero worship beginning in the Mayor's office will make sure that no incriminating video or audio recordings are ever released to the media or to the people. More often than not, the media doesn't care nor do those in the DA's office. So, no recordings-no punishment of the killer cops. Business as usual.

With the exception of the murder of homeless camper James Boyd by Perez and Sandy, there has been not even one recording ever released showing an actual APD killing of a citizen. PMR Inc.'s Judge Brack's (primarily retired cops) monitors/"auditors" have shown that they don't care either about this withholding of public records by APD including recordings. This is because for its \$4.5+ million, PMR Inc. only is required to report to Judge Brack just once a year and never to us on APD's reform progress.

A recent "Live Leak" internet posting sent me and forwarded to you also revealed APD's destruction of other recordings made during their murder of Boyd who was only protecting himself against the K-9 dog. See [http://www.liveleak.com/view?i=b19\\_1406012736#AwZiqcT7vXDsvvfX.99](http://www.liveleak.com/view?i=b19_1406012736#AwZiqcT7vXDsvvfX.99) "*PROOF - APD Covered Up Production of Videos of Shooting of James Boyd*"

Such recordings if not withheld or intentionally not made, might also confirm that our trigger happy APD officers bring throw down guns to put next to their victims' bodies to try to prove they "felt threatened"-the magic words they are all told to say.

Mary Hawke's murder by cop Jeremy Dear with the help of his partner/accomplice, now APD spokesman Tanner Tixier would be one good example of this. Little Tixier can be counted on to parrot the lies given him by Eden and others while always speaking out of the side of his mouth-much like a gangster.

APD's former NM IPRA stonewaller Reynaldo Chavez is now suing APD because Berry's personal attorney Jessica Hernandez's equally corrupt minion Kathryn Levy allegedly directed him to bury

recordings and other records showing APD's cover-up of the murder of civil rights attorney Mary Han that APD would claim was a suicide. See today's KRQE report below.

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Former Albuquerque employee says city hid evidence in high profile cases By Claire Mena  
Published: August 28, 2015 Family of deceased Albuquerque civil rights attorney files new lawsuit

*ALBUQUERQUE (KRQE) – A former Albuquerque Police Department worker in charge of releasing public records says top city officials hid or got rid of evidence in high profile cases. The claims came to light in the case of Mary Han. Police ruled the prominent attorney's death a suicide, but her family claimed murder and said police botched the case. Han's family requested everything from APD's investigation. The former APD custodian of records, Reynaldo Chavez, says he was told by city attorney, Kathy Levy not to give the Han family any information. Chavez says the information exists and is kept on a separate database. He says he is worried APD will destroy the evidence. Han's family has filed an emergency motion and wants the information handed over to the court to preserve. The city (Who in the city-Levy?, Jessica Hernandez?) says the allegations are from a disgruntled former employee and are outlandish." The hearing on emergency motion will be this Friday, Sept 11th at 11AM in District Court. Judge Butkus, court room 502.*

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Many feel that APD was likely implicated in Mary's murder because they believed she had incriminating information on APD cops and high ranking city officials, possible customers of an on-line prostitution service. Some citizens also believe APD officers were involved in the murders of women buried on the West Mesa-the reason APD has shown no urgency in finding their killer(s).

Unlike California and elsewhere, our embarrassing US Attorney for NM Damon Martinez also doesn't want his US Marshals like former Schultz Commander Conrad Candelaria to carry body cameras. With no recorders/recordings-they all know that they will never be held accountable-charged. This is just like the still unaccountable BCSO deputies working for the embarrassing BERNCO Sheriff Gonzalez.

In today's Journal, the mother of her son killed at the Los Altos skate park claims in the article, "*He didn't have a gun*" that APD won't release their seized cell phone video of her son being shot in the back. APD chooses instead to believe the statements of the shooter who managed to dispose of his gun. I guess this killing of an African-American boy didn't deserve an honest APD investigation and transparency.

Last week a reporter for KOAT-the Journal's TV partner did yet another propaganda piece promoting hero cops. The reporter would even interview (Eden's-while in Santa Fe) handpicked disgraceful head of the NM Police Academy-Jack Jones who also demanded that we should view all cops as heroes.

Just Google "Warning to Residents of New Mexico: Your Police Are Being Taught to Use More Deadly Force" Posted on February 23, 2014 by Lily Dane, a staff writer for The Daily Sheeple. Her published goal is to help people to "*Wake the Flock Up!*" Lily talks in detail about "them against us" NM Law Enforcement Academy boss-warrior Jack Jones.

An extract of it reads: "*The New Mexican* filed a request under the Inspection of Public Records Act for a copy of the academy's new curriculum. Jones wasn't having it. He said he doesn't plan to release it because criminals could use the tactics taught to cadets against them. "*I'll burn them before you get them,*" he told *The New Mexican*.

Jones says officers need to be prepared for violence and justifies training officers to use more force because there are so many bad guys out there." "*Evil has come to the state of New Mexico, evil has come to the Southwest, evil has come to the United States.*" Lily says "*I agree with Jones' opinion that evil has arrived in New Mexico, but I doubt we agree on the source.*"

In addition to Schultz's and now Damon Martinez's Conrad Candelaria, my referenced August 30 e-mail discussed the Journal letter to the editor by Schultz's former Captain David Gilmore who preached we are not doing enough for APD officers claiming we taxpayers now have to pay for 1500 APD officers to solve their response problem here.

One of the first things the clearly incompetent Eden should have done when taking over was to better utilize the officers he had but instead he had to be directed by the DOJ to do this. Less than one half of APD officers are on the street and far more than believed necessary are routinely dispatched to priority calls for service.

Over 40 heroes were dispatched to the East Mesa for well over two hours before two murdered James Boyd. Since it was getting dark it was important that they all get home to their families, Perez and Sandy just had to kill him-who was just deemed "human waste" as APD cops considers all of our homeless.

Not to be outdone in this hero worship effort, the BERNCO Commissioners are now wasting \$800,000 of our tax dollars to build two memorials for cops while one already exists in Santa Fe. Why did they stop at just funding two police officer memorials in the metro area?

Why not fund one in each County Commission District wasting yet another \$1.2 million? Not one County Commissioner had the guts to demand that Gonzalez buy body cameras. Neither Sheriff Gonzalez nor the Commissioners also want any citizens police oversight agency.

#### THE GOOD RETIRED APD COPS

Unlike Candelaria and Gilmore, retired cop Sam Costales is one of the good guys. Google "*Ex-APD officer unmasks 'culture of aggression'*" by Mike Bush / Journal Staff Writer Friday, March 6, 2015

. In this article Sam says *"Since the federal report last year, the APD has been "putting on a show for the DOJ," "It's all window dressing."* He is right.

These tax wasting \$15,000 outreach collaborative run for the city by UNM are also shams, PR stunts-just more window dressing. Dan Klein, another good retired cop has written often in the ABQ Free Press. In its latest issue, it recently reported the illegal by Perry and Berry retention payouts to only Eden's Senior Command staff. Did the Council or anybody else downtown care?

**DOES ANYBODY HERE EVEN CARE THAT APD IS STILL THE DISGRACE OF THE NATION?**

Has our attention "now moved on"-shifted from APS to APS and its dysfunctional School Board led by the arrogant Don Duran while still allowing justice to still be denied to the families and friends of their loved ones murdered by trigger happy local cops who still have never been punished for their crimes?

After wasting our tax dollars money on his NYC Rockefeller Center size artificial skating rink, big Adirondack chair and clock on the plaza to further enhance his "cherished downtown," the latest Mayor Berry diversionary tactic is to now build an unjustified \$100+ million ABQ Rapid Transit (ART)/BRT along Central.

ART will be his own legacy to fiscal irresponsibility as was Governor Richardson's Rail Runner that was also justified with the same lies.

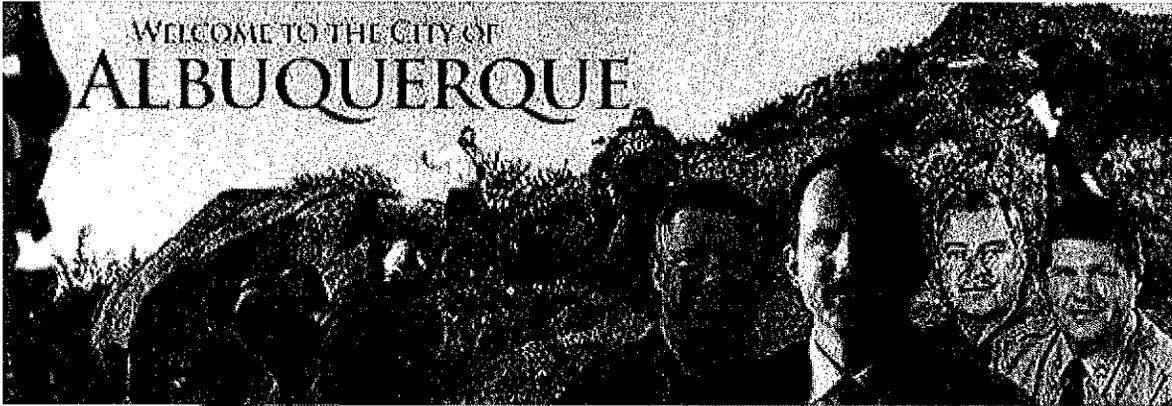
Given the hero worship of cops propaganda we are continually exposed to is anyone naïve enough to believe that Eden's killer cops Perez and Sandy will be convicted of their murder of James Boyd? The sad truth is that there will never be reform here until Berry, Perry and Eden leaves office and there is a thorough housecleaning of APD's corrupt leadership.

Disgusted

Silvio

For WE THE PEOPLE

Living in the land of hopelessness and apathy-not enchantment-Mexico True



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE  
IN THIS CITY'S HISTORY**

**From:** [Silvio Dell'Angela](#)  
**To:** [Lubar, Suzanne G.](#)  
**Cc:** [Huntsman, Robert Y.](#); [Conrad, Matthew A.](#); [Armijo, Alan B.](#); [info@susanamartinez.com](mailto:info@susanamartinez.com); [Mayor Berry](#)  
**Subject:** THE DOUBLE STANDARD OF JUSTICE HERE-THOSE BEING RAPED AND THOSE PRIVILEGED DOING THE RAPING  
**Date:** Tuesday, September 29, 2015 2:28:06 PM  
**Attachments:** [image1.PNG](#)  
[PERRY-CAPONE.pdf](#)

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**TO: Ms. Lubar, Deputy Chief Huntsman and info to others shown and not shown**

Reference today's Journal front page article today about APD's "DWI Seizure Program-New Place to Park Seized Cars"

BEING RAPED

In my past e-mails I have compared the situation here one who is being raped and told that this is Albuquerque and to just relax and enjoy it since there is nothing you can do about it.

While much of it centered on the Mafia like CAO Perry and his soldiers (as former APD cop Dan Klein compares them to in his article in the 9/23 ABQ Free Press, "*Gangster-like APD Intimidation Has No Place in City Hall.*") See an accurate depiction of Perry (attached) sent me. Many believe that the Governor is cut from the same cloth as Perry. See attached.

APD's Chief Eden and his senior Command staff led by CAO Rob Perry with the cooperation of the DOJ and former cop Ginger and his other PMR Inc. fellow former cops- "monitors" has made any reform of APD a sick joke played on citizens.

The Eye on Albuquerque is another news source unlike the Berry Journal that has the courage to tell the truth if you bothered to read this blog.

An extract from one Eye posting says,

*"Of course all the high ranking at The Police Department will tell you everything is fine, no need for all you 'nobody's' to worry. After all, we get our huge salaries and really don't care about you 'nobody's.'" Heck we even give the Mayor 24/7 protection, because he is one of us politicians' and in their eyes a somebody. Has anyone heard from Chief Eden? We think he is taking after the Mayor and hiding under his desk. Heck maybe the same desk. Maybe Eden needs protection 24/7 just like the other coward?"*

-  
OUR EANA

Since mid last week, my neighbors and I got another reminder just who are deemed the important people in this city who are to be treated differently than we others-particularly the poorer among us. In our Eisenhower Area Neighborhood Association (EANA) of 525 homes located in the NE quadrant of Juan Tabo and Spain, most owners have tried to keep their home attractive.

Since last week I have exchanged e-mails with you, Deputy APD Chief/EANA neighbor Bob Huntsman

M005091

and others on one particular home whose owners over the past five years has blatantly ignored all city codes. The house was a continuous blight on our neighborhood.

This is because your Planning Department's code enforcement inspectors, APD, the Mayor's do-nothing tax-wasting Constituent Services and Bob's/my/EANA's Councilor Trudy Jones wouldn't do anything about it. I was even told that if Councilor Jones doesn't care, your code enforcement folks don't care.

All of you apparently deemed the homeowner one of the privileged here and thus above the law. She was reportedly good at her important job so being a bad neighbor wasn't important.

Neither you nor the others even had the courtesy to advise us beforehand that an A&E TV production crew would be coming in to film the cleanup of one of our EANA homes for their "Hoarders" show and park a huge 20' x 10' x 10' container and RV on the street in front of or near the house and a porta-potty on the side of the house.

At the request of an intimidated elderly widowed neighbor I filed complaints with 242-COPs and your office to finally learn what was going on since neither you nor APD would tell me. Well the A&E crew finally left Sunday and at 10AM today there were four vehicles parked in front of the home-two parked illegally on the front lawn but apparently you don't care.

I pointed out in a previous e-mail how our former District 8 Councilor (former APD Captain) Craig Loy pushed legislation through to make it easy for you with APD's help to label homes as nuisance properties. But this change apparently only was to be applied to others, often the many poor and not the privileged among us.

Some low income battered women living in rental homes would then fear calling APD and having them respond knowing their landlord would evict them if it was later deemed a nuisance property because of the many calls for service.

We in EANA are also tired about hearing that you don't have enough code enforcement officers likely because the Mayor chooses to waste our tax dollars on other things.

TWO CLASSES OF PEOPLE-THE DEEMED PRIVILEGED WHO ARE ABOVE THE LAW AND THE REST OF US

I'm sure you know that your boss-our elitist Mayor has two classes of citizens here in the City each with a different way they are treated. One is for the favored, primarily the well to do or well connected like those in the downtown, in his Four Hills and other wealthy neighborhoods like Tanoan who are judged by one standard. Then, there is the rest of us.

You are seeing how much of our tax dollars are going into the Mayor's "precious" downtown and along Central Ave, the latest his \$100+ million tax wasting unjustified ABQ Rapid Transit (ART) system, despite the fact that our ABQ Ride serves those along Central very well and that the busses are almost empty most of the day.

You might have also noticed that the Mayor never got serious about the dog biting problem here until a neighbor in his own Four Hills got bitten. The City's good Animal Welfare Department head Barbara Bruin was made the scapegoat for these aggressive dog problems. She served me and my neighbors well last year when going the extra mile to resolve a barking dog problem. Barbara deserved better.

It seems that vicious APD K-9 dogs like Rex who James Boyd (murdered by APD in 2014) only tried to protect himself against are also treated differently than other vicious dogs despite being not adoptable.

After retirement along with his K-9 handler who lied claiming Boyd and Sandy saved his life, Rex was treated like a hero before being sent to a refuge out of state where his aggressiveness will keep him from ever being adopted. This dog will likely have to be put down.

There are many, many other examples of your Mayor and his minions protecting the privileged here and this includes police officers who are promoted as our heroes and included among those also deemed above the law.

#### MORE WASTE OF OUR TAX DOLLARS

Today's Journal article also points out the double standard applied here.

While Councilor Lewis years ago condemned the red light camera program, (mismanaged by APD and their buddies at REDFLEX) as merely a money making program, there seems to be no similar outrage by him or others on the Council with the DWI vehicle seizure program that clearly is a money maker for APD and other NM police departments. What hypocrisy!

What can't be ignored is that we will never see anyone of the special-privileged people in this city including those in the Mayor's office and on the Council stopped and given a DWI and their car seized.

The only exception was the former District 7 Councilor who was likely drunk as a skunk when he was stopped with his girlfriend late one night and cited for a DWI but his car was never seized. He arrogantly knew that he would never be convicted knowing that he was deemed one of the privileged. He was right.

You recall that even APD cop Adam Casaus who blasted through a red light killing the young Ashley Browder was never given a DWI test at the scene by BCSO officers because his wife worked for as a dispatcher for the Sheriff.

He should have been given big jail time but instead plea bargained it down to merely careless driving. Since the BCSO deputies on the scene don't have body cameras, there was no recording made of Casaus' likely impaired condition.

With all of the vacant land already owned by the City, why are taxpayers now being asked to purchase more land to accommodate APD's SWAT and K-9 officers? Not surprising that my Councilor Jones who is no stranger to supporting or sponsoring tax waste is sponsoring this new waste of our tax dollars and likely her fellow councilors will go along.

Trudy's history of waste is well known that includes millions of free infrastructure for the developer of the failed Unser Crossing shopping center not in her District 8 but on the west side. Her employer then Grubb-Ellis handled the \$23 million land to the developer. Conflict of Interest? Nah. Then she was promoting taxpayer giveaways for the downtown's NOT just grocery store-also not in District 8.

Need I mention our State legislators also wasting \$250,000 of our tax dollars in order to meet and decide whether to impeach another of the privileged here-Republican Dianna Duran.

THUG DEPUTY CHIEF HUNTSMAN-ONE OF THE RAPISTS HERE

I guess like my disgraceful neighbor Deputy Chief Huntsman, what I say or what others not deemed to be the privileged of this city say really doesn't matter.

Everybody downtown ignored the fact that twice during 2014 that Eden's thug Deputy Chief Huntsman even threatened to arrest me if I dared to step on his property to deliver an EANA newsletter-saying "*I know who you are Dell'Angela.*" What a disgrace to the uniform Bob is!

WELCOME TO THE LAND OF THE CONSTANTLY RAPED

The analogy of one of us being raped by the privileged and told to just relax and just enjoy it really describes us here.

Is it any wonder why our state led by our Governor depicted in the attachment sent me is the fifth most corrupt in the nation with our city likely the most corrupt if a similar poll was taken?

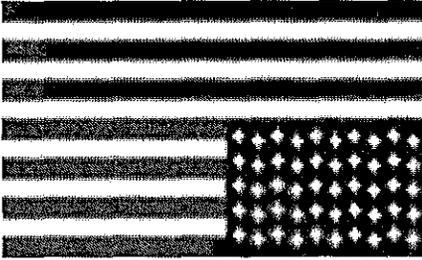
An abbreviated copy of my Saturday and Monday e-mails to you is shown below.

Disappointed but NOT surprised with the non-response to either e-mail in this corrupt city.

Silvio

For WE THE PEOPLE





**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

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*From: Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
Sent: Monday, September 28, 2015 11:45 AM  
To: 'Lubar, Suzanne G.'  
Cc: 'Huntsman, Robert Y.'  
Subject: FW: RE XXXX again a disgrace to the neighborhood. PLEASE RESPOND ASAP*

*Suzanne,*

*I didn't expect a reply to this below or any from our arrogant APD leadership. Nice double standard here.*

*Silvio*

*From: Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
Sent: Saturday, September 26, 2015 1:01 PM  
To: 'Lubar, Suzanne G.'  
Cc: 'Conrad, Matthew A.'; 'srogers@cabq.gov'; 'Aaron Glantz'; 'Huntsman, Robert Y.'; 'Paul Luttrell'; 'Williams, Brennon'  
Subject: RE: RE XXXX again a disgrace to the neighborhood. PLEASE RESPOND ASAP*

*Suzanne*

*I'm sorry but your response below is more than disappointing.....*

*(remainder omitted)*

ROB PERRY, ABQ'S CAO HAS SOMETHING HE WANTS YOU SHOULD KNOW

YOU THINKING ABOUT 'CLEANING HOUSE'  
AT THE POLICE DEPARTMENT?  
I THINK THAT COULD BE DANGEROUS.  
CAPISCE?  
HOW ARE THE WIFE  
AND KIDS?



**COMPARING CAO PERRY TO AL CAPONE  
WOULD BE UNFAIR TO CAPONE. TIME  
FOR BERRY TO FIRE HIM AND HIS CITY  
GANGSTERS-APD'S COMMAND STAFF**

**From:** Silvio Dell'Angela  
**To:** Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.  
**Cc:** Romero, Elaine T.; Dolan, Diane R.; Montano, Nancy; Moya, Julian N; Sylvan, Chris; Chavez, Aziza; Emjillo, Dawn Marie; Miller, Rachel R.; Burt, Rebekka K.; Yoshimura, Debra; Mayor Berry  
**Subject:** TONIGHT'S COUNCIL MEETING-MORE RIGGED CONTRACT AND MORE DISRESPECT-STOP BEING A RUBBER STAMP FOR BERRY  
**Date:** Monday, October 19, 2015 1:31:43 PM

---

## COUNCILORS

### Info to many sent this Bcc

Reference my scathing e-mails yesterday regarding the Journal's propagandists and the disgraceful Garduno-Sanchez duo.

As I have said often you Councilors intentionally wait until late Friday afternoon to post the agenda to discourage our comments and attendance. In addition to the oppressive freedom of speech rules imposed on us, the wall, and allowing their buddies to speak endlessly while we are restricted to two minutes you are not showing our overhead projector presentations on GOV-TV

Well tonight's agenda has even more rigged (allegedly competitive) contract awards based on purely subjective selection criteria-no costs asked for-just cost control.

Among the latest big rigged contracts is that given to incumbent ACVB Berry's buddies to reward them for the lousy work they have been doing and will continue to do. See extract from Joe Monahan's posting today shown below.

We have an endorsement of the wasteful ART and \$350K of our tax dollars for a new red light in Sanchez's district that never passed DMD's signal warrant analysis justification test much like the one Rey put in on Central in his District 6 years ago to please two businesses.

Lest all forget the unjustified by any traffic analysis costly roundabout on Candelaria and Rio Grande where more tax dollars were wasted. Then more tax dollars wasted for signage along your precious Central while our infrastructure is in shambles.

Then there is \$1,973.44 (EC-403) for the alleged "implementation of the Judge Brack approved Consent decree with Ginger and his toothless boys being given \$610K. Just what are they doing except laughing all of the way to the bank? There is \$115K/year for an unnamed Executive Director. Is this for ex Milwaukee cop Ed Harness of the Oversight Agency or somebody else?

Then there are the brief reports by the Internal Auditor and IG that discusses the "greased"

by Berry contract given to Schultz and employer TASER. There is the APD ammunition scandal, Greenwood, APD retention pay and a host of other corrupt-seemingly never punished offenses.

As long as the Mayor controlled bogus Accountability in Government Oversight (AGO) Committee is allowed to dictate just what is written/released in the auditor's and IG reports, there will always be cover-ups and no punishments given to the corrupt city offenders.

The whole internal audit and IG process has become a sick joke-scam played on trusting citizens and yet not one of you nine even care. Our Teflon Pinocchio Mayor and his Mafia like thug CAO must be laughing at what cowardly fools you are.

With all of his bravado it's also not surprising that new NM AG Hector Balderas never wanted to investigate Schultz and Taser while Auditor or now as AG the murder of Mary Han and APD's deliberate contamination of the crime scene.

Is anyone surprised that the City's former clerk Ms. "slow petition count"/IPRA stonewaller Amy Bailey has found a new home working in Santa Fe for Dianna Duran?

Does anyone really believe that this is NOT the most corrupt administration in the city's history with likely the worst City Council whose only goal is not to represent the people who elected you but feather your own nests with wasteful fiscally irresponsible spending of our limited tax dollars.

Tonight, will I get public apologies from Garduno and Sanchez for insulting the American flag I showed during 2014 and 2015 upside down as a US Flag Code signal of a city in distress and by Garduno for LYING to me saying it was permitted and allowing a clueless alleged veteran to then publicly ridicule me?

All saw the Journal editorial today ridiculing Garduno and his insulting PC resolution demonizing the white Columbus and his fellow Spanish and other European explorers. Is he man enough to admit what he did was wrong?

How about serving the people for a change and start asking questions of items on the agenda and asking the cowardly Eden why he won't comply with my October 1 NM IPRA request for the likely incriminating videos proving that both he and his latest shooter lied?

Finally, while the DOJ is clearly on the side of the bad police nationwide, seeming also is the FBI. See [http://www.theguardian.com/us-news/2015/oct/15/fbi-record-police-killings-tamir-rice-eric-garner?CMP=ema\\_565a](http://www.theguardian.com/us-news/2015/oct/15/fbi-record-police-killings-tamir-rice-eric-garner?CMP=ema_565a). The murder of James Boyd by Sandy and

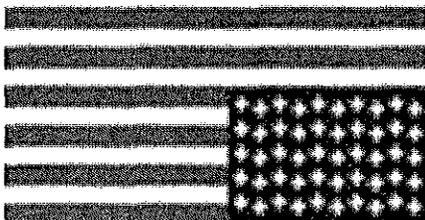
Boyd is not included in their reports.

Why waste my time coming tonight? None of you really give a damn about the people who want real reform here!

Silvio

For WE THE PEOPLE

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**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

Monday, October 19, 2015 Joe Monahan-

PARCC Tests: Glass Half Full Or Half Empty? Plus: NMSU Aggies: Out Of The Game; Prospect Of Ending Program Surfaces, And: Fresh Ideas To Pop ABQ Convention Biz?

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FRESH AIR

This is one of the more refreshing ideas to sweep into ABQ in recent years--replace the calcified ABQ Convention and Visitors Bureau (ACVB)--charged with drumming up city convention business--with an out-of-state firm with fresh ideas:

*An ad hoc committee has recommended the city of Albuquerque continue using ACVB to bring meetings, events and tourists to the Duke City – work the ACVB has handled for the last 35 years. The recommendation remains subject to City Council approval, but fellow bidder California-based Catalyst Creative already has plans to fight the committee's decision.*

ACVB has had the contract for a whopping 35 years yet convention business remains in the cellar here. New thinking, new people, new ideas, new investment. Around here those are fightin'

words. Good Luck, Catalyst Creative. Give 'em hell.

**From:** [Beth Mohr](#)  
**To:** [Joanne Fine](#)  
**Subject:** Thank-you for your email RE: Candidate withdrew - will interview 5 today  
**Date:** Wednesday, July 29, 2015 12:09:03 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** [Joanne Fine](#)  
**Subject:** Thank-you for your email RE: Journal Interview  
**Date:** Wednesday, August 12, 2015 5:00:26 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** Joanne Fine  
**Subject:** Thank-you for your email RE: Policy and Procedure Subcommittee  
**Date:** Monday, July 06, 2015 11:28:52 AM

---

I am out of town and will respond to your email when I return.

--

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:** [Joanne Fine](#)  
**Subject:** Thank-you for your email RE: Printing applications  
**Date:** Saturday, July 18, 2015 10:46:11 AM

---

I am out of town and will respond to your email when I return.

--

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:** [Joanne Fine](#)  
**Subject:** Thank-you for your email RE: Reschedule POB Personnel Subcommittee meeting  
**Date:** Thursday, June 25, 2015 5:39:40 AM

---

I am out of town and will respond to your email when I return.

--

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:** [prvs=06506bb8b9=lq1pobaf@cabq.gov](mailto:prvs=06506bb8b9=lq1pobaf@cabq.gov)  
**Subject:** Thank-you for your email RE: [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning  
**Date:** Sunday, July 26, 2015 6:50:36 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** prvs=06486b80cd=lqlobaf@cabq.gov  
**Subject:** Thank-you for your email Re: A corrupt backward city and state-more proof-and the confederate flag downtown  
**Date:** Friday, July 24, 2015 7:58:40 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

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:** [prvs=165477cfaf=lglobaf@cabq.gov](mailto:prvs=165477cfaf=lglobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: ADDED INFO-RE:-MY" INTERVIEWS FOR THE EXECUTIVE DIRECTOR OF THE POLICE OVERSIGHT AGENCY-THERE IS ONLY ONE CHOICE-JAY ROWLAND WHO WILL SERVE YOU, THE PEOPLE AND THE GOOD POLICE OFFICERS"  
**Date:** Friday, July 31, 2015 12:02:38 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** prvs=167859b18a=lqjlobaf@caba.gov  
**Subject:** Thank-you for your email Re: APD Records OUT of CONTROL  
**Date:** Monday, August 24, 2015 3:42:19 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** [prvs=064747a7e4=lgjpbaf@cabq.gov](mailto:prvs=064747a7e4=lgjpbaf@cabq.gov)  
**Subject:** Thank-you for your email Re: FW: 2015 Semi-Annual Report Part 1 of original email  
**Date:** Thursday, July 23, 2015 10:01:15 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

---

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:** [prvs=168114ce43=lglpobaf@cabq.gov](mailto:prvs=168114ce43=lglpobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: FW: Only 2 Weeks left to register!!! Investigation on the Internet - Register Now  
**Date:** Thursday, August 27, 2015 9:07:30 AM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** [prys=2693fce5f0=lglpobaf@cabq.gov](mailto:prys=2693fce5f0=lglpobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: FW: POB  
**Date:** Tuesday, September 08, 2015 11:11:25 AM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** [prvs=1651461bab=lglpobaf@cabq.gov](mailto:prvs=1651461bab=lglpobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: FW: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?  
**Date:** Tuesday, July 28, 2015 11:55:25 AM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** [prvs=0651f63805=lg|pobaf@cabq.gov](mailto:prvs=0651f63805=lg|pobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: FW: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?  
**Date:** Monday, July 27, 2015 6:31:35 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** [prvs=16602df04a=lglpobaf@cabq.gov](mailto:prvs=16602df04a=lglpobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: Former cop Ed Harness-a nice guy-but the clearly wrong guy-unqualified to be new POA's Executive Director. Please don't insult us by selecting Ed and not Jay Rowland  
**Date:** Thursday, August 06, 2015 10:52:22 AM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** [prvs=0649cc18c4=ljlpobaf@cabq.gov](mailto:prvs=0649cc18c4=ljlpobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: Former vets Alex Horton and Gregg Benner-unlike warrior cops here and nationwide. Sandra Bland and some in our complicit media  
**Date:** Sunday, July 26, 2015 2:56:29 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** [prvs=1668f09a84=lglpobaf@cabq.gov](mailto:prvs=1668f09a84=lglpobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: Greetings  
**Date:** Friday, August 14, 2015 8:23:23 AM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** [prys=1655aea1a3=lqlpobaf@cabq.gov](mailto:prys=1655aea1a3=lqlpobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: Joe Monahan's July 30 and 31 postings-Betty Rivera out, the failure of leadership here including the Council, media and business leaders ignoring a city in a downward spiral  
**Date:** Friday, July 31, 2015 6:33:55 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** [prvs=1667b2f47f=lqjpobaf@cabq.gov](mailto:prvs=1667b2f47f=lqjpobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: Journal Interview  
**Date:** Thursday, August 13, 2015 10:49:12 AM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** prvs=26946245cc=lglpobaf@cabq.gov  
**Subject:** Thank-you for your email Re: KUNM radio - request for brief phone interview  
**Date:** Wednesday, September 09, 2015 11:49:14 AM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** [prvs=167395beb4=lglpobaf@cabq.gov](mailto:prvs=167395beb4=lglpobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: Meeting regarding upcoming exhibition at UNM Art Museum  
**Date:** Wednesday, August 19, 2015 2:57:12 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--  
Beth A. Mohr, Volunteer  
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:** [prvs=16580b7c32=lqloobaf@cabq.gov](mailto:prvs=16580b7c32=lqloobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: Our disgraceful-cowardly-P.C. Mayor  
**Date:** Tuesday, August 04, 2015 7:39:00 AM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** [Joanne Fine](#)  
**Subject:** Thank-you for your email Re: Personnel Matter  
**Date:** Monday, August 03, 2015 5:31:40 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** [Joanne Fine](#)  
**Subject:** Thank-you for your email Re: Personnel Subcommittee Minutes  
**Date:** Thursday, July 23, 2015 3:36:55 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

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*

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**From:** [Beth Mohr](#)  
**To:** [prvs=2695bdfbec=lgjpobaf@cabq.gov](mailto:prvs=2695bdfbec=lgjpobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: SOP passed and published since 8/1/15  
**Date:** Thursday, September 10, 2015 9:19:29 AM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** prvs=167432fd7b=glpobaf@cabq.gov  
**Subject:** Thank-you for your email Re: Secret meeting at Peace and Justice Center Friday-why no publicity? Sham outreach collaboratives, a \$15K UNM rip-off of taxpayers run by City and UNM. Your secrecy.  
**Date:** Wednesday, August 19, 2015 7:30:52 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--  
Beth A. Mohr, Volunteer  
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:** [prys=1669cb304a=lqipobaf@cabq.gov](mailto:prys=1669cb304a=lqipobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: Selection of Executive Director of CPOA  
**Date:** Friday, August 14, 2015 10:59:30 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
Albuquerque Police Oversight Board

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

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**From:** Beth Mohr  
**To:** [prvs=1671f84c4c=lglpobaf@cabq.gov](mailto:prvs=1671f84c4c=lglpobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: Selection of Executive Director of CPOA  
**Date:** Sunday, August 16, 2015 8:32:05 PM

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I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** prvs=1657d6b043=lglobaf@cabq.gov  
**Subject:** Thank-you for your email Re: The blatant fiscal irresponsibility of this Mayor-the worst in our City's history-yet another albatross of his-the ATRT-Kudos to the RGF for letter today  
**Date:** Monday, August 03, 2015 3:55:31 PM

---

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--

Beth A. Mohr, Volunteer  
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:** [prvs=1659ca5c45=lglpobaf@cabq.gov](mailto:prvs=1659ca5c45=lglpobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: The unqualified former Milwaukee cop Edward Harness Is your first choice to be the next Executive Director of the Oversight Agency. What's the message that it sends to the people if the Councilors approve him?  
**Date:** Wednesday, August 05, 2015 11:36:53 AM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--  
Beth A. Mohr, Volunteer  
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:** [prvs=165651ef3d=lqlpobaf@cabq.gov](mailto:prvs=165651ef3d=lqlpobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: Try responsible reporting for a change. Who was this unnamed convenient witness that this also unnamed member of the "Albuquerque police" saw Rafael Molina (they shot in back) "was raising his gun to acquire a target?"  
**Date:** Sunday, August 02, 2015 1:09:04 PM

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I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** [prvs=1653751e7c=lglpobaf@cabq.gov](mailto:prvs=1653751e7c=lglpobaf@cabq.gov)  
**Subject:** Thank-you for your email Re: YOUR INTERVIEWS FOR THE EXECUTIVE DIRECTOR OF THE POLICE OVERSIGHT AGENCY-THERE IS ONLY ONE CHOICE-JAY ROWLAND WHO WILL SERVE YOU, THE PEOPLE AND THE GOOD POLICE OFFICERS  
**Date:** Thursday, July 30, 2015 1:42:17 PM

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I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** prvs=2696105817=lgjpobaf@cabq.gov  
**Subject:** Thank-you for your email Re: drunk driving  
**Date:** Friday, September 11, 2015 9:38:11 AM

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I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** [Joanne Fine](#)  
**Subject:** Thank-you for your email Re: pre-work for Sept 3rd training  
**Date:** Wednesday, August 26, 2015 2:42:31 PM

---

I am a volunteer with the Police Oversight Board, and as such, I have limited time and availability for this work. If your email requires a response, I will endeavor to respond within 72 hours. Thanks for your patience.

--

Beth A. Mohr, Volunteer  
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:** Silvio Dell'Angela  
**To:** "Board ED"; [Christina.Albright@aps.edu](mailto:Christina.Albright@aps.edu)  
**Subject:** Thanks-RE: Brad Winter-the forgotten Governor puppet-one of the best reason for term limits. Board President Don Duran, Joe Monahan's postings and the Guv's puppets-Duran and others  
**Date:** Sunday, August 30, 2015 11:40:58 AM

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Christina

The KKOB-770 call in talk show yesterday on this subject included calls from many APS teachers were disgusted with both the lying-unethical new Superintendent but the School Board's cowardice in not firing him, the Board President daughter and the search firm's person who found him. The host of the call in show Eric Straud (sp?) was equally disgusted and believed the Board will again betray us. I called in as well.

When APS still has unjustified (after women were given the right to vote in all elections after the suffrage movement 100 years ago tax wasting spring elections with only 4% turnouts, (something also mentioned by another caller to the show) what can we expect in the quality of school board members? Other states like NJ and cities eliminated these special tax wasting elections a long time ago.

Former interim superintendent Brad Winter was still working at APS for months after he retired to "help" with the transition and yet nobody questions why his is never mentioned in this whole scandal-as he likely looked the other way to all of it as also one of Governor Martinez's puppets. He may have even suggested the hiring of all three and blessed the lack of a background check for sex offender Jason Martinez.

Please be sure the Board sees these comments as well. All expect the Board will again betray not only the teachers but all of the people Monday or if he is convinced to resign will give him a big golden parachute-again ripping off taxpayers.

More than disgusted,

Silvio

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**From:** Albright, Christina [<mailto:Christina.Albright@aps.edu>] **On Behalf Of** Board ED  
**Sent:** Saturday, August 29, 2015 9:23 PM  
**To:** Silvio Dell'Angela  
**Subject:** RE: Brad Winter-the forgotten Governor puppet-one of the best reason for term limits. Board President Don Duran, Joe Monahan's postings and the Guv's puppets-Duran and others

Mr. Dell'Angela,  
I have passed your email along to the Board Members as you requested.  
Christy Albright

*Be who you are and be that well. -Saint Francis de Sales*

Christy Albright on behalf of [Boarded@aps.edu](mailto:Boarded@aps.edu) | Albuquerque Public Schools | Board of Education Constituent Services  
Office: 505.880.3729 | [Christina.Albright@aps.edu](mailto:Christina.Albright@aps.edu) | PO Box 25704 Albuquerque, NM 87125-0704

M005135

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**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Saturday, August 29, 2015 1:04 PM

**To:** Albright, Christina <[Christina.Albright@aps.edu](mailto:Christina.Albright@aps.edu)>; Board ED <[boarded@aps.edu](mailto:boarded@aps.edu)>

**Cc:** [bwinter@cabq.gov](mailto:bwinter@cabq.gov); [info@susanamartinez.com](mailto:info@susanamartinez.com)

**Subject:** Brad Winter-the forgotten Governor puppet-one of the best reason for term limits. Board President Don Duran, Joe Monahan's postings and the Guv's puppets-Duran and others

**TO: Christina-APS**

**Please pass to all Board members and the embarrassing Dr. Valentino prior to Monday's APS Board meeting**

References

- 
1. ABQ Free Press August 26 issue with cartoon of puppet-master Guv Martinez on the cover.
  2. AFP article ignored by Journal "*Berry Gives APD brass Back-door raises*"
  3. AFP article "*ABQ's Summer of the "Know nothings"*" by retired APD officer Dan Klein with cartoon of "*what , me worry*" Berry
  4. Journal article today "*APS Letters raise questions of nepotism*" and others
  5. My e-mail yesterday "*Call for Valentino's resignation or fire him Monday without any going-away present*"

My latest e-mail yesterday called for Board President, Don Duran-another puppet of the Governor to excuse him from the School Board vote on the unethical/lying to all Luis Valentino, because of his conflict of interest with another Guv puppet-interim Superintendent Winter's decision to rehire Duran's daughter Gabriella Blakeley. But Duran is so arrogant-contemptuous of the people that he refuses to excuse himself from the vote.

(Remainder omitted in interest of brevity)

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**From:** Silvio Dell'Angela  
**To:** "Board ED"; Christina.Albright@aps.edu  
**Cc:** Winter, Brad D.; info@susanamartinez.com  
**Subject:** The APS mess-You ought to be ashamed  
**Date:** Tuesday, August 25, 2015 1:00:59 PM

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## **TO: APS Board Members**

Copy to others not shown. Pass copy to the disgraceful new Superintendent Valentino

### References

My 8/23 e-mail to you *"Get out you CYA mode and call for the resignation of or fire Luis Valentino"*

8/24 Journal article *"HR head: Valentino knew of missing background check"*

KOB's *"Whistleblower lawsuit claims Valentino colluded with Gov. Martinez, Sec. Skandera to bring down APS CFO, put resigned admin. in place"*

<http://www.kob.com/article/stories/S3887821.shtml?cat=500#.VdymqSVVikr>

<http://joemonahansnewmexico.blogspot.com/>

Kudos first to Joe Monahan's postings, KOB's Miller and others, Journal's Burgess, Heild, their editorial and writers of the letters to the Journal editor today except for the writer who praised Brad Winter

With the exception of Ms. Muller-Aragon, you are an embarrassing lot, particularly your President Don Duran who supports Valentino shows from his quotes in the Journal just how bad he is and/or how stupid he thinks we are. He said that it's a "painful experience for the Board and that The board takes our responsibilities seriously." All are insults to our intelligence. Yet his wife was hired by Valentino. Coincidence?

You could have made the decision Sunday to fire the blatantly dishonest Valentino-a no-brainer. Instead you let him sneak into your closed executive session Sunday to disingenuously apologize and you slipped out the back door with him so you wouldn't have to face the people and media. What cowards you (except for Ms. Muller-Aragon all are.

While interim Superintendent Winter has never been mentioned as involved except in one Joe Monahan. posting and even complimented in a Journal letter today , you all know that he also played a key role in hiring this horrible dishonest new Superintendent.

Brad has a lot of people fooled except those who have been following his conduct at APS and also on the Council closely. He doesn't represent the people, only the Republican machine here that seemingly is in charge of APS and the City.

You are the best reason for imposing term limits on Board members. You have seemingly all embraced NM's well-known culture of corruption.

More later-disgusted

Silvio

For WE THE PEOPLE

296 3241

**From:** Silvio Dell'Angela  
**To:** Silvio Dell'Angela  
**Subject:** The EYE on Albuquerque and Joe Monahan telling it like it is. Our Incompetent Mayor and Chief and more lies out of APD thanks to Eden's likely impaired boss Perry  
**Date:** Monday, July 06, 2015 11:27:01 AM

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**TO: ALL Bcc-share with others if you wish**

The following extracts below from the Eye on Albuquerque and Joe Monahan's recent postings only tells some of the story of how bad this city has become under our worst since Schultz was hired Chief in 2005 and then rehired by Berry despite being the most horrible Police Chief in our City's history.

As I have also said, Berry is by far the worst mayor in our city's history and far too many citizens and other city leaders don't care! It seems they are used to our Fascist-third world-like image nationwide.

Schultz proclaimed to all in 2010 and 2011 that his APD is the leader in using body camera but conveniently omitted the fact that the bad cops like Dear and others are told not to turn them on.

Schultz is told to conveniently retire just before the fall 2103 mayoral election but remains on the payroll until January 2014. This was enough time for him to cut a \$1/.9 million deal with his employer TASER "greased" by the Mayor-something that the City Auditor likely was directed to sweep under the rug in her finally released June 2015 "amended" report.

My July 2 e-mail to the city auditor contains the following comments below. Her only reply is that Councilor Sanchez had never asked for an IG investigation-only an internal audit.

-----  
*"Yet no recommended actions are to be pursued against Schultz-only since "APD was charged \$25,243 for overlapping Evidence.com services associated with the Pilot Purchase from August 15, 2013 to March 27, 2014 and should request a refund from TASER."* This corrective action is an insult to the sensibilities of all of us taxpayers and is yet another example of the culture of corruption that permeates this Berry administration I guess your hands are tied and both your office and that of the IG's should be viewed by us taxpayers as just toothless window dressing for Berry to give the illusion of internal controls.

-----  
Then passing over 40 highly competent applicants for the Chief's job from throughout the country Berry is handed Governor Martinez's throw-away bureaucrat Gorden Eden who he knew never met the posted requirements for the Chief's job. Eden never supervised 8 officers much less than 800+ officers in APD. Since when is competence a qualification for employment by Berry?

Eden was so incompetent that Berry didn't allow him to be involved in the negotiations with the DOJ-choosing instead the \$350/hour former Cincinnati police chief Tom Strelcher to represent Eden and APD. Tom allegedly fought DOJ reforms of his PD for over seven years there but now we are told that he believes in police accountability as does his attorney buddy Scott Greenwood.

Not to worry that Eden is incompetent/clueless. Berry and Eden would just bring Schultz's death squad (SWAT) commander Bob Huntsman out of retirement as Eden's principle deputy to run APD for him.

Meanwhile Berry and Eden and Huntsman would remain in hiding when there was any APD or other controversy or lie to be told. Berry would send out his unofficial PIO Gil Montano (his pretend Chief of Staff) while APD would trot out disgraceful cops Celina Espinosa and Tanner Tixier-Jeremy Dear's accomplice in the murder of Mary Hawkes out to lie to us and the media.

After stonewalling my repeated NM IPRA requests to see the recordings of APD's murder over two years ago of black homeless mentally ill Vietnam Vet Vincent Wood, the family is finally suing APD.

It's almost as bad here with the BERNCO Sheriff who wants no body cameras for his officers because he wants no accountability while the Corrales PD is now buying them.

If any citizen or public official is thinking former cop/DOJ monitor James Ginger and his PMR Inc team or Scott Greenwood will bring about real change/accountability in APD until Berry leaves office, he/she are either naive or smoking or snorting some bad stuff.

Thank God that we have other news sources like Joe's and the Eye's blogs, and the ABQ Free Press and some TV reporters since the Journal is in Berry's pocket.

I hope that Saturday our elected and appointed city and county and state leaders took my e-mail advice and declared their independence of the corrupt leadership and culture of corruption here. This includes former cops/current NM legislators Paul Pacheco and Bill Rehm who seemingly want to only reform the judicial system not demand accountability-body cameras and their usage by all NM cops. Once a cop-always a cop.

See our thug shadow Mayor Rob Perry below with yet another Governor Martinez throw-away.

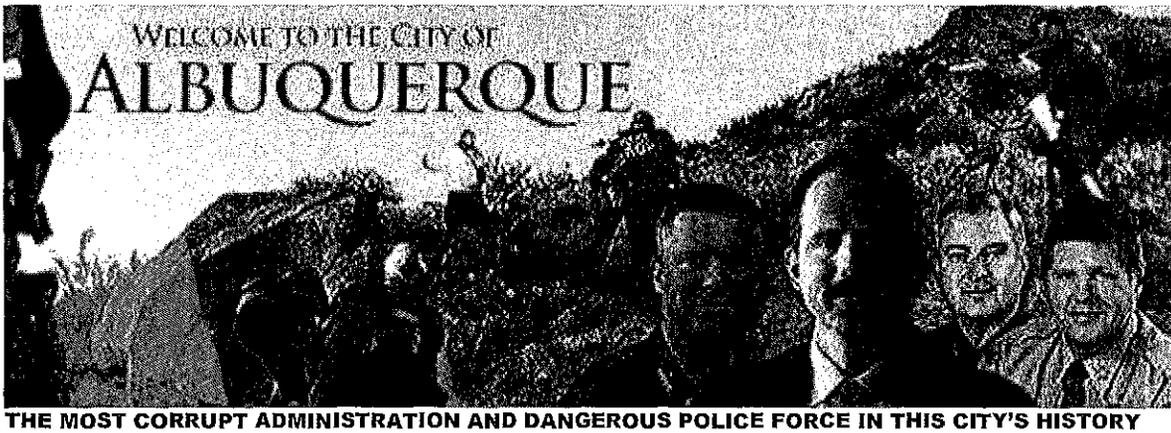
From the photos, would anyone think Rob may have been a little impaired/hitting the bottle or other substances far too often? What do you think?



Regards

Silvio

For We THE PEOPLE



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Jul 5, 2015 EYE ON ALBUQUERQUE

### Time to Face the Facts

Berry has proven to be the worst Mayor in the history of Albuquerque. **FACT!**  
APD is being negligently mismanaged. **FACT!** And we the citizens are paying  
the price for both. **FACT!**

What to do about this horrific chaos has to be the primary focus of every citizen. Do we try and  
fire the mayor thus causing and creating more problems to the chaos he has already created? Do

we try and push a completely useless City Council to do their jobs? Do we take to the streets like a bunch of wild buffoons and commit civil disobedience? Do we go out and buy a gun and start carrying it strapped to our sides and take the law into our own hands? The frustration among the citizens is horrendous.

Albuquerque is a magnet for every criminal in the country because we have the worst run city and police department in the USA. Proof, well, we don't have to look too far. Just last week here in Albuquerque, an ex-national news anchor was forced at gun point from a motel parking lot back to her room. In the end a gun battle ensued and her husband was shot several times and the offender was killed. Oh, and the offender; he wasn't from Albuquerque he was just here visiting and abducting women at gunpoint to rob them.

Every single day we all hear it; there was a shooting in the NE Heights, one person dead. An accomplished high school student killed in a drive-by. Body found under a slab in a field on the Westside. The murders in Albuquerque are out of control due to an extremely poor run city and a negligently run police department. We wonder if the FBI is going to help out and find at least one of these murderers. We already know the FBI has assisted APD on employment personnel matters.

Most recently in today's Albuquerque Journal ([READ IT HERE](#)) the featured story is APD's response time to 911 calls. The story starts out by stating, "More violent crimes, More 911 Calls, Fewer cops." The bottom line is; when a citizen calls for the police because they have an EMERGENCY they will not see a cop for at least 10 minutes and 43 seconds. A lot can happen in 11 minutes but why would Berry or Chief Eden care? Eden is pulling down \$158,000.00 a year to provide the citizens with the worst possible service. Berry is sitting around daydreaming about being Governor.

"I think the (police) chief has us on the right track," Mayor Richard Berry said in an interview. Mayor Berry in his traditional incompetent manner is promoting further incompetence. APD spokesperson Celina Espinoza stated in part concerning 2014 911 calls, "and those cases require a lengthy police response." Why would any call 'require' a lengthy police response? It is an emergency call for help; people need police assistance immediately.

Incompetence invites and encourages more of the same. City Councilman, Ken Sanchez, stated he is "very concerned." And according the Union vice president, "Nobody's proud of it," said Shaun Willoughby, the vice president of the Albuquerque Police Officers Association. "In a Priority 1 call, 45 seconds is the difference between life and death." But the story did not say the Union was doing anything to help out either. There was nothing in the story that stated Willoughby is standing by officers by putting on a uniform and hitting the streets to assist on 911 emergency calls. All of this is cheap talk from a bunch of cheap politicians.

Here is a statement concerning Gordon Eden; "Police Chief Gordon Eden previously said he has shuffled officers' assignments to get more police officers in the field. Earlier this year, he reassigned police officers who were working in records and the crime lab back to patrol." Eden did not state he put an extra 20 officers on the streets; he stated he shuffled the deck; which means nothing.

But here once again, nowhere did it state Chief Eden has been working graveyard shifts in an effort to assist officers with 911 calls. No, Chief Eden has not handled one call for service nor has he ever written a police report; those types of tasks are beneath him. What a leader!

There is a fix for this and it can be accomplished fairly quickly with great results. The problem still lies with Berry and his refusal to admit Eden is the second biggest mistake he's made. The first biggest mistake was retaining what appears to be a very corrupted former police Chief Ray Schultz. Eden must be fired immediately and a person who knows how to run a police department with the right answers needs to be appointed.

The story ends with this statement; "Police response times were a point of debate in the 2013 mayoral election. Berry's opponent tried to show the city's public safety was threatened by slowing response times. That was when the data showed police responded to Priority 1 calls in 10:11." In other words we were all warned by Paul Heh and Pete Dinelli before everything went to hell.

Posted by [Stealth](#) at 7/05/2015 08:00:00 PM No comments: [✉](#) [Links to this post](#)  
Labels: [chief Gorden Eden](#), [Former COP Ray Schultz](#), [Mayor Berry](#)

**Monday, July 06, 2015**

**A Sizzlin' Summer For Sanders; Dem Prez Contender Firing Them Up With Fire In The Belly, Plus: Fudging The Tourist Numbers, And: The APD Crisis; What Don't We Get?**

**extract**

### **THE CRIME CRISIS**

The city's crime crisis continues to plow new ground. Police response times are at a new low due largely to the lack of officers in the demoralized department. Why is the police mess so difficult for city fathers and the business community to correct? You get a new police chief, give him a free hand in hiring new command staff, you increase pay for beginning police officers, you aggressively recruit outstanding young men and women, you provide them with training that is not infected with the cultural rot that brought APD to its knees and you get on with the job of responding quickly to calls and get the Dept. of Justice out of your hair. What are we missing? . . .

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** The View of Albuquerque from talking to relatives and military members back east + the Eye on Albuquerque and ABQ Free Press articles  
**Date:** Friday, July 17, 2015 5:51:35 PM

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**TO: ALL-Bcc**

I just returned from attending the July 10 retirement ceremony of my USMC Colonel nephew at Quantico USMC base VA and later attended to family estate matters in New Jersey.

The many I spoke to said what they know best about Albuquerque is **(1) the hot air balloon festival, (2) the high crime rate and (3) our out of control police. Most looked on us as just a corrupt, backward city and state.**

While our Mayor has his propoganda machine (primarily the Journal) working hard to convince all here that everything is just fine, many in the rest of the US apparently thinks otherwise.

I have referred you often to [Eye on Albuquerque](#) postings most recently the July 5 one that tells the uncomfortable truth-things I have also said. It begins with:

***"Time to Face the Facts-Berry has proven to be the worst Mayor in the history of Albuquerque. FACT! APD is being negligently mismanaged. FACT! And we the citizens are paying the price for both. FACT!***

Further: ***"What to do about this horrific chaos has to be the primary focus of every citizen. Do we try and fire the mayor thus causing and creating more problems to the chaos he has already created? Do we try and push a completely useless City Council to do their jobs? Do we take to the streets like a bunch of wild buffoons and commit civil disobedience? Do we go out and buy a gun and start carrying it strapped to our sides and take the law into our own hands? The frustration among the citizens is horrendous."***

The July 15 edition of the ABQ Free Press also has three notable articles. One by Dennis Domrzalski ***"Soaring Crime Rate Taxes Undermanned APD Ranks"*** discusses the specifics of the gross mismanagement of APD under Berry, Perry and Eden. Another one by Dennis ***"Tourism Stats Appear Inflated"*** is another example of the lies being told us.

The third is by a disgusted retired APD Sergeant Dan Klein ***"Ignoring Taser-gate Won't Make the Stench Go Away."***

Internal Auditor Debra Yoshimura's original report-a likely scathing indictment of Taser-gate was watered down with Schultz or her boss-the Mayor never blamed. Only Taser was given a slap on the wrist. I guess with Debra and other City employees, you do what your bosses tell you or you leave. **There is no place for integrity in this Berry administration.**

Just follow the money and it explains everything here. **Some have even alleged that R.J. and**

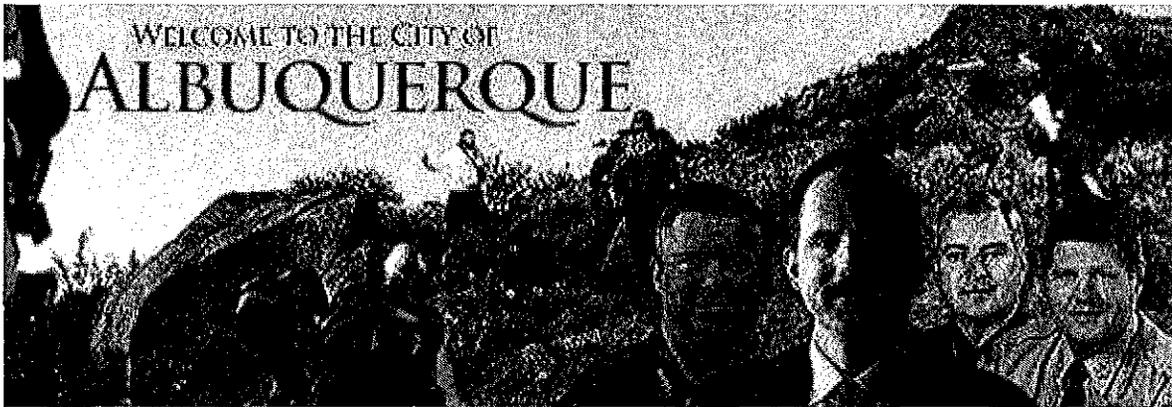
**Maria's Berry's Cumbre Construction Company is even getting money to do work from Berry's contractor friends who are given no-bid work. It wouldn't surprise me one bit.**

Regards

Silvio

For WE THE PEOPLE

P.S. I also got an voicemail from a neighbor who was angry that Berry would waste \$13-20 million ripping up Central this year to accommodate the Mayor's newest legacy albatross-ABQ Rapid Transit (ART) and expect the feds to ante up over \$80 million more of our tax dollars next year for it. **Bruce Rizzieri apparently does what he is told-we taxpayers be damned.**



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** The blatant fiscal irresponsibility of this Mayor-the worst in our City's history-yet another albatross of his-the ATRT-Kudos to the RGF for letter today  
**Date:** Monday, August 03, 2015 3:55:26 PM  
**Attachments:** [8-3 Jnl-ART.doc](#)

---

**TO:** All-Bcc

See COO Mike Riordan's incredulous July 24 response to my July 24 NM IPRA request below and my July 24 and earlier e-mails sent regarding our Mayor's latest albatross/rip-off of taxpayers-the ABQ Rapid Transit System-ART. There is an RFP out there for ART and yet Mike won't provide it. Nor will he provide other information I requested.

Does anyone in their right mind really believe Kiewit Construction will not get this work if funded and that they acted on their own to gather information from citizens? Does anybody really believe Cumbre Construction owned by the Mayor and his wife isn't being promised some of the work by Kiewit? Mike Riordan has willingly sold his soul to the devil to keep his job.

Developer and Central Avenue property owner Doug Peterson had an earlier opinion piece in the Journal debunking all the bogus arguments for ART that a Journal editorial, its reporter Winthrop Quigley and others had promoted on the Mayor's behalf. In this city when does common sense dictate how our limited tax dollars are spent?

ART is all based on smoke and mirrors-lies told to all of us. The most fiscally irresponsible thing is that \$13-20 million of our tax dollars will be spent this year tearing up Central even before they know whether the federal Highway Administration will fund 80% of this taxpayer rip-off. Every responsible citizen should write to the FHA telling them to turn the funding request down.

Shame on Councilors Garduno and Benton who supported the lies to justify ART running in their districts. The remaining fiscally responsible Councilors should put a stop to the City doing any work on it this year.

Kudos to the Rio Grande Foundation whose research director wrote the attached letter that appeared in the Journal today. The RGF under the leadership of Paul Gessing was also instrumental in helping us citizens kill another tax wasting albatross-Mayor Chavez's proposed \$30-40 million/mile "modern streetcar" to nowhere. ART will rip off taxpayers for \$10 million/mile.

A book by Randal O'Toole referenced in the RGF letter also exposed the lies told to Portland taxpayers by City officials to justify their streetcar-the same lies to try to justify the one streetcar Mayor Chavez wanted here and same lies now being told again by Berry, Rizzieri and their Journal propagandists for ART.

If you aren't disgusted with this lying Mayor, Bruce Rizzieri and their minions and their Journal propagandists, you should be.

**Silvio**

**For WE THE PEOPLE**

**Living in the land of hopelessness- and corrupt "Mexico True"**

**P.S.**

**Auditor-Ms. Yoshimura**

**They forced you to bury the Mayor's involvement with Schultz with TASERGATE. An audit on how ART is being jammed down our throats should be the subject of a new audit.**

---

From: Riordan, Michael J. [<mailto:MRiordan@cabq.gov>]  
Sent: Friday, July 24, 2015 2:04 PM  
To: 'Silvio Dell'Angela'; Rizzieri, Bruce  
Cc: City Clerk Staff; Yoshimura, Debra; Pacheco, Peter J.; [info@nmfog.org](mailto:info@nmfog.org); 'Bill Rehm'; [lisa.torraco@nmlegis.gov](mailto:lisa.torraco@nmlegis.gov); Mayor Berry; [larry.barker@krqe.com](mailto:larry.barker@krqe.com); Ramirez, Chris; Hoffman, Lou D.; Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; [Bill.Anderson@krqe.com](mailto:Bill.Anderson@krqe.com)  
Subject: RE: NM Inspection of Public Records Act (IPRA) request-ART/BRT

Mr. Dell'Angela,

The City of Albuquerque is currently advertising for requests for proposals. We have yet to receive any bids, nor award a contract. Kiewit seems to have taken it upon themselves to advertise their intent to bid on the project and therefore are requesting public input. ???? That action is not sponsored nor supported by the City of Albuquerque. ??? All potential bidders have until September to submit a response to the request for proposals. At that time the selection committee will be review all bids for qualifications and cost. When a selection is made we can provide you the information requested below if you would like to resubmit the request then.

Sincerely,

Michael J. Riordan, P.E.  
Chief Operations Officer  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
Phone: (505) 768-3000

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**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]  
**Sent:** Friday, July 24, 2015 12:12 PM  
**To:** Rizzieri, Bruce; Riordan, Michael J.  
**Cc:** City Clerk Staff; Yoshimura, Debra; Pacheco, Peter J.; [info@nmfog.org](mailto:info@nmfog.org); 'Bill Rehm'; [lisa.torraco@nmlegis.gov](mailto:lisa.torraco@nmlegis.gov); Mayor Berry; [larry.barker@krqe.com](mailto:larry.barker@krqe.com); Ramirez, Chris; Hoffman, Lou D.; Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; [Bill.Anderson@krqe.com](mailto:Bill.Anderson@krqe.com)  
**Subject:** NM Inspection of Public Records Act (IPRA) request-ART/BRT

M005147

Mr. Rizzieri, Mr. Riordan

Info those shown and not shown.

See my e-mails below without the attached- the recent small Kiewit Journal ad and a description of the seemingly no-bid "Construction Management at risk approach" to contracting.

The e-mails expresses my concerns as a taxpayer with this seemingly unjustified bus system that will eventually cost over \$120 million of our local, State and federal (if given) tax dollars while other real needs are being seemingly ignored.

IAW the NM IPRA, allow me to review

1. the City's contract defining the scope of work and funding-including the source of funds given to the Kiewit Construction Company for all work associated with the ABQ Rapid Transit (ART) system –earlier referred to as the Bus Rapid Transit (BRT) system along Central.
2. Also indicate whether other contractors were allowed to bid and if so whether cost—not merely "cost control" was a selection criterion.
3. If it was a competitive procurement process request I have the opportunity to review the RFP, the members on the evaluation team and their ratings.
4. Also provide for my review documentation showing the scope and cost and schedule of work to be performed along Central for the ART this year.
5. Provide the name of the contractor and cost of the design of the BRT/ART system if it is not Kiewit.
6. Provide for my review any documentation indicating if Cumbre Construction is a sub-contractor to Kiewit

Your response is due NLT August 9, 2015.

Thank you

Silvio Dell'Angela  
296 3241

Added

-  
Some final comments from my other e-mails that demands that the more important needs are addressed if we are to escape the third world image that seemingly the rest of the country has of

us. The ART is seemingly an unjustified want and not a need just like the earlier proposed "modern streetcar," down Central, the Rail Runner and other alleged economic engines.

*"I just returned from attending the July 10 retirement ceremony of my USMC Colonel nephew at Quantico USMC base VA and later attended to family estate matters in New Jersey. The many I spoke to said what they know best about Albuquerque is (1) the hot air balloon festival, (2) the high crime rate and (3) our out of control police. Most looked on us as just a corrupt, backward city and state. While our Mayor has his propaganda machine (primarily the Journal) working hard to convince all here that everything is just fine, many in the rest of the US apparently thinks otherwise."*

-----  
The Eye on Albuquerque's July 5 posting-extract below hit the nail on the head-regarding our failed leadership here. **Jul 5, 2015 -EYE ON ALBUQUERQUE "Time to Face the Facts"** *Berry has proven to be the worst Mayor in the history of Albuquerque. FACT! APD is being negligently mismanaged. FACT! And we the citizens are paying the price for both. FACT! What to do about this horrific chaos has to be the primary focus of every citizen. Do we try and fire the mayor thus causing and creating more problems to the chaos he has already created? Do we try and push a completely useless City Council to do their jobs? Do we take to the streets like a bunch of wild buffoons and commit civil disobedience? Do we go out and buy a gun and start carrying it strapped to our sides and take the law into our own hands? The frustration among the citizens is horrendous. Albuquerque is a magnet for every criminal in the country because we have the worst run city and police department in the USA. "*

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**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Thursday, July 23, 2015 8:16 PM

**To:** 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'

**Cc:** 'dyoshimura@cabq.gov'; 'ppacheco@cabq.gov'; 'brizzieri@cabq.gov'; 'Bill Rehm'; 'Lynne Andersen'; 'Mayorberry@cabq.gov'; 'lhoffman@cabq.gov'; 'mriordan@cabq.gov'

**Subject:** Contract to Keiwit-apparently a done deal for yet another Berry unjustified albatross-ART along Central

Councilors

Others shown and not shown)

Reference my earlier e-mail today shown again below. My earlier June 14 e-mail to the Journal's Win Quigley and the June 25 article by developer Doug Peterson were omitted in the interest of brevity. A reader told me it was Kiewit-not Li wit who posted the ad yesterday asking for feedback-copy attached. The survey at the website listed is a joke and this no-bid award is an insult to the sensibilities of every taxpayer and business owner along the proposed Central route. Kiewit is the construction company apparently already awarded a no-bid contract by the city using the CM at risk approach (copy again attached) in order to justify the award to build this \$120 million+ tax wasting albatross along Central. A Kiewit office headed by Sean White has

already been set up at 5130 Masthead NE Albuquerque, NM 87109 PHONE-(505) 717-3075  
EMAIL [Sean.white@kiewit.com](mailto:Sean.white@kiewit.com). We continued to be insulted by this Mayor, Bruce Rizzieri,  
Mike Riordan and others.

Silvio

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**Subject: The Albuquerque Rapid Transit-ART, a \$120+ million albatross along Central being  
jammed down our throats-do you nine care?**

**Councilors**

**(Info to those shown and many not shown-sent this Bcc. Share with others if you wish.)**

**While Mayor seems only concerned with meeting with misguided/P.C. opponents of the  
old Stars and Bars Confederate flag remaining downtown rather than doing what's logical-  
leave it there as a historical symbol, apparently he and ABQ Ride's Rizzieri apparently don't  
need citizen consensus on their \$120 million+ ART.**

**They are now are going full speed ahead with wasting \$13-20 million of our tax dollars this  
year ripping up Central this year and expecting those at the FTA in Washington DC to give  
the city/waste another \$100+ million next year to build it. The fiscally responsible thing is  
to do a cost/benefit analysis and also wait until 2016 to see if the feds are foolish enough  
to fund this albatross. It will cost \$10 million/mile to build.**

**Rizzieri in response to my recent NM IPRA request confirmed that there was never any  
needs/cost benefit analysis ever done justifying ART by ridership, density or other criteria.**

**Justification for it was based solely on smoke and mirrors-lies told us of being another  
much needed catalyst for economic growth. Only the alleged success in Cleveland-a more  
dense city was cited as justification for ART.**

**The only thing done was a July 25 2011 "InfraConsult LLC" BRT "Feasibility Assessment" not  
a justification assessment and used Chavez's proposed "modern streetcar" and other not  
relevant studies that also included some selected four year old 2011 ABQ-Ride boardings.  
Go to the ABQ-Ride website to see the old study.**

**These lies of high ridership great economic growth were the same used by Mayor Marty  
Chavez when trying to justify his own white elephant the \$30-40 million/mile "modern  
streetcar" down Central that the feds refused to fund.**

Now "Li wit" (Kiewit) another company or person is asking (after the fact) for citizen feedback-as announced in a small recent article in the Journal. Is "Li wit" (actually Kiewit) the/an ART contractor? Will R.J.'s and Maria Berry's Cumbre Construction be a subcontractor?

The same lies were told to justify the Rail Runner-another sink hole of our tax dollars. Likely at the direction of Governor Richardson, MR-COG then under Lawrence Rael then would claim in his bogus unsupported studies that there would be high ridership, a faster than automobile ride along I-25, tremendous economic development and increased population growth along the route particularly in Santa Fe. None of this ever occurred.

Not only did a Berry Journal editorial trying to justify it based on false claims but good Journal reporter Winthrop Quigley unfortunately jumped on the bandwagon as well. See my e-mail to him below. In an earlier interview with a small Central Avenue business owner, the owner said that it was a gross waste of our limited tax dollars and would likely put many like him out of business.

I hope developer Doug Peterson and other business owners file a lawsuit against the city to prevent the start of prep work/tearing up Central this year that will likely put many businesses along the route in jeopardy. See Doug's objection to ART in his June 25 Journal article below. Isn't it also time for those in NAIOP to also start representing the taxpayers for a change?

Since the Internal Audit office and IG were apparently directed to bury the Schultz/Berry "greasing" of the \$1.9 million contract with Schultz's employer TASER-TASERGATE, I wonder whether they are also being told to leave other disgraceful waste of our tax dollars alone.

Every trick in the book is repeatedly used by the Berry administration to justify no-bid contracts. Among these was the token \$70K one given to the Streicher-Greenwood team to negotiate with the DOJ on APD reform that intentionally was under the Council's approval threshold. Almost \$600K was not surprisingly added to that contract later deeming Schultz's TASER two buddies now incumbents.

Then Schultz and his procurement office buddies downtown would claim the token buy to TASER to test a nominal number of AXON body camera would be the justification for the subsequent \$1.9 million no-bid award.

For the ART we have a novel new tactic foisted on us by Berry and Rizzieri on us. This is to use a Construction Management (CM) at Risk approach being described/misrepresented as an "innovative approach to public project delivery." See attached.

The claimed advantages to CM at risk are bogus. What it really means is that this CM at risk approach justifies yet another no-bid award to Berry's/Rizzieri's desired ART contractor(s). Again, is Cumbre Construction being promised part of the work?

If you don't care and put a halt to this albatross, or a lawsuit isn't filed by Peterson and others, isn't it also time for an investigative report by Larry Barker and other TV reporters, other media outlets like the ABQ Free Press as the Berry Journal seems to be in Berry's pocket-has become a proponent of this waste-disregard for businesses along Central and us taxpayers?

Silvio

For WE THE PEOPLE

296 3241

# Rapid-transit plan would be too disruptive

<http://www.abqjournal.com/622195/opinion/rapidtransit-plan-would-be-too-disruptive.html>

By D. Dowd Muska / Research Director, Rio Grande Foundation. PUBLISHED: Monday, August 3, 2015 at 12:02 am

Advocates of market-oriented public policy rarely have anything complimentary to say about transit systems. Government-owned trains and buses are fiercely protected by politicians and powerful lobbying groups, despite runaway costs and consistently unimpressive ridership numbers. But in Albuquerque, at least lately, transit is a different story.

In 2004, the city's bus system began to add express routes along Central Avenue. "Rapid Ride" features "60-foot long, articulated buses that accommodate up to 86 passengers."

The service is "loaded with new technology," including Wi-Fi, automatic announcements, "a global positioning system to aid in the transit applications that help passengers locate their bus in real time," and state-of-the-art security cameras and microphones. In addition, most Rapid Ride stations have "a structure which allows passengers to wait in safety and comfort."

Route 766, which runs from the Uptown Transit Center to the West Side, saw passenger growth of 25.8 percent since its introduction. Route 790, which links the University of New Mexico's main campus to the Northwest Transit Center, experienced growth of 87.2 percent. Route 777, connecting Tramway Boulevard to Downtown, saw growth of 135.6 percent.

In its "Futures 2040 Metropolitan Transportation Plan," the Mid-Region Metropolitan Transportation Organization concluded that increased boardings on the Duke City's overall bus system were "directly attributable" to the three "Rapid Ride" lines.

At least in terms of demand, express bus service appears to be working in Albuquerque.

So why does the city want to scrap a good thing?

Transportation planners are seeking to replace Rapid Ride with "Albuquerque Rapid Transit" (ART), which combines "many features of rail transit with the flexibility of buses." The city soon will request federal funding to cover 80 percent of the costs of Phase 1 of the project, which is slated to run between Louisiana and Coors. ART would eliminate one traffic lane, each way, in order to create a dedicated bus guideway.

It's a shift the Cato Institute's Randal O'Toole believes is unwise: "Dedicating two entire traffic lanes on Central Avenue to buses and giving those buses priority at traffic signals will do far more to increase congestion than any relief provided by the few cars taken off the road by the bus. Why should a few hundred bus riders a day be given these privileges while tens of thousands of people in cars are forced to sit in traffic?"

Don Hancock of the University Heights Neighborhood Association thinks ART's plan to eliminate the median strip will cause "bicycle/pedestrian safety problems ... to increase dramatically." Walkers and cyclists trying to cross the guideway, he said, are "continuous accidents just waiting to happen."

Thus far, ART's supporters have ignored questions about their project's public-safety and congestion-creation issues, preferring to focus on transit's alleged ability to attract professional millennials. But polling data are beginning to show that young adults' housing preferences resemble previous generations' inclinations.

Describing a recent survey, an economist for the National Association of Homebuilders wrote that two-thirds of millennials "wanted to reside in a suburban neighborhood, compared to 10 percent wanting to own a home in a central city. Nearly a quarter of residents wanted to be outside large metropolitan areas entirely, preferring rural housing."

While recent college graduates continue to be drawn to places such as Washington, D.C., they are also flocking to "sprawling" metro areas such as Houston, Oklahoma City, Phoenix, Orlando, Salt Lake City, Nashville and Las Vegas, Nev.

Will ART be affordable? Check the record. In the words of Veronique de Rugy, a researcher with the Mercatus Center, "Infrastructure spending tends to suffer from massive cost overruns, waste, fraud, and abuse."

And while ART is not a rail line, building it will nonetheless be a complex undertaking, involving ripping up medians, improving sidewalks, constructing stations and relocating utilities.

Citizens in Abilene, Anchorage, and Atlanta shouldn't be taxed to support a project of dubious benefit to Albuquerque.

**The federal government should deny funding to ART.**

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** The culture of corruption-those participants and those enablers here  
**Date:** Wednesday, September 16, 2015 1:46:17 PM  
**Attachments:** [9-14-15KOB-NMAG.doc](#)

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**ALL-Bcc**

#### **THIS STATE'S AND CITY'S WELL KNOWN CULTURE OF CORRUPTION**

As I said in earlier e-mails, while back East settling the estate (as executor) of my deceased, severely handicapped 94 old brother a distinguished WW II vet, and also attending the retirement of my nephew a distinguished USMC officer who served in Afghanistan, those many family members and friends who came from all over the US who I spoke to questioned just why I chose to retire here in New Mexico?

What they all knew about this State and City besides the annual balloon festival was our well known dangerous and unaccountable police and the historical seemingly accepted culture of corruption. My response was that I, like other activists want to change things here choosing to deny the likely fact that nothing will ever change.

This is because voters big money from NAIOP and puppet-master Governor Martinez's machine would pay to keep the corrupt public servants in office. This is why I try to show the US flag that I served under for 22 years (one in Vietnam)-upside down as a approved signal of a state and city in distress-something the Council banned.

#### **KKOB 770's SCOTT STIEGLER TALKING ABOUT OUR CULTURE OF CORRUPTION**

KKOB 770 talk show host Scott Stiegler, a welcomed replacement for his predecessor-the arrogant condescending Jim Villanucci took on this constantly avoided by the media elephant in the room on his show Tuesday afternoon. Listeners who called in were as disgusted with the corruption as I.

The focus of Stig's talk show's discussed the unchanging culture of corruption that permeates this entire State and City. While the disgraceful Secretary of State Duran dominated the discussion as well as the arrogant school board every solution including term limits was discussed. Some callers even blasted State legislators for wasting \$250,000 of our tax dollars to decide whether they could impeach Duran. The arrogant School Board President Don Duran is another Duran who should be impeached.

We depend on our legislators both here in the City and in Santa Fe to be part of the solution but they too many have abdicated their responsibilities. My two NM legislators-particularly Bill Rehm a former cop has no interest in changing the status quo either nor demanding that all police officers wear body cameras. Bill's only interest is supporting an appeal to make the (rare) killing of a cop here a hate crime.

My recent e-mail cited a letter in the Journal by DA candidate-former good cop Ed Perea who believed just a larger voter turnout would change things. Really? Not as long as the Berry Journal continues to spew out its propaganda promoting those who embrace the culture of corruption. A good example is my Councilor Trudy Jones who is running unopposed-because big NAIOP and Chamber of Commerce money will again bury any opponent with propaganda ads promoting their corrupt politician.

#### BERRY-OUR CITY'S WORST MAYOR

Nobody seems willing to criticize the primary person responsible for the deplorable situation here-Mayor Berry. He remains in hiding only to come out of his hole/bunker to cut a ribbon or promote some new tax wasting corruption distraction project/initiative. The latest scam on us is his unjustified ART/BRT down Central.

During one break in Scott's show there was an ad by Berry promoting his latest ridiculous effort to eliminate panhandling that Joy Junction's Jeremy Reynolds ridiculed.

While State Auditor Mr. Balderas never quite got around to doing an investigation of Berry's corrupt APD Chief Schultz and his illegal dealings "greased" by Mayor Berry with employer TASER Inc while still a City employee, the question never asked of Hector is why not? It was left to his successor Tim Keller to do the job with a scathing report on TASERGATE. But nothing was done after the Keller report.

Even the later the original scathing report of it by the City's Internal auditor Debra Yoshimura was changed to ensure that Schultz, Mayor Berry who "greased" the \$1.9 million no bid contract with TASER, our corrupt procurement office or anyone else here were ever blamed or punished deeming this corruption and merely just another lesson learned -an opportunity to just review/clean up the City's corrupt procurement system.

#### NOW NM AG BALDERAS AGAIN BETRAYING THE PEOPLE-SUPPORTING THE CULTURE OF CORRUPTION

Former cop Dr. James Ginger one of the cowardly powerless foxes from PMR Inc. being paid \$4.5 million of our tax dollars to guard the henhouse was Judge Brack chosen powerless monitor of APD reform. Ginger arrogantly refused to come before the public but instead chose once to meet only with selected members of the City Council.

Not surprisingly Governor Martinez second discard/Berry new personal attorney Jessica Hernandez blessed Ginger's private meetings. Both Balderas and Hernandez would claim that KOB who made the inquiry would have to prove the councilors talked to each other about their private meetings. Do they two think we are stupid enough to believe that the Councilors did not talk to each other after these private meetings and would admit they actually did?

Councilor Lewis' comment to KOB was a failed attempt to excuse what he did. *"He wrote, "My sincere hope is that the Department of Justice will stop treating the Monitor with kid gloves and instead insist that he make himself available."*

Dan is the same councilor who along with his eight colleagues made the unqualified (like Eden) former Milwaukee cop Ed Harness our next Executive Director of our Police Oversight Agency to join three other ex cops there. These ex cops like Ginger and his crew will make police oversight more of a sham than it was before the Agency was created.

Also see today's Journal article on it <http://www.abqjournal.com/644888/news/ag-councilors-who-met-with-monitor-didnt-violate-meetings-act.htm>. Journal reporter Ryan Boetel, who joined the defense team of James Boyd's killer Dominique Perez never asked the three other Councilors-Garduno, Sanchez and Winter why they refused to meet privately with the coward Ginger, Cincinnati mercenary Scott Greenwood and the disgraceful Hernandez.

The three Councilors who refused to meet privately with this disgraceful trio knew it was a deliberate violation of the NM Open Meetings Act. Now State AG Balderas has now confirmed to all that politicians can continue to conduct rolling quorums-a blatant defiance of the Open Meetings Act to avoid public meetings. The excuse is that any citizen or media outlet would have to prove our elected officials talked to each other about their private meetings.

**WE BROUGHT THE DOJ HERE ONLY TO BE BETRAYED BY THEM**

It was we activists first led by MLC Jr. MC's Jewel Hall who assembled the damning documentation to bring the DOJ here and not the City Council who should have also demanded a place at the negotiating table but were too cowardly to do so. No one on the never involved current members on Police Oversight Board (POB) brought them in either.

The arrogant and cowardly former cop James Ginger has been told by the DOJ that he and his team of former cops works only for them and Judge Brack and can ignore the people.

Finally-see the latest damning of APD Eye on Albuquerque and also Joe Monahan's blogs. Keep looking for honest reporting in the ABQ Free Press as well.

More than disgusted,

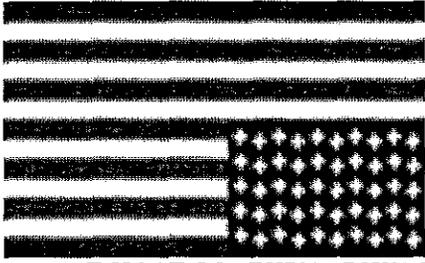
Silvio

For WE THE PEOPLE

296 3241

Living in the land of apathy and hopelessness-not enchantment-MEXICO TRUE





**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS  
CITY'S HISTORY**

## AG Balderas: ABQ City Council did not violate Open Meetings Act in private meetings with DOJ monitor

09/14/2015 10:16 PM | Created: 09/14/2015 7:39 PM By: Blair Miller, KOB.com

New Mexico Attorney General Hector Balderas's office has determined the Albuquerque City Council did not violate the state's Open Meetings Act (OMA) when meeting independently in May with Dr. James Ginger, the independent monitor overseeing the Albuquerque Police Department's U.S. Department of Justice reforms.

In May, KOB asked Balderas and his office to look into whether the OMA was violated when six of Albuquerque's nine city councilors met during private, closed-door meetings – one or two councilors at a time. Read KOB's May letter to Balderas here. KOB asked Balderas to determine whether the meetings constituted a "rolling quorum," in which smaller meetings are held to circumvent the OMA. City of Albuquerque Attorney Jessica Hernandez argued that as long as the individual council members did not discuss their meetings with each other, it was not a violation, and the AG's Office agreed – saying KOB would have to prove the councilors talked to each other about their private meetings.

"At no time during those meetings with Mr. Ginger was a quorum of City Councilors present. Therefore, the separate meetings between Mr. Ginger and the City Councilors were not subject to the OMA," Balderas wrote in his Sept. 11 reply to KOB.

The private meetings occurred May 11 after Dr. Ginger refused to answer questions regarding the APD-DOJ agreement in an open city council meeting. Ginger met with councilors Diane Gibson, Trudy Jones, Klarissa Pena, Isaac Benton, Dan Lewis and Don Harris the afternoon of May 11 between 3 and 4:30 p.m. Two of the councilors were present at the last meeting, while others spoke one-at-a-time with Dr. Ginger in the prior meetings.

Hernandez was also present at the meetings, as were US Attorney Damon Martinez and consultant Scott Greenwood. Councilor Lewis wrote at the time that the briefings were the closest interactions councilors had been allowed so far.

Read Lewis's full response to the allegations here.

He wrote, "My sincere hope is that the Department of Justice will stop treating the Monitor with kid gloves and instead insist that he make himself available."

**From:** Silvio Dell'Angela  
**To:** Silvio Dell'Angela  
**Subject:** The embarrassing media hound Ken Sanchez's response to the City's illegal actions-raises for APD's command staff. Where is the Council President?  
**Date:** Monday, August 31, 2015 2:53:20 PM

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ALL

The Journal's Ryan Boetel embarrassing fluff piece at the behest of Dominique Perez's attorney who charged this killer cop a ridiculous amount of money for the first court hearing was ignored while readers were told by Boetel to feel sorry for this "hero" cop's debts. Even another defense attorney wrote in last week saying the costly effort by his and Sandy's (greedy) attorneys made no economical sense.

Well Boetel's article accomplished what Perez's attorney wanted as there were letters to the editor today from those who bought this sob story. All felt sorry for Perez for having to spend this ridiculous amount of money on his attorney to try to stay out of jail where he belongs.

The wives of the bad killer-cops who we are told to also feel sorry for ought to try to being the wife of a vet in combat or even the wife of a forest firefighter who fear for their husband's life each day.

In today's Journal article by Boetel also at <http://www.abqjournal.com/636782/news/retention-bonuses-causing-rift-at-apd.html> includes an insulting attempt by Councilor Sanchez to try to justify these illegal bonuses never intended for Eden's command staff but for the rank and file.

*"While it's disappointing,??? it's important for APD to keep it's" (corrupt) "high ranking officers from retiring"-something they must receive these raises if reform is ever to occur. Sanchez is not only a media hound who continues to embarrass himself with too many ("I'm disappointed) comments but is clearly the clown price of the Council-a lightweight if there ever was one. Berry loves lightweights.*

This is the same guy who said an upside down flag I showed as an US Code approved sign of distress here was a mere illegal sign or poster thus had to be taken away from me.

I alerted Boetel and others that this illegal act appeared in last Thursday's ABQ Free Press. What took Boetel so long? So new APD Major Jessica Tyler wouldn't take the bonus and we are to think that's great? She allegedly left the BCSO in disgrace but Eden didn't care-nor was it ever reported. No investigation of her?

See the scathing comments below to the Boetel article today on the Journal's website. It includes one from an honest retired cop Dan Klein and another from citizen Ernest Sturdevant. Ernest also pointed out at the last Council meeting that these outreach collaborative meetings that we taxpayers paid \$15,000 to UNM to conduct were mere scams-PR stunts by APD.

Ernest even mentioned that one arrogant Eden cop even spoke at a collaborative and said they

don't need the DOJ-they can police themselves. Further it was the citizens' responsibility to accommodate APD-essentially for us to serve and protect them- including their killer cops-Sandy and Perez

Where is Council President Garduno, the only decent Councilor of the nine? In hiding?

Silvio

For WE THE PEOPLE

#### 5 Comments to Boetel's article



**Dan Klein** ·

President at [USA Locators LLC](#)

Why wasn't the question asked, "is this legal?" It is not. The City Budget Ordinance clearly prohibits directors moving money in their budget for their own compensation. And Eric Johnson, to blame the police union is to ignore who has been mismanaging this place for the last 6 years. The debacle is caused by APD command, you can't blame the union.

[Like](#) · [Reply](#) · 2 hrs



**Eric Jackson** ·

[Albuquerque, New Mexico](#)

Did everyone miss the fact that the debacle is not caused by APD command staff but by the police union? If the union had agreed to maintain the status quo while they negotiated changes, then those other officers would still be receiving the bonuses.

[Like](#) · [Reply](#) · 2 hrs



**Chris Mechels** ·

[De Soto High School](#)

They are retaining the very people they should encourage to leave. As revealed in the Boyd shooting, and the "drug bust" shooting, the management, especially the "incident management" at APD is pathetic. They need to bring in some new management, from outside APD, to replace these cronies who created, and prop up, the current management dysfunction.

Of course the best move would be firing Gorden Eden, an obvious incompetent, who destroyed statewide police training as DPS Secretary, and then forced out Joe Wolf, the APD Academy Director, a very competent man. Eden, and cronies, far from being needed to "implement" the DOJ Agreement, are the very folks who will block the DOJ.

[Like](#) · [Reply](#) · 5 hrs



**Ernest Chavez** ·

Night Stocker at Walmart

Screw the higher ups at apd..give the money to the cops on the beat..higher ups don't put themselves in the line of fire.. real cops do

Like · Reply · 5 hrs



**Ernest Sturdevant** ·

Vocal Instructor/Arranger/Composer at Sturdevant Music Studio

If, as the Chamber of Commerce Newsletter reports, APD's rank and file make \$55,000 a year, they are overpaid. [REDACTED]

[REDACTED]

[REDACTED] 30 APD officers are in the above \$100,000 salary range according to the city's website [REDACTED]

[REDACTED]

[REDACTED] APD

would have some "spreading around money" so we could keep those valuable officers who trained and assisted Keith Sandy and Dominique Perez.

**From:** Silvio Dell'Angela  
**To:** Silvio Dell'Angela  
**Subject:** The hypocrisy of politicians-our downtown councilor Benton and my answers to the criticism of critics of the messenger regarding candidate Donald Trump  
**Date:** Monday, July 20, 2015 7:55:17 PM  
**Attachments:** 7-21-15ConfFlag.doc

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**TO: All- (feel free to send to others)**

I am sharing with all below my response to a (well respected in our APD reform movement) critic who chose to blame the messenger-who rightly says Donald Trump is being demonized because he is courageous enough to tell the truth about the corruption in our government that seems to be condoned.

The article speculating what expected Donald Trump to do as President was written by Wayne Allyn Root, the author of the book entitled, "The Murder of the Middle Class." I asked Kent Waltz to publish it in the Journal but he won't do it as he thus far is part of the problem we have here with his pro-Berry propaganda machine.

My response to the critic of Trump and the article talks about the overreaction of politicians nationwide beginning with our President Obama right down to our City Councilor Benton who now demands the eradication of the Confederate flag from any public place in as something that they now deem is politically-correct.

Had the shooter in Chattanooga shown the symbol of the local police force there instead of the Confederate flag would political-correctness demand all police departments be demonized? Of course not.

See attached Journal article today with the expected politically-correct response. What I find hypocritical about Councilor Benton's (and likely his silent/cowardly Council colleagues') opposition to the Confederate flag along with State Representative Javier Martinez, D-Albuquerque and State Senator Bill O'Neill, as being solely a symbol of oppression against our black citizens is that NOT ONCE has Benton demanded answers to the record unjustified shootings by APD of African Americans here.

Nor has Martinez and O'Neill demanded accountability of cops who murder black citizens in NM. Hypocrites all! These APD victims here included homeless fellow Vietnam vet Vincent Wood with PTSD by two of Schultz's and Eden's two trigger happy cops and APD shooters of many other black men with all of the shooters still on the force.

The Confederate flag stands for more than black oppression/slavery if those demanding its removal looked at history.

Let's see if our Mayor decides to be politically correct and whether we will also see an editorial in the Journal calling for the flag's removal downtown.

Silvio

For WE THE PEOPLE

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**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Monday, July 20, 2015 12:07 PM

**To:** 'stop\_police\_violence\_in\_abq@lists.riseup.net'

**Subject:** RE: [stop] Article worthy of publishing. Are you courageous enough?

TO: XXXX

The point of the article is that his comments are resonating with a growing number of people who are fed up with the corruption/ pay to play by both Democrats and Republicans that is not only in D.C. but here as well. There are things in what Trump says/want to do I don't agree with but others I do-as do others. Listen to the message and ignore who says it. He is not worried about being politically-correct.

President Eisenhower-before he left office warned us about the military industrial complex who are in bed with each other promoting unjustified wars because it's profitable-keeps the war machine going..

We are now buying \$200 million fighter planes vs. the \$30-40 million ones (F-16s and others) years ago. Military spending to support often unjustified wars is ridiculous.

As I said, Trump will have to run as an independent as he won't get nominated by the Republican Party. Too many people hate him because he is rich and his image is not what they like-a choir boy, community organizer or other.

What I also find hypocritical is because one young insane/deranged gunman had a picture of himself shown by the media waving the Confederate flag before gunning down many in that black church, now it's PC to ban the Confederate flag nationwide. Benton was one PC politician who demanded yesterday the confederate flag downtown be removed.

Obama only seems to care when black citizens are murdered. Obama cared little about the white girl recently murdered by an illegal in San Francisco, a city that promoted itself as a sanctuary city.

How many cops have murdered tens of thousands (not hundreds) of black citizens and gotten away with it? Yet there is no movement from Washington DC to demand changes to the justice system-eliminate the broadly interpreted "Garrity vs. Supreme Court" protections of cops, their "privileged immunity" and FORCE all cops to use body cameras.

All cops here and elsewhere are treated as heroes for merely putting on the uniform and their badge deemed is a license to kill/dispose of-especially the poor, homeless, mentally ill and others they deem "human waste"-as APD cop Trey Economidy (still on the force) describes them.

Look at Levi Chavez Jr. who got off for likely murdering his wife after APD contaminated the crime scene and the jury ignored a key piece of evidence-the released bullet clip from Chavez's pistol. Look at Jeremy Dear who murdered Mary Hawkes and his accomplice APD spokesperson Tanner Tixier neither of whom made recordings.

Are there any doubts that both APD killer cops Sandy and Perez will also get off for murdering homeless James Boyd?

Cops want to be worshipped claiming all put their lives in danger every day and feel they have to

be equipped as an occupying force in some war zone.. Those serving in the military in combat zones do deserve our respect but they don't get it! No parades when their bodies come home and are disrespected by the VA

As for illegal immigrants. My mom and dad came over on a boat from Italy legally in the 1920s, worked initially in sweatshops and learned the English language-not demanded that their language be taught in our schools-they expected no other special favors..

My thoughts only.

Again-I'm not on Trump's soapbox. I still am a registered Republican but always have voted for the best man/woman on the ticket because there are corrupt people in both parties. My Councilor Trudy Jones and R.J. Berry are the best examples of those corrupt here. There will be no real reform in APD until Berry leaves and those on the council show they are relevant in our government.

Thanks for writing

Silvio

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From: [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)  
[mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] On Behalf Of xxx  
Sent: Sunday, July 19, 2015 4:32 PM  
To: [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)  
Subject: Re: [stop] Article worthy of publishing. Are you courageous enough?

*Good Lord, really? Trump thinks Mexico is 'sending people.' But not just people, Rapists! He said if he was President of Mexico, he would send criminals here. So not only is he an unrepentant, despicable racist, full of white-supremacist conspiracy theories, he has a bat shit insane conceptualization of foreign relations. Everyone who's 'going after' him is absolutely right to do so. If it's true that he might actually win, God help us all... especially those of us with darker complexions.*

From: Silvio Dell'Angela [mailto:[Dellansi@comcast.net](mailto:Dellansi@comcast.net)]  
Sent: Sunday, July 19, 2015 4:00 PM  
To: 'kwalz@abqjournal.com'; 'dherrera@abqjournal.com'; 'D'Val Westphal'; 'kmoses@abqjournal.com'  
Cc: 'info@susanamartinez.com'; 'Mayorberry@cabq.gov'; 'lisa.torraco@nmlegis.gov'; 'Bill Rehm'; 'info@bernco.gov'; 'kbrandenburg@da2nd.state.nm.us'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'  
Subject: Article worthy of publishing. Are you courageous enough?

Kent

Just sent me from a friend back East. Do you have the guts to publish it? Will the ABQ Free Press or will anyone else?

I am no promoter of Donald Trump but what I do share with him and other champions for the middle and lower class is my disgust with the inbred corruption among our political leaders of both parties-not only in Washington DC that the article focuses on but also here in this State and City.

He will never be nominated by the Republican Party but hopefully will run as an independent. As the article says, he will be a target and better have good security because opponents to those in power want to destroy such people.

This is why as a vet I have tried to show the American flag I served under for 22 years upside down showing that we are a nation, a State and a City in distress. It was not surprising that those cowards on the City Council-refused to have it shown it on GOV-TV during my presentations and also banned my big flag from being shown in the Council chambers as if it were some illegal sign or banner.

I have always said-just follow the money and it explains everything.

A thorough house cleaning is needed nationwide-and particularly here in our city run by corrupt politicians and their minions. This nation, State and City is going to Hell in a hand basket and no one in power cares

Silvio

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READ THIS!!Wow! This is some article.

Subject: Does it make sense to you???

Mr. Root writes a provocative article that seems to make a lot of sense. I hope The Donald has great security, he is going to need it. Most if not all are in his cross hairs and will be exposed. This will explain why so many rocks are being thrown at Donald Trump.

By Wayne Allyn Root

Someone is getting very nervous. Obama. Valerie Jarrett. Eric Holder. Hillary Clinton. Jon Corzine...to name just a few. And I know why. I wrote a book entitled, "The Murder of the Middle Class" about the unholy conspiracy between big government, big business and big media. They all benefit by the billions from this partnership and it's in all of their interests to protect one another. It's one for all, and all for one.

It's a heck of a filthy relationship that makes everyone filthy rich. Everyone except the American people. We get ripped off. We're the patsies. But for once, the powerful socialist cabal and the corrupt crony capitalists are scared. I've never seen them this outraged...this vicious...this motivated...this coordinated.

NEVER in all my years in politics, have I seen anything like the way the mad dogs of hell have been unleashed on Donald Trump. When white extremist David Dukes ran for Governor of Louisiana even he wasn't treated with this kind of outrage, vitriol and disrespect. When a known fraud, scam artist and tax cheat like Al Sharpton ran for President, I never saw anything remotely close to this.

The over-the-top reaction to Trump by politicians of both parties, the media and the biggest corporations of America has been so swift and insanely angry that it suggests they are all threatened and frightened like never before. Why? Because David Duke was never going to win. Al Sharpton was never going to win. Ron Paul was never going to win. Ross Perot was never going to win as a third party candidate.

None of those candidates had the billion dollars it takes to win the presidency. But Donald Trump can self fund that amount tomorrow...and still have another billion left over to pour into the last two week stretch run before election day. No matter how much they say to the contrary, the media, business and political elite understand that Donald Trump is no joke and could actually win and upset their nice cozy apple cart.

It's no coincidence that everyone has gotten together to destroy Donald. No, this is a coordinated conspiracy led by President Barack Obama himself. Obama himself is making the phone calls and giving the orders -- the ultimate intimidator who plays by the rules of Chicago thug politics.

Why is this so important to Obama? Because most of the other

politicians are part of the "old boys club." They talk big, but in the end they won't change a thing. Why? Because they are all beholden to big money donors. They are all owned by lobbyists, unions, lawyers, gigantic environmental organizations, multi-national corporations like Big Pharma or Big Oil. Or they are owned lock stock and barrel by foreigners -- like George Soros owns Obama, or foreign governments own Hillary with their Clinton Foundation donations.

These run-of-the-mill establishment politicians are all puppets owned by big money. But one man- and only one man- isn't beholden to anyone. One man doesn't need foreigners, or foreign governments, or George Soros, or the United Autoworkers, or the Teachers Union, or the SEIU, or the Bar Association to fund his campaign.

Billionaire tycoon and maverick Donald Trump doesn't need anyone's help. That means he doesn't care what the media says. He doesn't care what the corporate elites think. That makes him very dangerous to the entrenched interests. That makes Trump a huge threat. Trump can ruin everything for the bribed politicians and their spoiled slavemasters.

Don't you ever wonder why the GOP has never tried to impeach Obama? Don't you wonder why Boehner and McConnell talk a big game, but never actually try to stop Obama? Don't you wonder why Congress holds the purse strings, yet they've never tried to defund Obamacare or Obama's clearly illegal Executive Action on amnesty for illegal aliens? Bizarre, right? It defies logic, right?

Well first, I'd guess many key Republicans are being bribed. Secondly, I believe many key Republicans are being blackmailed. Whether they are having affairs...or secretly gay...or stealing taxpayer money...the NSA knows everything.

Ask former House Speaker Dennis Hastert about that. The government even knew he was withdrawing large sums of his own money, from his own bank account. Trust me -- the NSA, SEC, IRS and all the other 3-letter government agencies are watching every Republican political leader. They know everything. Thirdly, many Republicans are petrified of being called "racists." So they are scared to ever criticize Obama, or call out his crimes, let alone demand his impeachment.

Fourth, why rock the boat? After defeat or retirement, if you're a

"good boy" you've got a \$5 million dollar per year lobbying job waiting. The big money interests have the system gamed. Win or lose...they win.

But Donald Trump doesn't play by any of these rules. Trump breaks up this nice cozy relationship between big government, big media and big business. All the rules are out the window if Donald wins the presidency. The other politicians will protect Obama and his aides. But not Donald. Remember Trump is the guy who publicly questioned Obama's birth certificate. He questioned Obama's college records and how a mediocre student got into an Ivy League university.

Now he's doing something no Republican has the chutzpah to do -- question our relationship with Mexico ...question why the border is wide open...questioning why no wall has been built across the border...questioning if allowing millions of illegal aliens into America is in our best interests...questioning why so many illegal aliens commit violent crimes yet are not deported...questioning why our trade deals with Mexico, Russia and China are so bad.

Donald Trump has the audacity to ask out loud why American workers always get the short end of the stick? Good question. I'm certain Trump will question what happened to the almost billion dollars given in a rigged no-bid contract to college friends of Michele Obama at foreign companies to build the defective Obamacare web sites. By the way that tab is now up to \$5 billion.

Trump will ask if Obamacare's architects can be charged with fraud for selling it by lying. He will ask if Obama himself committed fraud when he said, "If you like your healthcare plan, you can keep it."

Trump will investigate Obama's widespread IRS conspiracy, not to mention Obama's college records. Trump will prosecute Hillary Clinton and Obama for fraud committed to cover-up Benghazi before the election. How about the fraud committed by employees of the Labor Department when they made up dramatic job numbers in the last jobs report before the 2012 election.

Obama, the multi-national corporations and the media need to stop this. They recognize this could get out of control. If left unchecked telling the raw truth and asking questions everyone else is afraid to ask, Donald could wake a sleeping giant. Trump's election would be a nightmare. Obama has committed many crimes.

No one else but Donald would dare to prosecute. Donald Trump

will not hesitate. Once Donald gets in and gets a look at "the cooked books" and Obama's records, the game is over. The gig is up. The goose is cooked. Eric Holder could wind up in prison. Valerie Jarrett could wind up in prison. Obama bundler Jon Corzine could wind up in prison for losing \$1.5 billion of customer money.

Hillary Clinton could wind up in jail for deleting 32,000 emails ...or accepting bribes from foreign governments while Secretary of State ...or for "misplacing" \$6 billion as head of State Department ...or for lying about Benghazi.

The entire upper level management of the IRS could wind up in prison. Obamacare will be defunded and dismantled. The Obama Crime Family will be prosecuted for crimes against the American people. And Obama himself could wind up ruined, his legacy in tatters.

Trump will investigate. Trump will prosecute. Trump will go after everyone involved...just for fun. That will all happen on Trump's first day in the White House. Who knows what Donald will do on day #2?

That's why the dogs of hell have been unleashed on Donald Trump. That's why we must all support Donald. This may be our only shot at saving America, uncovering the crimes committed against our nation and prosecuting all of those involved.

# That flag does not belong'

Photo omitted

Michael Jefferson, center, calls for the removal of Confederate symbols displayed at the historic plaza in Old Town.

(Greg Sorber/Albuquerque Journal)

By Dan McKay / Journal Staff Writer

PUBLISHED: Monday, July 20, 2015 at 12:05 am

Two state lawmakers, a city councilor and others gathered on Sunday in the heart of Old Town – once the site of a Civil War skirmish – to call for the removal of a flag, plaques and other reminders of the Confederacy on display there.

The plaza is home to a rebel flag, plaques that mention the Confederate war dead and success fighting the Union Army, and replicas of Confederate canons.

“New Mexico has so many amazing, wonderful things to honor in terms of our history,” state Sen. Bill O’Neill, D-Albuquerque, said in a news conference. “Why the city has chosen to honor the Confederate Army is beyond me.”

He was part of a group that called on Mayor Richard Berry to order removal of tributes to the Confederacy. A spokeswoman for the mayor didn’t immediately respond to requests for comment.

Photo omitted

Justus Soul-Bowe, 6, sits on a replica of a Confederate cannon as his father, Rodney Bowe of Albuquerque, joins a news conference calling for removal of Confederate symbols in Old Town.

But the city’s Cultural Services Department released a written statement that said the Confederate reminders are meant as a historical exhibit, not an expression of support.

The Confederate flag is one of five flags on the plaza – intended to represent Albuquerque’s “five governing entities” since the city’s founding in 1706, according to the city statement.

Texas Confederates invaded, then occupied Old Town for about six weeks in 1862, according to the Cultural Services Department.

The other flags on the plaza represent Spain, Mexico, the United States of America and the state of New Mexico.

“The Confederate flag is posted in the Plaza within the context of the other four flags, which, when exhibited together as a group, symbolize the history of a sequence of governments that is unique to our region of the country,” the city statement said.

The debate over the Confederate flag comes just two weeks after it was pulled down from the Statehouse in South Carolina. Its removal followed the killings of nine black church members during a Bible study in Charleston.

The white gunman has posed with Confederate flags.

Michael Jefferson, elder and founder of Procession Ministry, told reporters Sunday that Confederate soldiers, however valiant, died for the wrong cause, and their flag should come down.

“The Confederacy never ever has had a legitimate claim over the land that is now called New Mexico,” Jefferson said. “... That flag does not belong there. That flag was left there to mark the graves of soldiers who died to retain the right to own slaves.”

City Councilor Isaac Benton called the symbols a “thinly veiled tribute” in support of the Confederacy.

“I think that the short three weeks that the Confederacy was here is overrepresented on this plaza,” he said.

Photo omitted

Michael Jefferson, elder and founder of Procession Ministry, left, speaks with City Councilor Isaac Benton before a news conference calling for removal of Confederate reminders in the Old Town plaza.

Acknowledging the Confederacy’s military presence in New Mexico, Benton said, “is appropriate only in the context of the larger breadth of the city’s history.”

Benton said the city should immediately remove two plaques on the Old Town gazebo and revise the wording of a plaque by the replica cannons.

One plaque on the Old Town gazebo – put there by the New Mexico Sons of Confederate Veterans in 1982 – explained the “Skirmish of Albuquerque” this way: “Though outnumbered six to one, a small detachment of Confederates under Captain William P. Hardeman repulsed the attack and maintained possession of the town.”

Another plaque simply notes that Confederate soldiers “were buried here” when the Confederate flag “was flying over old Albuquerque in April 1862.”

The city Cultural Services Department said there’s no evidence that Confederate dead were ever buried in the plaza and that, furthermore, there were no deaths in the “Skirmish of Albuquerque.”

State Rep. Javier Martínez, D-Albuquerque, said the Confederate reminders are “offensive and wrong.”

“It’s really sad that our city would choose to honor something that has been so discredited,” he said.

Share

COMMENTS

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** The insulting defense of killer cops Perez and Sandy-my comments to Journal report below. Eden is a disgrace as is Berry who hired him!  
**Date:** Tuesday, August 04, 2015 1:16:28 PM  
**Attachments:** [LiveLeakAPD.doc](#)

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All

My comments are in red to the highlighted comments made in the Journal report below. The pictures from the article have been omitted. One would show that scumbag former cop Keith Sandy changed his appearance to now try to look like a choir boy.

Judge Candelaria is as much on trial as are the two killers. Let's see if he perpetuates the status quo by again never holding killer police officers here accountable.

Silvio

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### Prosecutor: Self-defense won't fly in Boyd shooting

By [Ryan Boetel / Journal Staff Writer](#) PUBLISHED: Monday, August 3, 2015 at 11:45 pm

The special prosecutor in the case against two Albuquerque police officers said police can't claim they shot James Boyd in self-defense because the officers created the danger that led to the shooting. But attorneys for the two officers said a police K-9 officer was in striking distance of an armed Boyd when they opened fire, making it a justified homicide. Nearly a year and a half after Boyd, 38, was shot and killed in the Sandia foothills in March 2014, Why did it take this long? prosecutors began to lay out their evidence against former Detective Keith Sandy and officer Dominique Perez in court. The officers are facing second-degree murder and lesser offenses. Should be first-degree murder charges. A preliminary hearing is taking place this week in front of Pro Tem Judge Neil Candelaria, who will decide whether prosecutors have established probable cause to take the case to trial. Randi McGinn, a special prosecutor appointed for the case, in her opening statement said 19 police officers approached Boyd in waves, wearing bulletproof vests and armed with nine rifles, more than 700 rounds of ammunition and numerous less lethal devices, like Tasers, police K-9s and bean-bag shotguns. She questioned why such a response was needed for a man who was camping illegally. "It is the kind of thing that most of the time you don't get a ticket for," she said. Perez and Sandy's attorneys said the case isn't about camping. The officers were trying to arrest Boyd on suspicion of felony assault on a police officer, which happened moments into Boyd's encounter with police that day. Really? Police Chief Gorden Eden testified for more than two hours. He said the actions of the officers can vary depending on the circumstances, but that "the law should always prevail." What does that mean

Chief? Candelaria didn't allow him to answer specific questions about the police report on the Boyd shooting after Eden said he hadn't read it. Eden hadn't read it? Perez's helmet video of Boyd being fatally shot, which sparked protests when it appeared on local and national news, was played several times in regular and slow motion by both sides of the case Monday. But much attention in the first day of proceedings was given to the initial seconds of Boyd's hours-long standoff with police. As officers John McDaniel and Patrick Hernandez approached Boyd on a report that he had been camping illegally just 300 yards west of a national forest boundary, where camping was legal, McDaniel said he asked Boyd to step out from under a tarp. As Boyd was getting out of the campsite, McDaniel could only see one of his hands, so the officers drew their firearms. When McDaniel went to pat down Boyd for weapons seconds later, Boyd said, "Please, don't touch me," spun around and pulled two pocket knives from his pants and held them at his side, changing how police would handle the situation. "He looked angry," I would be too if confronted with the dog. McDaniel said on the witness stand. McGinn said Boyd was distraught because the officers drew firearms on him and that him holding out knives was a show of force by a mentally ill man who was scared of the police. She showed that, throughout the standoff, Boyd frequently made reference to police drawing their weapons first and referred to it as an assault. Luis Robles, Perez's attorney, said during questioning that McDaniel had a duty to check and make sure Boyd wasn't armed as he and another officer approached. "How simple it could have been if he put down the knives and was taken into custody," Robles said. Again, he was defending himself against the vicious K-9 dog. I would too if confronted with one. By pulling those knives, Sam Bregman, Sandy's attorney, said Boyd changed the situation from an illegal camping case to a felony assault on a police officer investigation. For the next two hours, several uniformed police officers and a state police sergeant surrounded Boyd and tried to negotiate a surrender. One of those officers, Brock Knipprath, said two other crisis intervention officers had a history of working with Boyd, but they weren't called to the scene. Why not? Also, why wasn't Eden there? Boyd "complained about police pointing guns at him," he said. After the officers had little success with Boyd, they called for an officer to respond with a Taser shotgun. Sandy took the call. "And everything changed," McGinn said. Prosecutors played a recording of Sandy arriving on scene and talking to state police Sgt. Chris Ware. The recording was made by Ware's belt recorder. Sandy called Boyd a "(expletive) lunatic" and said he was going to shoot him with a Taser shotgun. Premeditation. She said Sandy and other officers assembled themselves into a tactical squad and made plans to arrest Boyd before nightfall. Or kill him so they could go home to their families. Perez and Sandy were pointing rifles at Boyd when a group of officers moved to make the arrest. The recording of the shooting shows Boyd gather some of his possessions and start to walk down the slope. Sandy threatening officers by walking away? Really? Then Sandy threw a stun grenade, another officer fired a Taser from the less lethal shotgun at Boyd and K-9 officer Scott Weimerskirch unleashed a police dog. The dog was hit by the Taser, making the dog ineffective. But the dog started chewing on Boyd's body after he was down dead. Boyd then pulled two knives as Weimerskirch was moving toward the dog, and Sandy shot Boyd. After Sandy fired three shots, Perez fired, shooting Boyd in the back and causing his death. Note-in the BACK McGinn asked Chief Eden why no other officer on the arrest team other than Perez made a recording of the shooting, hinting at a possibility officers had destroyed additional footage. Eden said the internal affairs

investigation into the case is still ongoing. Still ongoing now 16 months later? ? Really Chief See cover up passed to Live Leak by an honest anonymous APD cop. "If there was proof an officer erased a tape, it would be concerning to me," Eden said. Just concerning? Like Jeremy Dear and buddy Tanner Tixier not making recordings of the killing of Mary Hawkes and other killer APD officers also not making them. Eden is an incompetent-sick joke!

## **PROOF - APD Covered Up Production of Videos of Shooting of James Boyd**

On March 17th 2014 Albuquerque Police (APD) shot and killed a homeless and mentally ill man - whose only crime was a violation of a municipal ordinance against camping in an open space area in the Sandia foothills at the eastern edge of the city.

On March 17th, the day after the fatal shooting, KRQE made a public records request for the videos of that incident. On April 1st, APD unlawfully denied that request.

**BUT ... Here is the REST of that Story.**

To this day - not only have the Keith Sandy videos mysteriously disappeared - but when the APD finally produced videos claiming to be ALL the videos of the incident - many of the videos were missing INCLUDING almost all that actually show the SHOOTING - most NOTICEABLY - the very videos (from the other shooter - Dominique Perez) from which the now-famous shooting clip was taken and released by APD that week.

On April 2nd, one day after KRQE's request was unlawfully denied, an investigator with the APD interviewed Kevin Fuller, APD Video Unit Supervisor. According to the interview - included in this video - Fuller was instructed on FRIDAY March 21st - to obtain the videos and place them in a Drop Box account.

On Thursday, March 27th - he was instructed to coordinate with several other persons - and to look at all the videos, frame by frame, and identify those parts that the Chief might have an "interest" in BEFORE they were released to the media.

Although those videos have since been released (those that have) WITHOUT being identified by officer or time - Fuller and his team broke down each video by officer and began this work. He was, at this time, told to "take out" all videos in which the audio or video contained the actual shooting.

On Friday March 28th Fuller was instructed to place the videos on another hard drive and provide them to the FBI. BUT ... on Friday evening - Commander Montano on behalf of the Chief contacted Fuller and stated he had "concerns" allegedly about the Chain of Custody. He ordered Fuller to "cease and desist." He was later then told to give Montano the hard drive and to delete the videos from the drop box account.

It is unlawful for the APD to withhold, delay, or deny public records that have no exemption provided by law. The APD clearly DELAYED production in order to find those videos it might find embarrassing - or creating liability - with regard to the act of the shooting of Boyd. It then DENIED unlawfully the production of those videos.

Since then - it has produced videos it has CLAIMED were the complete set. BUT there are several known videos missing - not least being all the videos taken by the second shooter, Dominique Perez, from whose videos the famous clip released by APD initially came. Although several other officers' videos are MISSING from the set produced as well.

It is clear that the APD has and continues to knowingly and willfully withhold those videos. This interview contains proof, at minimum, that the APD had delayed production of the videos, contrary to the Public Records law, in order to try and identify those videos it considered problematic - this specifically was a reference to anything officers may have said to each other during the incident AND anything that revealed either audio or video of the actual shooting of Boyd.

Read more at [http://www.liveleak.com/view?i=b19\\_1406012736#AwZiqcT7vXDsVvfX.99](http://www.liveleak.com/view?i=b19_1406012736#AwZiqcT7vXDsVvfX.99)

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** The sad state of the City and State of NM-Fiscal irresponsibility bordering on malfeasance-Just follow the money and it explains everything  
**Date:** Tuesday, July 07, 2015 3:57:15 PM

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**TO ALL**

**IT'S BAD**

Reference my earlier e-mails particularly those sent on Independence Day and yesterday citing Joe Monahan's and the Eye on Albuquerque's assessment of how bad it has become under this Mayor. The Journal still refuses to hold him and our shadow Mayor Rob Perry accountable for any of it.

In addition to the criminal element in this City that includes many cops still in APD and some throughout the state that is reinforcing our bad image nationwide and adversely affecting our economy, we see numerous examples of New Mexico's well known culture of corruption every day This includes rigged contracts, lies told us and other examples of disrespect to taxpayers to include fiscal irresponsibility.

We really have no internal City controls as the auditor and IG is forced to do the bidding of the mayor to keep their jobs. We recently saw the Auditor's "amended" investigative report of Schultz's rip off of taxpayers with employer TASER get swept under the rug.

**THE NEVER JUST A GROCERY STORE IN THIS MAYOR'S "CHERISHED" DOWNTOWN**

We read today on the front page of the Journal-*"Taking Shape"* yet another example about how we were lied to when insider Paul Silverman of Geltmore was subsidized by taxpayers-politely called a "public-private partnership" to build never just a grocery store but instead a profitable to Geltmore four story mixed use development downtown that our Mayor calls "an essential amenity."

This contract was seemingly rigged for Silverman who Planning Department Director Suzanne Lubar had previously worked for. Did our city auditor ever look into how the allegedly competitive procurement was run as I asked? NO.

Note just who are the members of the Albuquerque Development Commission who made the award to Silverman. They are Sherman McCorkle, John Mechenbier, Paul Silverman, James Strozier and Grayson Lee Trussell. Strozier is the promoter of yet another expected taxpayer rip-off-Santolina that was rammed down our throats by three irresponsible County Commissioners.

**SANTOLINA-BASED ON YET MORE LIES**

Their assurances that no taxpayer assistance-TIDD or other will soon be forgotten while also ignoring the fact that Barclay's Bank who is funding this unjustified development is among the conglomerates buying up land worldwide for its water rights that they believe will be the future oil. I'm glad that some opponents are suing two County Commissioners who jammed that down our throats.

They should be suing Councilor Trudy Jones as well. Described by some as the "Madam" for the "Johns" in NAIOP willing to pay to play, she is repeatedly cited for her conflicts of interests that her Council colleagues choose to ignore.

See today's letter to the editor about Santolina on page A7 of the Journal by Sue Mullane "*Water claims raise the level of skepticism.*"

#### **ANOTHER TAXPAYER RIP-OFF BASED ON LIES-ABQ RAPID TRANSIT DOWN CENTRAL**

It seems also that some prominent business leaders are also getting fed up with the lies told them by this Mayor and his fiscally irresponsible team. The June 25 Letter article below opposing yet another albatross being jammed taxpayers' throats was written by respected developer Doug Peterson. Has NAIOP finally realized that this Mayor is killing businesses?

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#### **Bus rapid transit idea will hurt, not help, businesses**

By Douglas Peterson, Principal / Peterson Properties PUBLISHED: Thursday, June 25, 2015 at 12:02 am

Recent pieces in the Albuquerque Journal praise the idea of bus rapid transit along Central Avenue, deemed by the city to be "Albuquerque Rapid Transit" or "ART." However, coverage to date has barely touched upon the devastating impact that ART will have on Central's businesses. My family owns 15 properties on Central, stretching from 102nd Street on the west to San Pedro on the east. Also, we are the largest property owner in Downtown Albuquerque; nobody believes more in the vision of an urbanized Albuquerque than we do. So, if ART is such a sure-fire benefit to Central and to Downtown, why do we oppose it?

Access. The current design of ART, with a raised median in the middle of the street, eliminates the ability of cars to turn left into or out of over 140 properties along Central from the Rio Grande east to Louisiana Boulevard (Downtown core excepted). In several instances, this raised median will even prevent a left turn onto or out of a side street perpendicular to Central. This design drastically reduces the number of customers visiting the affected properties as customers will likely avoid driving on Central altogether or, if they do drive on Central, they will simply choose a different business to satisfy their need as opposed to taking a ridiculously circuitous route. Additionally, the city's own suggested amelioration of the reduced access is, unbelievably, to encourage drivers to make U-turns at busy intersections. At a meeting on May 13, a city deputy director provided to me a city-created diagram stating that, in lieu of being able to make

a left-turn into my family's property at the northwest corner of Central and Rio Grande, a customer heading eastbound on Central would be encouraged to make a U-turn at Rio Grande to then be going west on Central so as to make a right turn into the property. Such a suggested turn movement is even more dangerous than it is impractical.

**Credibility**-The city has sparse credibility when it comes to telling us that a major initiative will increase private development. I am the former chairperson of the Albuquerque Environmental Planning Commission, on which I served for six years. In that capacity, as well as my career as a developer, I've read every sector plan, corridor plan and overlay zone that the city's created. All but a handful have failed to benefit the areas they cover, and nearly every one stated that it would spur development. To verify, spend some time on the city's website reading such duds as the East Gateway Sector Development Plan, the North Fourth Street Rank III Corridor Plan, or the South Yale Sector Development Plan and reflect upon the empty promises in their opening pages. The city's now paying a consultant to un-write these asinine planning documents that pragmatic people knew, and stated at the time of the plans' creation, would not work. In light of that track record, why would anyone accept the city's insistence that ART will lead to increased private development? I'm a second-generation developer with property in this corridor and a deep love for Albuquerque and I'm clearly stating here, as I have to city officials in person, that ART will not cause me to build multistory buildings. The only thing that'll cause me to build multi-story buildings will be demand from users who can afford to, and want to, pay prices that justify me building multistory buildings. ART won't make those users materialize out of a dwindling Albuquerque population. Ask a millennial who'd be interested in coming to or staying in Albuquerque what is truly stopping her or him from doing so. They'll cite job opportunities, high per-capita crime and a sloppy-looking built environment. They're not passing us over because they think it takes too long to get east and west on public transportation along Central.

#### **JOE MONAHAN'S RECENT TAKE-EXTRACT BELOW**

**Tuesday, July 07, 2015--Crime And The Economy; Making The Link, Plus: Home Building Sags But Can Retirees Really Help? And: Sanchez Vs. Sanchez For State Senate Slot?**

Our readers have repeatedly tied ABQ's persistent crime problem to the problem of attracting business here and relieving us of this long-running stagnation. That argument has largely been ignored by the business community and current political leadership. Both insist that tax incentives and regulatory relief are the answer. But there could be a change in the narrative. Attorney General **Hector Balderas** dips his toe in the water with this **recent statement**: *New Mexico is the **second most dangerous state in the country, we can't grow jobs or improve education until our children are safe in their schools, our families are safe in their communities, and our officers aren't subjected to dangerous repeat offenders out on the streets. It's time to attack violent crimes, close the child pornography loophole, and take an actionable approach to fixing the systemic failures in our justice system. Will we see more of the political class connecting the state's social conditions crisis to its tepid economic outlook? Alligators in Santa Fe say there has been a reluctance among some lawmakers to publicly voice the connection--not because they disagree with it--but because they fear it will scare more businesses away. Also, the argument fell on deaf ears during the last gubernatorial and mayoral campaigns as the***

**Democrats wrote off their candidates early and were unable to engage the public. Meanwhile, that stagnant economy keeps...well...stagnating: MORE...**

#### **EDEN'S LEGACY WHILE IN SANTA FE**

See today's Journal. Police fired on a mother with 5 children in the car near Taos in a Oct 2013. Courts ordered her to stay in NM while the legal process unfolded. One of the cops was fired then was hired as deputy sheriff for Taos County.

An update on her case is at: <http://www.abajournal.com/608671/news/plea-deal-reached-in-taos-minivan-shooting-case.html>. Much like bad teachers, trigger-happy cops like State cop Elias Montoya will always find a new home in another police department.

Ignored is the fact that in January 2014 after an illegal stop, Eden's then State cop Oliver Wilson while running alongside the fleeing van driven by Jeanette Anaya emptied his pistol-putting 16 rounds into the van killing her and almost killing her passenger. Wilson is still on the State Police force thanks to Eden and a scared judicial system. Another lawsuit

Can it get any worse? Yes until our fiscally irresponsible Berry and his enablers on the Council leave office as well as those like them on the County Commission and in our State government

Silvio

For WE THE PEOPLE

**From:** Silvio Dell'Angela  
**To:** reedy@aps.edu  
**Cc:** "Board ED"; kburgess@abqjournal.com  
**Subject:** The same failed leadership at APS as in APD with more blessed secrecy-defiance of the NM IPRA-Kudos to Journal's Kim Burgess's coverage of APS's latest IPRA stonewalling  
**Date:** Wednesday, October 21, 2015 5:03:14 PM  
**Attachments:** 10-15-15Reedy.doc

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## TO: APS Superintendent Reedy

Info to those shown and not shown

Reference my 10-15-15 e-mail to you along with a copy of the highly critical of APD 10-9-15 Journal editorial-copy attached

### WHAT ANY GOOD INCOMING LEADER SHOULD DO

As I often told you, one of the first things a new competent leader of any large organization does is to do an independent audit of the his/her organization-something you ignored.

That's what your predecessor Luis Valentino wanted it but suspended Don Moya who is still getting paid for doing nothing wanted no part of it. Apparently neither do you-Ms. Reedy. Are there too many skeletons in your APS closet?

Apparently we are to believe that your predecessor Teflon Brad Winter who was also there during the Valentino transition period was in a cave-knew nothing about the rampant problems in APS while there.

Instead of doing a comprehensive independent audit of the many obvious problems in APS that includes your ongoing IPRA stonewalling office run by Rigo Chavez, your HR office, your procurement office (including Kizito Wijenje) that has a history of wasting our tax dollars and others, you are only focusing on doing a CYA audit by hiring a forensic accounting firm owned by one of the City's/APS's insiders Janet McHard.

Janet's partner is none other than former San Diego cop Beth Mohr a member of the new Police Oversight Board who was instrumental in getting another former retired (Milwaukee) cop Ed Harness chosen to be the Police Oversight Agency's Executive Director.

Ms. Mohr was also interim IRO for a while and clearly a favorite of those in Eden's and the Mayor's office and also the favorite of some APD bad leadership enablers on the Council.

### LIKE YOU, CHIEF EDEN ALSO AFRAID OF THE TRUTH ABOUT HIS ORGANIZATION

This independent audit of the entire organization is something the clearly unqualified APD Chief Eden also refused to do. The DOJ even had to direct him to do a manpower study that has still not been done.

Apparently Eden didn't have the competence within APD to do this nor would he trust/listen to and possibly hire good retired APD officers like Klein, Grover, Perea, Costales, Heh and others who all knew where the skeletons were and how many cops were really needed.

Eden went instead to a private contractor to do it and in the meantime continued to ask for more officers-now 1500 without really knowing how many he really needs and where to put them.

Also seemingly on the back burner is the study given to UNM to look at body recorder usage as if UNM even had the experience to do this. That study is still not done by UNM-to the surprise of absolutely no one!

Will that UNM study also teach Eden's bad officers how to turn their recorders on? Doubtful.

Like your APS Ms. Reedy, APD also believes that our State law the NM IPRA is something to be ignored should any incriminating public information ever be asked for. It's always a private matter-isn't it-even though paid for with our tax dollars?

We still don't know all of the names of those besides (all but one of) the School Board Members who went on that boondoggle School trip to California or whether you intend to still keep Valentino's appointees in their current positions including Board President Don Duran's daughter-a clear example of nepotism.

You still have Rigo Chavez stonewalling IPRA requests for knowingly public information in order to keep the corruption in your APS ivory towers from ever leaking out. Why are you/is APS mum on the forensic auditor's work as Kim reported?

See the excellent article today by Kim Burgess below. KUDOS TO KIM FOR IT.

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### *"APS mum on forensic auditor's work*

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*By Kim Burgess / Journal Staff Writer Wednesday, October 21st, 2015 at 12:05am*

*Albuquerque Public Schools has hired a forensic accounting firm but won't discuss the auditor's assignment or say whether it is related to the lawsuit filed against APS by Chief Finance Officer Don Moya, who has been placed on leave, or the departure of Superintendent Luis Valentino. The district also has hired an outside attorney to defend against the lawsuit Moya filed after Valentino placed him on paid administrative leave Aug. 7. Earlier that day, Valentino had attempted to text New Mexico Secretary of Education Hanna Skandera that he was going to "go after" Moya, but accidentally sent the message to Moya himself.*

*Valentino and Moya had clashed over the proposed audits of several systems, including payroll and finance. District spokesman Rigo Chavez confirmed APS retained McHard Accounting Consulting LLC on Aug. 19 for forensic accounting, which involves examination of accounts for*

*possible fraud, embezzlement or other wrongdoing.*

*He wouldn't say whether McHard's work is related to the audits Valentino pushed for before he was forced to resign on Aug. 31. Moya claims in his lawsuit that he was fired over the audits, specifically for protesting that Valentino's hand-picked deputy had wanted to contract with a firm that had employed a disgraced former Denver Public Schools administrator.*

*The lawsuit is still pending, and Moya is still on paid leave. He has collected around \$30,000 since his departure. Chavez did say that APS' internal audit office chose to work with McHard, and Valentino was not the decision-maker in their hiring. "There are some times when internal audit feels they should not be the ones looking at accounting," Chavez said. "Instead, they will bring in an outside accountant to look at documents."*

*The spokesman said he did not know how much APS plans to spend on the work, noting that district rules only require a contract for payments of \$60,000 or more. McHard has not yet billed APS, and the only document in the district's system related to their hiring is a "new vendor" form that lists their services as "forensic accounting, auditing, investigations," along with basic contact information.*

*It did not give an hourly rate, and Chavez said there was no scope of work letter. The form names Janet McHard, founding partner of the firm, as the vendor contact and was signed by the director of APS' internal audit office, Margaret Koshmider. McHard did not return calls seeking comment.*

*Chavez said the internal audit office's activities are private, so their staff are not available for interviews. According to APS' website, internal audit "is an independent appraisal office that reviews financial conditions, legal and procedural compliance, internal controls, and conducts investigations and facilitates the whistleblower hotline."*

*The hotline allows APS employees to anonymously "report fraud, waste and abuse of resources" or any other "suspected unethical activity personally observed by the individual." It is hosted by third-party vendor Ethical Advocate.*

#### Moya lawsuit

*APS also has retained Albuquerque attorney Beth German to defend the district in the whistleblower lawsuit Moya filed Aug. 24 contending that he was targeted for criticizing the audits and not supporting Gov. Susana Martinez's educational policies.*

*Chavez explained that APS felt Moya had worked too closely with its regular legal firm, Modrall Sperleng, and wanted to bring in outside counsel. German has billed APS around \$17,500 or \$160 per hour for work in September. The district has not set a budget for German's legal counsel and will continue to pay her as the case progresses, Chavez said.*

*Emails leaked to the media in mid-August show Moya battling with then-deputy superintendent Jason Martinez over a request for proposals for the internal audits. Moya called the audits a waste of "time, effort and tax payer dollars" and attempted to cancel the RFP, though Martinez argued that he did not have the authority to do so.*

*Moya countered that the RFP was under his purview and wrote that the "entire process is suspect" because Martinez had wanted to work with a tech company that had employed a disgraced Denver Public Schools administrator who had a friendly relationship with Martinez. Valentino, meanwhile, released emails shortly after showing that the tech company was no longer in contention for the RFP.*

*Martinez resigned from APS Aug. 18 shortly before it came to light that he is facing assault and child sex assault charges in Denver. See related story page, Martinez took the stand in his*

criminal case.

*Valentino agreed to resign in return for an \$80,000 payment, salary paid through Oct. 1 and a letter of recommendation from the APS Board of Education. The \$80,000, however, has been withheld pending approval by the New Mexico Public Education Department as required by law. Skandera has said only that it is under review."*

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Again, Ms. Reedy, are you a real leader qualified for the job or just a caretaker just treading water and maintaining APS's embarrassing status quo?

Silvio

For WE THE PEOPLE

P.S.

For those recipients of my other e-mail today, subject- *"Father likely contributed to road rage shooting of his daughter as witness said in KOB report last night-Kudos to KOB."* As my friends at the KOB news desk pointed out it was Forest Gump not Gomer Pyle who said, "Stupid is as stupid does." Sorry Forest G.-AKA Tom Hanks and thanks KOB.

From: Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
Sent: Thursday, October 15, 2015 7:40 PM  
To: 'reedy@aps.edu'  
Cc: 'Board ED'; 'kburgess@abqjournal.com'; 'rnathanson@abqjournal.com'; 'D'Val Westphal';  
'coleman@aps.edu'; 'Board of Regents' Office'; 'news@dailylobo.com'  
Subject: SHOW SOME LEADERSHIP-NO MORE TREADING WATER THERE

Rachel

I guess I wasn't surprised that you never responded to my many e-mails-including addressing the issues I had asked first your predecessor and now you to address. Demonstrates the elitism there in APS's ivory towers.

People in this city are looking for fiscal responsibility and real leadership something APS has lacked for a very long time. Many of us particularly the teachers wants you be more than just a caretaker-someone that merely perpetuates the status quo but instead a real leader who will change our school system that is one of the worst in the country. The jury is still out whether you are that pro-active leader or just another Board President-Don Duran puppet..

See the October 9 editorial and two most recent October 15 ones on Jim Chacho and audit by State Auditor Tim Keller below. They are damning! Yet-nothing but silence from you. We still don't know whether Don Moya is still drawing a paycheck and if so, why? He opposed Valentino's independent audit and we all now know why. A lot of skeletons in APS's closet.

Tami Coleman seems to be no better. How about the others hired by Valentino? Are they still on the APS payroll and in their same jobs? Just who went to the recent education conference in California on our tax dollars? We still don't know.

Please show some leadership. We want you to succeed. You can begin by start cleaning house there beginning with your IPRA doubletalk/stonewaller Rigo Chavez and the other dead wood there.

Regards,

Silvio

For WE THE PEOPLE  
296 3241

P.S.

It's interesting that now retired Brad Winter has never been mentioned as responsible for any of these problems. Can we forget APS giving Brad's buddy Tom Kauber a free pass for what he did to Sandia HS coach Alvin Broussard. What did UNM have to pay Kathy Korte for APS's and the Governor's suggested retaliation against her?

M005185

## **Editorial: Another APS lesson in how money grows on trees**

By Albuquerque Journal Editorial Board Friday, October 9th, 2015 at 12:02am

<http://www.abqjournal.com/657048/opinion/another-aps-lesson-in-how-money-grows-on-trees.html>

*Today, class, the administration of Albuquerque Public Schools is providing district taxpayers yet another lesson in agronomy. Specifically, it's that money grows on trees. At least your money does. Let's start with offering to give now-former Superintendent Luis Valentino a month's salary, a lump sum of \$80,000 and a three-paragraph, highly complementary letter of reference to get lost and not let the door hit him on the way out.*

*And there's \$26,000 and running to keep chief financial officer Don Moya languishing on paid administrative leave with no end in sight. Plus \$170,000 so Valentino's hand-picked chief of staff, Toni Cordova, can spend the next year chiefing/staffing even though the guy who hired her is no longer with the district. Former chief academic officer Shelly Green keeps her \$142,000 salary to become student success administrator, though her predecessor made just \$57,000 when he retired. Katarina Sandoval gets a \$9,000 raise, to \$137,000, to switch from associate superintendent of middle schools to chief academic officer.*

*Gabriella Blakey (the daughter of the APS Board of Education president) receives a \$126,000 salary to take over as associate superintendent of middle schools in a move that one could argue violates the district's nepotism policy. And Joseph Escobedo, who was chief of staff for then-superintendent Winston Brooks, keeps his \$107,000 salary as he moves from his latest position as director of the Office of Equity and Community Engagement to the APS communications department.*

*And let's not forget handing Brooks \$350,000 in a secret deal to go away. It's also worth pointing out that this board approved an additional \$400,000 or so in new spending to allow Valentino to hire Cordova and a new deputy superintendent, the now-departed criminal justice fugitive Jason Martinez. It also reinstated pay for employees while they are serving in the state Legislature, seizing an opportunity to increase its influence in Santa Fe at taxpayer expense.*

*Meanwhile, it appears Moya was placed on leave in part because he opposed a proposed financial audit; in fact, he called it a waste of taxpayer money. It would be interesting to see what he calls paying someone five figures to do absolutely nothing. Or six figures to do a job that essentially no longer exists. Or someone making more than twice what their predecessor made to do the same job.*

*In fact, it would be interesting to hear what anyone in a leadership position has to say about the district's largesse; acting Superintendent Raquel Reedy has no public comment on the something-for-nothing Moya controversy, board president Don Duran (who as an elected official supposedly represents the public) no longer answers requests for comment but occasionally reads a prepared statement.*

*Most questions are referred to APS spokesman Rigo Chavez, who has mastered the art of answering questions while saying absolutely nothing – like when he said he was not aware of any negative impact on the district if the state's decision on whether or not to approve Valentino's buyout takes some time.*

*Whether or not Secretary of Education Hanna Skandera approves the Valentino deal, shouldn't the folks footing all these bills, i.e., APS taxpayers, be allowed to know just what they are paying for and why? Right now that looks like a lot of nothing, or a lot of nothing more.*

*Come February, APS will ask those same taxpayers to approve a multimillion-dollar capital improvement bond issue for important things like roofs and air conditioners and toilets and pavement. To deserve that vote of fiscal confidence, district leaders need to first be accountable for their personnel expenses.*

*(This editorial first appeared in the Albuquerque Journal. It was written by members of the editorial board and is unsigned as it represents the opinion of the newspaper rather than the writers.)*

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Ex-Hoover principal named in whistleblower lawsuit By Rick Nathanson / Journal Staff Writer  
Thursday, October 15th, 2015 at 12:05am

*An assistant principal at Manzano High School, Jim Chacho, has been named as a defendant in a whistleblower lawsuit stemming from his time as principal at Hoover Middle School. Chacho is accused in the lawsuit filed Oct. 2 by Hoover school counselor Louise Adelstone with retaliating against her after she told Albuquerque Public Schools officials that some of his behaviors harmed "the interests of the students and staff" of the school.*

*In the lawsuit, Adelstone claims that Chacho, who became principal at Hoover during the 2013-2014 school year, was frequently absent from work, often showed up demonstrating "visible signs of intoxication," and that he was verbally abusive to members of the school's staff and administration. The APS board is also named as a defendant in the lawsuit. "We don't comment on pending litigation," said APS spokeswoman Monica Armenta.*

*Because Adelstone voiced her concerns to APS officials as well as the Albuquerque Teachers Federation, the ATF conducted an APS-approved "climate survey" of staff at Hoover regarding Chacho in February 2015. The survey results were "largely very negative regarding his performance and professionalism," the lawsuit says. The following month, Adelstone contacted officials at APS, pointing out their failure "to take appropriate actions" against Chacho with respect to the survey results, and regarding her allegations of retaliation.*

*Among the retaliatory actions, she says, Chacho ordered her to vacate one of two offices that she needed for counseling students; sought to have her transferred to another school, despite her having only "exemplary performance evaluations"; and that he systematically began "isolating" Adelstone from other staff and students while "eliminating her job duties" and making it impossible for her to be a counselor.*

*The complaint for violations of the Whistleblower Protection Act charge Chacho and APS with infliction of emotional distress and interference with contractual relations, and asks for damages to be determined, the defendants to restore Adelstone's status as a valued counselor, costs associated with hiring an attorney and filing the lawsuit, and other relief as seen appropriate by the court.*

*In an unrelated incident, Chacho, 42, was found in a car on the 9200 block of Montgomery NE on Aug. 20, with multiple gunshot wounds to his neck and chest. He was taken to the hospital in critical condition. Police said the shooter, Craig Cuthbert, believed Chacho was having an affair with his wife. Cuthbert subsequently fled to the Faith Lutheran Church, at 10000 Spain NE, where he shot and killed himself on steps outside the building.*

*Cuthbert was not an APS employee but was heavily involved in children's sports. His wife was an occupational therapist at Eldorado High School, according to APS. Chacho is still listed on the Manzano High School website as an assistant principal, though he remains "on leave" according to APS spokeswoman Armenta.*

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**Employee at APS was overpaid by \$60,000 By Kim Burgess / Journal Staff Writer Thursday, October 15th, 2015 at 12:05am**

Albuquerque Public Schools mistakenly **????** overpaid an employee for five years – shelling out a total of \$60,140 more than it should have or about \$12,000 extra per year, according to information brought to light by a recently released summary of state audits. In an interview with the Journal, Sunlei Stewart, chief of staff for the Office of the State Auditor, said, "An overpayment of \$60,000 is a very significant issue and an unusual occurrence."

Problems with APS' payroll system previously were documented in its 2012 state audit, which said the district had a "significant deficiency" and noted a "lack of effective internal controls" on some aspects of payroll. Neither the state nor district was aware of the overpayments to the employee at that time; the district discovered the error in 2014.

APS' most recent comprehensive annual financial report shows the employee was overpaid from fiscal year 2009 until fiscal year 2014. The report says that "the overpayment was a result of a record analyst entering the incorrect pay rate when the employee was hired during FY08-09" to work with the federal Title I program. The APS report was incorporated into the New Mexico Office of the State Auditor's recent summary of state governmental financial audits, which was released Sept. 22.

The overpayment was the most serious among the state audit's four findings against the district itself. According to the report, a district record analyst detected the payroll problem and it was corrected in June 2014. The document also says APS "is in the process of collecting for the overpayment." APS interim Chief Finance Officer Tami Coleman confirmed that attorneys are working with the employee on repayment. "I don't think we have collected anything on that – it is in the hands of our attorneys," she said. "They are negotiating the payment schedule."

Coleman is filling in for CFO Don Moya, who was placed on paid administrative leave Aug. 7 after a blowup with now departed Superintendent Luis Valentino. Among other things, Moya and Valentino had clashed over Valentino's desire to conduct department audits. APS spokesman Rigo Chavez said he did not know the employee's identity, **????** but he said the employee still works for APS. Chavez said he could not say whether the employee was aware of the overpayment before it was discovered by the district.

Because the employee works for a federal program, the salary came from federal grants to APS. The report includes the auditor's recommendation that APS "establish effective internal controls surrounding the entering of employee's pay and/or change in pay." "We recommend the processing of these payroll items be reviewed prior to uploading the information into the payroll module to ensure the most accurate pay rate is entered," the report states. Coleman said APS is instituting additional payroll review processes.

The report includes APS' response to the overpayment problem, which notes that the district hired "additional staff to assist with verifying that all forms are returned and completed accurately" and launched online training about properly entering employees into the system. The report also says APS has "created an HR/Finance task force to address the payroll cycle and faults in the process."

"The task force is considering the entire payroll cycle, all entities involved in the cycle, and both short term and long term solutions to address payment irregularities," the report says. Chavez said that group is still meeting.

In an emailed statement, State Auditor Tim Keller wrote that the situation "demonstrates the important role audits play in safeguarding public funds." "We are pleased APS is implementing internal controls to prevent this from occurring in the future and we will be monitoring their corrective actions moving forward," Keller wrote. In 2012, APS' audit showed problems with the processing of retroactive corrections to payroll. APS outlined a number of steps to address the issues.

APS' most recent audit report highlights a second payroll issue, specifically timely corrections of smaller underpayments and overpayments of employees. These overpayments and underpayments involved smaller amounts of money – the report notes examples of an underpayment of \$1,846 and an overpayment of \$424.

The district had a total of four findings as an agency. The other two dealt with the proper management of an account for construction projects and staying within budget on a few funds. Fourteen other findings were related to APS-authorized charter schools. The charter schools are listed under APS, though the district does not have control over their day-to-day operations.

Similarly, the New Mexico Public Education Department had 164 findings, with all but 14 attributable to PED-authorized charter schools. Coleman noted that APS has decreased its number of audit findings over the years. A decade ago, when she began working for the district, it had 20 to 30 audit findings as an agency.

"I feel like there has been tremendous improvement over the past five to 10 years," she said. "There is always room for improvement, and we will always strive to do better. We do work with the auditors in a positive way and very much welcome any recommendations that they may have for improvement."

**From:** Silvio Dell'Angela  
**To:** Silvio Dell'Angela  
**Subject:** The self proclaimed "Heroes" luncheon yesterday and Schultz's former Commander Candelaria embarrasses himself  
**Date:** Friday, August 28, 2015 6:19:53 PM

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ALL

(Pass copy to self-proclaimed "hero" Candelaria)

So all police officers view themselves and expect to be viewed by citizens as heroes just for putting on the uniform and wearing a badge. While it was great to recognize Lou Golson at this not "heroes" luncheon, does Lou, a great cop consider himself a hero? I doubt it. Nor do the other great cops in APD want that designation unless it is deserved. NO

US Attorney Martinez relatively new US Marshal Conrad Candelaria who has the freedom to shoot people because he-(unlike US marshals in California and elsewhere) is not required to wear and use body cameras here. No recordings-no accountability-right Conrad? Yet he dares to claim that attacks on these self-proclaimed "heroes" deserve to be labeled as hate crimes merely because they wear a badge.

This former high level minion of former corrupt APD Chief Schultz insults our intelligence. Newsflash to Candelaria-heroes do heroic deeds and most heroes are those who put on a military uniform risking their lives in overseas wars. Are any of the GIs killed by friendly fire also considered as hate crimes?

Was Conrad one of the US Marshals to be sent twice to the home of Tony Pirard to threaten him because he dared to criticize his boss Damon Martinez, Judge Brack and others at council meetings like Gestapo thugs?

As seemingly part of the problem here, "hero" Conrad should read this week's ABQ Free Press that includes a good article by a great retired officer Dan Klein, other articles that exposes the corruption in our APD and our do nothing pretend mayor. Conrad might check out the Eye on Albuquerque's postings unless APD shut it down and also what Joe Monahan writes in his blog

The totally unqualified APD Chief Eden was a former US Marshal and never even supervised eight people much less eight hundred when this Mayor made him chief ignoring other applicants with eye-watering credentials.

See my comments in red to Maggie's good coverage of the luncheon below. More than disgusted with the arrogant Conrad Candelaria

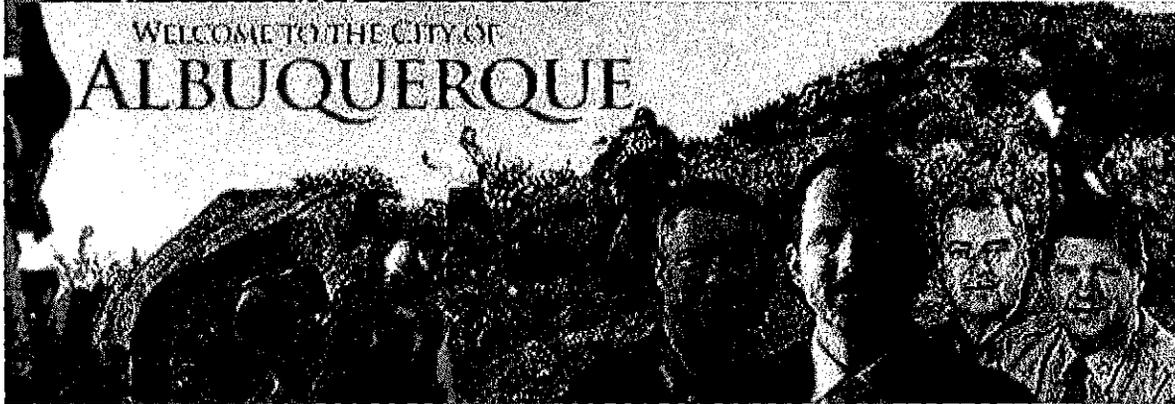
Silvio

For WE THE PEOPLE

296 3241

M005190

I served with real heroes in Vietnam in 1969-70 Conrad.



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

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Attacks on police officers called 'hate crime'

By [Maggie Shepard / Journal Staff Writer](#) PUBLISHED: Friday, August 28, 2015 at 12:05 am



CANDELARIA: Calls for tougher penalties

*Law enforcement officers should qualify as a protected group under hate crime laws, U.S. Marshal Conrad Candelaria said Thursday during a lunch attended by area business leaders, high-profile law enforcement and elected officials. (NO-Conrad-those citizens who they murder and to date all get away with it should be called hate crimes. Who were these elected officials in addition to those mentioned below? Was the mayor or his CAO there?) Officers, he said, "are attacked and killed just because they wear a badge. That is a hate crime." His comments came in the wake of recent violence against local law enforcement, including several officers being rammed by vehicles and the recent shootings of two, one of them fatal. There should be "tougher and enhanced penalties" for attacks on officers, who he said should be a class protected by hate crime statutes. The statements drew loud applause from the 140 people at the New Mexico Business Coalition's annual Heroes Lunch. (Of course) The event honored with the group's Hero of the Year award Albuquerque Police Department officer Lou Golson, who survived being shot four times during a traffic stop in January. "It is a hero's desire ... to live purposefully," Candelaria said. (Just to live purposely?) "Lou, your strength was tested and decisively ruled heroic." The business group gave Golson and his wife, April Golson, a gift certificate for a weekend hotel stay and a plaque. "I have mixed feeling about this (award)," Golson, who is back on limited duty at the Albuquerque Police Department. "I happened to get in the way of a few bullets and I happened to fall down," he joked. (Golson is a class act-unlike Candelaria.) The group also honored Marc Powell, owner of Recarnation used car dealership, which presenters said donates 50 percent of its profits to charity; A. Blair Dunn, an attorney with Western Agriculture, Resource and Business Advocates; and state Reps. Yvette Herrell, R-Alamogordo, and Dona Irwin, D-Deming. Candelaria also called for law enforcement to embrace the often contentious relationship with reporters, "those who rightly question, petition and criticize under the First Amendment" of the U.S. Constitution. "We must accept the competitive interests of these two professions," he said. Competitive interests? Sheer B.S. Was Journal reporter Ryan Boetel's recent disgraceful fluff piece-hero portrayal of Dominique Perez one of Eden's murderers of homeless camper James Boyd not enough of an insult to our intelligence? This was the only murder by APD cops where recordings were ever released. Candelaria is a retired APD commander and took the post as marshal in 2010. (He was one of those Schultz's boys who got out when the bloodbath against citizens got into full swing at Schultz's direction- like Schultz's then Commander Huntsman-now APD's shadow Chief).. Also in attendance were APD Chief Gorden Eden, (who refuses to severely punish officers for failing to record and lies to justify his officers' shootings) state Corrections Secretary Gregg Marcantel, Bernalillo County Sheriff Manuel Gonzales, (another disgraceful cop who refuses to equip his deputies with body cameras) Rio Rancho Mayor Gregg Hull, state Land Commissioner Aubrey Dunn and several members of the state legislature.*

**From:** [Sivjo Dell'Angela](#)  
**To:** [POB](#)  
**Subject:** The unqualified former Milwaukee cop Edward Harness is your first choice to be the next Executive Director of the Oversight Agency. What's the message that it sends to the people if the Councilors approve him?  
**Date:** Wednesday, August 05, 2015 11:36:26 AM  
**Attachments:** [APDfwdAmicusCuriae.pdf](#)  
[Garrity-page 1.doc](#)

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**TO: POB Members**

### **Info to Councilors, media and others not shown**

Reference my earlier e-mail shown below that expected you to respect the people and select the only candidate that was truly qualified to serve as the next Executive Director-Jay Rowland. You interviewed the five on July 29 and after conferring for hours should have announced your ranking then. You did not. The public had lost confidence in the oversight process as only attorney Alan Wagman spoke on July 29.

Rather than making your choice(s) on the 29<sup>th</sup> many believe you instead chose to ask APD, those Councilors who wanted to keep the oversight process a sham, the City's dictatorial Mayor and CAO just who they wanted. Of course these who wanted no real reform wanted a former cop even though Harness was completely unqualified for the job-had absolutely no related experience.

You then held another unnecessary POB meeting last night where not even one citizen was willing to speak to you knowing it would be a waste of time. This says that you have lost our confidence. Your again went again into secret executive session/discussions.

You came out incredulously saying that former Milwaukee cop Edward Harness was your first choice followed by very experienced but likely perceived feared by APD Jay Rowland and made the also unqualified Edna Sprague your third choice. Those close to her says she has blessed everything cops do.

After once again reviewing Harness's responses to you last week it was again clear he had no clue of the problems with the oversight old process but spoke only in generalities trying to cover up his lack of qualifications for the job. Does working for the Better Business Bureau show the proper investigative experience? Neither Ed nor the others were ever asked what they thought was wrong with the old and current oversight process some of which the knowledgeable Jay Rowland discussed in detail without being asked.

Both the DOJ and Judge Brack ignored some of the required changes documented in APD Forward's filed Amicus Curiae last January-first page of it is attached. Unlike Jay Rowland, neither Harness nor the other three ever discussed what should be the limitations of the 1967 "Garrity vs. Supreme Court" ruling that the DOJ opined to the Seattle Mayor but was ignored by the DOJ here. See page 1 of that opinion-attached. Nor did Ed or the other three discuss the police officers' "qualified immunity" that essentially gives them the benefit of doubt in any of their killings.

Harness restated his belief that a cop's life is more important than that of the average citizen-

something it is NOT. Do you agree with that belief? This essentially gives cops the right to kill using the bogus excuse that they "felt threatened." Look at these same lies being told in court this week to try to justify Sandy's and Perez's murder of James Boyd.

Ed apparently never knew that under the current changed Ordinance that the Director and the POB cannot dictate discipline but that the APD Chief can ignore your recommendations offering up only some ridiculous excuses.

I guess Ed's only claim to fame was his alleged outreach ability-trade shows, police work with his local village association and his teaching of good financial practices to the poor. He has no investigative experience other than responding to Better Business Bureau (BBB) complaints.

We already have one pro bad APD cop hired as a police oversight investigator while the two others were former employees of Target and Lowe's and have none. Robin Hammer who was sued for judicial misconduct while working for the DA was a bad enough selection by the Mayor (who she worked for) and Council and now you want a former out of town clueless cop Harness to replace her?

The Councilors likely bothered to read the resumes of those many extremely qualified applicants for the APD Chief job before blessing the incompetent bureaucrat Eden. Likely the Councilors also never read the resumes of the five applicants for this Executive Director position-resumes we were not allowed to see for some unknown reason.

Realizing that this is a dictatorship here with the Councilors choosing to abdicate its role as an integral part of our government, the nine likely never reviewed the GOV-TV interviews with the five (handpicked by who?) candidates to see how they responded to the often too broad questions posed them by you on the 29<sup>th</sup>.

Choosing the clearly unqualified Edward Harness to be your first choice was disappointing to say the least. If this former cop is chosen, the oversight process will still be toothless-yet another example of disrespect shown to us citizens-the real stakeholders who want real reform-not the ones the Mayor chooses.

Time to rethink your choice.

Silvio

For WE THE PEOPLE

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Thursday, July 30, 2015 1:42 PM

**To:** 'POB@cabq.gov'

**Cc:** 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'avramwagman@gmail.com'; 'rhammer@cabq.gov'

**Subject:** YOUR INTERVIEWS FOR THE EXECUTIVE DIRECTOR OF THE POLICE OVERSIGHT AGENCY-THERE IS ONLY ONE CHOICE-JAY ROWLAND WHO WILL SERVE YOU, THE PEOPLE AND THE GOOD POLICE OFFICERS

TO: The Honorable Police Oversight Board Members

Info to City Councilors and Bcc to others

After viewing your meeting on GOV-TV last night that included interviews of five candidates for the "Executive Director of POA, the following are some of my observations/questions:

1. I assume that since current interim Executive Director Ms. Hammer was not interviewed, she did not apply for this POA Executive Director position or being considered as a sixth candidate
2. The talk by attorney Alan Wagman was right on target saying essentially that this selection is critically important-that we don't need more of the same (translated-not another Robin Hammer)
3. This position never required that it be an attorney when Ms. Hammer was hired for the IRO job since an attorney is already assigned to the IRO-yet all were attorneys.
4. Who chose these five candidates who you interviewed and more importantly who decided that you had to send three of the five interviewed to the Council to pick one? Only one stood out!
5. You saw their resumes-something that should have also been posted on the website. One candidate-a former Colorado sheriff's deputy had conflicting-erroneous information on his resume
6. Two of the applicants were former law enforcement/police officers both of whom had beliefs like Ms. Hammer.

Your selection decision is easy.

The only candidate that stood head and shoulders above the other four was former IRO during 2002-2007 Jay Rowland.

Based on his demonstrated knowledge of this job and expected respect by both the many APD honest police officers and the people, only Jay should be nominated to the City Council.

The only other even remotely credible candidate of the other four interviewed was Edna Sprague.

After Edna has the opportunity to review all of the GOV-TV interviews today, she too would likely believe that Jay would be the right choice.

Regards

Silvio

For WE THE PEOPLE

M005195

**P.S.**

**Jay would also be a great Mayor if he ever chose to run.**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

1:14-CV-1025 RB/SMV

CITY OF ALBUQUERQUE,

Defendant.

**AMICUS CURIAE BRIEF OF APD FORWARD  
REGARDING COURT APPROVAL OF THE SETTLEMENT AGREEMENT  
BETWEEN THE CITY OF ALBUQUERQUE AND  
THE UNITED STATES DEPARTMENT OF JUSTICE**

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**From:** Hammer, Robin  
**To:** Davila, Natalee Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Bullock, Nicholas; Mark T. Baker; 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:** Thursday, August 13, 2015 Police Oversight Board Meeting-Cancelled  
**Date:** Monday, August 10, 2015 1:36:58 PM

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Police Oversight Board Chair Leonard Waites has cancelled this Thursday's Police Oversight Board Meeting, previously scheduled for August 10, 2015 at 4 pm. The next regularly scheduled Police Oversight Board meeting is Thursday, September 10, 2015 at 4 pm.

**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:** Hammer, Robin; Hults, Samantha M.; Joanne Fine; Eric H. Cruz  
**Subject:** Timing of Agendas  
**Date:** Monday, July 20, 2015 1:59:36 PM

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Ms. Hammer,

Per your agreement, five days before any meeting which required the posing of an agenda, you were to contact the Committee Chair and request the agenda. I would have expected that from you today, but it was not forthcoming. -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 A. Mohr  
**To:** Mark T. Baker; POB; Skotchdopole, Paul A.  
**Subject:** Tomorrow's POB meeting  
**Date:** Thursday, October 15, 2015 1:03:21 AM

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All: I will not be able to attend tomorrow's POB meeting and will not be in cellular phone range either. 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*

*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:** Silvio Dell'Angela  
**To:** Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.  
**Cc:** Lopez, Sabrina; McKay, Dan  
**Subject:** Tonight's Council meeting- It's time to copy Councilor Gibson and stop pandering to the insulting APOA and Perry  
**Date:** Monday, September 21, 2015 7:10:37 PM

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Councilor

I hope you read this on your break. **I admire Councilor Gibson for daring to tell the truth about the unjustified pay raises/retention bonuses to Eden's Command staff that the red faced (intoxicated?) Perry and his ally (also red faced) Don Harris tried to justify with just their typical B.S..** Councilor Pena's uninformed defense of the retention bonuses was also embarrassing as were APOA President Stephanie Lopez comments. Not one honest officer respects Lopez knowing that she was charged with misconduct by the NM Police Academy Board. Stephanie, Shaun Willoughby and those on the APOA Board-many killers of citizens are disgraces to all of the honest rank and file officers. Yet with the exception of Councilor Garduno, you other five remained quiet on this retention pay scam on taxpayers-like cowards afraid to represent we the people. **Honest cops would tell you that APD could get rid of most on the Command staff beginning with Eden and APD would be better off. These overpaid senior Command officers caused the problem and not part of the solution.** Tony Pirard also told you cowards tonight what you didn't want to hear about other "inconvenient truths" about APD, about the DOJ and about the two killer cops-Perez and Sandy that you choose to ignore-want to sweep under the rug. The talk by Louie Tafoya was also on point. **It's a sad commentary on how bad things have become here. I wonder how Berry's/Eden's/Perry's "boy" Dan McKay will spin this in tomorrow's Journal and whether others in the media will report it.**

Silvio

**From:** Contreras, Michelle  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Cc:** Hammer, Robin  
**Subject:** Traveling to NACOLE  
**Date:** Monday, July 06, 2015 4:31:40 PM

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Dear POB Members;

The City has implemented a new centralized system to arrange for travel. This new system requires me to enter in each of your home or mailing addresses and birthdays. Please call me at your earliest convenience to provide me this information. I would prefer to do it over the phone, so you are not emailing your dates of birth. I cannot register you for the NACOLE conference or arrange for your travel until I have this information.

Please call me if you have questions. My direct line is 924-3771. If you prefer, you can provide me this information at Thursday's meeting.

Thank you.  
Michelle Contreras

**Michelle Contreras**

Senior Administrative Assistant  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
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<http://www.cabq.gov/cpoa>

**From:** [Silvio Dell'Angela](#)  
**To:** [rboetel@abqjournal.com](mailto:rboetel@abqjournal.com); [Patrick Lohmann](#)  
**Cc:** [Mayor Berry](#); [Eden, Gordon](#)  
**Subject:** Try responsible reporting for a change. Who was this unnamed convenient witness that this also unnamed member of the "Albuquerque police" saw Rafael Molina (they shot in back) "was raising his gun to acquire a target?"  
**Date:** Sunday, August 02, 2015 1:08:49 PM  
**Attachments:** [image008.png](#)  
[My 7-31-15.doc](#)

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Ryan, Patrick

Copy to others shown and those sent this Bcc

You media reporters can either be part of the problem or part of the solution to our still unaccountable killers in APD. So far, most of you, particularly at the Berry Journal have been a part of the problem giving credibility to everything that comes from APD-be it Eden, Espinoza, Tixier or other.

As you have seen, in the absence of incriminating recordings which are always withheld, APD always manages to claim some unidentified witness corroborated their story yet never names the witness.

As an old article in the Journal pointed, our police forces are taught to only put out these ambiguous statements so if caught lying, they can claim plausible deniability that they intentionally tried to mislead/deceive the public. You must also know that that every police department will portray every citizen killed as a hardened criminal-"human waste" to be disposed of-in APD cop Trey Economidy's words.

Again APD says they are waiting to release the claimed videos that were made of this latest shooting until after they have interviewed all of the responders. Why? Duh! So they can coordinate their stories and make sure any recordings made by an honest cops that disputes their story is withheld. All are waiting anxiously to see just what recordings are released and whether they have been edited.

Do you also ever bother to ask or do you even care just who are on these multi-jurisdictional shoot teams that are investigating to give us the illusion of objectivity-honesty? Have any of these teams ever found any shooting by fellow officers in other departments unjustified? NO! Just mere coincidence?

I hope for once APD hasn't lied and the recordings corroborate their account of this latest shooting-but I won't hold my breath. Are former cop James Ginger and his mere fellow former cop "monitors" paying attention to all this? Are our state legislators also paying attention-two of whom think only the judicial system is the problem.

Finally, you might want to cover today's PSL's vigil/press conference at 4:45PM today as described below.

M005213

**Not only black lives matter-but all lives matter and as Iraq war vet Alex Horton said in a Washington Post article sent to all including the media in my July 26 e-mail-see extract below.**

Silvio  
For WE THE PEOPLE  
296 324 1

**P.S. Lately we had Trudy Jones' former POC appointed PhD (officer accountability obstructionist) Republican political operative complaining about the recent POB meeting and how they selected the next Oversight Agency's Executive Director. There is only ONE and only ONE credible candidate-that is former IRO Jay Rowland. Anyone else would be a betrayal of the people-business as usual-no accountability.**

**With the court hearing coming up Monday, likely ignored by the judge will be the statement by one of Schultz's and Eden's finest who helped kill homeless camper James Boyd. Sandy said two hours beforehand. "For this fucking lunatic? I'm going to shoot him in the penis with a shotgun here in a second." As my 7-31 e-mail said, Boyd pulled out his small knives fearing the K-9 dog would tear him to pieces. He NEVER threatened the officer holding the dog back that was later turned loose to chew on Boyd's lifeless body.**

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**From: Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
Sent: Sunday, July 26, 2015 2:56 PM  
Subject: Former vets Alex Horton and Gregg Benner-unlike warrior cops here and nationwide. Sandra Bland and some in our complicit media**

**TO: All Bcc-particularly APD's leadership, the DOJ and PMR Inc.'s "monitors"  
(share with others if you wish)**

RESPECT IS EARNED AND NOT AN ENTITLEMENT OF POLICE OFFICERS

In past e-mails I have been critical of comparisons between police officers and those military actually seeing combat-vets who don't see killing people as a blessed video game like sport. We are repeatedly told that all who wear a police uniform put their lives in danger every day and thus are to be viewed as heroes and to be given honors befitting one doing something truly heroic even vets killed in battle. There are even some in this city who discourage APD from hiring former military vets painting all with a broad brush that they are dangerous and kill motivated. Those of us who have been under fire in war zones and have seen too many people on both sides die often make the best police officers. This is particularly true of those USA, USAF and Navy military police officers who undergo a background check and often require a security clearance. When my comrades and I were in Vietnam, any free Sunday was spent in the Saigon orphanages bringing food and clothing to these kids or out in the remote hamlets helping the other victims of war. **We left our M-16s in a jeep or truck with a comrade.** Unless one is a barbarian, any vet comes back from war with a greater respect for the sanctity of human life. Outstanding Rio Rancho officer-former vet Greg Benner killed last May during a traffic stop was the best example of a former military vet who truly cared about saving and not taking peoples' lives when later putting on the police uniform.

IRAQ VET ALEX HORTON'S STORY

Attached is a July 24-15 opinion piece written by former Iraq vet Alex Bland that appeared in the Washington Post. It tells about what was done to him by the Fairfax VA police trained to be warrior cops believing they could do whatever they wanted with the full support of their leadership. Two of Alex's more notable statements contradicts the mistaken belief here that police officers' lives are more important than that of the ordinary citizen. *The culture that encourages police officers to engage their weapons before gathering information promotes the mind-set that nothing, including citizen safety, is more important than officers' personal security.* "Police officers should understand the risks in their jobs when they enroll in the academy, as well. That means knowing that *personal safety can't always come first. That is why it's service. That's why it's sacrifice.*"

**TODAY:**

**#BlackLivesMatter #JusticeOrElse**

**TODAY AUGUST 2, 4:45PM:  
VIGIL/PRESS CONFERENCE TO REMEMBER  
THE LIVES OF VICTIMS OF POLICE  
VIOLENCE**

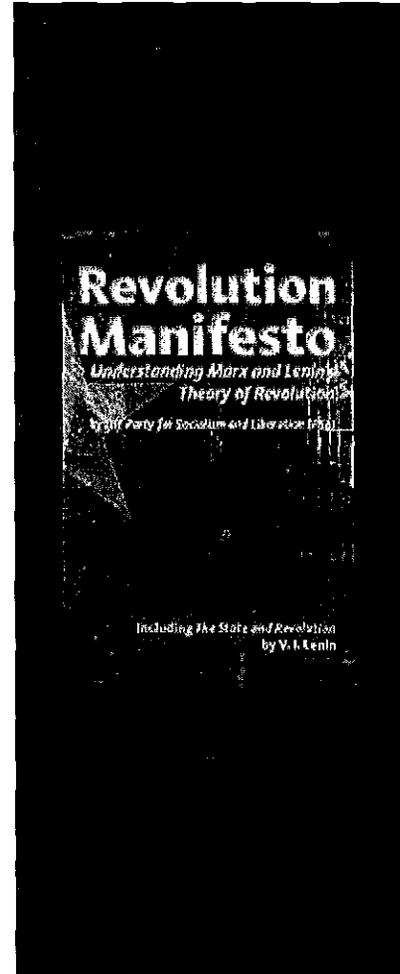
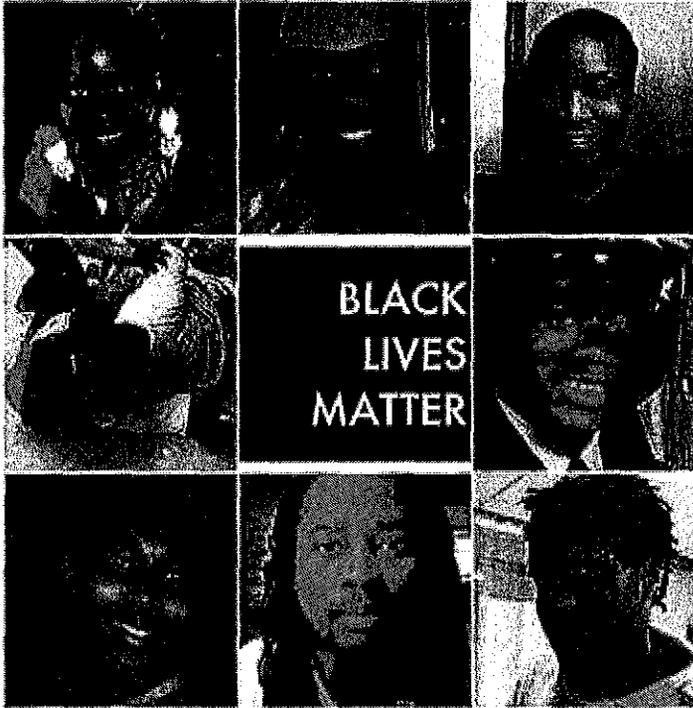
The UNM Ethnic Student Alliance & Community Allies are calling for a vigil & press conference at the UNM Bookstore to remember the lives we all have lost to senseless police violence around America. There will be keynote speakers who address this disease that affects law enforcement & marginalized & disenfranchised communities. Please join this event because until we all take a stand this will continue. Don't wait until it's someone you know. ACT NOW! Parking is free on UNM's campus that day. Confirmed speakers for today are: [Xian Bass](#), [Frank Quintana](#), [Joel Marcos Gallegos](#), [Paige Murphy](#), [James Edmond III](#), [Malik Barrios-Bradford](#),

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on Facebook for news,  
events & analysis.*

Share on Facebook

***New book from PSL!***

The PSL is pleased to present a new book, *Revolution Manifesto: Understanding Marx and Lenin's Theory of Revolution*. Whether it is brutal murders by the police, the injustices perpetrated every day in the legal and prison system, or the military interventions around the globe, the state remains a topic of utmost importance for today's revolutionaries. *Revolution Manifesto* revisits the theories of the state first developed by Marx, Engels and especially Lenin.



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For more information, please contact PSL-ABQ:  
[abq@PSLweb.org](mailto:abq@PSLweb.org) | 505-359-5659 | [LiberationNews.org](http://LiberationNews.org)

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**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]  
**Sent:** Saturday, August 01, 2015 4:35 PM  
**Subject:** Another APD killing-more doubletalk by Eden + UNM and Levi Chavez and Councilor Lewis' inconsistency as to which small businesses he really cares for. Are they just his Mayor's?

**To:** ALL-Bcc

### Some commentary on news

#### LATEST APD KILLING

Observer of latest APD shooting yesterday writes: *"About 3PM on Edith & Garfield. I'm here with eyewitnesses. Car chase ended with cops open firing on man. Witnesses say he was running out of car. Didn't see a weapon. Sister arrived sobbing saying it's her brother's car."*

Journal article says: APD kills kidnapping suspect BY ROBERT BROWMAN AND NICOLE PEREZ JOURNAL STAFF WRITERS Albuquerque Journal Aug 1 2015

*"A reported abduction at a Downtown Albuquerque park turned deadly Friday afternoon when officers*

*shot and killed the suspect after he fled through a residential area. Police Chief Gorden Eden offered little detail about the incident in a brief...*

COMMENT-After making a big show-being photographed rolling up the crime tape, he likely had already (as he should have) reviewed his responding officers' required video recording-(assuming recorders were turned on.) Will they release them or withhold/edit them?

Then read Eden's ambiguous statements (translated below) seemingly to hide the truth.

"Shots were fired" TRANSLATION-"**fired by my officers.**" "Officers believe suspect was armed"  
TRANSLATION- "**he was not armed as APD videos confirmed.**" "He didn't know yet if man fired at police or pointed weapon at them." TRANSLATION-**victim neither pointed nor fired any weapon as APD videos shows** "Eden said officers found a weapon at the scene but it was too early to say whether it belonged to the subject" TRANSLATION: **It wasn't victim's weapon but an APD throw down gun as videos would show.**" Eden said incident didn't have to end in gunfire "TRANSLATION **"in gunfire by my officers.**

The assigned multi-jurisdictional shoot team in the absence of any recordings will again determine shooting was justified. They are a joke-they back each other. Nothing has changed. Don't count on the "multi-jurisdictional shoot" team investigators ever doing an honest investigation.

I hope Journal editor Kent Walz will justify his recent NM FOG award by demanding the videos of this APD killing as will others in the media.

### **DISGRACEFUL ADMISSION OF LEVI CHAVEZ INTO UNM LAW SCHOOL**

**LEVI AND THE LAW: CHAPTER 2** *Joline Gutierrez Krueger Albuquerque Journal Aug 1 2015*

*Sometime after Levi Chavez walked free from a Sandoval County courtroom that warm July day in 2013 after being found not guilty of killing his wife in one of the most high-profile and hellacious trials in recent memory, he must have thought: Now what?"*

Levi Chavez's admission to the law school is black eye on UNM. Is it just a third world university? Those law school students and graduates should all be disgusted

### **SEEMINGLY HYPOCRITICAL COUNCILOR DAN LEWIS**

**Lewis asks colleagues to withdraw work bill** By Dan McKay / Journal Staff Writer

PUBLISHED: Saturday, August 1, 2015 at 12:05 am

*City Councilor Dan Lewis called on two of his colleagues Friday to withdraw legislation they introduced to require employers to set work schedules three weeks in advance and pay employees for unexpected changes, among other requirements. Lewis said he believes that having the proposal on the table damages the city by creating concern among businesses considering an expansion into the Albuquerque market. He called on councilors Isaac Benton and Klarissa Peña to withdraw the bill voluntarily.*

*"I'm in favor of any legislation that helps people, but not at the expense of small business owners, and definitely not at the expense of the very people it's designed to help," he said in a written statement. Benton said he has no plans to withdraw the bill. He was traveling Friday and hadn't seen the news release issued by Lewis. "If I've got an issue with somebody's legislation, I pick up the phone and speak to them," Benton said. Lewis said the proposal is simply too burdensome. "It's not an exaggeration to say that this bill could cause many of our small, local businesses – businesses that have survived the great recession of the last six years and are just starting to recover – to go out of business," Lewis said.*

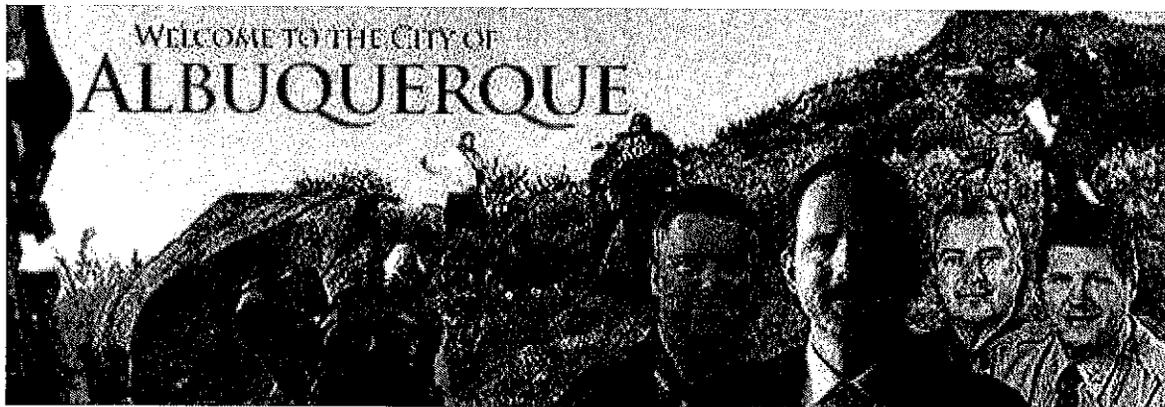
COMMENT-Inconsistency-or at worst hypocrisy. See my attached e-mail and earlier ones that talks about the biggest threat to small businesses along Central, Berry's and Rizzieri 's \$13 million albatross- their Albuquerque Rapid Transit System ART/BRT that the ABQ Free Press covered in detail in its most recent issue now in stores and also on freeabq.com. Apparently, if something is proposed by the Mayor then it's OK with Lewis but if it's not like Councilors Benton and Pena's bill then it's not. The question also is why are Benton and Garduno also supporting ART? Don't they care about the rest of us in the city?

As an aside, I was in a barber shop on the SW corner of Juan Tabo and Montgomery Thursday night. While waiting to be taken, I saw at least six cars blow through red lights at that intersection almost causing accidents. I'm sure the good Councilor Lewis is happy that his unlawful driver friends/voters and his Mayor is also happy the red light cameras were removed. Is Dan really considering a run to be our next Mayor? Another Berry?

Regards

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]

**Sent:** Friday, July 31, 2015 1:37 PM

**Subject:** Preliminary hearing Monday for Boyd's killers-Perez and Sandy, former APD cp Dawne Roberto, the ABQ Free Press, hopefully new oversight ED Jay Rowland and more

**TO:** All, Bcc

The disgraceful double standard here allowing APD police officers to murder while jailing others who do the same is disgusting. We have a corrupt police force leadership and supportive corrupt Mayor and administration that has made us the disgrace of the nation. Honest officers are punished if they dare speak the truth while APD's corrupt leadership is using every trick in the book to prevent any real reform.

Murdered James Boyd only pulled out his two small knives to protect himself against the fierce K-9 dog (not a police officer) straining at his leash to get to him to chew him apart and never threatened the real officers on the scene including Boyd and Sandy. The dog was later turned loose on the lifeless body and began chewing on it.

**A K-9 DOG IS NOT A POLICE OFFICER!** Sandy's recorded comments two hours before shooting Boyd showed premeditation-yet the autopsy report claims only Perez's bullet(s) killed Boyd. Really? Was that analysis really credible? Any bets whether either of the two killer cops will ever get convicted? Not here in Albuquerque--"(corrupt) "Mexico True."  
<http://www.abqjournal.com/620984>.

"They are going to protect their brother officers," McGinn said in an interview. "And even if they have reservations about the shooting, they can't express them because of the blue wall of silence." There are 16 Albuquerque police officers on the defendants' witness list.

The July 29 Issue of the ABQ Free Press now in stores and on their website has some incriminating stories about our failed leadership and corrupt APD. One written by retired honest cop Dan Klein "*Why are N.M.'s Top cops Immune from Discipline Beat Cops Face?*" talks about the seemingly corrupt NM Law Enforcement Academy (LEA) Board. Berry's TASERGATE Schultz is one of the best examples of this. See the KOB reported retaliation by APD blessed by the LEA Board against former honest APD cop Dawne Roberto who allegedly leaked incriminating information about the lethal cesspool in APD. Integrity has no place in APD.

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**Alleged administrator of anti-APD blog set to lose police certification**

*Updated: 06/17/2015 10:32 PM | Created: 06/17/2015 9:58 PM By: Chris Ramirez, KOB Eyewitness News 4*

*An alleged administrator of a blog used to disparage the Albuquerque Police Department and city leaders was fired two years ago from the department and now is on track to lose her law enforcement certification. APD brass accused Dawne Roberto, a 15-year-veteran officer on the force, of operating under the screen name "Stealth" to write hateful, embarrassing and often untrue posts on the website "Eye on Albuquerque." APD fired her on grounds she violated the department's social media policies. A hearing officer recently recommended the New Mexico Law Enforcement Academy Board*

revoke Roberto's law enforcement certification based on her frequent involvement with the controversial ??? website. Last week, the LEA Board accepted that recommendation.

In summary, the hearing officer found Roberto:

- Lied about her involvement with Eye on Albuquerque (never proven)
- Diminished public trust and confidence in APD (deserved)
- Personally attacked APD's leadership and city leaders (deserved)
- Lowered morale at APD (only to bad cops) and used bad judgment
- Used city computers to write her posts (cops use take home cars to do family chores)
- Used information she learned while on duty against APD (God bless her)

In his report, Hearing Officer Peter Camacho ( a joke) wrote, "I find [Roberto] did commit acts that indicate a lack of moral character that would adversely affect her ability to exercise the duties of a certified law enforcement officer. KOB reached out to both Roberto and her attorney, John D'Amato, Wednesday. Neither returned emails or phone calls. Roberto currently works as a sergeant for the Bosque Farms Police Department. Bosque Farms Police Chief Gregory Jones told KOB he has not received any direction from the Law Enforcement Academy regarding Roberto yet, but plans to keep Roberto on the force unless otherwise directed. He said Roberto has been a "terrific employee" and "wished he had more officers like her." Roberto does have the option to appeal the LEA Board's decision. The website Eye on Albuquerque is still active.

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Really-is the Eye still active? The last Eye posting criticizing Mayor and his corrupt minions and the city council was on July 5 "Time to Face the Facts"-26 days ago. APD is likely trying to shut down that blog as well?

More on this latest revealing issue of the ABQ Free Press in a later e-mail. In addition to Dan Klein's great article on the NM LEA, there are articles about "ABQ's Mean Streets," Berry's Bus Blueprint: Boon or Boondoggle," (Recall COO Mike Riordan's incredulous reply to my NM IPRA request on the ART/BRT and the contract being seemingly rigged for just one contractor), "ABQ Cringes in Fear While Mayor Does...What exactly?" by Joe Monahan, "Like the rest of Us, Mayor Needs to Act on Homelessness" by Joy Junction's director Jeremy Reynolds who the Mayor ignored, and other good articles..

As for KOB and their good reporters Chris Ramirez who wrote the above article on the NM LEA and partner Caleb James. While they made a big splash with their good one time "boomerang thugs" report criticizing only the judicial system while allowing Chief Eden, Bob Huntsman, BCSO Sheriff Gonzalez and other high ranking NM officers to get a lot of free publicity answering their phones for just one night, KOB was never willing to spend the money to put the photos of these boomerang thugs in the Journal as I suggested but forced viewers to go to their website. Just a superficial effort at best. Do the job right KOB-or don't do it at all!

Then there is the latest scam foisted on citizens by the City's Office of Diversity and Human Rights with these UNM conducted Collaborative meetings with citizens pretending they really will result in any changes to APD except superficial ones. The City is now stonewalling my IPRA request for the list

of attendees at their PHASE 1 meetings and for the resumes/qualifications of the UNM "facilitators."  
Good job-Berry (not City) attorney Hernandez.

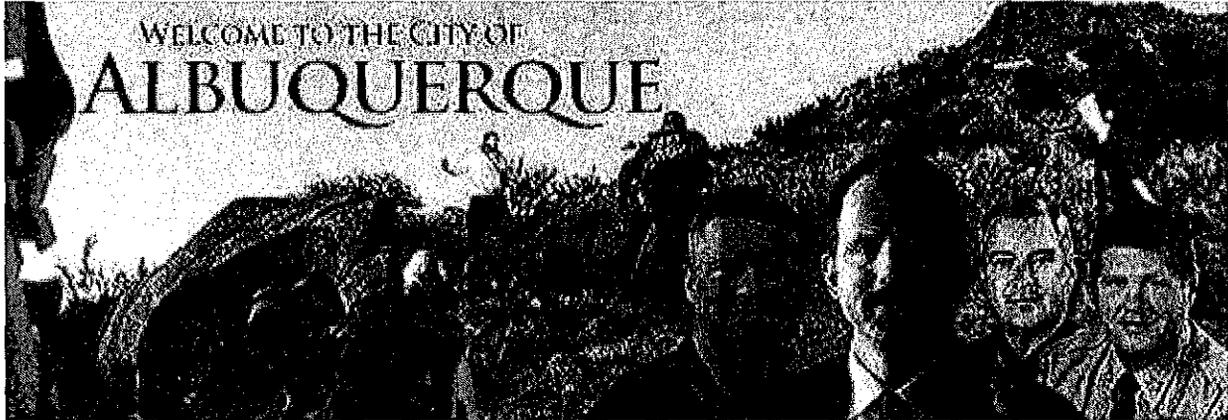
As my earlier e-mail to the POB said, former IRO Jay Rowland is the only credible candidate put forth to the Council to be the next Executive Director of the Police Oversight Agency to replace Robin Hammer who was never interviewed and should not even be considered. Honest APD cops and the citizens who want real oversight support Jay. Let's see if the Council has the guts to give him the job.

Finally, Is the DOJ naïve enough to believe think James Ginger and his PMR Inc. fellow former police officers and the Greenwood/Streicher team will ever reform APD until Berry leaves office and takes his corrupt minions with him? Apparently so or they think we are stupid.

Regards

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** [Edward Harness](#)  
**To:** [POB](#)  
**Subject:** Tweet by NACOLE on Twitter  
**Date:** Sunday, October 11, 2015 7:15:57 PM

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**NACOLE (@NACOLE\_org)**

10/11/15, 4:31 PM

Save the Date! The 22nd Annual NACOLE Conference will be in Albuquerque from September 25-29, 2016.... [instagram.com/p/8tmSEnM5xr/](https://www.instagram.com/p/8tmSEnM5xr/)

[Download the Twitter app](#)

Ed Harness  
Sent from my iPhone  
414-647-2222 Office

**From:** [Beth Mohr](#)  
**To:** [Mark T. Baker](#); [Eric H. Cruz](#); [Joanne Fine](#)  
**Subject:** Update to applicants for CPOA Exec Director  
**Date:** Thursday, July 09, 2015 2:47:20 PM  
**Attachments:** [CABQ HR - CPOA Director Applicant Summary.xlsx](#)  
[CPOA Director Applicant Duncan Bradley w-writing assignment.pdf](#)  
[CPOA Director Application Robin Dozier Otten.pdf](#)

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All: Enclosed is the updated spreadsheet for applicants along with materials. Robin Otten has requested an extension for the writing assignment, so hers is not included. I will be disclosing that Robin Otten and I are friends, so we'll have to figure out how to handle that when it comes to voting. It may actually not matter, since all we do is rank them and City Council has the final vote, but I'll be disclosing this either way.

Everyone at the bottom of the spreadsheet in gray is either not qualified, failed to return their writing assignment or withdrew, so I will not be sending you those. 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.

<b>CPOA Director Applicant Summary</b>	<b>Status Date</b>	<b>7/9/2015</b>				
<b>Application Received</b>	<b>Met Minimum Qualifications</b>	<b>Resume Received</b>	<b>Cover Letter Received</b>	<b>Sent Writing Assignment</b>	<b>Returned Writing Assignment</b>	<b>Withdrew</b>
Strassberg, Herbert	Yes	Yes	No	6/19/2015	6/22/2015	
Grubestic, John	Yes	No	No	6/19/2015	6/24/2015	
Lind, Niva	Yes	Yes	No	6/19/2015	6/30/2015	
Brown, Bradley	Yes	No	No	6/26/2015	7/1/2015	
Harness, Edward	Yes	No	No	6/26/2015	7/1/2015	
Petrucci, Julia	Yes	Yes	Yes	6/26/2015	7/1/2015	
Bradley, Duncan	Yes	No	Yes	7/2/2015	7/7/2015	
Otten, Robin Dozier	Yes	No	No	7/2/2015	Due 7/8, requested extension to 7/10	
DeFrancesco, Gregory	No	NA	NA	NA	NA	
DeSantis, Alexander	No	NA	NA	NA	NA	
Moore, Ricardo	No	NA	NA	NA	NA	
Ortega, Johnny	No	NA	NA	NA	NA	
Gansallo, Africa	Yes	Yes	Yes	6/19/2015	No response	
Salazar, Anthony	Yes	Yes	No	6/19/2015	No response	
Stansbury, Roger	Yes	Yes	No	6/26/2015	No response	
Alvarado, Jorge	Yes	No	No	7/2/2015	Withdrew	7/5/2015
Gardner, Sandra	Yes	Yes	No	6/26/2015	Withdrew	7/1/2015
Romero, Jennifer	Yes	No	No	7/2/2015	Withdrew	7/8/2015

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 3046681**

Name: Duncan Lee Bradley Address: [REDACTED] Ruidoso, New Mexico 88345 US  
Home Phone: [REDACTED] Alternate Phone:  
Email: [REDACTED] Notification Preference: Email  
Former Last Name: Month and Day of Birth: 0 [REDACTED]

**Personal Information**

Driver's License: Yes, New Mexico, [REDACTED]  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
Are you willing to relocate? Yes  
Types of positions you will accept: Regular  
Types of work you will accept: Full Time  
Types of shifts you will accept: Day, Evening, Night, Weekends, On Call (as needed)

**Objective**

Opportunities to apply skills and knowledge acquired through training, education, and experience, in order to contribute to the betterment of the New Mexico community.

**Education**

<b>Professional</b> <i>United States Institute of Peace - Organization for Security and Cooperation in Europe</i> 10/2010 - 1/2011 On-Line, New Mexico	Did you graduate: Yes College Major/Minor: Rule of Law - Transcaucus, Transoxus & Balkan Regions Degree Received: Certification
<b>Professional</b> <i>Civilian Police International</i> 12/2008 - 2/2009 Leesburg, Virginia	Did you graduate: Yes College Major/Minor: Rule of Law - Iraq Degree Received: Certification
<b>Professional</b> <i>ATLA College of Trial Advocacy</i> 8/1987 - 10/1987 Vail, Colorado	Did you graduate: Yes College Major/Minor: Trial Advocacy Degree Received: Certification
<b>Professional</b> <i>Colorado Court of Appeals - Internship, Senior Judge Donald P. Smith</i> 12/1983 - 1/1985 Denver, Colorado	Did you graduate: Yes College Major/Minor: Legal Research, Drafting, Court Administration Degree Received: Certification
<b>Graduate School</b> <i>University of Denver College of Law</i> 9/1982 - 12/1984 Denver, Colorado	Did you graduate: Yes College Major/Minor: Law- Jurisprudence-Trial and Appellate Advocacy Degree Received: Doctorate
<b>Professional</b>	Did you graduate: Yes

<p><i>Colorado Supreme Court - Internship, Chief Justice Edward Pringle</i>  9/1982 - 9/1983  Denver, Colorado</p>	<p>College Major/Minor: Legal Research,  Drafting, Court Management  Degree Received: Certification</p>
<p><b>Professional</b>  <i>Jefferson County Colorado Sheriff's Training Academey</i>  5/1973 - 8/1973  Golden, Colorado</p>	<p>Did you graduate: Yes  College Major/Minor: Law Enforcement -  Field Services, Crime Scene  Preservation, Report Writing, Vehicle  Operations, etc.  Degree Received: Certification</p>
<p><b>Graduate School</b>  <i>Southern Illinois University</i>  9/1968 - 6/1972  Carbondale, Illinois</p>	<p>Did you graduate: Yes  College Major/Minor: Philosophy -  Middle East Area Studies  Degree Received: Doctorate</p>
<p><b>College</b>  <i>Reed College</i>  6/1966 - 9/1966  Portland, Oregon</p>	<p>Did you graduate: Yes  College Major/Minor: Farsi Language  and Middle East Area Studies  Degree Received: Other</p>
<p><b>Graduate School</b>  <i>Southern Illinois University</i>  9/1963 - 6/1966  Carbondale, Illinois</p>	<p>Did you graduate: Yes  College Major/Minor: Philosophy -  Anthropology  Degree Received: Master's</p>
<p><b>College</b>  <i>Southern Illinois University</i>  6/1961 - 6/1963  Carbondale, Illinois</p>	<p>Did you graduate: Yes  College Major/Minor: Philosophy -  English  Degree Received: Bachelor's</p>
<p><b>College</b>  <i>Elmhurst College</i>  9/1957 - 6/1961  Elmhurst, Illinois</p>	<p>Did you graduate: No  College Major/Minor: German, History  Degree Received: No Degree</p>
<p><b>College</b>  <i>Northern Illinois University</i>  9/1958 - 1/1960  Dekalb, Illinois</p>	<p>Did you graduate: No  College Major/Minor: German, Art,  History, English  Degree Received: No Degree</p>
<p><b>High School</b>  <i>York Community Highschool</i>  9/1953 - 6/1957  Elmhurst, Illinois</p>	<p>Did you graduate: Yes  Highest Level Completed: 12  Did you receive a GED?  Degree Received: High School Diploma</p>
<p><b>Work Experience</b></p> <p><b>Assistant Public Defender</b>  12/2003 - Present</p> <p>Law Office of the Public Defender, New Mexico  Main Street  Las Cruces/Alamogordo, New Mexico</p>	<p>Hours worked per week: 70  Monthly Salary: \$0.00  # of Employees Supervised: 3  Name of Supervisor: Dennis Seitz,  Kenneth Henrie, Mario Torrez - District  Defenders  May we contact this employer? Yes</p>
<p><b>Duties</b>  Representation in the New Mexico Courts of the 3rd and 12th Judicial Districts, of indigents accused of  violations of the New Mexico Criminal Code.</p>	
<p><b>Legislative Advisor</b>  12/1997 - 1/2009</p>	<p>Hours worked per week: 2  Monthly Salary: \$0.00  May we contact this employer? Yes</p>

Colorado Senator James F. Congrove  
Arvada, Colorado

**Duties**

Advised concerning legislation before the Colorado Legislature and the Jefferson County Board of County Commissioners, and drafted legislative initiatives for Commissioner, Representative, and Senator James Congrove.

**Reason for Leaving**

Senator Congrove passed away January, 2012, after a prolonged incapacitating illness which commenced January, 2009

**Visiting Lecturer**

1/2008 - 7/2008

Eastern New Mexico University  
Ruidoso, New Mexico

Hours worked per week: 15  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

Taught Two Courses:  
Survey of the History of the Middle East; and,  
Introduction to Philosophy.

**Reason for Leaving**

Part-time teaching duties, responsibilities, and time requirements conflicted with the full-time duties, responsibilities, and time requirements of primary employer, the Law Office of the New Mexico Public Defender.

**Assistant County Attorney**

3/2005 - 1/2007

Jefferson County Attorney's Office  
Golden, Colorado

Hours worked per week: 70  
Monthly Salary: \$5,200.00  
# of Employees Supervised: 2  
Name of Supervisor: James Congrove -  
County Commissioner  
May we contact this employer? Yes

**Duties**

Representation of the County in the Courts of the State of Colorado, and advising the Board of County Commissioners.

**Reason for Leaving**

Returned to New Mexico, Law Office of the Public Defender

**Member, Board of Directors**

9/1998 - 12/2003

Midwestern Center for Mental Health  
Montrose, Colorado

Hours worked per week: 2  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

Acted as a Board Member at Board Meetings, and represented the Center as directed by a vote of the Board of Directors.

**Reason for Leaving**

Moved to Las Cruces, New Mexico.

**Member, Sheriff's Advisory Committee for Budget & Training**

8/1999 - 12/2003

Montrose County Colorado Sheriff's Department  
Montrose, Colorado

Hours worked per week: 2  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

Advise the Montrose County Sheriff with regard to his Department's annual budget, and the Department's training programs. Presented the Department's annual budget to the Board of County Commissioners.

**Reason for Leaving**

Moved to Las Cruces, New Mexico

**Lecturer**

10/1997 - 12/2003

Colorado Continuing Education Services  
Denver, Colorado

Hours worked per week: 2

Monthly Salary: \$0.00

May we contact this employer? Yes

**Duties**

Gave Continuing Education Lectures/Courses

**Reason for Leaving**

Moved to Las Cruces, New Mexico

**Trial Attorney**

5/1985 - 12/2003

Duncan Bradley & Associates  
Montrose, Colorado 81401  
(303) 349-2110

Hours worked per week: 80

Monthly Salary: \$0.00

# of Employees Supervised: 8

Name of Supervisor: D. L. Bradley

May we contact this employer? Yes

**Duties**

Representation of individuals in both civil and criminal actions at both the trial and appellate levels in the Colorado State and Federal Courts. Also did a some transactional law, wills deeds and trust work, real estate law, and a number of Federal Bankruptcy cases.

**Reason for Leaving**

Accepted a position with the Law Office of the New Mexico Public Defender, and moved to Las Cruces, New Mexico

**Designated Alternate Defense Counsel for the 7th Judicial District**

11/1997 - 12/1998

Colorado Office of the Alternate Defense Counsel  
Greely, Colorado

Hours worked per week: 35

Monthly Salary: \$0.00

# of Employees Supervised: 3

Name of Supervisor: Colorado State

Alternate Defense Counsel

May we contact this employer? Yes

**Duties**

Representation of indigent individuals charged with violations of the Colorado Criminal Code, who could not be represented by the Colorado Office of the Public Defender because of conflicts of interest.

**Reason for Leaving**

Completed contractual obligations (1 year contract) and returned to the private practice of the law

**Member, Judicial Advisory Committee**

9/1987 - 1/1993

Colorado Bar Association  
Denver, Colorado

Hours worked per week: 2

Monthly Salary: \$0.00

May we contact this employer? Yes

**Duties**

As a committee member, acted to advise the Colorado Judiciary concerning judicial policy, rule creation, budget, and judicial appointments.

**Reason for Leaving**

Moved law practice from 847 Sherman Street, Denver, Colorado, to Arapahoe County, Colorado

**Intern**

Hours worked per week: 15

9/1982 - 1/1985

Colorado Supreme Court, Colorado Court of Appeals  
Denver, Colorado

Monthly Salary: \$0.00

Name of Supervisor: Edward Pringle &  
Donald P. Smith - Chief Justice,  
Colorado Supreme Court, Senior  
Judge, Colorado Court of Appeals  
May we contact this employer? Yes

**Duties**

Research and draft opinion briefs for Chief Justice Pringle (09/82-06/83) and Judge Smith (01/84-02/85).

**Reason for Leaving**

Graduated from the University of Denver, College of Law, December, 1884.

**Senior Patrol Deputy**

2/1973 - 9/1982

Jefferson County Sheriff's Department  
Golden, Colorado 80401

Hours worked per week: 60

Monthly Salary: \$0.00

Name of Supervisor: Harold E. Bray -  
Sheriff, Jefferson County

May we contact this employer? Yes

**Duties**

As a Patrol Officer: provide law enforcement services in an assigned district.

As a Dispatch Officer: receive requests for law enforcement services and dispatch appropriate field officers to meet the requirements of such requests.

As Investigator: investigate and file for prosecution cases involving crimes against persons (principally murders and sexual assaults).

As Head of Research and Development: research and implement projects under the direction and supervision of the Jefferson County Sheriff, including preparation, submission, and presentation to the Board of County Commissioners of the Department's annual budget.

Jeffco Sheriff's Department Training Academy: presented in-service training classes with regard to field report writing.

As Sheriff's Personal Representative: represented the Jefferson County Sheriff on the Citizens Advisory Committee for Budget and New Facilities Design and to the Board of County Commissioners with regard to Department and County Projects, negotiated the Jefferson County Sheriff's Department Law Enforcement Services Contract with the U.S. Forest Service, for Pike National Forest, and served as the watch commander and field supervisor for the deputies fulfilling the contract's provisions.

As Civil Officer: the service and execution of civil process.

**Member, Board of Directors**

9/1977 - 1/1979

Jeffco Federal Credit Union  
Golden, Colorado

Hours worked per week: 2

Monthly Salary: \$0.00

May we contact this employer? Yes

**Duties**

Acted in the interest of the Jeffco Federal Credit Union and its Members as a Board Member

**Reason for Leaving**

Left Jefferson County, Colorado, employment to attend law school

**Adjunct Professor**

12/1975 - 9/1978

Metropolitan State College (now, University)  
Denver, Colorado

Hours worked per week: 10

Monthly Salary: \$0.00

May we contact this employer? Yes

**Duties**

Taught courses focused on prelaw and law enforcement students.

**Undergraduate, Graduate, and Post Graduate Assistant,  
Intern to the Dean, and Graduate Lecturer**

8/1962 - 6/1972

Southern Illinois University  
Carbondale, Illinois

Hours worked per week: 40

Monthly Salary: \$650.00

# of Employees Supervised: 2

Name of Supervisor: Several - included  
the Department Chair for the  
Department of Philosophy & the Dean of

International Education  
May we contact this employer? Yes

**Duties**

As an Undergraduate: assist professors in the execution of their teaching duties and the teaching of courses.  
As a Graduate Assistant: assist in the design and teaching of an experimental core curriculum course, Introduction to Western Humanities, and the teaching of the philosophy portion of the Western Humanities 12 quarter hour, three quarter program (which program included Art, Literature, Music, Design, and Philosophy).  
As Intern to the Dean of International Education: research and draft international education proposals.  
As Faculty Adviser: advise and counsel students from the Middle East, and supervise the activities of the International Students Association.  
As Post Graduate Leturer: taught course in extension at the Matoon, Illinois, Community College and at Menard State Penitentiary, Chester, Illinois.

**Lecturer**

6/1966 - 6/1968

Hours worked per week: 80  
Monthly Salary: \$0.00  
May we contact this employer? Yes

Iranian Ministry of Education  
Tehran, International

**Duties**

Taught at the Iranian Women's College, Tehran, English as a Second Language and Introduction to Western Humanities; with the Iran Literacy Corps assisted with the design and implementation of a correspondence school program in accord with the Shah's policy and goal of establishing national literacy by the year 2000; at the Mamazan Agricultural College, English as a Second Language and Introduction to Western Humanities; at Pars College, Shimran, English as a Second Language and Introduction to Western Humanities.

**Reason for Leaving**

Completion of U.S. Peace Corps Volunteer two year service obligation.

**Certificates and Licenses**

Type: COLORADO LICENSE TO PRACTICE LAW

Number: [REDACTED]

Issued by: COLORADO SUPREME COURT

Date Issued: 5 /1985 Date Expires:

Type: NEW MEXICO LICENSE TO PRACTICE LAW

Number: [REDACTED]

Issued by: NEW MEXICO SUPREME COURT

Date Issued: 4 /2005 Date Expires:

Type: Pilot's License, Land, Complex Aircraft, Single and Multi-Engine

Number:

Issued by: Federal Aviation Administration

Date Issued: 9 /1981 Date Expires:

**Skills**

Office Skills

Typing: 50

Data Entry: 250

Other Skills

Author & Technical Researcher Expert - 30 years and 0 months

Languages

Arabic - Read  
Persian - Speak, Read, Write  
German - Read  
English - Speak, Read, Write  
French - Read  
Spanish - Read

**Additional Information**

**References**

Professional  
**Smith, Esquire, Bruce**  
Crown Prosecutor  
Crown Prosecutor's Chambers, 20th Level  
175 Liverpool Street  
Sydney, New South Wales, International  
+61 2 457 810 999  
[bcsmith44@yahoo.com.au](mailto:bcsmith44@yahoo.com.au)

Professional  
**Henrie, Esquire, Ken**  
District Defender, Law Office of the New Mexico Public Defender  
(Las Cruces) - Retired  
508 South Main Street  
Suite 700  
Las Cruces, New Mexico 88001  
(575) 496-3037

Professional  
**Rothenberg, J., Sandra I.**  
Senior Judge, Colorado Court of Appeals (Retired)  
[Redacted]  
Denver, Colorado 80203  
[Redacted]

Professional  
**Ludwig, William D.**  
[Redacted]  
Leesburg, Virginia 22191  
[Redacted]

**Resume**

**Text Resume**

**Attachments**

Attachment	File Name	File Type
LETTER_OF_APPLICATION_CPOAD_150628.pdf	LETTER_OF_APPLICATION_CPOAD_150628.pdf	Cover Letter
REFERENCES_150628.pdf	REFERENCES_150628.pdf	References

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

### Supplemental Questions

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: University of Denver, College of Law

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico and Colorado

5. Q: How many years of management experience do you possess related to this position?

A: 6 or more years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

7. Q: Briefly describe your experience in criminal investigation.

A: Detective, Jefferson County Colorado Sheriff's Department, Crimes Against Persons (Homicide).

8. Q: Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: Licensed Attorney, thirty years; Intern, Colorado Supreme Court and Colorado Court of Appeals, two years; Operated a Law Firm, Duncan Bradley & Associates, in Colorado; Served on the Colorado Bar Association's Judicial Advisory Committee, three years; Member, Board of Directors, Midwestern Center for Mental Health and Jeffco Federal Credit Union, eight years total; Legislative Advisor to Colorado Senator James F. Congrove, eleven years; Advisor, Montrose County Colorado Sheriff and Jefferson County Colorado Sheriff, six years total; Jefferson County Colorado Sheriff's Representative to the U.S. Forest Service, Negotiation and Implementation of the Sheriff's Department's Law Enforcement Services Contract for Pike and San Isabel National Forests, three years total

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due July 8, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov) . The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

**DUNCAN L. BRADLEY**

Law Office of the New Mexico Public Defender  
2395 North Florida, Alamogordo, New Mexico 88310

[REDACTED]

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?

**The reestablishment of productive and trusting relations** between the Albuquerque Police Department and the communities it serves is of first importance. Both the Settlement Agreement/Consent Decree and the October 6, 2014 Amendment to Chapter 9, Article 4, Part 1 ROA 1994, the Police Oversight Ordinance provide important guidance, direction, and operational requirements to achieve that goal.

In that connection, there are a number of things which might be immediately accomplished by the Civilian Police Oversight Agency and the Police Oversight Board in the course of their required interactions with the Albuquerque City Government and Police Department. For example, the development of a process for productive interaction between the Albuquerque Police Department and the citizens of Albuquerque through an active community watch program would directly involve Albuquerque's several communities with the Department, which is something which the Civilian Police Oversight Agency might be able to foster.

Further, advocacy for, and support of an Albuquerque Police Department in-house activities such as the implementation of a monthly in-service training program would be another step in that direction. Such a program could focus on the historic role of law enforcement in the American judicial system (concerning its primary goal of maintaining public peace, order, and safety), professional patrol procedures, professional call response procedures, field officer public demeanor, citizen contact protocols, officer safety procedures, and professional constraints on responses to threats involving an officer and/or public peace, order, and safety.

Enhancement of public awareness and involvement could also be advanced by encouraging the Department to invite direct citizen and media participation in various aspects of such programs (albeit, not all, since as some law enforcement

training entails unacceptable security risks and liabilities, and the Police would wish to keep certain matters confidential with regard to field operations).

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

While serving as the Designated Alternate Defense Counsel for Colorado's Seventh Judicial District, in the course of interviewing a client he advised he was going to commit another crime in connection with the offenses with which he was charged, in order to conceal his involvement and generate false testimony.

Pursuant to the specific provisions of the Attorney Code of Professional Responsibility, the Canons of Ethics, and prevailing written standards from the Bar Association, an *en camera* hearing with the presiding Court was requested, the purpose of which was to ask to be excused from representation of that client on the grounds of a conflict of interest, and that the Court appoint alternate counsel.

The Court granted the request and did appoint alternate counsel. It also recused itself from further participation in proceedings regarding the case.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

While in private practice, on more than one occasion intra-office and inter-office disharmony affected the firm's ability to effectively represent the interests of its clients. The situation was resolved by exercising leadership by example, among other things by inviting the in-put of those expressing competing or conflicting interests and points of view. This approach proved, and has proven successful in almost all cases. Very few individuals, if any, respond positively to being ordered to act or conduct themselves in specific ways. However, for the most part they will respond favorably to an invitation of conversation and exchange of views.

4. Which of your legal cases are you the most proud of and why?

**As an attorney:**

Personal satisfaction does not arise from a particular success involving the results of a particular case, but from the over-all results of many cases, those achieved on behalf of many clients. In the course of both private and public practice, the satisfaction felt has arisen from the many letters and other expressions of appreciation received from clients who were assisted in the resolution of the difficulties concerning which consultation and representation were afforded.

**As a peace officer:**

The successful resolution of a case which involved a serial kidnapper-rapist-murderer (twenty-four known victims) accomplished in the face of official disapprobation by a politician who wished the effort expended investigating the perpetrated crimes to be spent on another, more publically visible goal (the exact rebuke was, "Nobody gives a damn about an East Colfax hookers—we need that jail built!"). As it happened, it was an election year.

The perpetrator was eventually arrested, tried, and convicted, and then last heard (Summer of 2006), he was still serving a life sentence in the Colorado Department of Corrections without chance of parole.

5. Describe your investigative philosophy.

**As an attorney:**

Establish the facts necessary to accurately evaluate a case, and determine for the client a course of action, advise him or her regarding the cause of action pending, and create a plan to successfully resolve the matter in the client's best interests with the least expense and personal disruption.

**As a peace officer in Illinois and Colorado:**

Establish what happened by a careful evaluation of the facts of the matter, and preserve the scene and its evidence to the end of maintaining public peace, order, and safety in order to achieve substantial justice in resolution of the matter into which enquiry is being made.

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?

In meeting the several requirements of the October 6, 2014 Amendment to Chapter 9, Article 4, Part 1 ROA 1994, and the Police Oversight Ordinance the Settlement Agreement/Consent Decree for the Civilian Police Oversight Agency and Police Oversight Board, an ability to analyze factual material, prioritize goals, and focus effort on achieving specific results and ends would be essential, which ability was acquired by and through:

**Education** (BA; MA; Certification in Iranian Area Studies and Farsi Language - Reed College, Portland, Oregon; PhD; JD; Diploma - Jefferson County Sheriff's Department Training Academy, Golden, Colorado; Diploma - ATLA College of Trial Advocacy; Diploma - Iraq Rule of Law - Civilian Police International; and, Certification - United States Institute for Peace, Organization for Security and Co-operation in Europe;

**Service as Legislative Advisor** (to a Colorado State Senator, the late James Francis Congrove);

**Service as a Board Member on two boards of directors** (the Jeffco (Jefferson County, Colorado) Federal Credit Union and the Midwestern Center for Mental Health, Montrose, Colorado);

**Service as an Advisor to two Sheriffs:** (the Montrose County Colorado Sheriff, four years as a member of his committee for budget and training and representing him to the Montrose Board of County Commissioners and the Sheriff's Citizens Advisory Committee, and the Jefferson County Colorado Sheriff, four years as his Research and Development Specialist representing him and the Department to the Jefferson Board of County Commissioners regarding the Department's

annual budget, staffing needs, and equipment and facilities requirements, to the Citizens Advisory Committee for New Facilities, and negotiating and implementing the Department's contract with the U.S. Forest Service regarding the provision of law enforcement services in the Pike and San Isabel National Forests);

**Service a member on the Colorado Bar Association's Judicial Advisory Committee:** (three years, Denver, Colorado);

**Service in Iran:** (working with the Iranian Ministry of Education and the Iranian Literacy Corps);

**Service with Southern Illinois University's Division of International Education:** (working under the direction of the Division Dean creating international education programs, the University's Center for Vietnamese Studies, and serving as Faculty Advisor to Students from the Middle East and as the Faculty Advisor for the International Students' Association); and,

**Higher education administration and teaching experience:** (Colorado Continuing Legal Education Services; Metropolitan State College, Denver; Southern Illinois University, Carbondale in extension at Menard Penitentiary in Chester Illinois and at the Macomb Community College in Macomb Illinois; Southern Illinois University Faculty Committee for the Creation of Core Curriculum Courses; and, in Iran at the Iranian Women's College, Tehran, Mamazan Agricultural College, Deh-ye-Mamazan, Pars College, Shimran, and the Iranian Literacy Corps creating a correspondence school program aimed at fostering national literacy).

7. What is your vision for the CPOA?

**The immediate goal** would be the satisfaction of the October 6, 2014 Amendment to Chapter 9, Article 4, Part 1 ROA 1994, and the Police Oversight Ordinance the Settlement Agreement/Consent Decree to establish a situation which provides a basis for creating on behalf of the Albuquerque Community and the Albuquerque Police a sound and effective basis for the resolution of complaints through the establishment of the services needed to maintain the public peace, order, and safety of the community while building and maintaining its trust.

**The long term goal** would be to establish a professional staff to implement the policies and procedures created for the long-term so that the events of the recent past do not again arise, guided by the principle of fostering trust between the Albuquerque Police and the community it serves by means of creating effective training and communication channels.

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.

1) Education, training, and experience which includes the area of court administration acquired as an intern to Chief Justice Edward Pringle, Colorado Su-

preme Court and Judge Donald P. Smith, Colorado Court of Appeals (see ¶ 6, *supra*);

2) Law Enforcement Experience in both administration and the provision of field service;

3) Attorney Experience in both the public practice of the law in New Mexico, and the private and public practice of the law in Colorado;

4) Administrative and Supervisory Experience serving a Dean of Internal Education, as a Faculty Advisor, as a member of two boards of directors, two law enforcement advisory committees, contract negotiator for the Jefferson County Colorado Sheriff's Department with the with Federal Government, and implementation of the resulting contracts for te provision of law enforcement services, instructor with the Jefferson County Sheriff's Department Training Academy reference crime scene preservation and report writing, and service a judicial advisory committee; and,

5) Service as a Legislative Advisor.

The life-long challenge has been to continually work in order to improve personal knowledge, information, and people skills so as to avoid making mistakes in conduct and decision making regarding matters for which responsibility is carried for self and others, personally and professionally, and to communicate that knowledge, information, and people skills to those with whom one is obliged to work and interact.

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.

In the course of personal experience, have worked with all such individuals as identified, except for union officials and Department of Justice monitors, while serving on two Board of Directors, two Advisory Committees for elected Colorado Sheriffs, as a Legislative Advisor, on the Colorado Bar Association's Judicial Advisory Committee, while in service to the Iranian Ministry of Education and the Iranian Literacy Corps, while in service to the Dean of International Education at Southern Illinois University, as the Jefferson County Sheriff's designated representative to the United States Forest Service in contract negotiations for the Department's provision of law enforcement services in the Pike and San Isabel National Forests, in the implementation of those contracts and as a field supervisor for the National Forest Contract Services Team, and as Designated Alternate Defense Counsel in the Colorado Seventh Judicial District.

All these situations involved disparate groups of stakeholders with different viewpoints and conflicting interests. However, working relationships have been invariably established, albeit not without some difficulties.

A situation which was especially serious entailed service on the Board of Directors for the Jefferson County (Jeffco) Federal Credit Union, when serious operational misconduct was discovered, resulting in the resignation of Chairman of the Board, a number of Board members, and of institutional employees. Elected to be act as the interim Acting Chairman of the Board, the situation was resolved without the filing of criminal charges, professional Savings and Loan operations were re-established, and a new Chairman was elected. I left Jefferson County employment at the conclusion of the matter, having applied to, and been accepted at the University of Denver, College of Law, and so was no longer eligible to participate in the Credit Union's operations.

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.
11. 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.

#### **LEGAL PROFESSION:**

**Mr. Bruce Smith, Esquire**, Crown Prosecutor's Chambers  
20<sup>th</sup> Level, 175 Liverpool Street, Sydney, New South Wales,  
Australia.  
Phone. + [REDACTED]  
E-mail address: [REDACTED]

Served together at the Civilian Police International headquarters in Leesburg, Virginia preparing for deployment to Iraq for the U.S. State Department's Iraq Rule of Law project.

**The Honorable Sandra I. Rothenberg, J.**, Colorado Court of Appeals, Retired  
2 East 14th Avenue, Denver, Colorado 80203.  
Phone [ State Judicial ] 1 303 837 3723  
E-mail address not known

Served Judge Rothenberg's court as *guardian ad litem* and next friend, and taught a continuing legal education course at her request regarding those subjects.

#### **LAW ENFORCEMENT**

**Mr. William D. Ludwig**  
624 Radford Terrace NE, Leesburg, Virginia 22191.  
Phone [REDACTED]  
E-mail address: [REDACTED]

Were together at the Civilian Police International headquarters in Leesburg, Virginia. Mr. Ludwig was the project's security officer responsible for doing background checks and obtaining the individual security clearances for the Department of State — for the project's team members — prior to their deployment to Iraq for the U.S. State Department's Iraq Rule of Law project.

**Captain William H. Flint**, Jefferson County Sheriff's Department, Retired  
[REDACTED] Colorado 80401.  
Phone [ Home ] [REDACTED]  
E-mail address not known

Commanding Officer while serving in the Investigations Division of the Jefferson County Sheriff's Department, Golden, Colorado.

Judge Rothenberg and Captain Flint currently reside in semi-seclusion and do not have e-mail addresses. Mr. Smith is an Australian Barrister serving as a Crown Prosecutor in Sydney, Australia. Because of the time difference between Australia and the United States, the best way to contact Mr. Smith is by e-mail. Mr. Ludwig, because of his security responsibilities, is generally not available for phone contact and is better approached by means of e-mail.

Copies of recent letters of reference are available upon request.

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 24917182**

Name: Robin Dozier Otten Address: [REDACTED]  
Albuquerque, New Mexico 87122 US

Home Phone: [REDACTED] Alternate Phone: [REDACTED]

Email: [REDACTED] Notification Preference: Email

Former Last Name: [REDACTED] Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, New Mexico

Can you, after employment, submit proof of your legal right to work in the United States? Yes

What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:

Are you willing to relocate? No

Types of positions you will accept: Regular

Types of work you will accept: Full Time

Types of shifts you will accept: Day

**Objective**

**Education**

**Professional** Did you graduate: Yes  
*University of New Mexico* College Major/Minor:  
8/1978 - 5/1981 Degree Received: Professional  
Albuquerque, New Mexico

**College** Did you graduate: Yes  
*University of New Mexico* College Major/Minor:  
8/1962 - 5/1966 Government/History/Psychology  
Albuquerque, New Mexico Degree Received: Bachelor's

**Work Experience**

**President and Chief Executive Officer** Hours worked per week: 40  
7/2003 - Present Monthly Salary: \$5,000.00  
# of Employees Supervised: 0  
RDO Strategic Consultants, LLC Name of Supervisor: None  
www.rdoconsultants.com May we contact this employer? Yes  
64 Pinon Hill Place  
Albuquerque, New Mexico 87122  
505 856-7244

**Duties**

Consulting firm offering its clients services including policy development, advocacy and entrepreneurial expertise.

**Reason for Leaving**

Currently working.

**Director** Hours worked per week: 40  
12/2009 - 12/2013 Monthly Salary: \$8,400.00  
# of Employees Supervised: 375

City of Albuquerque/Family and Community  
Services Department  
Albuquerque, New Mexico 87102

Name of Supervisor: R J Berry - Mayor  
May we contact this employer? Yes

**Duties**

Executive level office; reported directly to the Mayor  
Responsible for an agency of about 375 employees and a budget of \$12 million  
Program areas included development of affordable housing, administration of 24 community centers,  
four health and social service centers and 21 child development centers that provide appropriate  
curriculum for preschool children  
Developed Albuquerque Heading Home, an initiative that houses medically vulnerable and chronically  
homeless people and their families  
Initiated Running Start for Careers, a program for high school students taught by various industries  
representatives and offered for credit toward graduation

**Reason for Leaving**

Retirement from PERA

**Deputy Secretary**

9/1999 - 12/2002

Hours worked per week: 40

Monthly Salary: \$7,000.00

# of Employees Supervised: 1650

State of New Mexico/Human Services Department  
Santa Fe, New Mexico 87505

Name of Supervisor: Gary E Johnson - Governor

May we contact this employer? Yes

**Duties**

Cabinet level office; reported directly to the Governor  
Responsible for an agency of 1,650 employees and a budget of \$2 billion  
Program areas included Medicaid, food stamps, cash assistance (TANF) and child support enforcement  
Chaired State Coverage Initiative to obtain a Medicaid waiver and provide health insurance to  
uninsured adults

**Reason for Leaving**

Completion of Governor Johnson's term

**Superintendent**

1/1995 - 9/1999

Hours worked per week: 40

Monthly Salary: \$0.00

Name of Supervisor: Gary E Johnson - Governor

State of New Mexico/Regulation and Licensing  
Department  
Santa Fe, New Mexico 87505

May we contact this employer? Yes

**Duties**

Cabinet level office; reported directly to the Governor  
Responsible for an agency of 260 employees and a budget of \$15.2 million  
Program areas included financial institutions, securities, construction industries, manufactured housing,  
alcohol and gaming and 27 professional and occupational licensing boards

**Reason for Leaving**

Assumed duties as secretary of Human Services Department

**President**

8/1987 - 1/1995

Hours worked per week: 40

Monthly Salary: \$0.00

# of Employees Supervised: 4

Shareholder, Otten, Vogel and Campbell, P.C  
Albuquerque, New Mexico 87110

May we contact this employer? No

**Duties**

General real estate and business practice of law

**Reason for Leaving**

Appointed to Governor Johnson's cabinet

**Vice President**

8/1986 - 8/1987

Hours worked per week: 40

Monthly Salary: \$0.00

May we contact this employer? No

Southwest Mortgage Company  
Albuquerque, New Mexico 87108

**Duties**

Supervised 24-person closing and shipping department  
Served as legal advisor to corporate officers  
Served as corporate secretary

**Reason for Leaving**

Founded law firm.

**Attorney**

8/1981 - 8/1986

Hours worked per week: 40

Monthly Salary: \$0.00

May we contact this employer? No

Johnson and Lanphere, P.C  
Albuquerque, New Mexico 87110

**Duties**

Responsible for foreclosure litigation for New Mexico's largest lender  
Represented corporate clients in commercial litigation  
Experienced in preparation of commercial loan documents  
Supervised paralegal staff; handled interviewing, hiring and dismissals  
Initiated intra-office information retrieval system

**Reason for Leaving**

Accepted another position

**Certificates and Licenses**

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

Professional Associations

American Bar Association: Corporation, Banking and Business Law, Committee on Savings and Loan Associations, and Economics of Law Practice Sections

Professional Associations

Albuquerque Bar Association

Professional Associations

American Judicature Society

Professional Associations

New Mexico Mortgage Bankers Association

Professional Associations

National Association of Women Business Owners

**Honors & Awards**

Faculty Representative (elected by second year class, attended all faculty meetings)

**Honors & Awards**

General Honors Program

Honors & Awards

Recipient, Tuition Scholarship

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Honors & Awards

Member, Student Council (elected by entire student body)

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Honors & Awards

Greater Albuquerque Chamber of Commerce Chairman's Award for Excellence

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Honors & Awards

National Association of Women Business Owners 2007 National Public Policy Advocate of the Year

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Honors & Awards

YWCA Woman on the Move Award 2008

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Honors & Awards

SBA Women in Business Champion of the Year 2008

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Honors & Awards

Ethics in Business Award

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Honors & Awards

WESG Fellowship, Duke University, Strategic Leadership for State Executives Program

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Honors & Awards

Leadership Albuquerque, 1990 graduate

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Honors & Awards

NM Business Weekly Woman of Influence 2011

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Honors & Awards

Community, State and National Leadership Positions

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Honors & Awards

National Leadership Conference of

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Honors & Awards

Women Executives in State Government

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Honors & Awards

Member (1995-2002)

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Honors & Awards

Board of Directors (1998-2002)

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Honors & Awards

Model United Nations

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Honors & Awards

President, Security Council (1994-2003)

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Honors & Awards

Governmental Ethics Oversight Committee

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Honors & Awards

Public Voting Member appointed by the Speaker of the New Mexico House of Representatives (1993)

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Honors & Awards

Sandia Preparatory School

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Honors & Awards

Board of Trustees (1989-90; 1992-95)

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Honors & Awards

Parents Association Board of Directors (1986-1990); President (1989-90)

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Honors & Awards

Greater Albuquerque Chamber of Commerce

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Honors & Awards

Board of Directors (1992-95)

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Honors & Awards

Government Planning Council (1990-92)

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Honors & Awards

State Government Committee (1990-93), Chairman (1991-93)

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Honors & Awards

Executive Legislative Committee (1990-93)

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Honors & Awards

Women Impacting Public Policy

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Honors & Awards

National Partner

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Honors & Awards

Co-chairman, Health Care Committee (2005)

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Honors & Awards

Chairman, Health Care Committee (2006 -2008)

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Honors & Awards

Economic Blueprint Advisory Council (2008)

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Honors & Awards

Executive Advisory Board (2008 to 2012)

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Honors & Awards

State of New Mexico Republican Party

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Honors & Awards

Bernalillo County (Albuquerque) Executive Committee (2003-2006)

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Honors & Awards

Candidate, United States Senate (1994)

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Honors & Awards

Executive Committee Secretary (1993-95)

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Honors & Awards

Alternate Delegate, Presidential Nominating Convention (1992)

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Honors & Awards

Candidate, New Mexico House of Representatives (1990)

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Honors & Awards

St. Marks-on-the-Mesa Episcopal Church

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Honors & Awards

Vestry (1982-85; 1989-91)

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Honors & Awards

Chancellor (1984-87)

---

Honors & Awards

Junior Warden (1989-90)

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Honors & Awards

Samaritan Center of Albuquerque

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Honors & Awards

Foundation Board of Directors (2003-2008)

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Honors & Awards

President (2006)

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Honors & Awards

Vice President (2005)

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Honors & Awards

Nominations Committee Chairman (2005-2006)

---

Honors & Awards

Selection Committee (2000-2003)

---

Honors & Awards

Board of Directors (1990-93)

---

Honors & Awards

President (1991-92)

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Honors & Awards

Chairman, Development Committee (1993)

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Honors & Awards

Albuquerque Bar Association

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Honors & Awards

Board of Directors (1991-93)

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Honors & Awards

Judicial Selection Committee (1987; 1991- 93); Chairman (1991-93)

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Honors & Awards

Lawyers' Club of Albuquerque

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Honors & Awards

President (1990-91)

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Honors & Awards

Vice President (1989-90)

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Honors & Awards

Treasurer (1988-89)

---

Honors & Awards

Sandia Heights Homeowners Association Board of Directors (1990-96)

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Honors & Awards

National Association of Women Business Owners

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Honors & Awards

Charter member Northern New Mexico Chapter (1992)

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Honors & Awards

Board member NAWBO-PAC (2005)

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Honors & Awards

Chair, NAWBO-PAC (2006 to 2008)

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Honors & Awards

Vice-President, Public Policy (2006 -08)

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Honors & Awards

Secretary (2008-09)

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Honors & Awards

Director, Liaison to Foundation for Entrepreneurial Excellence (2008-09)

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Honors & Awards

President-elect (2009)

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Honors & Awards

President (2010-2011)

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Honors & Awards

Foundation for Entrepreneurial Excellence

---

Honors & Awards

Board of Directors (2008 to 2013)

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Honors & Awards

University of New Mexico Alumni Association

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Honors & Awards

Legislative Liaison (1985-88; 1993)

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Honors & Awards

United Way of Central New Mexico, Inc

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Honors & Awards

Loaned Executive (2003)

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Honors & Awards

Campaign Vice-Chairman (1993)

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Honors & Awards

Leadership Giving Committee (2005)

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Honors & Awards

Tocqueville Society (2010-present)

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Honors & Awards

Junior League of Albuquerque, Inc

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Honors & Awards

Administrative Vice President (1988-89)

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Honors & Awards

Board of Directors (1981-87)

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Honors & Awards

Community Vice President (1983-84)

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Honors & Awards

Public Affairs Chairman (1981-83)

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Honors & Awards

University of New Mexico Centennial

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Honors & Awards

Government Committee (1988-89)

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Honors & Awards

Organizations Committee (1988-89)

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Honors & Awards

Albuquerque Community Foundation

Honors & Awards  
Enabling Fund Committee Chairman (1984-86)

Honors & Awards  
Volunteer Center of Albuquerque

Honors & Awards  
Advisory Board (1986-87)

Honors & Awards  
New Mexico Department of Corrections

Honors & Awards  
Girls' Reintegration Center

Honors & Awards  
Advisory Board (1984 85)

Honors & Awards  
Albuquerque Little Theater

Honors & Awards  
Friends of ALT Board of Directors (1978-79)

Honors & Awards  
Leadership Circle (2009)

Honors & Awards  
Heading Home, Inc

Honors & Awards  
Board of Directors (2014-present)

Honors & Awards  
Chairman, Fund Development Committee  
President, 2015

Honors & Awards  
Core Vision Team (2010-present)

Honors & Awards  
Goodwill Industries of New Mexico, Inc

Honors & Awards  
Board of Directors (2011-present)

Honors & Awards  
Secretary (2013-present)

Honors & Awards  
New Mexico Appleseed

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Honors & Awards

Board of Directors (2012-present)

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Honors & Awards

Vice-President (2013-present)

**References**

**Resume**

**Text Resume**

**Attachments**

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

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2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

---

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

---

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

---

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A: 2013

---

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

---

7. Q: Are you receiving a PERA pension?

A: Retired from the City of Albuquerque

---

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

---

2. Q: If you possess a professional law degree identify the accredited law school.

A: The University of New Mexico

---

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

---

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico

---

**5. Q:** How many years of management experience do you possess related to this position?

**A:** 6 or more years

---

**6. Q:** Select the number of years of work experience you possess which relate to this position.

**A:** 13 or more years

---

**7. Q:** Briefly describe your experience in criminal investigation.

**A:** Experience in criminal investigation includes supervising investigations of Medicaid fraud and employee fraud at both the state of New Mexico and the city of Albuquerque. Preparation of criminal cases for completion of the UNM clinical program in the Bernalillo County District Attorney's office.

---

**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

**A:** Experience as a state cabinet secretary and a city department director with various administrative processes related to employment as well as judicial processes including court appearances, appeals and arbitration. Created, implemented and oversaw enforcement of policies and procedures in a multitude of arenas.

**From:** [Hammer, Robin](#)  
**To:** [Joanne Fine](#)  
**Cc:** [Cash, Paul](#)  
**Subject:** Video for Mark Baker's June 24 training  
**Date:** Wednesday, July 08, 2015 3:41:08 PM

---

Joanne,

We have just been informed by APD Audio-Visual staff that they are tied up filming a week-long DOJ-mandated training for APD and will not have our video ready until close of business on Tuesday, July 14. We could mail you the video on Tuesday or if you prefer, you could pick it up next time you're near downtown. Let us know what works for you.

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:** Silvio Dell'Angela  
**To:** Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.  
**Cc:** vanita.gupta@usdoj.gov; "Damon Martinez"; "Elizabeth Martinez"; Mayor Berry  
**Subject:** Wednesday's Council Meeting-Looking for at least six honest men and women who can stop this dictator + the upcoming election  
**Date:** Monday, October 05, 2015 4:05:32 PM  
**Attachments:** 11212 Camero Ave.pdf  
Scan\_Doc0176.pdf  
Scan\_Doc0177.pdf  
10-5-15Lynch-damage control.doc

---

## Councilors

(info to others shown and not shown)

### References

-My 10/4 e-mail "*Disgraceful DOJ boss Loretta Lynch says: "Government shouldn't require reports of people killed by police..." and more*"

-My 10/5 e-mail to Chief Eden asking for the status on my 10/1 IPRA request for video, other documents on the latest APD shooting

### DAMAGE CONTROL TODAY BY NEW US AG LORETTA. LYNCH

My 10/4 e-mail included the press release/comments made on 10/3 by our new US Attorney Loretta Lynch who confirmed to all that like her underlings, she too has gone to the dark side and joined the police against the people-essentially blessing police states throughout the US

Apparently after my 10/4 e-mail that was sent to the local and other DOJ representatives involved in our toothless APD reform agreement asking that a copy be passed to Ms. Lynch, many besides me were outraged by it.

So she decided to do some damage control and released some "clarification" of her comments in a news conference today. See attached. It's too little, too late for Ms. Lynch as she showed her true colors on 10/3.

### TUESDAY'S ELECTION

It's not surprising to read in today's NOT Independent Berry Journal about the low early voting turn-out and the expected equally low turnout for Tuesday's election to elect just two councilors from Districts 4 and 6.

The other two from Districts 2 and 8 who should also be sent packing are running unopposed-not because of their good work for their constituents but because people have given up and don't have big campaign donors to challenge them.

It's also not surprising that because this Mayor has deliberately ignored the Bio-Park, our road maintenance and other real needs for far too long that we voters are now being asked to approve another tax increase (that he also will vote for) and also a bond measure to stick it to us taxpayers to make up for his past fiscal irresponsibility.

The sad truth is that voters now realize that nothing here will ever change for the better even with this election and thus have given up even going to the polls to vote. The culture of corruption is a way of life here in New Mexico, the reason that we are viewed as the fifth most corrupt state in the US. Our City would likely be the most corrupt nationwide if a study was ever done of this.

Many believe that Councilor Winter if re-elected has no intent to complete his four year term-something the media refuses to ask him to confirm or deny. Insiders tell me that he will move to his second home in Florida and allow his Mayor to appoint his successor-another Party first Republican willing to be his stooge.

Rumors out there are that my unopposed Councilor Jones will also not complete her four years in office so the Mayor will also appoint a successor who is just as bad.

#### STILL IN SEARCH OF AN HONEST MAN (AND WOMAN)

Many in our city like the Greek philosopher Diogenes are STILL IN SEARCH FOR AN HONEST MAN (or woman) –even just six on the City Council who can stop this dictator from imposing his will on the people.

Diogenes said that there is a need “outspokenness,” and “uncompromising zeal for exposing vice and conceit and stirring men to reform”-things that many brave citizens in our historical culture of corruption reform movement are doing.

Don't look in the Mayor's office, in APD, in the Legal Department , in Procurement, in the Planning Department, in ABQ Ride and the DMD for any honest leaders. All have been forced to sell their souls to the devils on the 11<sup>th</sup> floor for their 30 pieces of silver.

It's clear that these once good people were forced to give up any integrity they once had if they wanted to work as a public servant in this City under the corrupt Berry.

#### DISRESPECT FOR THE COMMON PEOPLE

Like the low Fall voter turnout, something even worst for unjustified tax wasting APS Spring elections less and less will come to council meetings in the future knowing that you Councilors really don't want us there-don't care what we say.

We were once allowed to donate our two minutes to other public speakers, but when Don Harris became your President, he put an end to that. Then you Councilors would have a wall built in the chambers to prevent another takeover of your meeting by us angry citizens.

Then when Dan Lewis was President, he continued that disrespect in 2013 including not wanting to hear more than a 2 minute talk from me and others just telling what was wrong with the Police Oversight process.

Then under Council President Ken Sanchez, he would have draconian rules imposed to further limit our expression of free speech to including forcing me to remove me and my upside down flag from the chambers even knowing this was an approved US Flag Code symbol of citizens in distress. Current Council President Garduno also refused to allow it from being shown.

Ignored by all of you is the Council President's or Mayor's directed censoring and prevention of any presentations of citizens put on the overhead projector from ever being shown on GOV TV.

#### BILLS TO BE HEARD WEDNESDAY

##### EC-15-433 Vote to override the Mayor's veto

All addressees saw in my e-mail today the bogus excuse he used to veto this bill that would have allowed the police to focus on the real crime in this city. Here is a Mayor who reportedly was a pot smoker while a student at UNM now has his former appointed Public Safety Director Darren White now pushing the use of Marijuana.

See the 9/11/15 posting of the Eye on Albuquerque on White-EXTRACT shown below

*"Who is Smoking Dope? Integrity For Sale-Recently the public was notified the nefarious Darren White has most recently become one of the directors of Purlife as noted in a application to the State of New Mexico. The application from Purlife is a legal request to sell dope in New Mexico. As most recall, White left the State of New Mexico disgracefully after opposing the Governor policy on Marijuana; White then ran for Congress and lost to a liberal democrat; next White would later be bounced out of the City of Albuquerque in disgrace as usual"..... more*

To call Berry a hypocrite would be an understatement when it comes to his police force who don't have to comply with our State laws. While he complains about a shortage of APD officers, he still has Eden sending his officers out to selectively arrest those users of a nominal amounts of Marijuana, then lying-claiming they are being arrested primarily for other offenses.

When I helped a friend/teacher with M.S. teach an eighth grade summer school US History class years ago, some kids there from the South Valley told me that the biggest sellers and users of Marijuana and the hard drugs in their neighborhoods were Schultz's cops.

There has been much written in the journal exposing the fact that Marijuana is not a gateway drug. See scan 177, the cover of the June issue of the National Geographic magazine that has a good article discussing its history of usage.

Alcohol and tobacco are our biggest problems and their use is deemed OK by our Mayor. You will

never see a cop or public official here given a DWI and yet there is one in the Mayor's office and another on the Council who come to meetings with flushed red faces. Just red make-up or a little too much alcohol/substance abuse?

EC-15-415-Award of \$600,000 to architectural firm based solely on subjective evaluation criteria

On Wednesday, \$600,000 of our tax dollars will likely be given by you to an architectural firm under the Consent Agenda rather than under Approvals or Final Actions before you hear any public comments.

You have seen my numerous e-mails complaining about the bogus contract awards to Berry favored companies that (if not given no bid contracts like Schultz's employer Taser Inc.) the RFP would never ask for costs as part of the evaluation criteria as demanded in procurement regulations-only "cost control."

Current COO Mike Riordan, part of the ART scam on us with Rizzieri was notorious for doing this when he was head of the DMD and his successor is doing the same. It's all about who you know downtown-not whether you are the best contractor for the job-thus opting for the subjective selection criteria.

COO Riordan claims that responses to the RFP for the tax wasting ART down Central were due on September 30. Just what does the RFP look like including the selection criteria and who will sit on the selection committee?

We also still don't know whether the incumbent-the ACVB was selected (as expected-being an insider) to continue its poor work at the Convention Center

R-15-186 Destruction of a dwelling deemed a nuisance property

While the posted photos seem to justify the razing of this old home, Planning Department Director Lubar would tell me that these same Codes/Ordinances somehow don't apply to even newer homes in our City that were built before the zoning ordinances were changed as they are all grandfathered-exempt from compliance. Preposterous!

A home in our EANA neighborhood was for the past seven or more years clearly a nuisance as defined in zoning code § 14-3-4-4 NUISANCE (D) *Buildings whose maintenance is so out of harmony and conformity with the maintenance and quality of adjacent or nearby properties as to cause substantial diminution in the enjoyment, use or property value of such adjacent or nearby properties.* There were numerous call for service to Code enforcement and APD but their warnings in the few times they responded were ignored.

This EANA home even now continues to not comply with 14-16-2-6 section F (off-street parking) that prohibits the parking of vehicles on other than City approved prepared surfaces-clearly not on lawns. Yet even today at times the home still has four vehicles parked in the driveway and two on the front lawn. One in the driveway-an old Jaguar is inoperable.

Yet Ms. Lubar claims unlike the other even older homes in the City to be razed, our EANA home is exempt from these requirements because it was built a mere 35 years ago before the Zoning rules were passed. It has gotten so bad over the past SEVEN years that this property owned by our EANA neighbor-an employee of APS was recently the subject of a recent filming for the A&E TV show "The Hoarders."

The blight on our neighborhood problem was explained away-just attributed to just the owner's psychological hoarding disorder-something it was clearly NOT.

The A&E film crew from Seattle without any prior notice given to us by her, Eden, Huntsman (who lives nearby) or Alan Armijo in the Mayor's office, showed up with their hired house cleaners to begin filming their clean up and interviews.

The first indication we saw of A&E was a huge 10' x 20' x 20' container put right in front of the house causing a traffic safety hazard. Then it was a porta-potty put on the side of the house and then a huge RV parked right across the street. Then a dumpster.

The Planning Department is doing nothing to force the owner of this property to comply with our zoning codes because she apparently one of the privileged of this city-thus above the law-much like our thug APD police officers and their corrupt leaders.

Apparently the even older home to be destroyed as a nuisance in Councilor Benton's district (R-15-186) is not grandfathered and I wonder why. So should you.

**WHY WASTE OUR TIME SPEAKING TO YOU NINE WEDNESDAY-YOU DON'T CARE?**

**I don't plan to waste my time coming to the meeting Wednesday since the nine of you really don't care what others or I have to say in our precious 2 minutes allotted us.**

Disgusted,

Silvio  
For WE THE PEOPLE

;



Dear Homeowner:

Screaming Flea Productions, Inc. is preparing to film an episode of a clean-up television show in ALBUQUERQUE.

We will be filming at the residence located at 11212 CAMERO AVE. this coming WEDNESDAY – SUNDAY, the 23<sup>rd</sup> through 27<sup>th</sup>.

This will be a small production. There will be approximately 8 film crew members that will be on-site on WEDNESDAY and THURSDAY. They will be filming both in and outside of the home on these days. On FRIDAY, SATURDAY, AND SUNDAY the crew will begin the process of cleaning out the home. We expect to have a few more people on-site these days (likely a total of around 25), which will include a clean-up crew of about 15 people and 2-3 mid-size trucks for junk-removal. Filming will again take place both in and outside of the home.

Our hours of operation for the production will be 8:00 AM to 6:00 PM all 5 days.

**To be clear, we will NOT be filming any street names, house numbers or exteriors of any other residence aside from the one located at 11212 Camero Ave.**

We will NOT be doing any special effects, gunfire or out of the ordinary loud sound effects, or setting up any lights that will be intrusive or invasive to any of the surrounding homes and properties.

Our crew is professional and respectful and will be happy to address any issues, questions or concerns that may arise at the time of filming. We understand that we will be guests in your neighborhood and will act as such. Please feel free to contact us should you have any questions or concerns.

Thank you for your support!

Best Regards,

**Rakhee P**  
Screaming Flea Productions, Inc.  
Production Coordinator  
206-763-3383 x 239

JUNE 2016

# NATIONAL GEOGRAPHIC

# WEED

## THE NEW SCIENCE OF MARIJUANA

Should Captive  
Dolphins Be Freed?

Dry Times Are Here  
for the Aral Sea

Nepal's Living  
Goddesses



**CITY OF ALBUQUERQUE**  
Albuquerque, New Mexico  
Office of the Mayor

**EC-15-433**

Mayor Richard J. Berry

**INTER-OFFICE MEMORANDUM**

October 1, 2015

**TO:** Rey Garduño, President, City Council

**From:** Richard J. Berry, Mayor 

**SUBJECT:** Veto Message on R-15-243 Establishing a Policy that Enforcement of Laws Criminalizing Possession of One Ounce or Less of Marijuana for Adult Personal Use Shall Be a Low Law Enforcement Priority

I have carefully considered and have exercised my veto authority on R-15-243, which passed at the City Council meeting of September 21, 2015, by a vote of 5 For and 4 Against.

New Mexico law has established by statute that possession of marijuana is a crime. Our police officers have taken an oath to uphold the laws of the State of New Mexico. I took the same oath. I take my oath seriously, and I will not place the fine men and women of the Albuquerque Police Department in a position where they are told to compromise their oaths and disregard State law.

For these reasons, I am vetoing this bill.

**From:** USDOJ-Office of Public Affairs (SMO) (JMD) [<mailto:USDOJ-Office.of.Public.Affairs@usdoj.gov>]

**Sent:** Monday, October 05, 2015 12:51 PM

**To:** USDOJ-Office of Public Affairs (SMO) (JMD)

**Subject:** ATTORNEY GENERAL LYNCH: USE-OF-FORCE DATA IS VITAL FOR TRANSPARENCY AND ACCOUNTABILITY



## Department of Justice

FOR IMMEDIATE RELEASE  
MONDAY, OCTOBER 5, 2015  
[WWW.JUSTICE.GOV](http://WWW.JUSTICE.GOV)

AG  
(202) 514-2007  
TTY (866) 544-5309

### ATTORNEY GENERAL LYNCH: USE-OF-FORCE DATA IS VITAL FOR TRANSPARENCY AND ACCOUNTABILITY

WASHINGTON—Today, in a press conference held at the Department of Justice, Attorney General Loretta E. Lynch reinforced the need for a national, consistent data on law enforcement interactions with the communities they serve, especially data collection on the use-of-force. The Attorney General noted that the department has already taken steps to improve the accuracy and consistency of use-of-force data from law enforcement.

“The department’s position and the administration’s position has consistently been that we need to have national, consistent data,” said Attorney General Lynch. “This information is useful because it helps us see trends, it helps us promote accountability and transparency,” said Attorney General Lynch. “We’re also going further in developing standards for publishing information about deaths in custody as well, because transparency and accountability are helped by this kind of national data.”

Currently, federal authorities publish annual figures on the number of “justifiable homicides” by law enforcement. But this reporting is voluntary and not all police departments participate, causing the figures to be incomplete. That’s why the Justice Department and the Obama Administration are taking steps to work with law enforcement to improve the process.

“This data is not only vital – we are working closely with law enforcement to develop national consistent standards for collecting this kind of information,” Attorney General Lynch added. The department has already taken steps to improve accurate accounts of use-of-force data from law enforcement: -The Bureau of Justice Statistic (BJS) and the FBI are collaborating with major policing organizations, such as the International Association of Chiefs of Police (IACP), the Major Cities Chiefs of Police Association (MCCA), the Major County Sheriffs Association (MCSA) on defining data collections on police use-of-force and homicides by law enforcement officers.

-The department also requires the records of police interactions when we enter into consent decree and collaborative reform agreements.

-The FBI recently announced that the Uniform Crime Reporting Statistics (UCR) will begin to collect data on non-fatal shootings between law enforcement and civilians.

BJS has been conducting work on new methods for not only identifying deaths in police custody (as defined by the Deaths in Custody Reporting Act (PL 113-242), where they will go further than what the newspapers and media reports on law enforcement homicides that are derived from open source records verifying that the media accounts are correct and complete. BJS will do this by surveying police departments, medical examiners' offices and investigative offices about the reports that it identifies from open source and using data from the multiple source to obtain a more accurate factual account of each incident. BJS will complete its methodology study by late 2015/early 2016 and then begin to stand up a national program on arrest related deaths.

The President's Task Force on 21st Century Policing and the President's Police Data Initiative also seek to encourage better data and record keeping for local law enforcement reinforces the administration's position on this need.

*Excerpts from the Attorney General's Press Conference:*

**ATTORNEY GENERAL LYNCH:** [L]et me be clear: police shootings are not minutiae at all and the department's position and the administration's position has consistently been that we need to have national, consistent data. Both on excessive force and on officer involved shootings is vital. The point I was trying to make at that conference related to our overall view of how we deal with police departments as part of our practice of enforcing consent decrees, or working with them and I was trying to make the point that we also have to focus on building community trust which is a very individual – very local – practice. Unfortunately, my comments gave the misperception that we were changing our view in some way about the importance of this data – nothing could be further from the truth. This data is not only vital – we are working closely with law enforcement to develop national consistent standards for collecting this kind of information.

**ATTORNEY GENERAL LYNCH:** [W]e do require it [data collection]. When we have consent decrees with departments and frankly we find it very, very useful as we look at data and trends and as we publish consent decrees we encourage other departments to do so. And frankly police departments also are finding it useful. Certainly the fact that we don't have a nationwide, consistent set of standards is – not only does it make our job difficult it makes it hard to see these trends and that's why it is so important to focus on these. And that's why we are working through the department's research arm – our Bureau of Justice Statistics and the FBI – are working with the leading police organizations; International Association of Chiefs of Police; Major Cities Chiefs; Major Counties Sheriffs; to look at these standards. And we're also going further in developing standards for publishing information about deaths in custody as well; because transparency and accountability are helped by this kind of national data.

###

15 – 1233

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS, PLEASE USE THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.

M005264

**From:** Silvio Dell'Angela  
**To:** Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.  
**Cc:** JCyrus1@aol.com; "Ralph Arellanes"; vanita.gupta@usdoj.gov; reedy@aps.edu; "Elizabeth Martinez"; Rick Nathanson; McKay, Dan  
**Subject:** White and brown lives also matter RED (skIn) NATION  
**Date:** Monday, October 12, 2015 1:13:25 PM

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**TO: COUNCILORS**

(info others shown and not shown)

See extract from my Sunday e-mail below condemning Rey Garduno's proclamation on behalf of the RED NATION that demonizes Columbus as the devil incarnate and changing Columbus Day today to (NOT those original) "Indigenous Peoples Day." This change should have been a Council bill subject to the Mayor's veto but given Berry's history, he would have not vetoed it but likely stayed in his hole/bunker.

Recently LULAC's Ralph Arellanes pointed out the contributions of the Spanish (his brown) ancestors here as I did earlier with the white citizens including my Italian ancestors that included Columbus.

See the June 22 news report of a June 21 vigil and earlier press conference held by these seemingly brainwashed/P.C. self-proclaimed leaders of the red and black community below.

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*"In Solidarity with Black Lives: The RED Nation and ANSWER Stand with ABQ Community Against Racial Terror by Nick Estes and Melanie Yazzie. On Sunday evening, several hundred Albuquerque, NM community members gathered at the African-American Performing Arts Center for a vigil to remember the nine African-Americans murdered by a white supremacist vigilante ("a white supremacist vigilante-REALLY?) at the African Methodist Episcopal church in Charleston, South Carolina last Wednesday, June 17. The Albuquerque Minister Fellowship and local community members organized the vigil, which followed a Friday press conference where 33 local faith organizations issued the collective statement: "I will no longer tolerate racism." Our statement of solidarity issued at Sunday's vigil recognizes the murders as an act of political terror historically rooted in slavery and genocide. These two structures persist in framing contemporary U.S. racism and the ongoing colonial occupation of Indigenous lands. The RED Nation pays attention to and stands with the growing movement, such as #BLACKLivesMatter, that has coalesced in the aftermath of the uprisings against state-sponsored anti-Black violence in Ferguson, MO and Baltimore, MD.*

---

These self-proclaimed leaders of our American Indians and African-Americans don't give even one damn about holding APD's killer cops here accountable for killing those of every color.

M005265

Instead they incredulously would claim those red and black murders by cops or others were acts "of political terror historically rooted in slavery and genocide." and that "These two structures persist in framing contemporary U.S. racism and the ongoing colonial occupation of Indigenous lands."

**Don't you think it's hypocritical that these pro American Indians as historical victims leaders like Yazzie call themselves the RED (skin) NATION, while at the same time they oppose the name of the Washington Redskins as being racist?**

Again, when will Mayor Berry come out of his hole to take a position on this ridiculous resolution and renaming of Columbus Day? If not just a Democratic Party First vote, when will we also hear from Councilors Pena, Gibson, Sanchez and Benton saying why they supported this resolution and the reason(s) Don Harris properly opposed it?

**Not only do black and red lives matter here but those of other colors as well!**

**I'm tired of this guilt trip-black-and red victim propaganda by likely some well-meaning but misguided people.**

If they took the murders and other acts of excessive force by APD here just as seriously, we would be far better off. There hasn't even been one killer APD cop jailed here!

If the American Indians in NM also demanded from their tribal leaders (who live very well) that they be taken care of on the reservations rather than being forced to live under third world like conditions there, they too would be much better off.

**Boycott the march today.**

Silvio  
For WE THE PEOPLE

---

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]  
**Sent:** Sunday, October 11, 2015 5:09 PM  
**To:** 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'  
**Cc:** 'reedy@aps.edu'; 'Board ED'; 'Board of Regents' Office'; 'JCyrus1@aol.com'; 'dmckay@abqjournal.com'; 'rnathanson@abqjournal.com'; 'Mayor Berry'  
**Subject:** Indigenous Peoples Day-yet another example of the danger of PC propaganda spewed by Rey

Garduno-ignore the disgraceful march tomorrow-Monday

#### **Councilors and others**

You saw my earlier e-mails on this disgraceful Rey Garduno resolution passed by five of his other seemingly PC revisionist history colleagues. These attacks on Columbus were driven by hate and/or ignorance.

Two of the three councilors who voted against it seemingly tried to apologize for what they did while the other five have since not commented on their support.

As expected Mayor Berry went into his hole and hid refusing to comment on it. It was more than disappointing that Jewel Hall who I respect jumped on this victim bandwagon. The birthdays of Presidents Washington and Lincoln (both white) were eliminated as holidays by these revisionists in favor of a holiday commemorating the birthday of Martin Luther King Jr whose accomplishments pale in comparison to these two Presidents.

See the 10/9 Journal article below with my comments shown in red

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**Add Indigenous Peoples' Day to your calendar?** (I don't think so) By Rick Nathanson and Dan McKay / Journal Staff Writers Friday, October 9th, 2015 at 12:05am

*A proclamation sponsored by outgoing Albuquerque City Council President Rey Garduño last Wednesday night calls for the city to celebrate the second Monday in October from now on as Indigenous Peoples' Day. It's no coincidence that the second Monday in October is Columbus Day.*

**(Remainder omitted)**

**Boycott the Red Nation march today**

**Silvio**

**For THE PEOPLE**

**From:** Silvio Dell'Angela  
**To:** POB  
**Cc:** Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; avramwagman@gmail.com; Hammer, Robin  
**Subject:** YOUR INTERVIEWS FOR THE EXECUTIVE DIRECTOR OF THE POLICE OVERSIGHT AGENCY-THERE IS ONLY ONE CHOICE-JAY ROWLAND WHO WILL SERVE YOU, THE PEOPLE AND THE GOOD POLICE OFFICERS  
**Date:** Thursday, July 30, 2015 1:42:07 PM

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**TO: The Honorable Police Oversight Board Members**

**Info to City Councilors and Bcc to others**

**After viewing your meeting on GOV-TV last night that included interviews of five candidates for the "Executive Director of POA, the following are some of my observations/questions:**

- 1. I assume that since current interim Executive Director Ms. Hammer was not interviewed, she did not apply for this POA Executive Director position or being considered as a sixth candidate**
- 2. The talk by attorney Alan Wagman was right on target saying essentially that this selection is critically important-that we don't need more of the same (translated-not another Robin Hammer)**
- 3. This position never required that it be an attorney when Ms. Hammer was hired for the IRO job since an attorney is already assigned to the IRO-yet all were attorneys.**
- 4. Who chose these five candidates who you interviewed and more importantly who decided that you had to send three of the five interviewed to the Council to pick one? Only one stood out!**
- 5. You saw their resumes-something that should have also been posted on the website. One candidate-a former Colorado sheriff's deputy had conflicting-erroneous information on his resume**
- 6. Two of the applicants were former law enforcement/police officers both of whom had beliefs like Ms. Hammer.**

**Your selection decision is easy.**

**The only candidate that stood head and shoulders above the other four was former IRO during 2002-2007 Jay Rowland.**

**Based on his demonstrated knowledge of this job and expected respect by both the many APD honest police officers and the people, only Jay should be nominated to the City Council.**

**The only other even remotely credible candidate of the other four interviewed was Edna Sprague.**

**After Edna has the opportunity to review all of the GOV-TV interviews today, she too would likely believe that Jay would be the right choice.**

**Regards**

**Silvio**

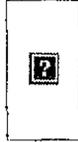
**For WE THE PEOPLE**

**P.S.**

**Jay would also be a great Mayor if he ever chose to run.**

**From:** [Dropbox](#)  
**To:** [Joanne Fine](#)  
**Subject:** You've connected a Windows Phone or tablet to Dropbox  
**Date:** Monday, October 26, 2015 3:33:15 PM

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Hi Joanne,

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M005270

**From:** [Dropbox](#)  
**To:** [Joanne Fine](#)  
**Subject:** You've connected an Android device to Dropbox  
**Date:** Monday, October 26, 2015 9:28:36 AM

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- The Dropbox Team

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Trello

Project  
management



Atlassian  
HipChat

Team  
communication

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**From:** [Dropbox](#)  
**To:** [Joanne Fine](#)  
**Subject:** Your Dropbox password was reset  
**Date:** Monday, October 26, 2015 9:24:09 AM

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Thanks!

- The Dropbox Team

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M005272

**From:** Silvio Dell'Angela  
**To:** "Joline Gutierrez Krueger"  
**Subject:** Your article "ABQ's worst day"  
**Date:** Sunday, August 16, 2015 12:38:50 PM

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Joline

John Hyde's rampage 10 years ago was bad but yet just one of many bad days here-clearly not the worst one.

ABQ's worst day was electing Mayor Berry in 2009 who later rehired Schultz.

The other worst day was the only 13% of the registered seemingly apathetic voters who re-elected Mr. Berry in 2013 and then Berry replacing Schultz with Eden.

It's interesting that except for your questioning of the murder of attorney Mary Han that likely APD or others who were threatened by her tried to portray as a suicide after APD deliberately contaminated the crime scene and you criticizing the admission of likely wife killer former APD cop Levi Chavez Jr. into UNM law school, little attention was given by you to APD's many murders of the mentally ill-only the few cops here killed.

Two articles on today's Op-Ed page tells all why we in NM particularly in Albuquerque have become the disgrace of the nation.

*"MIA 'leaders' fiddle as society falls apart."* properly says that we have no leadership in our corrupt "oligarchy" here. So true beginning with those representing us in Santa Fe, to our County and City leaders

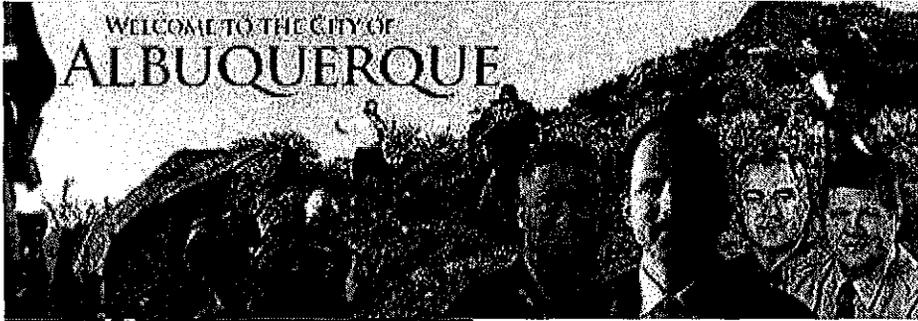
An example of this is the second article *"ART is a big step in developing a vibrant Downtown"* written by one of Berry's developer propagandists and the former longtime executive vice president of the Home Builders Association of Central New Mexico.

The author insults everyone's intelligence by merely parroting the bogus reasons that Mayor Chavez used to try to justify his "modern streetcar" down Central. I wonder whether the writer will be one of the contractors helping to build this tax wasting white elephant. What say you-COO Mike Riordan?

Anxious to see your follow-up articles but this introduction citing only Hyde's killing was disappointing to say the least.

Silvio  
For WE THE PEOPLE

M005273



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** [Silvio Dell'Angela](#)  
**To:** [Garduno, Rey](#)  
**Subject:** Your article "Stand up for women or stand aside" and other articles  
**Date:** Wednesday, August 26, 2015 3:12:54 PM

---

## Rey

(Info others Bcc)

### REFERENCES

Journal article "*City accused of violating pack of mentally disabled*" (more stonewalling of IPRA requests)

Journal report, "*Mayor-Rapid Transit a game changer for Route 66 development*" (Much like APD's murder of James Boyd was a "game-changer"?)

Journal article, "*Most Council hopefuls back rapid transit*" (fiscally irresponsible hopefuls)

Journal article "*South valley, Nob Hill projects advance.*"

Journal syndicated article, "*Feelings taking over politics*"

First of all-the good news-**You are by far the most honest and caring person on the Council.** But that's not saying too much compared to your eight other disgraceful colleagues on the Council.

### TIME TO GET YOUR PRIORITIES IN ORDER IN YOUR LAST FEW MONTHS

The bad news. The syndicated article in the Journal today "*Feelings taking over politics*" aptly describes your approach on the Council-unfortunately.

While you plan to also plan to speak Thursday at the Veterans for (just military involvement overseas) Peace chapter meeting, what about speaking up for us veterans for peace from APD's excessive force and murders in this city like me? Afraid of APD retaliation or afraid the Mayor will cut off money to your Nob Hill/district-still the "war zone?"

You also seem to worship cops more than military vets and **seemingly have no problem with BERNCO wasting \$800,000 of our taxes building two memorials to cops here.** I'm surprised that they didn't fund \$400,000 memorials in every one of their other BERNCO districts. No concern however with funding body recorders for their disgraceful Sheriff's deputies. No recorders-no accountability. They don't care.

You seem to care little how many veterans like Ken Ellis III, homeless fellow Vietnam vet Vincent Wood and other vets were gunned down and later the repeated stonewalling of NM IPRA requests by APD for the incriminating videos?

You only ask softball questions of Chief Eden and praise him for serving your district. You never bothered to read his and the resumes of the really qualified applicants-some with eye-watering qualifications for the job when blessing him. You just rubber stamped this Mayor's clearly unqualified choice for the job.

I'm sure like approving Eden that you will also approve a former Milwaukee cop to be the new Executive Director of the Police Oversight Agency at the next meeting because that's who the Mayor and APD wants.

Both APD since July 27, 2013 and now the DA's office while exonerating the two APD killers of Vincent Wood in early July 2013, won't release the incriminating recording proving that his killing was unjustified. I made the IPRA request for the videos on July 27, 2013. Nothing yet. Neither you nor the others seem to care about this or other APD institutional-Berry blessed IPRA stonewalling.

After reassuring me as Council President that I could show the American flag that I served under for 22 years (one in Vietnam) upside down (a US Flag Code approved signal of our distress) during a future council meeting, when I did show it on the overhead projector, it was never shown on GOV-TV and my real upside down one shown was again taken away from me with your blessing.

You also then allowed a clueless alleged vet to then publicly disrespect me afterwards claiming me showing the flag upside down was a court martial offense. **I can no longer trust anything you say.**

#### STAND UP FOR EVERYBODY-NOT JUST WOMEN

While allegedly asking all in your appeal to stand up for women, what about standing up for all of us? Women after their suffrage movement over 100 years ago finally gave them the right to vote in all elections not just special tax wasting school elections. Where were you demanding that APS change its policies to eliminate these special spring elections that are costly to taxpayers? MIA as usual

Why don't you stand up for all of the people-we taxpayers who are being ripped off by these special spring APS elections and not just women. New Jersey and other states don't have special school elections but what are we-just another third world like city and state who still has them?

Winston Brooks, Brad Winter while they were at APS and new Superintendent Valentino ignored my appeals for this. The bond money comes to them much easier with special elections and incompetent people get elected to the Board because of citizen apathy. Only 2-4% of the registered voters turn out to elect APS Board members and pass million dollar bond measures? They like it that way.

You claim the proposed even a reasonable) curfew will hurt women but you seemingly think that mothers who allow their kid to be out at 2AM in the morning is somehow all right-as does the misguided ACLU.

This is the new failed approach to parenting where mothers and fathers have to now "negotiate" with their children as equals as Dianne Goodman claimed at the last Council meeting when opposing the curfew.

A recent Journal letter writer expressed some long delayed thanks to his parents to imposing

curfews and other rules on them including when they must be home at night. This is how I was raised as well. My immigrant parents knew what was best for me and my siblings and didn't allow me to negotiate on what we jointly agreed was right.

The new parenting approach that has been a failure is intended solely to not make the kids feel bad-might hurt their self-esteem. This new parenting approach includes supporting social promotion in our schools and allowing them to watch violent video games where kids think shooting people is somehow acceptable.

See 8 Ways Violent Games Are Bad for Your Kids | Laura St. John [www.huffingtonpost.com/laura-st-john/8-ways-violent-games\\_b\\_387...](http://www.huffingtonpost.com/laura-st-john/8-ways-violent-games_b_387...)

#### YOUR ROUTE 66 DISTRICT AND THE MAYOR'S "CHERISHED" DOWNTOWN ARE NOT CENTERS OF THE UNIVERSE HERE-THE TAX WASTING ART

The perception held by not only me but other disgruntled taxpayers is that as long as your Central Avenue Route 66 Nob Hill district and the downtown are getting priority for our tax dollars, you seemingly are willing like Councilor Benton to not rock the boat stop the money flowing into your privileged districts.

Contrary to the propaganda put out, Nob Hill and the Mayor's "cherished" downtown are not the centers of the universe here and far too much money is being wasted in your and Council Benton's district-money that could be better spent on other ignored needs of the city. The latest is the \$888,00 given to your Nob Hill as another payoff to you by this horrible Mayor.

#### ABQ RAPID TRANSIT-A SHAMEFUL WASTE OF OUR TAX DOLLARS-BUT YOU DON'T CARE

In addition to now promoting the Mayor's and Rizzieri's \$120 million (\$80 million requested of the FHA-again we taxpayers) completely unjustified ABQ Rapid Transit (ART) as your predecessor Martin Heinrich did for Mayor Marty's unjustified \$600 million "modern streetcar" you seemingly don't care that \$13-20 million of our tax dollars will be spent this year tearing up Central and likely seriously hurting small businesses.

you even rolled over when the Mayor threatened a veto of any version of the Fair Workweek Act that he claimed would hurt businesses while conveniently forgetting his ART. Apparently the ART supporters don't care that this is a mere want and not a justified need.

Like Governor Richardson's Rail Runner also based on lies told by MR-COG, there has never been a cost benefit analysis justifying ART-yet just another Berry white elephant-another legacy to his fiscal irresponsibility.

Someone as smart as you must know that ART is being justified on lies and comparisons with large cities like Cleveland, Chicago and other dissimilar US cities where density justified such systems. But you had another alleged "expert" hired by MR-COG at the last meeting lie to you claiming building ART was justified.

Councilor's Pena's only concern is not whether ATR is justified, which it isn't but whether her District along Central will get enough beautification-vegetation and other projects. She couldn't care less that it's a waste of over \$200 million of our tax dollars. Not surprising that most running for office support this boondoggle based on smoke and mirrors but it's not you/their money it's out taxes-fun/money to waste as you all see fit.

#### ANOTHER PHONY MEETING ON ART-LIKE THE OTHER CITIZEN OUTREACH MEETINGS

Much like the phony outreach "Collaboration" meetings sponsored by the city and facilitated by UNM for \$15,000 to propose changes to the toothless \$4.5 million monitors or their auditors (as PMR Inc.'s Steve Rickman recently describe their involvement with APD.

Some walked out of that August 21 meeting at the Peace and Justice Center after Rickman said that *"We are **Auditors**. We stay until the job is done. We want all the paperwork in front of us, then we have the judge take action."* This city already has auditors. We need enforcers of reform, something the Mayor's agreement with the DOJ won't allow. It's a sick joke played on us.

The planned BRT debate planned for September 3 at the UNM law school will be another PR stunt as the Mayor still plans to go through with the ART-damn the fact that it's unjustified..

Disappointed in you to say the least. While the best of the nine on the Council, you seem to be just all talk-nothing else. We deserved better

Silvio  
For WE THE PEOPLE

P.S.

Check out the latest ABQ Free Press on more APD malfeasance. Do you care? Likely not.

**From:** [Silvio Dell'Angela](#)  
**To:** [Willoughby, Shaun T.](#); [Lopez, Sabrina](#); [office.apoa@gmail.com](mailto:office.apoa@gmail.com)  
**Cc:** [Mayor Berry](#)  
**Subject:** Your disgraceful APOA Newsletter posting on APD's murderers Perez and Sandy  
**Date:** Thursday, August 20, 2015 5:16:36 PM  
**Attachments:** [image010.png](#)  
[image016.png](#)  
[image022.png](#)  
[APOA-Willoughby.doc](#)  
[LiveLeakAPD.doc](#)

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## **TO: Stephanie Lopez and the rest of APOA's disgraceful leadership**

Info to the Mayor and those not shown including the Chief, City Councilors, media, PMR Inc, DOJ and others

We have watched you and Shaun at Council meetings, at Police Oversight Task Force meetings, at POC police oversight meetings, in TV interviews and elsewhere claiming that those many honest cops in APD's rank and file all believe that police officers are above the law.

They can use excessive force on citizens indiscriminately believing with no recordings being made or those made will be withheld or destroyed that the justice system will always justify all they do.

Well unfortunately for your buddy killer cops Perez and his partner (cleaned up for the hearing to try to make him look respectable) Sandy, for the first time there was one incriminating video and another incriminating audio recording released. The audio recording showed the premeditation on the part of Sandy and the video showed what actually happened-the murder.

The two murdered James Boyd last year who was only holding small knives to protect himself against that vicious K-9 dog that was straining at its leash to get loose to chew him to bits. The dog was eventually released and went after Boyd. That in itself is excessive force. Even some recordings of Boyd's murder were apparently withheld as reported in the attached Live Leak report.

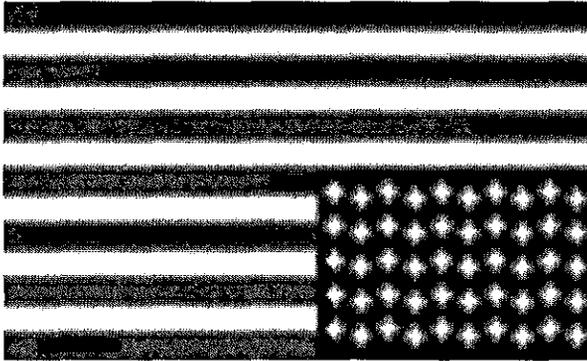
The K-9 officer was never threatened as the dog was in front of him but that's apparently what he was told to say on the stand because lying within APD is blessed and encouraged. The APOA could have taken the high road like the Mayor and say let the jury eventually rule or like Chief Eden refuse to comment rather than defend these two criminal cops.

Every time you and Shaun open your mouths, you make fools out of yourselves! You both are a disgrace to the uniform the many honest APD cops wear. Your APOA Board also includes killer cops who have never gotten punished.

See again the mindset of both of you captured in the August 18, 2013 disgraceful memo sent by the cowardly Shaun to the rank and file who pretended that this UNNAMED "disappointed board member" was other than himself. It reminded all cops in the APOA "*For your information, it is us against them!*"

One honest cop disgusted with Shaun, leaked the memo to us who we are repeatedly told that APD is here to serve and protect us and not themselves. To further insult our intelligence you dared to show the American flag below something neither of you have ever served under but instead have disgraced while APOA leaders.

Let me suggest the flag below (banned from being shown by the cowardly City Council) that better describes APOA's leadership. It is an official US Flag Code sign of distress to the citizens here because of your and APD's other corrupt leadership.

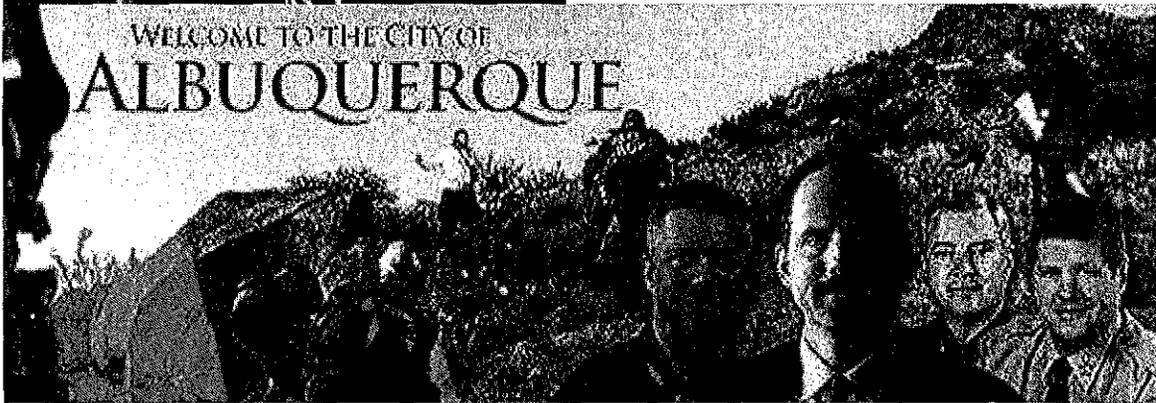


In your newsletter posting, you like Boyd killers Perez and Sandy are so arrogant to believe there will be yet another cowardly jury picked who fears APD retaliation-thus will vote will exonerate these two as the Jury did in the Levi Chavez Jr. murder case and cowardly secret grand juries did in other APD cop murder cases.

If that occurs, this City will continue to be the disgrace of the nation. You even ask the rank and file cops to look for fundraising opportunities. Why should they give even one dollar to these two?

I'm more than disgusted with you Stephanie for signing that newsletter posting likely prepared by Shaun. I'm glad you finally came out of hiding.

Silvio  
For WE THE PEOPLE  
Can it get any worse here?



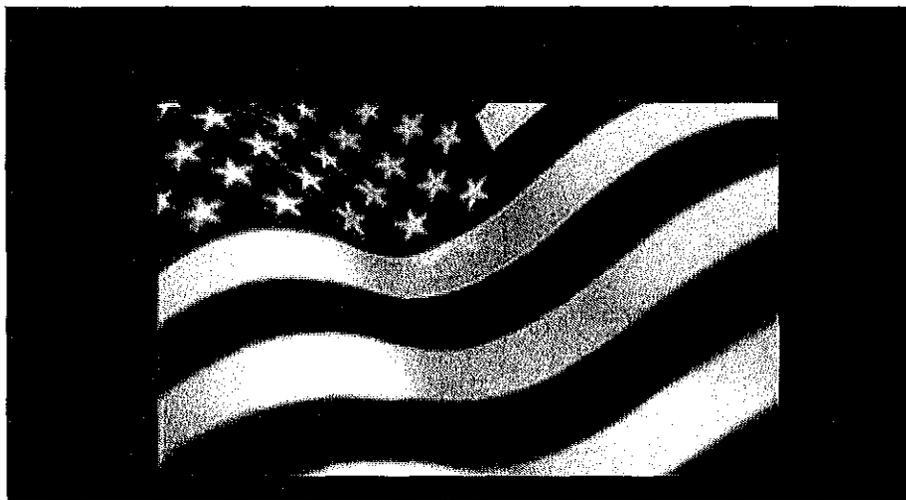
**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE  
FORCE IN THIS CITY'S HISTORY**

**From:** Albuquerque Police Officers' Association <[office.apoa@gmail.com](mailto:office.apoa@gmail.com)>

**Date:** August 18, 2015 at 8:36:14 PM MDT

**Subject:** APOA Newsletter

**Reply-To:** [office.apoa@gmail.com](mailto:office.apoa@gmail.com)



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Dear Members,

We join you in your disappointment over today's decision to hold Retired Detective Keith Sandy and Officer Dominique Perez over for trial for the shooting of James Boyd. As an association, we find it unfathomable that two officers doing their jobs and protecting their community are now being criminally charged.

We must remind ourselves, and everyone else, that the judge in the case only ruled there is probable cause to send the case to trial and into the hands of a jury. As you know, the standard for probable cause is extremely low. We are confident that when a jury is presented all the facts that they will make the right call and find Officers Sandy and Perez not guilty of all charges.

The Albuquerque Police Officers' Association will continue to support Officers Sandy and Perez through this difficult time, including financially. Both men have already paid tens of thousands of dollars in legal bills, and those costs will only skyrocket as they now must face a drawn-out court battle and trial. Please keep your eyes out for fundraising opportunities and continue to keep these officers in your thoughts.

Stephanie Lopez

APOA President

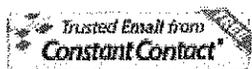


*Albuquerque Police Officers' Association*

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M005283

TO: POC and Task Force on August 20, 2013 by Silvio Dell'Angela-Stop Police Atrocities NOW!-SPAN

FYI is a recent appeal sent out to all APD union officers in response to a recent Eye on Albuquerque.com posting. It was sent out to all APD/APOA union members by Shaun Willoughby -the current APOA VP and its Political Action Committee Chairman. The disgraceful Shaun pretends that another APD officer authored it. It was directed against all honest officers and retired APD Sergeant mayoral candidate Paul Heh who dared break Schultz's and now Banks' oppressive blue code of silence on former Union President Joey Sigala's misuse of APOA dues. One honest officer recipient disgusted with Shaun's "it's us against them" appeal for all to shut up, leaked it to the "Eye" and TV reporter. Note the misuse of grammar and failure to proofread.

Prior to last night's 8/19 Council meeting new Chief Banks apparently asked a number of Councilors who are the willing enablers of police misconduct like Janice Arnold Jones, Trudy Jones and others to honor APD officers for some routine actions. Among the officers recognized was the Leah Kelly-Acata, the shooter of a young man downtown who was only cutting himself with a six inch round-tip butter spreader. The former Leah Kelly-now married, has also been the subject of numerous citizen public complaints (CPC) to the POC and because no recordings were made she was always exonerated. I pointed out to these councilors that they never bother to honor returning military vets who truly put their lives at risk. I am a Vietnam vet.

The disgusting letter from this disgraceful cop/union officer follows:

*Disappointed board member. said...Hello,*

*I would like to say this to all officers. I would first like to voice my displeasure at the comments here and at work by officers against the APOA and it's staff present and past.*

*Everyone wants to judge what we do here. I am sick of it. I am sick of hearing you needy complaining officers bash us, the department, the city and it's leadership. You are all worthless. We work hard at keeping stability and you all do nothing but attack the place and tear it down. You all are the reason for things falling apart. Don't cry about how your money is spent when you all never show up for union meetings.*

*We know who is speaking out against us and you will see. All of you air our dirty laundry. Laundry that should be kept in house. You all give the community ammunition against us. You should know better. This liberal retarded band of vengeful activists called Albuquerque makes me sick. You are no better than them. These bunch of uneducated subhuman animals that constantly attack us, march against us and sue us for no other reason than to fill their greedy pockets so that they can buy more drugs to smoke up and shiny rims for their ghetto rides.*

*You have lost sight of the big picture. We should be backing eachother. For your information, it is us against them! Do half of these so called citizens have jobs? Probably not. They probably have EBT cards though. These entitled lowlifes have the guts to insult us in our house? But you all attack the APOA? As for money being stolen, that should have been handled in-house. There was no reason for that to get out. That was just plain stupid. Everyone here is angry and hateful. I will not standby and accept the trash talking just because we are not backing Paul. He should have left well enough alone. He decided to cross the blue line when he made complaint against a fellow board member. You don't turn on eachother. A rat is a rat. Period. Joey may have been a bonehead, but he was our bonehead. We could have taken care of it, but Paul had to be the hero and take the official route. This caused so much aggravation. Paul is also supported here. This is why we voted*

*not to support him. He betrayed us just as all of you shit talkers here do. You cry about representation. You don't deserve representation and he doesn't deserve support. Be happy you have jobs. If you don't like it, quit and join the jobless moochers called Vecinos United and the rest of the entitlement crowd sucking the city dry. Go join the crybabies and see if anyone cares. Just like all of you complainers, these worthless whiners will eventually lose interest when their circus loses it's followers.*

*In closing, I will say this, nothing is perfect and nobody said life was fair. Get over it! You all deserve what you get. Crybaby people constantly bitching about the police when they contribute nothing to society and cops who are snitches who sell out their own. Sleep in the bed you all made. We do our jobs. Shame is you all have no idea because you are never at a damn meeting.*

*Cheers!*

*August 18, 2013 at 4:57:00 PM MDT*

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VICE-PRESIDENT-OFFICER SHAUN WILLOUGHBY

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o Committees: Political Action Committee (Chair)

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*I became a member of the Albuquerque Police Department in 2002. I have been a member of the Albuquerque Police Officers Association Executive Board for the past 4 years and held the position of CIB representative for 3 years prior to becoming the APOA Vice President in May of 2012. My primary goals in this first term is to bring the APOA to a more solid fiscal position by controlling spending and over hauling our By-Laws to protect the assets of the Association.*

*Second, I would like to see the APOA more proactive in the community, thus having a positive impact for the citizens we are sworn to protect. (BLATANT B.S)*

*Most importantly, I want to bring that sense of family back to this organization, I want our members to look upon this Association with prideful eyes knowing they have people they Trust in their corner when the time comes. Thank you for the honor and opportunity to serve those who devote their lives serving others.*

*Shaun T. Willoughby APOA Vice President*

## **PROOF - APD Covered Up Production of Videos of Shooting of James Boyd**

On March 17th 2014 Albuquerque Police (APD) shot and killed a homeless and mentally ill man - whose only crime was a violation of a municipal ordinance against camping in an open space area in the Sandia foothills at the eastern edge of the city.

On March 17th, the day after the fatal shooting, KRQE made a public records request for the videos of that incident. On April 1st, APD unlawfully denied that request.

**BUT ... Here is the REST of that Story.**

To this day - not only have the Keith Sandy videos mysteriously disappeared - but when the APD finally produced videos claiming to be ALL the videos of the incident - many of the videos were missing INCLUDING almost all that actually show the SHOOTING - most NOTICEABLY - the very videos (from the other shooter - Dominique Perez) from which the now-famous shooting clip was taken and released by APD that week.

On April 2nd, one day after KRQE's request was unlawfully denied, an investigator with the APD interviewed Kevin Fuller, APD Video Unit Supervisor. According to the interview - included in this video - Fuller was instructed on FRIDAY March 21st - to obtain the videos and place them in a Drop Box account.

On Thursday, March 27th - he was instructed to coordinate with several other persons - and to look at all the videos, frame by frame, and identify those parts that the Chief might have an "interest" in BEFORE they were released to the media.

Although those videos have since been released (those that have) WITHOUT being identified by officer or time - Fuller and his team broke down each video by officer and began this work. He was, at this time, told to "take out" all videos in which the audio or video contained the actual shooting.

On Friday March 28th Fuller was instructed to place the videos on another hard drive and provide them to the FBI. BUT ... on Friday evening - Commander Montano on behalf of the Chief contacted Fuller and stated he had "concerns" allegedly about the Chain of Custody. He ordered Fuller to "cease and desist." He was later then told to give Montano the hard drive and to delete the videos from the drop box account.

It is unlawful for the APD to withhold, delay, or deny public records that have no exemption provided by law. The APD clearly DELAYED production in order to find those videos it might find embarrassing - or creating liability - with regard to the act of the shooting of Boyd. It then DENIED unlawfully the production of those videos.

Since then - it has produced videos it has CLAIMED were the complete set. BUT there are several known videos missing - not least being all the videos taken by the second shooter, Dominique Perez, from whose videos the famous clip released by APD initially came. Although several other officers' videos are MISSING from the set produced as well.

It is clear that the APD has and continues to knowingly and willfully withhold those videos. This interview contains proof, at minimum, that the APD had delayed production of the videos, contrary to the Public Records law, in order to try and identify those videos it considered problematic - this specifically was a reference to anything officers may have said to each other during the incident AND anything that revealed either audio or video of the actual shooting of Boyd.

Read more at [http://www.liveleak.com/view?i=b19\\_1406012736#AwZiqcT7vXDsvvfx.99](http://www.liveleak.com/view?i=b19_1406012736#AwZiqcT7vXDsvvfx.99)

**From:** Silvio Dell"Angela  
**To:** Duran, Roberta M.  
**Cc:** Hernandez, Jessica M.; Hoffman, Lou D.; Eden, Gordon; Romero, Annabelle J.; Armijo, Alan B.; kbrandenburg@da2nd.state.nm.us; Montano, Gilbert A.; unmipra@salud.unm.edu; Campos, Gabriel J.; Howard, Natalie Y.; Casados, Trina M.; Oney, Kathleen; Eden, Gordon; Locher, Eric J.; Morrow, Kevin A.; Velarde, Crystal R.; Yoshimura, Debra; stop\_police\_violence\_in\_abq-request@lists.rlseup.net; pmrinc@mac.com; Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; "Elizabeth Martinez"; POB  
**Subject:** Your response to my IPRA request + the Vincent Wood killing by APD that was justified by the "DA's office"-yet no released recordings.  
**Date:** Saturday, August 15, 2015 12:13:43 PM  
**Attachments:** Wood-IPRA.doc  
BerryAsleep.doc

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Roberta

Thank you.

It's interesting that attendance lists were not included in UNM reports and we citizens must pay to get copies. It appears that UNM is also not interested in providing resumes of their \$15,000 researchers.

Ms. Jessica Hernandez

Why no comments to this from you? Are you in hiding in your own law office bunker like your Mayor or just asleep like him afraid of challenging APD? See attached? Are you just another David Tourek with a dress?

Not surprising that the "DA's office" (whomever that is) now refuses after more than two years to release the APD videos of the killing of African American Vietnam vet with PTSD Vincent Wood by two trigger-happy cops in early July 2013 as discussed in the Journal article today. Is this "office" still afraid of retaliation (as was done to DA Brandenburg) from APD?

I made an NM IPRA request (attached) for these two video recordings and other information of the Wood killing over two years ago-on July 27 2013. I was repeatedly stonewalled by now departed APD records custodian Renaldo Chavez, interim Chief Banks and now Chief Eden with the blessing of the Councilors, Perry and Berry. Transparency here? Really?

Apparently APD has no problem with immediately releasing APD video recordings when they do something right. Berry's \$4.5 + million James Ginger and his PMR Inc. people happily can't/won't do anything about these APD scams and their IPRA requests stonewalling because they are limited to just monitoring these efforts to give the illusion that APD really is reforming-reaching out.

Is this an early indication that the judicial system will again fail us and the judge will not charge Perez and Sandy for their murder of homeless camper James Boyd? I hope such is not the case.

Silvio

M005287

For WE THE PEOPLE

---

**From:** Duran, Roberta M. [<mailto:RDuran@cabq.gov>]  
**Sent:** Friday, August 14, 2015 6:01 PM  
**To:** 'Silvio Dell'Angela'  
**Cc:** Hernandez, Jessica M.; Hoffman, Lou D.; Eden, Gorden; Romero, Annabelle J.; Armijo, Alan B.; Montano, Gilbert A.; [unmipra@salud.unm.edu](mailto:unmipra@salud.unm.edu); Campos, Gabriel J.; Howard, Natalie Y.; Casados, Trina M.; Oney, Kathleen; Eden, Gorden; Locher, Eric J.; Morrow, Kevin A.; Velarde, Crystal R.  
**Subject:** RE: Ms. Anaya's comment and an apparently required NM IPRA request to get what I requested

Good evening Mr. Dell"Angela:

Please feel free to contact me, I can be reached at 768-3672. Should I be away from my desk please and you get me voicemail, please call our main number 768-4500 and they will page me so that you and I can arrange a time for you to come in to inspect, or copy any of the gathered non-exempt public records responsive to your request. Specifically, the retrieved copies of the sign-in sheets showing the attendees at these UNM conducted 22 "dialogues" and the names of those others aside from the four UNM folks who also participated in them, which also includes your recent amended request to include Phase 2. We are located at the City/County Building, 1 Civic Plaza NW, 4<sup>th</sup> Floor, Room 4072, Albuquerque, New Mexico, 87102.

Respectfully,

*/s/ Roberta Duran*

Roberta Duran, Fiscal Officer  
Legal Department Record's Custodian  
Direct: 768-3672  
Main: 768-4500

---

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]  
**Sent:** Friday, August 14, 2015 5:20 PM  
**To:** Duran, Roberta M.  
**Cc:** Hernandez, Jessica M.; Hoffman, Lou D.; Hoffman, Lou D.; Eden, Gorden; Romero, Annabelle J.; Kavelman, Carmen L.; Armijo, Alan B.; Montano, Gilbert A.; [unmipra@salud.unm.edu](mailto:unmipra@salud.unm.edu); Velarde, Crystal R.; Campos, Gabriel J.; Howard, Natalie Y.; Casados, Trina M.; Oney, Kathleen; Eden, Gorden  
**Subject:** RE: Ms. Anaya's comment and an apparently required NM IPRA request to get what I requested

**Roberta**

(Info to those shown and Bcc to many including the media, councilors and concerned citizens)

You saw my last e-mail also dated yesterday, not the July 30 one below. It asked for a reply from City Attorney Jessica Hernandez.

I would have thought the names of attendees at these would have been included in the reports but surprisingly they weren't for some reason.

M005288

It appears much like these no-bid contracts to local attorneys, you give out contracts over the \$75,000 Council approval limit-in this case the \$150,000 to UNM and other contracts to them blindly without knowing the qualifications of just who besides the high paid lead will do the work.

Is it just one high paid Dr. Guerin and three low paid warm bodies/UNM graduate students who we taxpayers are paying \$150,000 for? As a taxpayer, don't you care or are taxes just play/fun money?

Regarding Ms. Annabelle Romero who is leading the effort who now in the Office of Diversity and Human Rights, I (and likely other taxpayers) wonder just what unique skills she had to fill that likely high paid former "Senior Advisor" job to the Mayor and doing exactly what since he already had Rob Perry, a COO, the head of Constituent Services, Gil Montano and others.

Nothing from UNM-as expected although I copied them on my last response to you.

Is there any wonder those attending placed transparency among the lowest priorities desired to accomplish APD reform. Chief Eden and the Mayor must love it.

Where are you located as I may be in to get the signatures Monday prior to Council meeting? Any complete report on phases 1 and 2 by Dr. Guerin should have included these attendees' names.

Jessica

No comment from you?

Silvio

From: Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
Sent: Saturday, July 27, 2013 12:02 PM  
To: 'abanks@cabq.gov'

Cc: 'community.albuquerque@usdoj.gov'; 'Chavez, Reynaldo L.'; 'cityclerk@cabq.gov'; 'info@nmfog.org';  
'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov';  
'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'lewisforabq@gmail.com'; 'rmeyers@cabq.gov'; 'winter@aps.edu';  
'Jarnold-jones@cabq.gov'; 'eromero@cabq.gov'; 'ddolan@cabq.gov'; 'jessicagonzales@cabq.gov';  
'saramancini@cabq.gov'; 'julianmoya@cabq.gov'; 'tduran@cabq.gov'; 'mhoranburg@cabq.gov';  
'lmason@cabq.gov'; 'ygallegos@cabq.gov'; 'azizachavez@cabq.gov'; 'trudyjones@cabq.gov';  
'info@petedinelli.com'; 'The Eye on Albuquerque'; 'Joe Monahan'; 'dherrera@abqjournal.com'

Subject: NM Inspection of Public Records Act (IPRA) request-APD recordings of Vincent Wood killing

TO: Interim (to be sworn in next week) APD Chief Banks

IAW the NM IPRA, request within the prescribed 15 days (August 12) the opportunity to review the lapel audio/video recordings, belt audio recordings and recordings made at the APD Area Headquarters of the radio transmissions made by the two officers involved in the recent killing of Vincent Wood-a Vietnam veteran with PTSD.

Also please indicate when the TASERS were issued to each officer and confirm that each of the two had one prior to the killing. I just want to see and hear the recordings of the events leading up to and the actual shooting that the media said were made-no edited versions please and none that were made afterwards. This is public information under the IPRA as you know. I am not interested in seeing the CAD or anything else.

Since you will be Chief next week within the required 15 day IPRA response time, this is being sent to you. As you also know a lawsuit will be filed by the family against APD for what they feel is an unjustified killing. I am anxious to see whether this is true or not. Likely you know.

You are also aware that of the nine shots into Wood, some were into his back-unlike the version of the shooting Chief Schultz told the media during his press conference. You also read today's Journal editorial that tells us some there are finally "getting it." See "9 shots puts judicious use of force in question" on Page A6 of July 27, 2013 issue of Albuquerque Journal

If you are indeed an "independent thinker" as some say you are, I'm sure you also "get it" and want both transparency and accountability in what your officers do-unlike Chief Schultz. I assume this killing will also be considered by the POC in the near future. Likely others as well as I wonder why the CPC against Officer Roberto wasn't sent to the POC before she was fired. I understand IRO investigator (former Belen police chief) Paul Scotchdopole who has come under a lot of criticism for his APD-biased investigations had investigated this alleged charge against Officer Roberto. Is this seemingly premature firing of Roberto of any concern to you?

I await your prompt response

Regards,

Silvio

Stop Police Atrocities NOW  
296 3241

P.S.

Councilors: Pass copy to your POC appointees

M005290

**From:** Moira Amado-McCoy  
**To:** Leonard Waites; Leonard Waites, (leonard.waites@yahoo.com); Mark Baker; Sofiah Ngoran-Nguessan; Joanne Fine; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Beth Mohr; David Ring; Susanne Brown; O'Neil, Erin; McDermott, Diane L.; Davidson, Christopher; Contreras, Michelle; Skotchdopole, Paul A.; Moya, Julian N  
**Subject:** agency staff purposefully mislead  
**Date:** Thursday, September 03, 2015 10:48:22 PM

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Dear Leonard and POB members,

You were glad, no doubt, as I was, to see the agency staff tonight; we've become used to their presence at our gatherings, and to appreciate their input. Tonight, however, they were not at our late-in-the-day 2.5 hour training out of choice as they are at most of our meetings. Rather, they were there because Ms. Hammer sent them an email telling them that tonight's meeting was a "mandatory training" session for them.

Consequently, each member of the staff came to our mandatory training session (as all our training sessions have been), rightly expecting that they had been planned for as trainees. To their immediate confusion, and then subsequent growing frustration, they were not seated at the table, provided materials, or included in the discussion.

Neither you or I, nor Ms. Ngoran or Mr. Baker, were made aware of the directive Ms. Hammer gave her staff. In the absence of this knowledge, we obviously could not have planned for their inclusion (though we all would have been glad to have them train with us). No one involved could have had any reason to believe, or even suspect, that of all the Board's mandatory training, Ms. Hammer would direct her staff to participate in this particular session. Strangely, this has not stopped Ms. Hammer from pointing the finger at Mr. Baker and I (?) as the architects of the misinformation.

Although we are not unused to this type of machination by Ms. Hammer, apparently designed only to undermine and to introduce friction, it is appropriate today that we ask Ms. Hammer to apologize to her staff, to us, and to our guest for this purposeful harm.

Also, please note that arrangements for the staff's participation in the NACOL conference still have not been made. It seems this lateness will not only have the effect of displacing staff members from accommodation in the conference hotel, but will also cost the City a great deal more in late airline reservations. Or, will staff be expected to make up for this unnecessary cost out of their own pockets? Should this be an agenda item?

Thanks, Mr. Waits, for any leadership you can offer; I'm at wit's end.

In the spirit of transparency, clarity, and true collaboration,

Moira

**From:** Jonathan Locke  
**To:** POB  
**Subject:** drunk driving  
**Date:** Friday, September 11, 2015 9:38:00 AM

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Last night somebody who got over-served at Dave and Busters (according to the APD officer) plowed through a fence here at ABQ Uptown Village and hit a concrete wall in my back yard. If that wall wasn't there, he might have hit the building where I was sleeping only so many feet away. This is my third email to the oversight board regarding the continuing stream of egregious problems with NM enforcement of traffic laws. I don't really know what to say that would be constructive, but as someone with some business experience, it seems to me that the laxity of traffic law enforcement on the part of the government is likely to become a major litigation problem at some point, and what can happen sometimes in these cases is that the cost of that litigation can vastly exceed the cost of just getting serious about proactively fixing the problem... not to mention that taking serious action to change NM driver's whole view of traffic enforcement could prevent whatever horrible injury or fatality it is that finally triggers the legal action against the city or the state that finally wakes government officials up.

Jon

**From:** [Amado-McCoy, Moira K](#)  
**To:** [undisclosed, for privacy](#)  
**Subject:** for Policies and Procedures  
**Date:** Wednesday, October 28, 2015 4:36:37 PM

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Dear Sue --

The Case Review Committee met yesterday morning (10/27), and we discussed a series of complaints which demonstrate a pattern we believe might best be handled by Policies and Procedures.

I'm writing today to let you know that I've asked Leonard (as a member of the CRC) to bring you the details of this work and the recommendations of the CRC, for your review. Mr. Waits volunteered to act as liaison for this project.

I remain vitally interested in the work we've sent your way, and look forward to both learning more from your expertise and to our productive collaboration. Thanks for all you do, Sue, and please let me know if I can be of any assistance.

Best,

Moira

[Feel free to call me anytime on my cell: XXXXXXXXXX]

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Moira Amado-McCoy  
Financial Advisor  
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M005293

**From:** Amado-McCoy,Moira K  
**To:** [undisclosed,for,privacy](#)  
**Subject:** the "special case"  
**Date:** Monday, October 26, 2015 3:32:49 PM

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Dear Leonard and Joanne --

The "special case" I'd mentioned earlier, is something Paul will be able to present to us in full, but I want you to know the broad outline before we get seated tomorrow.

The issue involves the (non) licensing and registration of Police vehicles. There are two phases of the complaint, and this is actually the reason I became interested -- the original complaint was found Sustained, the CPOA attempted to correct the deficiencies, and now the same citizen is complaining of the same problem, which, in fact, \_has not\_ been corrected. I believe we have a special responsibility/opportunity to help.

The question of unregistered/unlicensed cars being in-service came up a year or more ago, in the form of a citizen complaint. The complaint was fully investigated, and found sustained. Paul did an enormous amount of investigation on this one, trying to ascertain where the buck stops, so to speak. I'll let him tell you all about that tomorrow.

Last week (2 weeks before, actually (?); I picked up current complaints for the first time this past Friday), I found out about a current complaint, \_brought by the same citizen\_, about, again, \_the same problem\_: Police vehicles in-service minus current licensing and registration. The citizen has come prepared with, I believe, 11 sets of proof for 11 infractions. This would mean that Paul, in the normal course of events, would have to investigate, fully, 11x app. 3-4 sets of evidences, witnesses, etc., for a complaint that has already been decided. Question is, of course: Why hasn't the problem been solved by APD and/or the City?

I asked Paul to wait a couple of days on proceeding with this incredibly time consuming investigation, so that the CRC can work with Mr. Harness (his first day today, hurrah!) to handle this problem that has already been tagged as a problem and that the CPOA/POC (?) already asked APD/ABQ to correct.

The issue is further complicated by the fact that when the citizen first received a letter of findings from the CPOA (RH), he received significant false information.

So, this is the head's up on this one. Paul will be bringing copies of the citizen letters -- they are not in the Dropbox system because 1) the first complaint was brought and decided before I asked for the Dropbox system to be set up several months ago, and 2) the second letter hasn't been written yet, of course.

But, I don't think we'll need the letters ahead of the meeting, as Paul will be showing us everything tomorrow anyway, which we can then illustrate with the hard copies of the letters he'll bring with him.

Thanks for all you do,

Moira

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M005294

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**From:** Silvio Dell"Angela  
**To:** McKay, Dan  
**Cc:** POB; rboetel@abqjournal.com; pscotchdopole@cabq.gov; Bruin, Barbara; Moses, Karen; Beth Mohr  
**Subject:** your article today-never bothering to check the facts on Harness-perceived why many as just part of the problem  
**Date:** Friday, September 11, 2015 11:23:44 AM  
**Attachments:** [Letter-City-Council-OMA.pdf](#)

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TO: Dan

(info to others shown and not shown)

Your article today parroting the half truths or outright lies told to the Council trying to justify the POB's and Council selection of Ed Harness was inexcusable. This was much like Ryan Boetel joining the defense team for James Boyd's killer Dominique Perez. Did you ever take the time to look at the POB interview with Harness? Did you bother to read his posted resume?

Did you or anybody there bother to ask why this former Milwaukee cop Harness even applied for the job? Did we taxpayers pay for a nationwide search for the new Agency's Executive Director or did APD or former cop-POB member Beth Mohr just conveniently find him?

Now with former cops Harness, two on the POB and Harness's investigator Paul Scotchdopole, the Oversight Agency has lost all credibility with the people. Why even file a complaint against an APD officer as it would be a waste of time as the process has been corrupted?

The situation we have now in the Agency is comparable to having the judge, the prosecutor and two members of the jury all family members of bad cops against whom charges by the people are filed-CPCs or other.

You and other reporters there could take some lessons from the objective reporters at the ABQ Free Press on TV, bloggers and other news sources who have more credibility than any of you Journal reporters or your editorial board. You should be ashamed.

We expect soon to see an Journal editorial blessing the selection by the POB and Councilors of Harness-clearly the wrong as well as unqualified man for the job

Maybe if your Journal predecessor Jim Ludwick leaves the Animal Welfare Department, Berry might hire you to replace him as a reward to your loyalty to him and APD.

As for the Department's head Barbara Bruin, the only experience I had with her was to see the professionalism and integrity she showed to me and my neighbors to personally resolve a barking dog problem in our neighborhood.

Time to think of another profession Dan and/or look yourself in the mirror. You are an embarrassment to the news/journalistic profession.

See my e-mail below and that from Paul Livingston.

M005296

Silvio  
296 3241

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**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]  
**Sent:** Thursday, September 10, 2015 7:35 PM  
**To:** 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'  
**Cc:** 'mmonroya@cabq.gov'; 'Mayor Berry'; 'POB@cabq.gov'; 'Hernandez, Jessica M.'; 'jzaman@cabq.gov'; 'living@rt66.com'; 'Eden, Gorden'  
**Subject:** Monday's Council meeting and your disgraceful actions and selection of ex cop Ed Harness + attorney Paul Livingston's related Notice of Violations of NM Open Meetings Act by the CPOA sent you

**TO: COUNCILORS**

(info to those shown and not shown)

**YOUR DISRESPECT FOR US AND THE CITY'S DISRESPECT SHOWN TO COUNCILOR GIBSON**

Last night during the first 2 ½ hours, you tolerated the idiot treatment given to Councilor Gibson by Berry's disgraceful personal (not our City) attorney Jessica Hernandez and by CAO Perry trying to justify giving pay increases to the already overpaid Command staff while denying it to the rank and file.

Cops on the beat who talk to me knowing I would not reveal who they are, have told me what is really needed in APD is for all of the Command staff to retire or be fired-not have their already high pay raised. The presence of the disgraceful Eden and his fellow contemptuous of you command staff thugs in the back of the room was nothing but pure intimidation of you

After waiting 3 ½ hours along with others who signed up to speak last night (many of whom left in disgust including POB chairman Leonard Waites), I stayed.

Had we been given more than 2 minutes, all would have condemned the over 2 ½ hours you wasted on far too many long proclamations, the Q&A and considering Councilor Harris' bill before the public comment period. During the 2 ½ hours before you took your dinner break it's clear that you obviously like to hear yourselves talk/pontificate on local issues things that could have been resolved with the administration in non Council meeting communications.

But instead we public speakers were deemed by you to be unimportant much like APS's School Board's blatant disrespect of other citizens over the Valentino affair of which Councilor Brad Winter while still at APS was complicit in what Valentino had done.

One of the questions you chose to never ask of the arrogant Chief Eden was just what specifically were the alleged 3,400 APD calls for service over the past weekend by APD as reported in the September 9 Albuquerque Journal? How many of these were just calls to 911? Did these calls to 911 constitute 90% or more of the calls for service and not actual police responses? Or didn't you care?

M005297

The Journal article cited only five incidences over the weekend that APD responded to. Yet fiscally irresponsible Councilor Sanchez who seemingly treats our taxes as nothing more than play or fun money claims in the absence of a long overdue resource allocation study by the Chief says that we ought to increase APD's manpower to possibly as high as 1500 as the Chief wants but can never justify.

#### THE EYE AND ABQ FREE PRESS

See the September 9 (previously dormant since July 7) Eye on Albuquerque posting "The Thin Blue Line" at <http://eyeonalbuquerque.blogspot.com/>. It properly places the blame for all of the APD problems squarely on the "*politicians who have created this mess and have no clue how to fix it.*"

"Having no clue" was too nice a description for the damned politicians here who do have a clue/know how to fix it but don't have the guts or integrity to do it. You know that this criticism includes you but you choose to be in denial about this "uncomfortable truth." One local journalist properly said you nine-like this Mayor are the worst of any in this city's history. .

Also check out the latest September 9 issue of the ABQ Free Press that includes columns by another disgusted retired cop Dan Klein and articles by Joe Monahan and other writers. This ABQ Press issue (unlike the Berry Journal) speaks the truth about the complicit Berry Journal, Mayor Berry, Governor Martinez and her machine.

It also has articles about APD's former IPRA directed stonewaller and now whistleblower Reynaldo Chavez, the top APD brass worrying that their illegal bonuses are on the front burner and Berry's Convention Center insider the ACRV who has been ripping taxpayers off for years despite their abysmal performance.

Seems like you nine couldn't care less with any of this-nor do the other politicians in NM.

#### MY AND OTHERS' TALKS MONDAY

Before I spoke, Tony Pirard gave you an earful but you brushed him off as you do with all of us. Tony, like me is far too blunt-won't mince words about his disgust with the culture of corruption here. It extends to US Attorney Damon Martinez and Judge Brack-the reason he was visited twice by Damon's US Marshals for daring to criticize Martinez, Brack and others here.

When I finally spoke, you again showed disrespect to me when my upside down flag-an official US Flag code signal of distress-something that this city is in was put on the overhead projector and again was not shown on GOV-TV as yet another blatant example of censorship. Neither did you show any of the other public speakers' overhead projector presentations on GOV-TV.

In addition to the many earlier e-mails sent you opposing the selection of former cop Ed Harness who was clearly unqualified to be the POB's first choice to be the next POA Executive Director (ED) my talk was again critical of all of the previous foxes (former cops) assigned to guard the

hen house.

I expressed my disgust for the POB preference for Harness who as Tony Pirard also said was not only clueless about our city's oversight process but was an embarrassing choice. Ed's only job as a mediator in Milwaukee was in a chump change paying job working for the Better Business Bureau. His only claimed police oversight experience was confined to his local village.

#### **MORE FOXES GUARDING THE HEN HOUSE**

After abdicating your responsibility to us when choosing to be MIA in the negotiations with the DOJ, you first blessed the Mayor's hiring of Schultz's Taser buddies former Cincinnati police Chief Tom Streicher whose Department was also a mess and investigated by the DOJ. This was yet another fox guarding the henhouse. You also hired his and Schultz's lying to you attorney buddy Scott Greenwood. .

You also cared little that Judge Brack chose the toothless PMR inc made up mostly of former cops to merely monitor-"audit" APD. Yet even more foxes guarding the hen house. Then-not surprisingly last night you chose yet another former cop/fox Ed Harness to be the new Executive Director of the Police Oversight Agency never really challenging his sweet sounding B.S-eloquently blowing the same smoke at you that he had done earlier to the POB during their interviews with him and the four others.

Your failure to use due diligence in his selection was the very same thing you did when never bothering to check the resume of all 40+ applicants for the APD Chief's job (most with eye-watering qualifications) before you blessed Berry's clearly unqualified Eden.

Many or most of you apparently never bothered to see the POB interviews with the five then candidates for the important ED job and never questioned the lack of experience of Ed Harness before approving him. Another fox guarding the hen house.

After me, Barbara Grothus also told you how you have willing become part of the problem rather than the solution here but you brushed her off as well. She made the same points as in the Eye posting. You nine, Jessica Hernandez and Perry also gave the idiot treatment to Dianne Goodman regarding a bond question to be put on the ballot.

#### **THE KNOWINGLY CLUELESS-EVEN ARROGANT CITIZENS YOU NAMED TO THE POB INCLUDED ONE CONDESCENDING ELITIST AND TWO FORMER POLICE OFFICERS**

Rather than former LAPD police officer Beth Mohr who conducted the POB's interviews and promoted Harness for the job in the press showing up to talk, it was Dr. Moira Amado McCoy. She, like Beth and the others on the POB have never been involved in the old oversight process was the first to speak trying to defend their selection of Harness. You councilors were afraid of appointing knowledgeable people like us to the POB.

In McCoy's presentation, she demonstrated to all that she was an elitist who would repeatedly

talk down to you and the rest of us as if we were all idiots-not up to her perceived PhD intellect. She would say that being an attorney was important for the ED although the POB already has an attorney. She incredulously deemed experience here irrelevant but claimed Harness was instead a "transformational leader-a collaborator." She also questioned our allegedly "dichotomous thinking" saying police are not enemies of the people.

She either naively or intentionally ignored the fact that bad-unaccountable APD officers and their leaders do in fact view themselves as enemies of the people. It's "them vs. us" as APOA VP Willoughby reminded the union rank and file in his secret 2013 memo previously sent you.

McCoy would further claim that being a collaborator (even working for the BBB in Milwaukee), rather than having relevant police oversight experience here was very important. (Memo to Maiora-That's NOT what the key job of the ED job is.)

Then it was POB member Joanne Fine who also said that experience here particularly in the past and current oversight process was also not that important. As I said POB President Waites left rather than speak.

Now with Harness, you have three other former cops in the Police Oversight Agency. This includes POB member and another strong Harness advocate former LAPD cop Beth Mohr, POB member Jeff Wilson and even one Executive Director's investigator-a former Belen senior police officer. It's clear where their loyalties lie. You know it but don't care.

#### EXECUTIVE DIRECTOR CANDIDATES SPEAK

Candidate and current NM prosecutor Ms Sprague during her talk pointed out that it was vitally important that people know the situation here and also that she is not a former police officer. That was right on.

The most qualified candidate Jay Rowland who was urged by the former IRO Judge Deaton to succeed him years ago proved from his interview with the POB and talk before you that he was the best man for the job. Likely he wasn't the Chief's or Mayor's choice who likely the POB first checked with as Jay was viewed as too knowledgeable-thus too dangerous.

During his talk, Harness claimed that being "empathetic and not intimidated" was his "persona." He then incredulously claimed the toothless settlement agreement between Berry's Cincinnati mercenaries and DOJ signed by Judge Brick was credible.

Ed also talked about APD's "core values" but never mentioned or discussed them. Any core values APD has are a joke-mere propaganda. He said the police nationwide are going through a "paradigm shift." Translated-this means there is now citizen and DOJ pressure to make them accountable, forcing them to wear body cameras and no longer above the law as our police officers have been here for far too long and still are.

While claiming he "empathizes" with police officers, Ed claimed he never said an officer's life was

more important than that of a citizen. In fact contrary to his interview with the POB and what's in his resume, this man has shown himself to be dishonest regarding this. He is part of the brotherhood.

Ed showed no understanding that under the new Ordinance that APD Chief Eden still has the final decision in any police officer's punishment and can essentially ignore the POB as Schultz did to the old POC. A citizens' only recourse is to file a civil lawsuit.

I don't know who found Ed Harness in Milwaukee if not APD but it was clear Ed was making chump change working for the BBB there.

It's not clear why there had to be a secret ballot rather than have us see last night just who of you voted for Harness as the first choice. It showed your cowardice. Yet one Councilor claimed your votes would be later revealed.

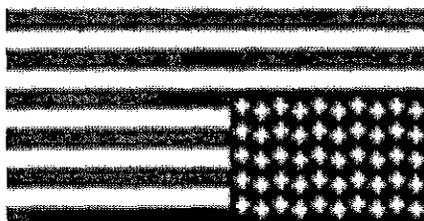
#### **POB'S VIOLATION OF THE OPEN MEETINGS ACT**

Below is an e-mail you received yesterday from Attorney Paul Livingston with his attachment. It demonstrates just how bad this Police Oversight Agency Executive Director selection process was corrupted-but you don't care. It's really the way it is here as corruption is a part of our NM culture and few care while most feel that nothing they do will ever change it..

Disgusted with all of you and Berry's traitors of we the people

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** Paul Livingston [<mailto:living@rt66.com>]

**Sent:** Wednesday, September 09, 2015 3:39 PM

**To:** [mmmontoya@cabq.gov](mailto:mmmontoya@cabq.gov); [MayorBerry@cabq.gov](mailto:MayorBerry@cabq.gov); [POB@cabq.gov](mailto:POB@cabq.gov); [reygarduno@cabq.gov](mailto:reygarduno@cabq.gov)

**Cc:** [danlewis@cabq.gov](mailto:danlewis@cabq.gov); [kenSanchez@cabq.gov](mailto:kenSanchez@cabq.gov); [dharris@cabq.gov](mailto:dharris@cabq.gov); [kpena@cabq.gov](mailto:kpena@cabq.gov); [dgibson@cabq.gov](mailto:dgibson@cabq.gov); [bwinter@cabq.gov](mailto:bwinter@cabq.gov); [ibenton@cabq.gov](mailto:ibenton@cabq.gov); [trudyjones@cabq.gov](mailto:trudyjones@cabq.gov)  
**Subject:** Notice of Violations of NM Open Meetings Act by the CPOA

Dear City Councilors,

Attached is a letter giving notice of violations of the New Mexico Open Meetings Act by the Citizens' Police Oversight Agency concerning the selection of an Executive Director. As the attorney representing Mark Bralley and Vecinos United, I sought and secured a Writ of Mandamus ordering the Police Oversight Board to hold its selection of an Independent Review Officer "openly and in public in accordance with the mandatory provisions of the New Mexico Open Meetings Act." That was sixteen years ago, in 1999.

Unfortunately, City attorneys and officials are engaging in the same misconduct now with respect to selection of an Executive Director of the new Citizens' Police Oversight Agency. Please review the attached letter, and consider whether the City would be making the same mistake it made 16 years ago and whether the selection of a Director today would be in accordance with law and the rights of the people to know about the operations of their government. Thank you.

Paul Livingston  
(505) 771-4000

M005302

**PAUL LIVINGSTON**

Post Office Box 250  
Placitas, New Mexico 87043

Tel. (505) 771-4000

email: [living@rt66.com](mailto:living@rt66.com)

---

September 9, 2015

Albuquerque City Council  
Rey Garduno, City Council President  
Albuquerque, New Mexico

Re: Violations of the New Mexico Open Meetings Act, §10-15-1, et seq.

Dear City Councilors:

Sixteen years ago, in 1999, I secured a Writ of Mandamus to ensure the openness of the process used to select the Independent Review Officer for the City's Police Oversight Board. The POB, poorly advised by City attorneys, had been going into closed meetings under the exception for "Limited Personnel Matters" even though the definition of "limited personnel matters" limits the exception to matters concerning current employees. A copy of that writ is attached.

The new Citizens' Police Oversight Agency is now making the same error and holding closed meetings on the selection of an Executive Director. Please consider this a "written notice of the claimed violation to the public body" pursuant to §10-15-3(B) of the Open Meetings Act with respect to the selection of an Executive Director of the CPOA, as follows:

1. On March 12, 2015, at the first meeting of the Citizens Oversight Board, "Mr. Bullock from the City Attorney's Office advised that the Board should go into Executive Session" to discuss the process for selecting the CPOA's Executive Director.

2. At the April meeting of the CPOA the Acting Chair "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 . . . The City Council will make the decision on who becomes the Executive Director.

3. On May 19, 2015, according to the Board's minutes:

Board Member Fine made a motion that the Board meet in Executive Session regarding selection of the Executive Director. Board Member Ring seconded the motion. . . . At 5:42 p.m. the Board met in Executive Session to discuss the process of hiring an Executive Director.

M005303

The Executive Session ended at 7:03 p.m. After Executive Session, Board Member Fine made a motion to note that only personnel matters were discussed during the Executive Session. . . .

4. At the June 11, 2015 meeting of the CPOA, "Board Member Fine made a motion that the Board go into Executive Session. . . . 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."

5. At a special meeting on July 29, 2015, the Board interviewed candidates in public but then went into an Executive Session to discuss personnel matters. When they returned from the Executive Session the Board voted to reserve the Council Chambers for August 4, 2015 in order to rank the Executive Director candidates.

6. Although it is unknown what happened on August 4, there was no public discussion about the candidates for the Executive Director position and it is unknown how and by whom the three ranked candidates were chosen.

7. On August 12, 2015, the regular scheduled August 13 meeting of the CPOA Board was cancelled without any indication of why or by whom it was cancelled.

The Limited Personnel exception (H2) to the New Mexico Open Meetings Act allows closed meetings to discuss personnel actions concerning current employees only. It does not exempt discussions of candidates from open meetings requirements when those candidates are not current employees. Because the Citizens' Police Oversight Agency has improperly met in closed meetings to discuss both the selection process and the selection and ranking of candidates for the Executive Director position any action(s) taken as a result of such meetings should be considered void.

Please consider these matters prior to voting on the selection of the CPOA's Executive Director.

Yours very truly,

*/s/ Paul Livingston*

---

Paul Livingston

Copies (by e-mail):

Mayor Richard Berry  
Leonard Waites, CPOA Chairman

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

ENDORSED  
FILED IN MY OFFICE THIS  
AUG 12 1999  
*Sharon King*  
CLERK DISTRICT COURT

JEANNETTE PADILLA

MARK G. BRALLEY,  
NEW MEXICO VECINOS UNITED,  
ANDRES VALDEZ, Director of NM Vecinos,

Petitioners-Plaintiffs

vs.

CV. 99 08201

CITY OF ALBUQUERQUE POLICE OVERSIGHT COMMISSION  
JILL MARRON, Police Oversight Commission Chair  
HART J. GUENTHER, POC Vice-Chair  
SUSAN M. SELIGMAN, POC Member  
LINO E. MARTINEZ, POC Member,  
ANTHONY R. MONTOYA, POC Member,  
JENNIE LUSK, POC Member,  
FRED WARD, POC Member;  
CITY OF ALBUQUERQUE,  
JIM BACA, Mayor  
LAWRENCE RAEI, Chief Administrative Officer,  
ROBERT M. WHITE, Albuquerque City Attorney  
CITY OF ALBUQUERQUE COUNCIL .

Respondents-Defendants,

ORDER FOR ALTERNATIVE WRIT OF MANDAMUS

This matter having come before the court upon the verified Petition of Petitioners; it appearing to the satisfaction of the Court from the Petition that the Petitioners are entitled to the relief requested in the Petition; it further appearing that an Alternative Writ should issue; that Petitioners have no plain, speedy and adequate remedy in the ordinary course of law, and that this remedy is prescribed by statute.

**IT IS ORDERED** that an Alternative Writ of Mandamus in due form of law be issued by the Clerk of this Court commanding Respondents to:

1.) Comply with their mandatory, non-discretionary duty to give adequate notice to Petitioners and the public and hold meetings of the Police Oversight Commission openly unless and until such meetings are properly closed under the provisions of the Open Meetings Act, and to keep official minutes and other public records of all meetings of the POC.

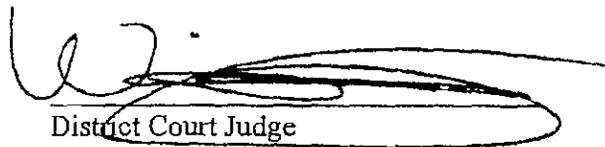
2.) Conduct the selection of the IRO openly and in public in accordance with the mandatory provisions of the New Mexico Open Meetings Act.

3.) Invalidate actions taken and decisions made at POC meetings or "Executive Sessions" which were held in violation of the Open Meetings Act.

4.) Pay to Petitioners the damages proximately resulting from Respondents' unlawful conduct together with costs including reasonable attorneys' fees, *if any, and as may be later determined by the Court.*

Or show cause before this Court at 3:30 o'clock p.m. on August 17, 1999, why they should not do so.

**IT IS FURTHER ORDERED** that true copies of the Petition, the Writ, and this Order be served upon Respondents by delivering them to the office of the City Attorney who shall distribute copies to Respondents.

  
District Court Judge

**From:** [Gmail Team](#)  
**To:** [POB IPRA](#)  
**Subject:** (#206089748) Gmail Forwarding Confirmation - Receive Mail from jvbaca.pob@gmail.com  
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The Gmail Team

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**To:** [POB IPRA](#)  
**Subject:** (#662268521) Gmail Forwarding Confirmation - Receive Mail from joannefine413@gmail.com  
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**From:** Silvio Dell'Angela  
**To:** Garduno, Rev; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.  
**Cc:** Vanita.Gupta@usdoj.gov; "Damon Martinez"; "Bill Rehm"; lisa.torraco@nmlegis.gov; pmrinc@mac.com; Eden, Gordon; Mayor Berry  
**Subject:** A corrupt backward city and state-more proof-and the confederate flag downtown  
**Date:** Friday, July 24, 2015 7:58:37 PM  
**Attachments:** 6-15LaJicaritaAPD&NAS.doc  
7-21ABQBorder town.doc

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**TO: Councilors and others shown and sent this Bcc**

References:

Recent Journal Editorial: *"Flag's fate should be based on calm, respectful dialogue"*

6-15-15 La Jicarita article *"Albuquerque, Albuquerque Police Department, Border Town Violence, genocide, Native American Politics, Navajo/Dine, police violence"*

7-21-15 NMSU FNS news article, *"Cowboy, Rabbit and Border Town Violence."*

**FOLLOWING THEIR PARTY LEADER AND BEING POLITICALLY CORRECT**

While our downtown City Councilor and two NM legislators seem more pre-occupied with supporting their Democratic President's desire to remove the Confederate flag everywhere, support the misguided demands of some local African American citizens, and viewed as politically correct, the Journal's editorial essentially said let's not be stupid by forcing the removal of this historical symbol from the downtown.

Meanwhile, their Council and NM representatives and Senate colleagues chose to remain in hiding on this flag issue-afraid to speak out. Apparently they didn't want to offend the P.C. crowd.

The advocates for the flag's removal and others also choose to ignore the brutality done by the Spanish, the US troops and others and here to the Native Americans yet those flags are deemed acceptable downtown. Nice double standard-PC boys

It also seems hypocritical that these three legislators and this Mayor and other government leaders choose repeatedly to ignore the killings of black and Native American citizens by APD and other NM police officers-deeming them (in APD cop still on the force-Trey Economidy's words) just "human waste" to be disposed of or brutalized.

The recent mistreatment of Sandra Bland by a Texas State trooper and editing of the video is not unlike what also happens here to our black citizens. Nobody believes that Sandra committed suicide in her cell. That will be the subject of another of my e-mails.

M005310

## IGNORED POLICE VIOLENCE AGAINST NATIVE AMERICANS

Attached are two articles worth reading discussing just how Native Americans are treated by police here.

The June 15 one (with the photos omitted) was a La Jicarita article sent to me at <https://lajicarita.wordpress.com/2015/06/08/indian-killers-police-violence-against-native-people-in-albuquerque>.

One significant extract from this posting is, "According to a Department of Justice investigation, the Albuquerque Police Department routinely engages in unconstitutional policing and frequently employs unjustified fatal force. But its scathing report from last April made no mention of violence against Native people."

As recently as February of this year, Albuquerque Mayor Richard Berry, who refused to attend the Navajo Nation Human Rights Commission hearing, told a local radio station that police violence in Albuquerque has nothing whatsoever to do with race." Really Mr. Mayor?

Years ago before APD started stonewalling my NM IPRA requests, its records custodian provided me with an incriminating CD containing details of over 100 Citizen Police Complaints (CPC) against APD officers listing their names and how the IRO, POC and Chief ruled on them.

In it were numerous complaints made by Native Americans. I provided copies of this CD to the DOJ, Councilors, and the media but nobody cared—clearly not the DOJ

The second related article (attached) on the mistreatment treatment of Native Americans here was posted on the NMSU Frontera NorteSur (FNS) website—titled "Cowboy, Rabbit and Border Town Violence." It describes Albuquerque as a border town where many APD police officers hold Native Americans in contempt.

## VIEWS BY OUTSIDERS OF ALBUQUERQUE AND NEW MEXICO

We are viewed my many throughout the U.S. as even worse than a border town as the FNS News describes us..

Reference again my July 17 e-mail to many of you that discusses the perception of Albuquerque and New Mexico by those I talked to in VA and NJ. An extract of it is shown below

-----  
From: Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

Sent: Friday, July 17, 2015 5:51 PM

Subject: The View of Albuquerque from talking to relatives and military members back east + the Eye on Albuquerque and ABQ Free Press articles

TO: ALL-Bcc

I just returned from attending the July 10 retirement ceremony of my USMC Colonel nephew at Quantico USMC base VA and later attended to family estate matters in New Jersey. The many I spoke to said what they know best about Albuquerque is (1) the hot air balloon festival, (2) the high crime rate and (3) our out of control police. Most looked on us as just a corrupt, backward city and state.

While our Mayor has his propaganda machine (primarily the Journal) working hard to convince all here that everything is just fine, many in the rest of the US apparently believe otherwise.”

-----

The following is an extract from the July 5 EYE posting that supports this belief held by many in the city as well as nationwide. *Jul 5, 2015 EYE ON ALBUQUERQUE “Time to Face the Facts-Berry has proven to be the worst Mayor in the history of Albuquerque. **FACT!** APD is being negligently mismanaged. **FACT!** And we the citizens are paying the price for both. **FACT!** What to do about this horrific chaos has to be the primary focus of every citizen. Do we try and fire the mayor thus causing and creating more problems to the chaos he has already created?*

*Do we try and push a completely useless City Council to do their jobs? Do we take to the streets like a bunch of wild buffoons and commit civil disobedience? Do we go out and buy a gun and start carrying it strapped to our sides and take the law into our own hands? The frustration among the citizens is horrendous. Albuquerque is a magnet for every criminal in the country because we have the worst run city and police department in the USA.*

\_\_\_\_\_

#### **BLATANT FISCAL IRRESPONSIBILITY**

All of the Mayor’s and his minions’ denial of our most serious problems reminded me of a recent cartoon printed in the Journal.

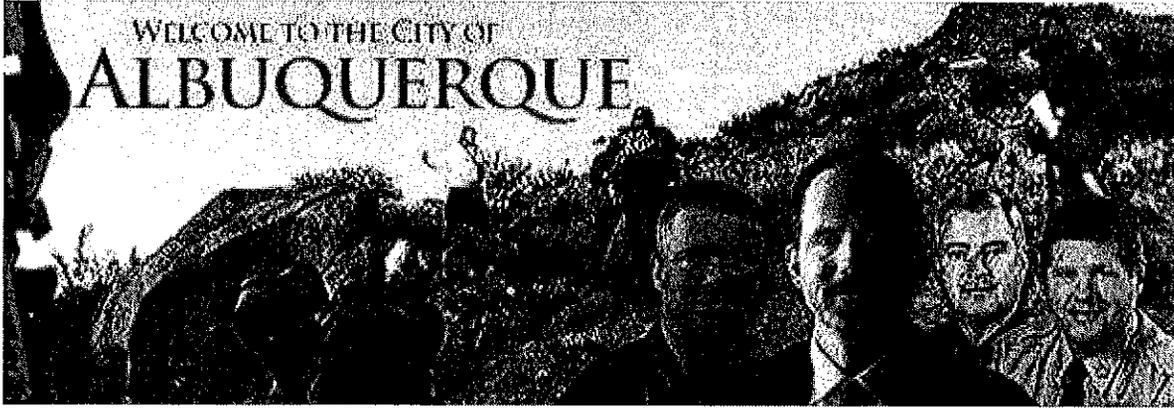
It showed California Governor Brown looking over a dried up dead carcass in the desert and telling it, “Forget about the serious draught we are facing, I’m building a high speed rail line between San Francisco and San Diego.

Well our Mayor is telling us to forget about the high crime rate/violence and police misconduct that has made Albuquerque the disgrace of the nation. Just remember that in addition to the Rockefeller Center sized skating rink, clock and other tax wasting projects planned for the Plaza and elsewhere in my “cherished’ downtown and elsewhere in the City,

I’m also going to jam down your throats a \$120+ million Albuquerque Rapid Transit (ART) System along a ten mile stretch of Central.

I plan later this year to tear Central up-damn the business owners along this stretch. My ART unlike Mayor Chavez proposed never done “modern streetcar’ will be “New Mexico True.” If you have any questions, just ask my spokesman Gil Montano as I’ll be unavailable.

Silvio  
For WE THE PEOPLE  
296 3241



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

## LAJICARITA

AN ONLINE MAGAZINE OF ENVIRONMENTAL  
POLITICS IN NEW MEXICO

lajicarita June 8, 2015 Albuquerque, Albuquerque Police Department, Border  
Town Violence, genocide, Native American Politics, Navajo/Dine, police violence

**Indian Killers: Police Violence Against Native People in Albuquerque**

(Photos omitted)

By DAVID CORREIA

In April 1974, three white high school students from Farmington, New Mexico murdered three Navajo men, Benjamin Benally, John Harvey, and David Ignacio. The teenagers bludgeoned the faces of the three men, and caved in their chests with basketball-sized rocks. They exploded firecrackers on their bodies and tried to burn off their genitalia. When authorities found the men, they were burned and beaten beyond recognition.

The brutal murders were nothing new in Farmington, where white high school students had been known to sever the fingers of inebriated Navajo men and display them proudly in their lockers at school. Murdering and torturing Navajo men and women in the border towns that surround the reservation even has its own name: Indian Rolling.

Protests erupted in the wake of the murders and lasted for months. One of the protest leaders, John Redhouse, explained Indian Rolling as a kind of blood sport:

“We didn’t see the murders as the act of three crazy kids. We saw it as a part of a whole racist picture. For years it has been almost a sport, a sort of sick, perverted tradition among Anglo youth of Farmington High School, to go into the Indian section of town and physically assault and rob elderly and sometimes intoxicated Navajo men and women of whatever possession they had, for no apparent reason, other than that they were Indians.”

Indian Rolling is another word for lynching, and it’s a part of everyday life in Indian Country. According to a 2004 report by the US. Department of Justice, Native people experience violence at rates twice that of the rest of the population. The vast majority of this violence, more than 70%, is committed by persons of a different race. This is particularly true in New Mexico where, according to a 2003 study by the New Mexico Advisory Committee to the U.S. Commission on Civil Rights, Native people constantly experience “acts of ethnic intimidation; threats of physical violence, assaults, and other potential hate crimes” in border towns like Gallup, Farmington and Albuquerque.

Just this past summer, in the early morning hours of July 19, 2014, three Albuquerque teenagers wandered the back alleys of their neighborhood looking for homeless men to beat up. For months, in gangs of three and sometimes more, they hunted Native homeless men in a blood sport of violent beatings. On that morning, they found three Navajo men sleeping on mattresses in the weeds of a vacant Westside lot. They gathered up broken cinder blocks and bashed in the heads of two of the men, Allison Gorman and Kee Thompson.

A third man escaped. The boys finished Gorman and Thompson with metal poles. The survivor told police the boys had done this before and the boys—the oldest was 18 and the youngest 15-years old—admitted to police that they sought out Native, homeless men to victimize.

The only exceptional thing about these brutal murders is how common they are in New Mexico. In the towns that border New Mexico's many Indian reservations, Native people are more likely to be poor, more likely to be incarcerated and more likely to experience violence than any other group. Since July of 2013, in Gallup alone, more than 170 Navajo citizens have died of unnatural deaths.

Albuquerque is just as violent for Native people. Of the estimated 25,000 Native people living in Albuquerque, 13 percent are chronically homeless like Gorman and Thompson. And many of them live in a part of town that Albuquerque police call the "War Zone." According to the homeless Native people who live in that part of town, it's a war waged by police against Native people.

A few blocks from the Albuquerque Indian Center — a place where homeless Native people can get a free lunch, connect with social services, and even pick up their mail — one man told me he's constantly harassed and that it often comes at the hands of the police, not teenagers. "You know I'm an alcoholic and I drink on the streets, and [the police] picked me up and they brought me all the way down to the Bio Park and they beat me up, while I was in handcuffs, and then they unhandcuffed me and let me go."

A few blocks away another man who told me, "I was walking on the street and [a cop] was following me. I'd go down the alley and he'd follow me. 'Why don't you go back to the Rez? You're not welcome here in Albuquerque,' he told me." A Jicarilla Apache man named Natani at a homeless tent camp had the same experience. "This is ours, our land," he said. "And the cops they'll say things like 'Why do you want to bring the reservation our way?'"

Natani didn't want me to take his photo, so I took a picture of our shadows instead. When I asked how often harassment turns violent, he gave me an impatient look. "It's usually," he said. He showed me his wrists. They were covered in scabbed-over wounds. They were from handcuffs, he said. He pulled off his sunglasses. One eye was red and swollen. "They maced me in this eye. They walked up to me from behind and maced me like this," he said, as he put his hand inches from my eyes to show me how it was done. "How common is this? Does this happen to everyone?" I asked. "Yes," he said. "They handcuff you and then they beat you and then they take you to the hospital and say something like 'We found him this way.'"

Days later near the Indian Center one woman told me a cop recently slammed her head to the pavement. "Then he just got back in his car and drove away." Her friend described constant

harassment. "They pull up and tell us to leave or they'll arrest us for loitering," she said. I asked where this happens. "Everywhere," she said, "even when we're waiting at the bus stop."

According to the Centers for Disease Control and Prevention, Native Americans make up 0.8 percent of the population, but comprise nearly two percent of the victims of police violence, a rate greater than any other racial group. And while police kill young black men more than any other group, they kill Native Americans at a higher rate.

Much of this violence happens in New Mexico, the state with the highest rate of police killing in the United States in 2014. And among New Mexico's police departments, the Albuquerque Police Department has the highest rate of fatal police shootings, and one of the highest in the country. More than twenty percent of homicides in Albuquerque in 2014 were committed by police officers. Since 2010, Albuquerque cops have shot nearly 50 people, killing 28.

Navajo leaders sent the Navajo Nation Human Rights Commission to Albuquerque in December to investigate last summer's double murder. But commissioners were equally as interested in police violence. They scheduled a public hearing at the Albuquerque Indian Center on the treatment of Navajo citizens by Albuquerque law enforcement. Leonard Gorman, the executive director of the Commission, began the hearing by reminding people of the problem. "The role of the police is supposed to be to protect and serve, but our people tell us that we need to protect ourselves from the police."

The first person to testify described constant harassment by Albuquerque police. "I was the Indian, so I was the bad guy, I guess. The police aren't going to help us. They don't care." Another person testified about police harassment of Native homeless people, saying, "It happens whether we're homeless or not. The danger is everywhere. But the homeless are just easier targets. Someone was shot to death on the streets recently and no one even heard about it. It wasn't reported."

According to a Department of Justice investigation, the Albuquerque Police Department routinely engages in unconstitutional policing and frequently employs unjustified fatal force.

But its scathing report from last April made no mention of violence against Native people. As recently as February of this year, Albuquerque Mayor Richard Berry, who refused to attend the Navajo Nation Human Rights Commission hearing, told a local radio station that police violence in Albuquerque has nothing whatsoever to do with race.

I asked Natani what explains the police violence against Native people and the general indifference to Native suffering in New Mexico's border towns. "Prejudice," he said. "It's all the same from Farmington to Albuquerque."

**From:** FNS News <[fnsnews@nmsu.edu](mailto:fnsnews@nmsu.edu)>

**Subject:** fns\_nmsu-l] FNS Feature: Cowboy, Rabbit and Border Town Violence

**Date:** 21 July 2015 at 12:18:57 GMT-6

**To:** fns\_nmsu-l <[fns\\_nmsu-l@nmsu.edu](mailto:fns_nmsu-l@nmsu.edu)>

July 21, 2015 FNS Feature

### **Cowboy, Rabbit and Border Town Violence.**

Most people probably don't think of Albuquerque as a border town. But Dine (Navajo) Melaine Yazzie squarely defines the central New Mexico city as a classic one. Surrounded not only by Native and trust lands, Albuquerque and its suburbs are built on an old indigenous land base that now hosts geopolitical and economic powerhouses such as Sandia National Laboratories, Kirtland Air Force Base and Intel Corporation.

"There's the contradiction," Yazzie told FNS. "Border towns are established on Native land but power and money is not with Native people." Although more than 50,000 Native Americans reside in the Duke City, the indigenous community does not possess local political representation, Yazzie added. Yazzie, who works with the new activist organization The Red Nation, spoke to FNS at the beginning of a vigil/memorial held in the Duke City this past weekend. As thunder and lightning choreographed a graying summer sky that soon splashed city streets with priceless rain, Yazzie and dozens of others assembled on an East Central Avenue corner July 19 to protest violence against Native Americans and honor two Dine men, Allison "Cowboy" Gorman and Kee "Rabbit" Thompson, who were viciously beaten to death July 19 a year ago while they slept on an empty lot off Central Avenue.

Three teenagers, Alex Rios, Nathaniel Carrillo and Gilbert Tafoya, stand accused of a crime that shocked the city, the Navajo Nation and even the world. "Cowboy and Rabbit: We Remember," "Native Lives Matter" and "Stop Racist Violence against Natives" were among the messages on signs memorial participants waved at passing motorists on the Central Avenue main drag. Grasping flowers and listening to prayers, the attendees included members of Thompson's family, local residents and activists from The Red Nation, the Albuquerque Center for Peace and Justice, the Party for Socialism and Liberation, the anti-police brutality organization ABQ Justice and other groups. Mourning over the loss of friends, one tearful Native woman broke into song for a few moments. "I want my friends back, but they're not coming back," she sobbed.

As at least three Albuquerque Police Department (APD) units monitored the gathering, tense moments developed when a **beefy driver for Greg's Towing attempted to haul away a car driven by KOB news reporter Stephanie Claytor** that was parked on a property behind the memorial site where a Circle K convenience store and a McDonald's do business.

A small crowd rallied and formed a wedge between the tow truck's rear and Claytor's car, "liberating" the vehicle from the creeping menace of a lowered truck ramp and allowing the reporter enough time to wiggle the vehicle out of its predicament. Arms folded, the hapless tow truck driver insisted that he must remove the vehicle, but was unable to act. A transit cop appeared and barked at the crowd, "If you don't want to get arrested, get off the property now!" "Boycott Circle K!" the crowd shot back. But the real focus of the day was on victims of violence like "Cowboy" Gorman and "Rabbit" Thompson.

In a press release announcing the vigil/memorial, The Red Nation called on the public to take action:

"This pattern of violence and racism can longer go unnoticed. Too many families have suffered. It must stop." In conversations with FNS both during and after the memorial, members of Thompson's family shared memories of their loved one. Sister Veda Yazzie, aunt Louise Yazzie and nephew Ivan Yazzie described Thompson as a fun-loving, helpful and outgoing man who enjoyed basketball, cooking, traveling, playing cards and heavy metal music.

According to relatives, Thompson herded sheep in the summer and looked for construction jobs the remainder of the year. "He comes and goes and comes back," said Louise Yazzie, who raised Thompson from the time her nephew's mother died until he when he went out into the world after his 18th birthday. Switching her words between English and Navajo, Yazzie said Thompson liked to help "the girls" bake cakes. He loved food, especially roast mutton, fried bread, tortillas, mild and hot chile, and "all kinds of stews," she said. The Yazzies are from Church Rock, New Mexico. Three days prior to July 19, the small Dine community not far from Gallup marked another grim anniversary. On July 16, 1979, the breach of a uranium mill tailings pond sent a river of contamination gushing down the Rio Puerco, wreaking havoc on the ecosystem and Dine lives.

Veda Yazzie spoke of her brother's violent death in Albuquerque as an unimaginable event. "It was devastating for me. I didn't think we'd lose him that way. It was a shocker. I never imagined anyone dying like that, the way he did..," Yazzie said. "I don't think any human being should die like that."

Ivan Yazzie said his uncle's murder and the subsequent arrest of three teenagers for the crime shook his outlook to the core. "It made me lose hope in the judicial system and our country as a whole," the young man said. The Red Nation's Melanie Yazzie said the murders of Cowboy and Rabbit helped inspire the formation of her group late last year. Co-founder Sam Gardipe placed the emergence of The Red Nation in the context of long struggles for survival.

"It was a government policy of extermination at one point and we aren't supposed to be here. We're supposed to be in a museum.." Gardipe said. "We've survived all of it. It's the resilience, it's the Native. We know how to survive, but it isn't easy. The beauty of Native folk is that we can survive in our homeland." A Pawnee veteran of many struggles, Gardipe said The Red Nation unites older activists like himself with those from a new generation like Melanie Yazzie who are articulating both historic and contemporary concerns.

The Red Nation defines itself as a coalition "dedicated to building a widespread movement to liberate Indigenous peoples from colonialism." While not underrating the importance of environmental and sovereignty struggles, The Red Nation fills a void by focusing on urban Indian issues of violence, poverty, homelessness and health care, Yazzie said. Seventy percent of Native Americans live off the reservation in urban centers like Albuquerque, she stressed.

The Native activist said the particular site of the July 19 anniversary memorial for Thompson and Gorman was selected because it's located in an impoverished part of the city where many Natives live. As if no additional proof was needed of the conditions prevailing along East Central, a woman independently working from a truck off to a side of the memorial gave away free burritos to a steady file of people coming in from the streets to fill their stomachs.

The urgency of addressing the issues raised by The Red Nation and others was further reinforced only days before the memorial. KOB and other local news media reported this week that APD is searching for

a purple SUV linked to a July 11 attack on a Native homeless man in southeast Albuquerque. The attackers tossed fireworks at the sleeping man, setting him on fire. Quoted by KOB, APD spokesperson Tanner Tixier said the still publicly unidentified victim has spent more than two weeks in intensive care.

As one of its first actions, The Red Nation staged a February 2015 demonstration in Gallup that protested violence against the local Native community. According to Yazzie, The Red Nation has counted 170 “unnatural deaths” in Gallup between 2013 and April 2015 from causes that include murder, hypothermia, alcohol, and run-overs by trains and automobiles. “I guarantee you, (the death toll) is higher now,” Yazzie added. “It seems that nobody cares.”

FNS asked Yazzie about anecdotal reports of Dine women being abducted on or near the Navajo Nation. “There is no reliable source for numbers,” Yazzie said. “I have heard plenty of stories of Native women being kidnapped in border towns like Gallup and trafficked into sex trafficking,” Yazzie said.

In a broad historical sense, The Red Nation’s border town protests weave a loop with the indigenous mass activism of the late 1960s and 1970s. “It has come full circle,” Gardipe observed. “The next generation wants to do something.” As a 17 year-old, Gardipe said he marched during the times when organizations that included the National Indian Youth Council, the American Indian Movement, the Coalition for Navajo Liberation, and the UNM Kiva Club mobilized thousands for protests in Gallup, Farmington, Window Rock and Albuquerque.

The grievances ranged from the exploitation of Native crafts and culture in tourist-oriented Gallup to the beating deaths of Dine men by white teenagers in Farmington, New Mexico. The Farmington atrocities attracted the attention of the United States Commission on Civil Rights, with an advisory committee to the Commission filing a landmark 1975 report after conducting an independent investigation and holding a field hearing.

Following a comprehensive examination of conditions facing the Farmington-area Native community, the advisory committee “concluded that Native Americans in almost every area suffer from injustice and maltreatment,” according to a University of Massachusetts summary of the report. Forty years later, Gardipe assessed the earlier movement as having some positive but not enduring effects. “I think it got better for awhile, but it didn’t last,” Gardipe reflected. “I don’t know if the city officials didn’t care or if the people didn’t care.” In a déjà vu of sorts, Gardipe said The Red Nation was contemplating upcoming actions that include a protest in Farmington, where more recent spates of violence against Native men recall previous years.

Members of Kee “Rabbit” Thompson’s family said they plan to monitor the trial of the three teens charged in a brutal murder. Thompson’s relatives expressed fears that the trio of alleged killers would get off the hook and not be held accountable for their actions. “If they get away with it, they’re telling society, hey guys, you’re on your own, and it’s not just Natives,” sister Veda Yazzie said. Thompson’s sibling said life imprisonment justice would be fitting justice for the alleged killers of her brother. Urging parents to take responsibility for their young, Yazzie added that Thompson’s murder inflicted a pain that “doesn’t go away” or let her know when it will stop. “It’s really hard,” she concluded. “At times I think, when is this nightmare going to end?” -Kent Paterson

Frontera NorteSur: on-line, U.S.-Mexico border news Center for Latin American and Border Studies  
New Mexico State University Las Cruces, New Mexico. For a free electronic subscription  
email: [fnsnews@nmsu.edu](mailto:fnsnews@nmsu.edu)

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** ABQ Journal Falsifying The News--Seems like I'm not alone in believing this  
**Date:** Sunday, October 18, 2015 12:33:43 PM

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**ALL**

(sent this Bcc-DOJ-pass to Loretta Lynch)

In many past e-mails I pointed out that the Journal, particularly its editorial staff was largely responsible for the culture of corruption, lack of transparency and lack of accountability here.

I often compared Journal Editor Kent Walz (who clearly is in Berry's and Perry's pockets) to Hitler's propaganda minister Joseph Goebbels-so I was not surprised that none of my letters to the editor are ever published.

Our disgraceful Mayor, his (always flushed, red faced-seemingly substance impaired) CAO Perry (who has been compared in the ABQ Free Press by former APD cop Dan Klein to a Mafia leader worse than Al Capone) and Perry's Mafia "soldiers" (Eden and his senior command staff) are never criticized by their Journal buddies.

This is why I often lamented the loss of the ABQ Tribune and urged citizens instead to go to the ABQ Free Press, to the Eye on Albuquerque (see latest blog today) and Joe Monahan's blog sites and to other news sources in addition to some select TV reporters to get the truth.

Today's Journal article by Ryan Boetel, who has apparently joined the Perez, Sandy killer cop defense team again chose to ignore the fact that APD never releases incriminating recordings showing their many unjustified shootings and other excessive uses of force. These recordings would expose the lies told to the public.

To try to justify not only the Mayor's unjustified retention bonuses to the command staff passed by an apathetic Council's weeks ago, and to approve the double-dipping proposal by the Mayor sponsored by my NM Representative (former BCSO cop) Bill Rehm, on the front page today was the Boetel's article on the worsening officer shortage.

Boetel would falsely claim that it may be attributed to APD's "strict lapel camera policy" but deliberately ignores the fact that they don't release any incriminating recordings made.

Boetel and the others at the Journal and those downtown choose to ignore the fact that Eden still refuses to respond to my October 1 NM IPRA request for the recordings of their most recent APD shooting because the recordings would prove Eden and his shooter lied. Will the Councilors ask Eden about this Monday? They didn't ask Huntsman at the last meeting when Eden chose to be MIA.

The reason BCSO's Sheriff Manny Gonzalez has little problem recruiting is that he doesn't require that his deputies have video camera-thus can lie with impunity to justify their excessive force.

M005320

Yet the APATHETIC BERNCO Commissioners don't care.

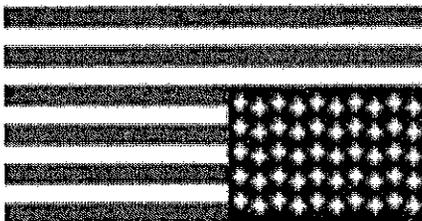
The DOJ along with their and Judge Brack's appointed toothless PMR Inc monitors have also betrayed we-the people along with our new US AG Loretta Lynch who believes only "Black Lives matter". She is an embarrassment and clearly has no interest in real police reform.

See the scathing report on the Journal below by Arthur Alpert. It's no wonder that the Journal never released the results of their recent survey showing how readers feel about its editorials and other biased reporting.

Regards

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

### "Falsifying The News"-Albuquerque Journal Watch

<http://civicpolicy.com/journalwatch/?p=7560&cpage=1#comment-12704>

October 16th, 2015 • By *Arthur Alpert*

Gosh, I've been Albuquerque Journal watching on and off for five years now. Just checked.

Seems I started in January, 2010. That's surprising. So is my initial naïveté. I anticipated I would criticize both the political bias seeping into the news pages and the daily's amateur, incompetent journalism. As it turns out, and I apologize for this, I haven't written much on the latter.

For as I read it became absolutely clear that bias seeping into the news was the least of it. That happens, it's forgivable and what I saw wasn't. It was, however, shocking, so shocking I squirmed and tried to evade it for a long time. Put simply, the editors were deliberately falsifying the news. (Whether they knew what they were doing or persuaded themselves their actions were justified I don't know. That's a question for students of our human capacity for deceiving ourselves. I'd guess they are sometimes self-aware, sometimes not.)

Their actions, however, were unambiguously political, not journalistic. They cut sentences and paragraphs that contradicted the Journal's editorial agenda from stories supplied by the Associated Press or Washington Post. Once in a while they inserted sentences or paragraphs advancing the Journal's politics into news stories. This was done secretly, not a word to readers, no matter that the daily trumpets its dedication to transparency. As the Journal uses the word, I learned, transparency is a virtue for other institutions.

That wasn't all I saw. When stories displeased, the editors sometimes totally ignored them, no matter how big. Or relegated them to page C11. Or, as when Pope Francis delivered his historic encyclical on climate change, devoted three whole paragraphs inside the A section. Three. Remind me to write another day about the Journal's religious narrative, which is, essentially, praise the Lord except when His (Her?) representatives question radical individualism, laissez-faire, corporatism, materialism, unlimited profit, hierarchy or war as first recourse.

Sometimes the editors were subtle. When a story casting the Journal's allies or causes in a bad light couldn't be totally ignored, they set out to mute it. Muting's first rule is keep it off the front page. Two, don't publish anything for a day or two, longer if possible. Three, when it's time to concede something happened, do so with a "second-day lead." (Or third, fourth or fifth.)

That way the rebuttal from the Journal's buddies becomes the lead paragraph. This has multiple benefits. First, the buddies' case is headlined. Next, the original sordid details can be left at the bottom of the pyramid, probably in the jump. Best yet they may be left out because, as everybody knows, the news hole is not infinite.

Simultaneously, the editors ran political campaigns in the "news" columns, of which the War on Obamacare (in collaboration with politicized coverage from AP's Washington Bureau) is the longest running. See the Journal's Friday, Oct. 16 issue, A4, for the latest fusillade. It became impossible, too, over the years, to ignore the editors' version of accountability, extolled almost as much as they do transparency. At the Journal, this meant holding political opponents' feet to the fire while sparing friends.

Have they ever asked Rep. Steve Pearce where that raging inflation he predicted years ago is? Ever asked him any hard question? Based on my scrutiny of the “news” pages, no. Also, as often documented here, the editors exercised a range of techniques for tricking readers – misleading headlines, placement and display of stories, pull quotes and such.

Meanwhile, back at the Op Ed page, editors carefully labeled the (rare) dissenting essays as “liberal” or (for example) coming from a union or pro- consumer organization. Yet essays pushing the Journal’s agenda ran with no political ID (e.g., conservative, Tea Party), no industry ID (e.g., oil, gas, Big Pharma) and no information on who paid for them.

In fact, Journal editors still run columns with false IDs, “beards” in urban parlance. In sum, I found a newspaper where the editors so often substituted political judgments for news judgments that I came to call them political commissars. Aside – I’ve often thought of devoting a post to a description how real news people conduct the daily meetings where they discuss priorities in coverage and assignments. Let me know if you might find that interesting.

Given this five-year learning curve, I can no longer extend the benefit of the doubt to Journal editors. Yes, I keep an eye out for the innocent mistake, one wants to forgive, but my operative question as I unfurl the paper at breakfast is, how low will they go today? Which brings us to Hillary Clinton and Benghazi and, lately, her private email server. We’ll examine now the Journal has treated that story, or confluence of stories, next time. I promise an eye-opener.

**From:** Silvio Dell'Angela  
**To:** POB  
**Subject:** ADDED INFO-RE: -MY" INTERVIEWS FOR THE EXECUTIVE DIRECTOR OF THE POLICE OVERSIGHT AGENCY-  
THERE IS ONLY ONE CHOICE-JAY ROWLAND WHO WILL SERVE YOU, THE PEOPLE AND THE GOOD POLICE  
OFFICERS"  
**Date:** Friday, July 31, 2015 12:02:23 PM

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To the POB

FYI are some comments from others who received my e-mail to you yesterday . You should only nominate Jay Rowland to be the new Executive Director-nobody else.

Silvio

*"I'm sure Robin applied. I have reason to believe the POB read the DOJ report about the Mickey Owings shooting and then compared it with her statement to City Council about the same subject and drew some conclusions about her honesty. "*

Regarding the other candidate I mentioned-Edna Sprague, one I respect who knows her well told me that *"in her current position she is a "vehement defender of all APD police"-thus would make a poor Executive Officer."*

My disgraceful District 8 Councilor Trudy Jones' representative to the old POC-the arrogant PhD Carl Foster was a disgraceful obstructionist to any APD accountability-just a Republican political hack. Carl appeared on TV last night criticizing you on the POB for alleged defiance of the Open Meetings Act.

**TO: The Honorable Police Oversight Board Members**

**Info to City Councilors and Bcc to others**

**After viewing your meeting on GOV-TV last night that included interviews of five candidates for the "Executive Director of POA, the following are some of my observations/questions:**

1. I assume that since current interim Executive Director Ms. Hammer was not interviewed, she did not apply for this POA Executive Director position or being considered as a sixth candidate
2. The talk by attorney Alan Wagman was right on target saying essentially that this selection is critically important-that we don't need more of the same (translated-not another Robin Hammer)
3. This position never required that it be an attorney when Ms. Hammer was hired for the IRO job since an attorney is already assigned to the IRO-yet all were attorneys.
4. Who chose these five candidates who you interviewed and more importantly who decided that you had to send three of the five interviewed

M005324

- to the Council to pick one? Only one stood out!
5. You saw their resumes-something that should have also been posted on the website. One candidate-a former Colorado sheriff's deputy had conflicting-erroneous information on his resume
  6. Two of the applicants were former law enforcement/police officers both of whom had beliefs like Ms. Hammer.

Your selection decision is easy.

The only candidate that stood head and shoulders above the other four was former IRO during 2002-2007 Jay Rowland.

Based on his demonstrated knowledge of this job and expected respect by both the many APD honest police officers and the people, only Jay should be nominated to the City Council.

The only other even remotely credible candidate of the other four interviewed was Edna Sprague.

After Edna has the opportunity to review all of the GOV-TV interviews today, she too would likely believe that Jay would be the right choice.

Regards

Silvio  
For WE THE PEOPLE

P.S.  
Jay would also be a great Mayor if he ever chose to run.

**From:** Dinah Vargas  
**To:** POB; John Cordova; Benton, Isaac; Pena, Klarissa J.; Silvio Dell'Angela; Larry Kronen; Andy Beale; Andrew Christophersen; francesmadeson@gmail.com; dono248@aol.com; "Harold Bailey"; Charles Arasim; "Albuquerque, Community CRT"; Valerie Espinosa; FNS News; sarah.lopez@usdoj.gov; Martin O. de la Garza; Garduno, Rev; Harris, Don; Gibson, Diane G.; Sanchez, Ken; Winter, Brad D.; Lewis, Dan P.; Elizabeth martinez; Damon Martinez; Vanita Gupta; info@nmfog.org; mike gomez; Burque Media  
**Subject:** APD Records OUT of CONTROL  
**Date:** Monday, August 24, 2015 3:42:14 PM

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Hello,

Civil liberties and Constitutional Rights are not subject to approval or disapproval. They just exist.

Expecting the usual BEATdown and BREAKdown is a reality for most people actively participating in the governmental process, sadly it's the reality of local government. Beyond the usual resistance from those who disregard the people's due process I was subjected to Javier Urban's outrageous attempt at stonewalling a formal records request I formally filed through scare and intimidation tactics.

I am requesting this matter be addressed with APDs Records Unit and Javier Urban with appropriate action. Members of the public should not be subjected to standoffs and fear by employees of the public, we have the Albuquerque police Department for that. Violating the NM Sunshine Laws is violating constitutional rights, intimidation and threats are breaking the law, I am requiring due process and representation.

On Friday, August 12, 2015 I walked into the headquarters of the Albuquerque Police Department at 400 Roma NE, and of my own freewill, I committed one single act of defiance. I deliberately, willfully, and intentionally exercised my right to open government. I exercised a very basic right – I simply wanted to inspect a public record afforded to the public under the **New Mexico State Sunshine Laws**, also known as the Freedom of Information Act. Stated in the Sunshine Law are two acts, **Inspection of Public Records Act** (IPRA) and the **Open Meetings Act** (OMA). These two acts allow the public access to most state and local government records (with few exceptions).....

<http://www.burquedia.com/index.php/2015/08/22/902/>

Dinah Vargas  
505.920.2861

M005326

**From:** Leonard Waites  
**To:** Scott S. Wilson; Eric H. Cruz; Mark T. Baker; Jeannette V. Baca; Skotchdopole, Paul A.; cabq.pob.mohr@gmail.com; Moira Amado-McCoy; Susanne Brown; David Ring; Joanne Fine; Hults, Samantha M.; Perry, Robert J.; Leonard Waites  
**Subject:** Acting office Manager  
**Date:** Thursday, September 10, 2015 1:00:15 PM

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To Whom it may concern,

As Chair of the Police Oversight Committee, I am giving Paul Skotchdopole authorization to act as Office Manager along with all administrative duties of the CPOA until our newly elected Executive director Ed Harness is in place.

--

Leonard Waites Chairman  
Police Oversight Board

**From:** Harness, Edward  
**To:** amadamcoy.pob@gmail.com; Joanne Fine; Leonard Waites  
**Cc:** Skotchdopole, Paul A.  
**Subject:** Admin closed cases and public comment  
**Date:** Tuesday, October 27, 2015 3:39:34 PM

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Good Afternoon: The question of public comment for administratively closed cases I believe is answered in the Boards Policies and Procedures. Article II Paragraph 6 (B) states: When an individual civilians police complaint is on the agenda for the POB to review, the complainant or authorized representative will be provided with a minimum of five minutes to address the POB relating to the complaint and investigation.

I hope this information helps guide your decision on how to proceed as a Board.

Edward W. Harness. Esq.  
Executive Director  
600 2<sup>nd</sup> NW #813  
Albuquerque, NM 87102  
Civilian Police Oversight Agency  
Phone 505.924.3774

THE INFORMATION CONTAINED IN THIS MESSAGE IS PERSONAL, CONFIDENTIAL AND MAY BE PRIVILEGED COMMUNICATION, IT IS SOLELY FOR THE ABOVE LISTED RECIPIENT(S). IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY THE SENDER AND IMMEDIATELY DESTROY AND DISPOSE OF THIS MESSAGE, THANK YOU!

**From:** Hammer, Robin  
**To:** Davila, Natalee Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Bullock, Nicholas; Mark T. Baker; 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:** Agenda for August 4, 2015 POB Meeting  
**Date:** Thursday, July 30, 2015 6:00:47 PM  
**Attachments:** 8-4-2015 POB Agenda-Final.pdf

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Attached is the Agenda for the August 4, 2015 POB Meeting, which is posted.

**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**

**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**

**Tuesday, August 4, 2015 – 5:00 PM**

**Vincent E. Griego Chambers**

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

**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'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:** Agenda for July 9, 2015 Police Oversight Board Meeting  
**Date:** Monday, July 06, 2015 1:15:12 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  
P.O. Box 1293  
Albuquerque, NM 87103  
(505) 924-3770  
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*     *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:** Contreras, Michelle  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown  
**Cc:** Skotchdopole, Paul A.; Davidson, Christopher; O'Neil, Erin; McDermott, Diane L.  
**Subject:** Agenda for Outreach Subcommittee 9/28/2015  
**Date:** Thursday, September 24, 2015 3:22:26 PM  
**Attachments:** September 28 2015 Outreach Agenda-FINAL.pdf

---

Good afternoon. Please find attached Agenda for the Outreach Subcommittee for **Monday, September 28, 2015 at 2 p.m.**

If you have questions, please feel free to contact our office.

Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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  
POLICE OVERSIGHT BOARD  
OUTREACH SUBCOMMITTEE**

*Dr. Jeannette Baca, Chair    Rev. Dr. David Z. Ring III  
Leonard Waites*

**POLICE OVERSIGHT BOARD  
OUTREACH SUBCOMMITTEE**

**Monday, September 28, 2015 – 2:00PM  
Plaza del Sol, 600 2nd Street NW –  
Basement, Hearing Room 160**

**A G E N D A**

- I.     **Welcome and Call to Order:** *Chair Dr. Jeannette Baca*
- II.    **Approval of the Agenda**
- III.   **Public Comments**
- IV.   **Approval of the Minutes**
- V.     **Discussion of Community Engagement Specialist Job Search**
- VI.    **Discussion of UNM Exhibition: Necessary Force**
- VII.   **Other Business & Committee Recommendations:**
- VIII. **Next Meeting date to be determined at meeting**
- IX.    **Adjournment**

**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; Mojra 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 4:05:34 PM  
**Attachments:** 7-29-2015 POB Agenda-Final.pdf

---

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  
Fax: (505) 924-3775  
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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

**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:** [Beth A. Mohr](#)  
**To:** [Hammer, Robin](#); [POB](#); [Mark T. Baker](#); [Hernandez, Jessica M.](#)  
**Subject:** Agenda posted for Monday?  
**Date:** Thursday, July 23, 2015 8:13:17 AM

---

Is there an Agenda posted for Monday?

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:** Beth Mohr  
**To:** Hammer, Robln; POB; Mark T. Baker  
**Subject:** Agenda setting in the future  
**Date:** Wednesday, June 24, 2015 12:11:43 PM

---

Ms. Hammer - In the future, we need to avoid the situation which happened this week - where I sent an emailed agenda for the personnel subcommittee for posting well before the deadline, but you didn't received it, and it wasn't posted 72 hours prior to the meeting.

As staff for the POB, we all need you to be the person primarily responsible for staying on top of these deadlines with agendas and posting. Volunteer Board members shouldn't be the ones primarily responsible for this task.

To be clear, the failure is not that you didn't receive my email, as that technology is beyond our control. The issue was that when you didn't receive the agenda in plenty of time for posting, that you neither emailed, called nor texted me to find out the status of the agenda. As I had previously disclosed, I was working out of state, in 3 locations involving both coasts between June 13th and yesterday evening. Had I received any communication from you that you hadn't yet received an agenda, I could have resent it prior to the deadline.

In the future, to ensure there isn't a repeat of this issue, you will follow the protocol listed below:

5-days prior to meeting - email the Chair of the POB, or subcommittee chair, requesting an agenda, and asking if they would like your assistance to format a draft agenda; please CC the committee members, or in the case of the full POB, cc the co-vice chairs. This is also the last point where the most recent minutes should be sent out in draft form.

4-days prior to meeting - if you haven't received a response, call the Chair and follow up to ensure that an agenda is forthcoming.

3-days prior to the meeting - verify the receipt of an agenda and post. If for whatever reason the chair is unable to put together an agenda, and you haven't received an agenda or any response from anyone else, please post an updated version of the most recent agenda for that body. For the personnel subcommittee, just update the last agenda with the upcoming agenda's date and post it, so at least the meeting won't need to be cancelled.

2-days prior to the meeting, verify the room reservation and email a reminder to the full POB inviting/reminding everyone of the meeting or subcommittee meeting.

Following this timetable for all future meetings will ensure that we are able to smoothly conduct business. If you'd prefer to assign one of your staff members to this task, please let us know who will be primarily responsible. Feel free to call with any questions. Thanks much, -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*

M005340

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:** Contreras, Michelle  
**To:** Beth Mohr; Bullock, Nicholas; Contreras, Michelle; David Ring; Davidson, Christopher; Davila, Natalee Z; Eric H. Cruz; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Mark Baker, Esq.; McDermott, Diane L.; Molra Amado-McCoy; O'Neil, Erin; Skotchdopole, Paul A.; Stefoin (Moore), Samantha; Susanne Brown  
**Subject:** Amended POB Agenda for Thursday, October 15, 2015  
**Date:** Monday, October 12, 2015 2:19:20 PM  
**Attachments:** 10-15-2015 POB Agenda - FINAL - Amended.pdf

---

Dear POB Members:

Attached is the Amended Agenda submitted by Leonard for **Thursday, October 15, 2015** POB meeting.

Please let me know if you have questions.

Thank you.

Michelle

**Michelle Contreras**

Senior Administrative Assistant  
Civilian Police Oversight Agency  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
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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*

Paul Skotchdopole, Assistant Lead Investigator

**POLICE OVERSIGHT BOARD AGENDA**

**Thursday, October 15, 2015 – 5:00 PM**

**Vincent E. Griego Chambers**

- I. **Welcome and call to order.**
- II. **Pledge of Allegiance-Rev. Dr. David Ring III**
- III. **Approval of the Agenda**
- IV. **Approval of minutes**
- V. **Public Comments**
- VI. **Discussion of NACOLE Conference**
- VII. **Sub-committee reviews**
  - a. **outreach committee**
  - b. **case review committee**
- VIII. **Reports from City Staff**
  - a. **APD**
  - b. **City Council**
  - c. **City Attorney**
  - d. **Mayor's Staff**
- IX. **Meeting with Counsel re: Pending litigation pertaining to possible action related to APOA v City of Albuquerque (closed discussion).**

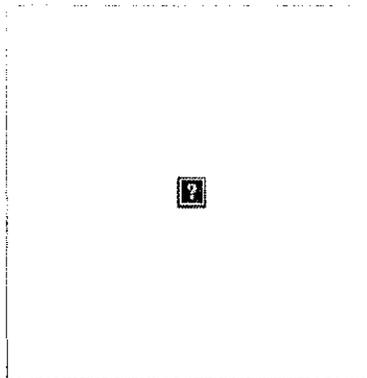
**Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7).**
- X. **Approval of Executive Director, Edward Harness's Contract**
- XI. **Other Business**
- XII. **Adjournment- *Next Regularly scheduled POB meeting will be on Thursday November, 12, 2015 at 5 p.m. in the Vincent E. Griego Chambers.***

**From:** [NACOLE President](#)  
**To:** [Joanne Fine](#)  
**Subject:** Announcement from the NACOLE Board of Directors  
**Date:** Thursday, October 29, 2015 4:33:12 PM

---

Announcement from the NACOLE Board of Directors

[View this email in your browser](#)



### **Announcement from the NACOLE Board of Directors**

Greetings:

The NACOLE Board of Directors is saddened to announce that Ilana Rosenzweig has resigned from her position as Immediate Past President. Ilana was first elected to the Board in 2009 in Austin, and was subsequently elected to serve as Vice President/President-Elect for two years and as President from 2012-2013. She has been serving as Immediate Past President since 2013, until her resignation last week.

Ilana has meant a great deal to this organization and to the field of civilian oversight. She has made countless invaluable contributions toward NACOLE's growth and development, many of which people will never know about because she didn't stop to take credit. She has helped raise nearly \$15,000 for the Scholarship Program, a program which she helped to build from the ground up. Ilana also helped develop and implement the NACOLE core competencies, awards program, detailed agency profiles, and more. She has given so much of herself in these last six years, and we are forever grateful. Thank you, Ilana.

In accordance with the [bylaws](#), the Board appointed NACOLE Founder [Don Orin](#) to fill Ilana's unexpired term as Immediate Past President. Don will add a unifying voice to the Board at a time when such a voice is needed, especially as we embark upon NACOLE in 2020, our ambitious strategic and organizational planning initiative.

M005344

Don worked for more than 25 years in civilian oversight. He started as a Berkeley police officer in 1972, and worked for the Berkeley Police Department for 12 years, first as an officer and then as a sergeant. Don worked as a senior investigator for the San Francisco Office of Citizen Complaints; as an investigative and appeals officer for the Richmond Police Commission; and as director of the Office of Public Safety Accountability in Sacramento. He also assisted in the startup of these three agencies. Don was a past president and founding member of the International Association for Civilian Oversight of Law Enforcement (IACOLE). He was also a founding member of NACOLE.

We are so grateful that Don has agreed to serve on the Board, for an organization he founded more than 20 years ago. We are sorry to see Ilana go but we are honored to have the opportunity to serve alongside Don.

Kind regards,

Brian Buchner  
President  
NACOLE

---

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You are receiving this email because you are a member of the National Association for Civilian Oversight of Law Enforcement.

**Our mailing address is:**

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P.O. Box 87227  
Tucson, AZ 85754

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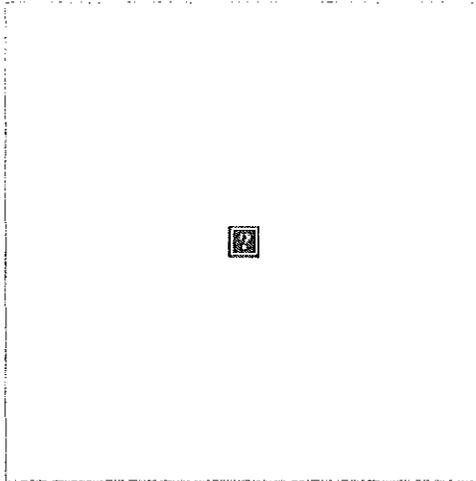


**From:** [NACOLE Director of Training & Education](#)  
**To:** [Joanne Fine](#)  
**Subject:** Annual Scholarship Fundraising Dinner Almost Sold Out  
**Date:** Friday, September 11, 2015 12:47:19 PM

---

Purchase your ticket to the Annual Scholarship Fundraising Dinner today!

[View this email in your browser](#)



## **Annual Scholarship Fundraising Dinner**

# **ONLY 23 TICKETS REMAIN!**

**Tickets must be purchased in advance to attend. Purchase yours today to guarantee your seat!**

Join us for our annual scholarship fundraising dinner at Heroes Restaurant and Brewery, located in historic downtown Riverside. In addition to good food and good conversation, you will be supporting NACOLE's efforts to offer financial support to those wishing to attend the Annual Conference, to increase the reach of civilian oversight, and to promote participation by individuals from a broad spectrum of social, economic, racial, ethnic and cultural backgrounds.

[PURCHASE TICKETS HERE](#)

Seats to this event are limited and **WILL NOT** be available for purchase at the conference. Make sure to purchase your tickets today!

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**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** Another APD killing-more doubletalk by Eden + UNM and Levi Chavez and Councilor Lewis" inconsistency as to which small businesses he really cares for. Are they just his Mayor's?  
**Date:** Saturday, August 01, 2015 4:35:28 PM  
**Attachments:** [My 7-31-15.doc](#)

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**To: ALL-Bcc**

## Some commentary on news

### LATEST APD KILLING

Observer of latest APD shooting yesterday writes: *"About 3PM on Edith & Garfield. I'm here with eyewitnesses. Car chase ended with cops open firing on man. Witnesses say he was running out of car. Didn't see a weapon. Sister arrived sobbing saying it's her brother's car."*

Journal article says: **APD kills kidnapping suspect** BY ROBERT BROWMAN AND NICOLE PEREZ  
JOURNAL STAFF WRITERS Albuquerque Journal Aug 1 2015

*"A reported abduction at a Downtown Albuquerque park turned deadly Friday afternoon when officers shot and killed the suspect after he fled through a residential area. Police Chief Gorden Eden offered little detail about the incident in a brief..."*

COMMENT-After making a big show-being photographed rolling up the crime tape, he likely had already (as he should have) reviewed his responding officers' required video recording-(assuming recorders were turned on.) Will they release them or withhold/edit them?

Then read Eden's ambiguous statements (translated below) seemingly to hide the truth.

"Shots were fired" TRANSLATION-"**fired by my officers.**" "Officers believe suspect was armed"  
TRANSLATION- "**he was not armed as APD videos confirmed.**" "He didn't know yet if man fired at police or pointed weapon at them." TRANSLATION-**victim neither pointed nor fired any weapon as APD videos shows** "Eden said officers found a weapon at the scene but it was too early to say whether it belonged to the subject" TRANSLATION: **It wasn't victim's weapon but an APD throw down gun as videos would show.**"Eden said incident didn't have to end in gunfire "TRANSLATION "**in gunfire by my officers.**

The assigned multi-jurisdictional shoot team in the absence of any recordings will again determine shooting was justified. They are a joke-they back each other. Nothing has changed. Don't count on the "multi-jurisdictional shoot" team investigators ever doing an honest investigation.

I hope Journal editor Kent Walz will justify his recent NM FOG award by demanding the videos of this APD killing as will others in the media.

### DISGRACEFUL ADMISSION OF LEVI CHAVEZ INTO UNM LAW SCHOOL

**LEVI AND THE LAW: CHAPTER 2** *Joline Gutierrez Krueger Albuquerque Journal Aug 1 2015*

*Sometime after Levi Chavez walked free from a Sandoval County courtroom that warm July day in 2013 after being found not guilty of killing his wife in one of the most high-profile and hellacious trials in recent memory, he must have thought: Now what?"*

Levi Chavez's admission to the law school is black eye on UNM. Is it just a third world university? Those law school students and graduates should all be disgusted

**SEEMINGLY HYPOCRITICAL COUNCILOR DAN LEWIS**

**Lewis asks colleagues to withdraw work bill** By Dan McKay / Journal Staff Writer

PUBLISHED: Saturday, August 1, 2015 at 12:05 am

*City Councilor Dan Lewis called on two of his colleagues Friday to withdraw legislation they introduced to require employers to set work schedules three weeks in advance and pay employees for unexpected changes, among other requirements. Lewis said he believes that having the proposal on the table damages the city by creating concern among businesses considering an expansion into the Albuquerque market. He called on councilors Isaac Benton and Klarissa Peña to withdraw the bill voluntarily.*

*"I'm in favor of any legislation that helps people, but not at the expense of small business owners, and definitely not at the expense of the very people it's designed to help," he said in a written statement. Benton said he has no plans to withdraw the bill. He was traveling Friday and hadn't seen the news release issued by Lewis. "If I've got an issue with somebody's legislation, I pick up the phone and speak to them," Benton said. Lewis said the proposal is simply too burdensome. "It's not an exaggeration to say that this bill could cause many of our small, local businesses – businesses that have survived the great recession of the last six years and are just starting to recover – to go out of business," Lewis said.*

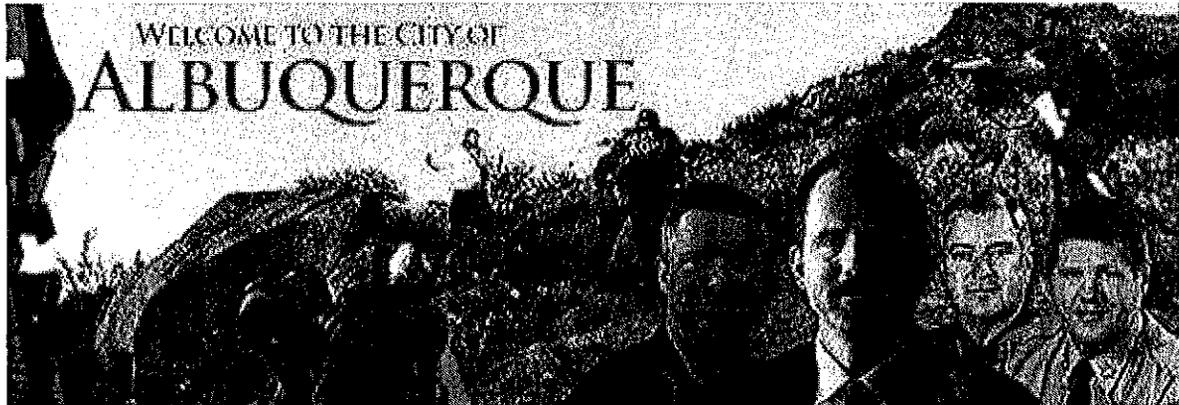
COMMENT-Inconsistency-or at worst hypocrisy. See my attached e-mail and earlier ones that talks about the biggest threat to small businesses along Central, Berry's and Rizzieri 's \$13 million albatross-their Albuquerque Rapid Transit System ART/BRT that the ABQ Free Press covered in detail in its most recent issue now in stores and also on freeabq.com. Apparently, if something is proposed by the Mayor then it's OK with Lewis but if it's not like Councilors Benton and Pena's bill then it's not. The question also is why are Benton and Garduno also supporting ART? Don't they care about the rest of us in the city?

As an aside, I was in a barber shop on the SW corner of Juan Tabo and Montgomery Thursday night. While waiting to be taken, I saw at least six cars blow through red lights at that intersection almost causing accidents. I'm sure the good Councilor Lewis is happy that his unlawful driver friends/voters and his Mayor is also happy the red light cameras were removed. Is Dan really considering a run to be our next Mayor? Another Berry?

Regards

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]

**Sent:** Friday, July 31, 2015 1:37 PM

**Subject:** Preliminary hearing Monday for Boyd's killers-Perez and Sandy, former APD cp Dawne Roberto, the ABQ Free Press, hopefully new oversight ED Jay Rowland and more

TO: All, Bcc

The disgraceful double standard here allowing APD police officers to murder while jailing others who do the same is disgusting. We have a corrupt police force leadership and supportive corrupt Mayor and administration that has made us the disgrace of the nation. Honest officers are punished if they dare speak the truth while APD's corrupt leadership is using every trick in the book to prevent any real reform.

Murdered James Boyd only pulled out his two small knives to protect himself against the fierce K-9 dog (not a police officer) straining at his leash to get to him to chew him apart and never threatened the real officers on the scene including Boyd and Sandy. The dog was later turned loose on the lifeless body and began chewing on it.

**A K-9 DOG IS NOT A POLICE OFFICER!** Sandy's recorded comments two hours before shooting Boyd showed premeditation-yet the autopsy report claims only Perez's bullet(s) killed Boyd. Really? Was that analysis really credible? Any bets whether either of the two killer cops will ever get convicted? Not here in Albuquerque--"(corrupt) "Mexico True."

<http://www.abqjournal.com/620984>.

"They are going to protect their brother officers," McGinn said in an interview. "And even if they have reservations about the shooting, they can't express them because of the blue wall of silence." There are 16 Albuquerque police officers on the defendants' witness list.

The July 29 Issue of the ABQ Free Press now in stores and on their website has some incriminating stories about our failed leadership and corrupt APD. One written by retired honest cop Dan Klein "*Why are N.M.'s Top cops Immune from Discipline Beat Cops Face?*" talks about the seemingly corrupt NM Law Enforcement Academy (LEA) Board. Berry's TASERGATE Schultz is one of the best examples of this. See the KOB reported retaliation by APD blessed by the LEA Board against former honest APD cop Dawne Roberto who allegedly leaked incriminating information about the lethal cesspool in APD. Integrity has no place in APD.

-----

### **Alleged administrator of anti-APD blog set to lose police certification**

*Updated: 06/17/2015 10:32 PM | Created: 06/17/2015 9:58 PM By: Chris Ramirez, KOB Eyewitness News 4*

*An alleged administrator of a blog used to disparage the Albuquerque Police Department and city leaders was fired two years ago from the department and now is on track to lose her law enforcement certification. APD brass accused Dawne Roberto, a 15-year-veteran officer on the force, of operating under the screen name "Stealth" to write hateful, embarrassing and often untrue posts on the website "Eye on Albuquerque." APD fired her on grounds she violated the department's social media policies. A hearing officer recently recommended the New Mexico Law Enforcement Academy Board*

revoke Roberto's law enforcement certification based on her frequent involvement with the controversial ??? website. Last week, the LEA Board accepted that recommendation.

In summary, the hearing officer found Roberto:

- *Lied about her involvement with Eye on Albuquerque (never proven)*
- *Diminished public trust and confidence in APD (deserved)*
- *Personally attacked APD's leadership and city leaders (deserved)*
- *Lowered morale at APD (only to bad cops) and used bad judgment*
- *Used city computers to write her posts (cops use take home cars to do family chores)*
- *Used information she learned while on duty against APD (God bless her)*

In his report, Hearing Officer Peter Camacho ( a joke) wrote, "I find [Roberto] did commit acts that indicate a lack of moral character that would adversely affect her ability to exercise the duties of a certified law enforcement officer. KOB reached out to both Roberto and her attorney, John D'Amato, Wednesday. Neither returned emails or phone calls. Roberto currently works as a sergeant for the Bosque Farms Police Department. Bosque Farms Police Chief Gregory Jones told KOB he has not received any direction from the Law Enforcement Academy regarding Roberto yet, but plans to keep Roberto on the force unless otherwise directed. He said Roberto has been a "terrific employee" and "wished he had more officers like her." Roberto does have the option to appeal the LEA Board's decision. The website Eye on Albuquerque is still active.

-----  
Really-is the Eye still active? The last Eye posting criticizing Mayor and his corrupt minions and the city council was on July 5 "Time to Face the Facts"-26 days ago. APD is likely trying to shut down that blog as well?

More on this latest revealing issue of the ABQ Free Press in a later e-mail. In addition to Dan Klein's great article on the NM LEA, there are articles about "ABQ's Mean Streets," Berry's Bus Blueprint: Boon or Boondoggle," (Recall COO Mike Riordan's incredulous reply to my NM IPRA request on the ART/BRT and the contract being seemingly rigged for just one contractor), "ABQ Cringes in Fear While Mayor Does...What exactly?" by Joe Monahan, "Like the rest of Us, Mayor Needs to Act on Homelessness" by Joy Junction's director Jeremy Reynolds who the Mayor ignored, and other good articles..

As for KOB and their good reporters Chris Ramirez who wrote the above article on the NM LEA and partner Caleb James. While they made a big splash with their good one time "boomerang thugs" report criticizing only the judicial system while allowing Chief Eden, Bob Huntsman, BCSO Sheriff Gonzalez and other high ranking NM officers to get a lot of free publicity answering their phones for just one night, KOB was never willing to spend the money to put the photos of these boomerang thugs in the Journal as I suggested but forced viewers to go to their website. Just a superficial effort at best. Do the job right KOB-or don't do it at all!

Then there is the latest scam foisted on citizens by the City's Office of Diversity and Human Rights with these UNM conducted Collaborative meetings with citizens pretending they really will result in any changes to APD except superficial ones. The City is now stonewalling my IPRA request for the list

of attendees at their PHASE 1 meetings and for the resumes/qualifications of the UNM "facilitators." Good job-Berry (not City) attorney Hernandez.

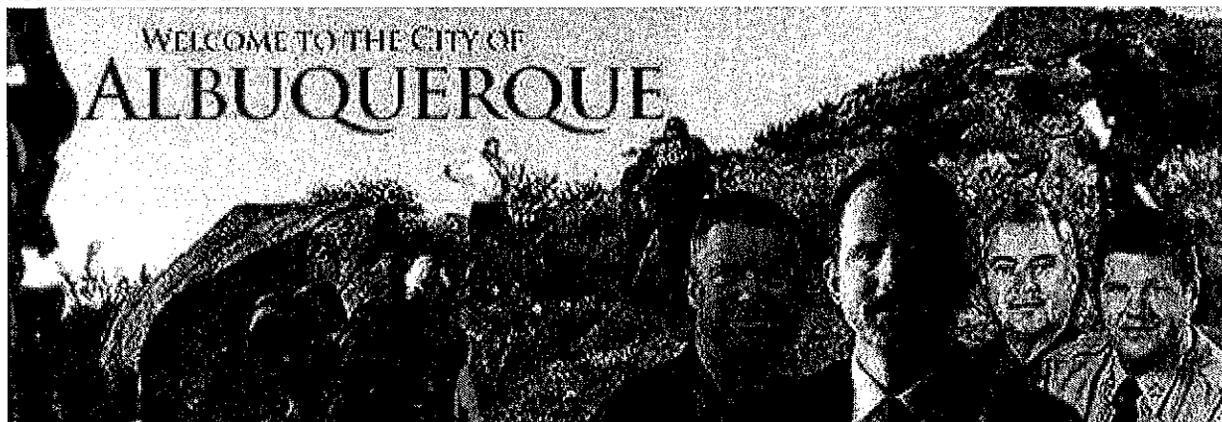
As my earlier e-mail to the POB said, former IRO Jay Rowland is the only credible candidate put forth to the Council to be the next Executive Director of the Police Oversight Agency to replace Robin Hammer who was never interviewed and should not even be considered. Honest APD cops and the citizens who want real oversight support Jay. Let's see if the Council has the guts to give him the job.

Finally, Is the DOJ naïve enough to believe think James Ginger and his PMR Inc. fellow former police officers and the Greenwood/Streicher team will ever reform APD until Berry leaves office and takes his corrupt minions with him? Apparently so or they think we are stupid.

Regards

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** [Silvio Dell"Angela](#)  
**To:** [Silvio Dell"Angela](#)  
**Subject:** Another Berry/Martinez Machine directed editorial today-again lying to people  
**Date:** Thursday, September 17, 2015 2:43:55 PM  
**Attachments:** [IRQ report.pdf](#)  
[IRORptPage.pdf](#)  
[CPC-2012-106.doc](#)

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**All**

Reference my 9-10 e-mail Subject: *"Monday's Council meeting and your disgraceful actions and selection of ex cop Ed Harness + attorney Paul Livingston's related Notice of Violations of NM Open Meetings Act by the CPOA sent you"*

#### **JOURNAL PAYING ATTENTION-REACTING**

Even though the NOT "Independent" Journal won't print my submitted letters to their editor (I've stopped sending them), it's interesting that they and those who control them in the Mayor's office and elsewhere read my e-mails and then responds by directing that their Editorial Board write editorials lying claiming what I say is not the truth. Note that they no longer say these editorials are written by the "newspaper" as if this was a person

In the past I have compared the likeable Editor who seemingly has a nice pay-to-play arrangement with Berry and the Governor's machine to Hitler's propaganda minister Joseph Goebbels and also compared the Journal to Pravda, the official newspaper of the Communist Party in Russia. Those comparisons may be harsh but all should look at the editorials if there are any doubters of these comparisons. The City is the disgrace of the nation and Berry-the one mainly responsible for this is never blamed by his Journal.

Every so often to give readers the illusion of balance, a letter is published by an honest retired cop like Dan Klein or a short on in the Tuesday edition in the "Speak UP" column telling it like it is. In the September 15, Speak up, J.C. writes *"SMALL WONDER there is a net migration out of Albuquerque. People don't want to live in a City where corruption and nepotism is rampant."*

With the ABQ Tribune gone, thank God we have other news sources like our TV stations, the ABQ Free Press, blog sites like Joe Monahan's, the Eye on Albuquerque, La Jicarita and others. Check them out for the truth here that the Journal won't ever tell you.

#### **PAST BRAINWASHING ATTEMPTS AS IF READERS ARE FOOLS**

In addition to reporter Ryan Boetel's recent fluff piece portraying James Boyd's killer Dominique Perez as a hero-thus above the law, we see other lies told us in their editorials.

Earlier editorials have praised the rigged procurement to rip-off of taxpayers for the four story profitable to Berry and Lubar's buddy Geltmore for their condo complex downtown portrayed as merely a grocery store.

M005354

We saw the editorial blessing the Mayor's clearly unjustified \$100+ million ABQ Rapid Transit (ART) System along Central that is based on the same lies told by Mayor Marty's minions for his proposed \$400 million "modern streetcar." ART will "only" cost us taxpayers \$10 million/mile instead of the \$40 million/mile for Marty's never funded by the FTA tax wasting streetcar.

We saw another supporting the (rare) killing of cops here as hate crimes

Now that the "Garrity vs. NJ Supreme Court" ruling can no longer be used by the thug/killer APD officers to lie and get away with it, another recent editorial claims the Fifth Amendment can now be used by officers to prevent self-incrimination. So with no recordings made of their murders or other use of excessive force, they can now take the Fifth. Nice.

Today's editorial "*Police oversight takes bold step toward independence*" was the latest example of brainwashing intended to deceive their naïve readers here. The editorial would even repeat POB member/former California cop Beth Mohr's justification to the Journal for the POB selecting the unqualified/inexperienced fellow former Milwaukee cop Ed Harness to be the new Executive Director.

Beth said Ed would give the process a "*fresh perspective.*" This embarrassing POB ex cop never showed up at the September 9 Council meeting to repeat that insulting POB excuse for hiring Harness.

I'm surprised that the editorial also didn't parrot what the condescending POB member-Dr. Miora Amado McCoy told the Council on September 9. She claimed the inexperienced Harness was a "transformational leader-a collaborator." Really?

You saw my referenced September 9 e-mail to the Council and others on how this Executive Director selection was seemingly rigged for ex cop Harness. Ed was the only one Mayor Berry, CAO Perry, Chief Eden and their enablers on the Council deemed acceptable/was non-threatening to APD.

After their first meeting and interviews that made Jay Rowland the only logical choice, the POB had to first check with them before holding another meeting to announce it would be Harness.

#### **BRAINWASHING THE POB**

Since none on the POB were ever involved in the past oversight process controlled by the APD Chief and Mayor-a prerequisite for their selection, today's editorial also says that since March the POB has been "*going through training and developing rules for how it will operate.*" Translated-this means the POB will likely go through APD's Firearms Training Simulator (FATS) to brainwash them into believing an officer must shoot first since his/her life is far more important than that of a citizen.

This training may also include remembering that their role is primarily limited to looking over

APD policies and also reminded that any recommended punishments they make of officers can be overruled by the Chief without any real justification in his letter response back. So they shouldn't waste their time recommending any harsh/justifiable punishments.

Still unknown is whether Harness' periodic Police Oversight Agency reports to the Council will still be as useless as those by former IRO Hammer with no police officers ever named and only token punishments, if any, given.

See the attached two pages from one of Ms. Hammer's reports showing even some officers unidentified-really and mere reprimands for failing to record. Also see the attached CPC-2012-106 never blaming APD COAST officers for the suicide of a mentally disturbed son of a family in our/Trudy Jones' District 8. Trudy couldn't care less.

So now in addition to ex cop and powerless "monitor" Dr. James Ginger and his fellow ex cop PMR Inc. foxes, and former Cincinnati police Chief Streicher, now with Harness in the Agency we now have four new foxes assigned to guard the hen house. What a sick joke being played on all of us!

**LEADERSHIP CHANGE AT THE JOURNAL LONG OVERDUE IF WE ARE TO EVER BE A RESPECTED CITY AGAIN**

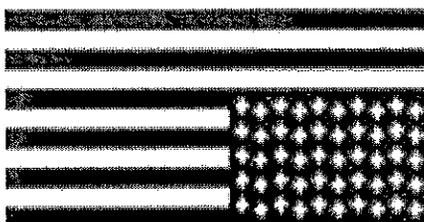
It's time for a change of leadership at the Berry Journal who are bought and paid for by Berry, Perry and the Martinez political machine that has also made this city the disgrace of the nation.

**Has anybody suggested this leadership change to William P. Lang, the Journal Publisher?**

Silvio

For WE THE PEOPLE

Living in the land of hopelessness and apathy-not enchantment-Mexico True



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

<i>Officer</i>	<i>Finding</i>	<i>IRO Review/Chief's Decision</i>
XXX	Sustained	IRO and Chief agreed on finding. Verbal Reprimand & Retraining.

CPC 152

<i>Officer</i>	<i>Finding</i>	<i>IRO Review/Chief's Decision</i>
Unidentified	Sustained	IRO and Chief agree; Verbal reprimand, and not further action taken

**§ 1-39-2A** All recordings, and/or contacts where an arrest was made will be tagged into Evidence, and will be listed on the report as being tagged.

CPC 089

<i>Officer</i>	<i>Finding</i>	<i>IRO Review/Chief's Decision</i>
XXX	Sustained	IRO and Chief agreed on findings. Written Reprimand.

SOP

**§ 1-39-2B** In situations where no arrest was made, but there is reason to believe that a complaint may be made, the tape shall be retained by the officer for no less than 90 days after the incident.

CPC 019

<i>Officer</i>	<i>Finding</i>	<i>IRO Review/Chief's Decision</i>
XXX	Sustained	IRO and Chief agreed on finding. Verbal Reprimand.

**§ 1-39-3B** Personnel will ensure that the issued recorder is functioning properly, has adequate batteries for the entire shift, and is equipped with tape cassettes.

CPC 022

<i>Officer</i>	<i>Finding</i>	<i>IRO Review/Chief's Decision</i>
XXX	Sustained	IRO and Chief agreed on findings. Written reprimand.

City of Albuquerque

Independent Review Office

Annual Report – 2010

	<i>Officer</i>	<i>Finding</i>	<i>IRO Review/Chief's Decision</i>
	Unidentified	Sustained	IRO and Chief agree; Verbal reprimand, no other action necessary
<b>CPC 205</b>	Unidentified	Unfounded	<i>IRO Review/Chief's Decision</i> IRO and Chief agree
<b>CPC 206</b>	Unidentified	Not Sustained	<i>IRO Review/Chief's Decision</i> IRO and Chief agree, insufficient evidence
<b>CPC 214</b>	Unidentified	Not Sustained	<i>IRO Review/Chief's Decision</i> IRO and Chief agree; no further action taken
<b>CPC 216</b>	Unidentified	Not Sustained	<i>IRO Review/Chief's Decision</i> IRO and Chief agree
<b>CPC 220</b>	Unidentified	Not Sustained	<i>IRO Review/Chief's Decision</i> IRO and Chief agree
<b>CPC 224</b>	Unidentified	Exonerated	<i>IRO Review/Chief's Decision</i> IRO and Chief agree; No action taken
<b>CPC 235</b>	Unidentified	Not Sustained	<i>IRO Review/Chief's Decision</i> IRO and Chief agree; No further action taken
<b>CPC 237</b>	Unidentified	Exonerated	<i>IRO Review/Chief's Decision</i> IRO and Chief agree; No disciplinary action taken
<b>CPC 244</b>	Unidentified	Unfounded	<i>IRO Review/Chief's Decision</i> IRO and Chief Agree

City of Albuquerque

Independent Review Office

Annual Report -- 2010

## **Citizen Police Complaints Reviewed Third Quarter 2013**

The Albuquerque Police Department provides for police protection, law enforcement, investigation, crime prevention, and maintenance of order in the community. In order to carry out their duties and responsibilities, the police are empowered with legal authority. To achieve success, the Department must win and retain the confidence and respect of the citizens it serves. Police officers do not act for themselves, but for the public. To that end, it is necessary to create and maintain a system through which the Department can be effectively directed and controlled. Written directives have been incorporated into Standard Operating Procedures (SOPs) to guide and direct department personnel in the performance of their duties. Violations of these provisions may result in disciplinary charges against personnel. Standard Operating Procedures are defined as written orders by the Chief of Police or a bureau, division, or section commander to define policy and direct procedures for specific situations or events. The following section lists each of the Citizen Police Complaints (CPCs) reviewed by the POC during the Third Quarter. Each CPC entry is formatted with the CPC number, the Complainant's City Council District and Neighborhood Association (NHA), the investigating organization (Independent Review Office or Internal Affairs), a brief synopsis of the complaint, the current case status, followed by each of the officers involved in the complaint, including their assigned APD area. The officers' actual names have been omitted, and for any given complaint, are referred to using alphabetic letters (A-Z). Within each officer listing is the SOP number involved, the SOP's general category, the case finding, the Chief/IRO Decision, and the case disposition. For any SOP non-concurrence between the Chief and IRO, additional levels of commentary relative to the POC, Chief, and CAO are listed.

**CPC-2012-106 District: 8, NHA: Glenwood Hills South Casa Grande - Investigator: IRO**  
Complainant called APD concerned for the welfare of her 21-year-old son. They noticed that their son's personal appearance had changed. Their son was experiencing delusions, hallucinations, and exhibiting signs consistent with Paranoid Schizophrenia. An APD officer went to the apartment and made contact with Complainant's son. Complainant relayed her concerns about her son to the officer and the officer told her that the police report will be forwarded to the COAST unit for follow-up. Later that evening, the Complainant and her husband went to their son's apartment because their son had agreed to go to the ER to undergo a psychological evaluation, but later changed his mind. Complainant called 911 and two officers arrived at the apartment and had placed their son in handcuffs. The officer announced that their son is going to jail for Domestic Violence against a family member. The Complainant and her husband told the officer that he needed medical help and the officer only seemed interested in taking her son to jail. The officer told her that they have the best psychiatrists in the jail and that her son would get the treatment that he needed, he would be drug-tested and have a psychiatric evaluation while he was in jail. Her son was not drug-tested in jail nor did he undergo an evaluation. He was booked and later released downtown. On March 27, 2012, a member of APD's Crisis Outreach and Support Team (COAST) called the Complainant and spoke about all of her concerns about her son. The member of the support team told Complainant that he would set up an appointment to meet with a Psychiatrist to see how they could get help for their son. The Complainant alleges that the system failed them and that the police and the COAST Team Member failed to intervene as they should have and could have prevented her son from taking his own life.

### **Findings:**

**Officer: A APD Area: FH**

**SOP: 1-04-40 (Attitude)**

**IRO/Chief's Decision: Agreed**

**SOP: 1-02-2B 1 (Use of Discretion)**

**IRO/Chief's Decision: Agreed**

**Finding: Unfounded**

**Disposition: None**

**Finding: Unfounded**

**Disposition: None**

THIRD QUARTER REPORT 2013 | INDEPENDENT REVIEW OFFICE

**From:** Beth Mohr  
**To:** Mark T. Baker; Joanne Fine; Eric H. Cruz; Green, Alan; Hults, Samantha M.  
**Subject:** Applicants for Executive Director  
**Date:** Monday, July 20, 2015 3:53:27 PM

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The individuals listed below constitute the applicant pool for the Executive Director position and will be considered by the Personnel Subcommittee. The Personnel Subcommittee will invite selected applicants to the Interview at the Special Meeting on July 29th. All of these people have submitted applications and have either submitted their writing assignments, or will submit them shortly.

Unfortunately, Mr. Green was unable to send out writing assignments last Friday when the stragglers turned in their applications, so a few applicants only got their writing assignment today, those people are marked with a \* below. They are being asked to turn them in by July 23rd but they could probably turn them in as late as July 25th; if anyone has not turned in their writing assignment prior to the Personnel Subcommittee meeting, their application will be considered without the writing assignment. If any such person is invited to the interview, their writing assignment will be available to POB members prior to the interview.

**Applicant Pool:**

Strassberg, Herbert Grubestic, John Lind, Niva Brown, Bradley Harness, Edward Petrucelli, Julia Bradley, Duncan Otten, Robin Dozier Rowland, Jay Burrill, Jennifer Dabney, Philip DeForest, Denise Lopez, Stephanie Timm, Michael Brown, James Richard\* Hammer, Robin\* Reynolds, Dawn\* Sprague, Edna Frances\*

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:** [Alexander DeSantis](#)  
**To:** [POB](#)  
**Subject:** Application for Director of CPOA  
**Date:** Thursday, June 18, 2015 7:55:38 PM  
**Attachments:** [DeSantisResume.pdf](#)  
[CPOA CoverLetter.docx](#)

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Dear Members of the Police Oversight Board:

I am writing to apply for Director of the Civilian Police Oversight Agency (CPOA) for the City of Albuquerque. As a cum laude graduate of Harvard Law School with significant leadership experience in police oversight and the investigative field, I am confident that I can be an asset.

Attached for your review, please find my cover letter and resume, outlining my experience and qualifications. I know that I can contribute to the CPOA, the Albuquerque Police Department and the City of Albuquerque more broadly.

I very much appreciate your consideration and look forward to speaking with you about my application.

Best Regards,

Alex DeSantis

[REDACTED]

[REDACTED]

**Alexander F. DeSantis**

Philadelphia, PA 19106

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**EDUCATION**

**Harvard Law School, Cambridge, MA**

- J.D., May 2011, *cum laude*
- Dean's Scholar Award, Spring 2011
- Best Appellate Brief Award, First Year Ames Moot Court Competition, Spring 2009
- *Board of Student Advisers*, Honor Organization of the Legal Research and Writing Program

**Duke University, Durham, NC**

- B.S. in Computer Science, May 2002
- Undergraduate Computer Science Teaching Assistant and Head Lab Teaching Assistant

**EXPERIENCE**

**Office of the Inspector General, Philadelphia, PA.....October 2012 – Present**  
*Deputy Inspector General, Investigator*

Lead supervisor in a city agency tasked with investigating allegations of fraud, waste, abuse and corruption involving municipal employees, contracts and programs.

- Oversee and coordinate complex administrative and criminal investigations across varied settings
- Interview subjects and collaborate with federal and local authorities
- Write, review and edit detailed investigative reports summarizing findings and recommending action
- Research and draft legal and administrative memoranda regarding investigative and municipal law

**Milbank, Tweed, Hadley & McCloy LLP, New York, NY.....Summer 2010, Fall 2011**  
*Associate, Summer Associate*

Associate and Summer Associate with the Trusts & Estates practice group.

- Researched and drafted legal memoranda, agreements, wills, trusts and other legal instruments

**U.S. Equal Employment Opportunity Commission, New York, NY.....Summer 2009**  
*Judicial Intern*

Clerk for an Administrative Judge presiding over federal sector employment discrimination claims.

- Reviewed investigative record and identified areas requiring further exploration
- Researched and drafted legal memoranda, orders and final decisions

**Civilian Complaint Review Board, New York, NY.....July 2004 – August 2008**  
*Assistant Supervising Investigator, Investigator II and Investigator I*

Team supervisor in a city agency tasked with investigating civilian complaints against members of the NYPD.

- Conducted and supervised interviews of civilians and officers, including many high-ranking officers
- Wrote, reviewed, and edited detailed reports summarizing findings and recommending final dispositions
- Promoted twice and selected to attend the NYPD Internal Affairs Training Course
- Completed several highly sensitive investigations and named "Most Valuable Investigator" of 2005

**Teach For America, Edwin Markham Middle School, Watts, CA.....June 2002 – June 2004**  
*6th Grade ESL Math and Science Teacher*

Member of a selective organization that places college graduates as teachers in struggling public schools.

- Led workshops to improve differentiated bilingual instruction and management techniques

**SKILLS & PROFESSIONAL LICENSES**

- N.Y. State Bar Exam, July 2011
- Basic programming and software design, including C, C++, Java, HTML, Assembler, Prolog
- Intermediate Spanish, Beginner Russian

**Alexander F. DeSantis**

[REDACTED], Philadelphia, PA 19106  
[REDACTED]  
[REDACTED]

June 18, 2015

Police Oversight Board  
City of Albuquerque  
400 Marquette N.W.  
Albuquerque, NM 87103

Dear Board Members:

I write to introduce myself for consideration as Director of the Civilian Police Oversight Agency (CPOA) for the City of Albuquerque. As a cum laude graduate of Harvard Law School with significant leadership experience in police oversight and the investigative field, I am confident that I can be an asset.

Currently, I am Deputy Inspector General for the City of Philadelphia, where I supervise internal investigations into allegations of waste, fraud, corruption and misconduct involving City employees and programs. I lead a team of analysts, investigators and attorneys, and I manage all aspects of the investigative process, from case evaluation to interviews and report writing. The breadth of my role with the Office of the Inspector General has allowed me to develop exceptional management skills, an aptitude for creative problem solving and a team-based approach to success.

I am also a former supervisor at the New York City Civilian Complaint Review Board, a similar civilian police oversight organization, where I managed a team of approximately 14 investigators and directed approximately 600 active investigations. I have an in-depth understanding of police procedures, practices and effective oversight - including the investigation of individual incidents as well as policy recommendations and systemic reform.

Academically, I further developed a practical skill set and achieved a high level of success. While at Harvard, I focused squarely on legal research and writing skills. I received an award for outstanding performance in the first year moot court competition and later completed advanced coursework in legal research. I was also a member of an honor organization centered on the subject, and I have significant research and writing experience in a variety of legal settings.

With a distinctive combination of academic and professional experience, I know that I can contribute to the CPOA, the Albuquerque Police Department and the City of Albuquerque more broadly. If possible, I would like to meet with you to further discuss my qualifications. Please contact me at any time via phone or email to set up a mutually convenient date and time. I very much appreciate your consideration and look forward to speaking with you.

Sincerely,

Alexander F. DeSantis  
[REDACTED]  
[REDACTED]

M005363

**From:** Silvio Dell'Angela  
**To:** kwalz@abqjournal.com; dherrera@abqjournal.com; D'val Westphal; Moses, Karen  
**Cc:** info@susanamartinez.com; Mayor Berry; lisa.torraco@nmlegis.gov; "Bill Rehm"; info@bernco.gov; kbrandenburg@da2nd.state.nm.us; Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.  
**Subject:** Article worthy of publishing. Are you courageous enough?  
**Date:** Sunday, July 19, 2015 4:00:31 PM

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**Kent**

**Just sent me from a friend back East. Do you have the guts to publish it? Will the ABQ Free Press or will anyone else?**

**I am no promoter of Donald Trump but what I do share with him and other champions for the middle and lower class is my disgust with the inbred corruption among our political leaders of both parties-not only in Washington DC that the article focuses on but also here in this State and City.**

**He will never be nominated by the Republican Party but hopefully will run as an independent. As the article says, he will be a target and better have good security because opponents to those in power want to destroy such people.**

**This is why as a vet I have tried to show the American flag I served under for 22 years upside down showing that we are a nation, a State and a City in distress. It was not surprising that those cowards on the City Council-refused to have it shown it on GOV-TV during my presentations and also banned my big flag from being shown in the Council chambers as if it were some illegal sign or banner.**

**I have always said-just follow the money and it explains everything.**

**A thorough house cleaning is needed nationwide-and particularly here in our city run by corrupt politicians and their minions. This nation, State and City is going to Hell in a hand basket and no one in power cares**

**Silvio**

**READ THIS!!Wow! This is some article.**

**Subject: Does it make sense to you???**

**Mr. Root writes a provocative article that seems to make a lot of sense. I hope The Donald has great security, he is going to need it. Most if not all are in his cross hairs and will be exposed. This will explain why so many rocks are being thrown at Donald Trump.**

**By Wayne Allyn Root**

Someone is getting very nervous. Obama. Valerie Jarrett. Eric Holder. Hillary Clinton. Jon Corzine...to name just a few. And I know why. I wrote a book entitled, "The Murder of the Middle Class" about the unholy conspiracy between big government, big business and big media. They all benefit by the billions from this partnership and it's in all of their interests to protect one another. It's one for all, and all for one.

It's a heck of a filthy relationship that makes everyone filthy rich. Everyone except the American people. We get ripped off. We're the patsies.

But for once, the powerful socialist cabal and the corrupt crony capitalists are scared. I've never seen them this outraged...this vicious...this motivated...this coordinated.

NEVER in all my years in politics, have I seen anything like the way the mad dogs of hell have been unleashed on Donald Trump. When white extremist David Duke ran for Governor of Louisiana even he wasn't treated with this kind of outrage, vitriol and disrespect. When a known fraud, scam artist and tax cheat like Al Sharpton ran for President, I never saw anything remotely close to this.

The over-the-top reaction to Trump by politicians of both parties, the media and the biggest corporations of America has been so swift and insanely angry that it suggests they are all threatened and frightened like never before. Why? Because David Duke was never going to win. Al Sharpton was never going to win. Ron Paul was never going to win. Ross Perot was never going to win as a third party candidate.

None of those candidates had the billion dollars it takes to win the presidency. But Donald Trump can self fund that amount tomorrow...and still have another billion left over to pour into the last two week stretch run before election day. No matter how much they say to the contrary, the media, business and political elite understand that Donald Trump is no joke and could actually win and upset their nice cozy apple cart.

It's no coincidence that everyone has gotten together to destroy Donald. No, this is a coordinated conspiracy led by President Barack Obama himself. Obama himself is making the phone calls and giving the orders -- the ultimate intimidator who plays by the rules of Chicago thug politics.

Why is this so important to Obama? Because most of the

other politicians are part of the "old boys club." They talk big, but in the end they won't change a thing. Why? Because they are all beholden to big money donors. They are all owned by lobbyists, unions, lawyers, gigantic environmental organizations, multi-national corporations like Big Pharma or Big Oil. Or they are owned lock stock and barrel by foreigners -- like George Soros owns Obama, or foreign governments own Hillary with their Clinton Foundation donations.

These run-of-the-mill establishment politicians are all puppets owned by big money. But one man- and only one man- isn't beholden to anyone. One man doesn't need foreigners, or foreign governments, or George Soros, or the United Autoworkers, or the Teachers Union, or the SEIU, or the Bar Association to fund his campaign.

Billionaire tycoon and maverick Donald Trump doesn't need anyone's help. That means he doesn't care what the media says. He doesn't care what the corporate elites think. That makes him very dangerous to the entrenched interests. That makes Trump a huge threat. Trump can ruin everything for the bribed politicians and their spoiled slavemasters.

Don't you ever wonder why the GOP has never tried to impeach Obama? Don't you wonder why Boehner and McConnell talk a big game, but never actually try to stop Obama? Don't you wonder why Congress holds the purse strings, yet they've never tried to defund Obamacare or Obama's clearly illegal Executive Action on amnesty for illegal aliens? Bizarre, right? It defies logic, right?

Well first, I'd guess many key Republicans are being bribed. Secondly, I believe many key Republicans are being blackmailed. Whether they are having affairs...or secretly gay...or stealing taxpayer money...the NSA knows everything.

Ask former House Speaker Dennis Hastert about that. The government even knew he was withdrawing large sums of his own money, from his own bank account. Trust me -- the NSA, SEC, IRS and all the other 3-letter government agencies are watching every Republican political leader. They know everything.

Thirdly, many Republicans are petrified of being called "racists." So they are scared to ever criticize Obama, or call out his crimes, let alone demand his impeachment.

Fourth, why rock the boat? After defeat or retirement, if

you're a "good boy" you've got a \$5 million dollar per year lobbying job waiting. The big money interests have the system gamed. Win or lose...they win.

But Donald Trump doesn't play by any of these rules. Trump breaks up this nice cozy relationship between big government, big media and big business. All the rules are out the window if Donald wins the presidency. The other politicians will protect Obama and his aides. But not Donald. Remember Trump is the guy who publicly questioned Obama's birth certificate. He questioned Obama's college records and how a mediocre student got into an Ivy League university.

Now he's doing something no Republican has the chutzpah to do -- question our relationship with Mexico ... question why the border is wide open...questioning why no wall has been built across the border...questioning if allowing millions of illegal aliens into America is in our best interests...questioning why so many illegal aliens commit violent crimes yet are not deported...questioning why our trade deals with Mexico, Russia and China are so bad.

Donald Trump has the audacity to ask out loud why American workers always get the short end of the stick? Good question. I'm certain Trump will question what happened to the almost billion dollars given in a rigged no-bid contract to college friends of Michele Obama at foreign companies to build the defective Obamacare web sites. By the way that tab is now up to \$5 billion.

Trump will ask if Obamacare's architects can be charged with fraud for selling it by lying. He will ask if Obama himself committed fraud when he said, "If you like your healthcare plan, you can keep it."

Trump will investigate Obama's widespread IRS conspiracy, not to mention Obama's college records. Trump will prosecute Hillary Clinton and Obama for fraud committed to cover-up Benghazi before the election. How about the fraud committed by employees of the Labor Department when they made up dramatic job numbers in the last jobs report before the 2012 election.

Obama, the multi-national corporations and the media need to stop this. They recognize this could get out of control. If left unchecked telling the raw truth and asking questions everyone else is afraid to ask, Donald could wake a sleeping giant. Trump's election would be a

nightmare. Obama has committed many crimes.

No one else but Donald would dare to prosecute. Donald Trump will not hesitate. Once Donald gets in and gets a look at "the cooked books" and Obama's records, the game is over. The gig is up. The goose is cooked. Eric Holder could wind up in prison. Valerie Jarrett could wind up in prison. Obama bundler Jon Corzine could wind up in prison for losing \$1.5 billion of customer money.

Hillary Clinton could wind up in jail for deleting 32,000 emails ...or accepting bribes from foreign governments while Secretary of State ...or for "misplacing" \$6 billion as head of State Department ...or for lying about Benghazi.

The entire upper level management of the IRS could wind up in prison. Obamacare will be defunded and dismantled. The Obama Crime Family will be prosecuted for crimes against the American people. And Obama himself could wind up ruined, his legacy in tatters.

Trump will investigate. Trump will prosecute. Trump will go after everyone involved...just for fun. That will all happen on Trump's first day in the White House. Who knows what Donald will do on day #2?

That's why the dogs of hell have been unleashed on Donald Trump. That's why we must all support Donald. This may be our only shot at saving America, uncovering the crimes committed against our nation and prosecuting all of those involved.

**From:** Silvio Dell'Angela  
**To:** "Damon Martinez"; "Elizabeth Martinez"; [vanita.gupta@usdoj.gov](mailto:vanita.gupta@usdoj.gov); [Luis.E.Saucedo@usdoj.gov](mailto:Luis.E.Saucedo@usdoj.gov); [Cory.Sanders@usdoj.gov](mailto:Cory.Sanders@usdoj.gov)  
**Subject:** Attached article on your DOJ-Not only a double standard of justice for corrupt privileged corporate leaders but for our NOT "heroes" police officers.  
**Date:** Sunday, September 13, 2015 2:27:01 PM  
**Attachments:** [Eric Holder - DOJ Failures0001.pdf](#)

---

## **TO The DOJ-our NM police killing enablers**

**(Pass to Ms. Loretta Lynch your new boss allegedly the "Steel wrapped in velvet" new US AG with an invite to come here.**

### **DOJ'S FAILURES**

**FYI is a copy of yesterday's Fiscal Times report about the failures of Eric Holder that flows down to you. While its focus is on the double standard of justice given to the privileged corporation leaders, the same could be said for your failure to also hold the deemed privileged criminal cops and their leaders accountable for their actions-particularly here.**

**The reality is US AG Eric Holder's replacement-your new boss, Loretta Lynch has apparently not deemed it important enough to come here and acknowledge-much less clean up the corruption within our disgraceful and dangerous police force and our city's biggest corrupt corporation-the Berry administration. I guess not enough black citizens like fellow Vietnam vet Vincent Wood were killed here to justify her visit.**

**You all betrayed the citizens of this city with that disgraceful powerless reform agreement you signed with Berry and his hired mercenaries because you were fearful that Berry was going to sue you if you served the people for a change. This threatened lawsuit was something revealed to me and Alan Wagman during a private late 2014 meeting that US Attorney for NM Martinez chose to miss. Damon had no guts to face those of us not intimidated by him.**

**All we have gotten from your people here is lip service-nothing more, and a phony PR outreach-collaboration meetings run by UNM. Yet the APD killings still go on with still no incriminating APD recordings or seized citizen cell phone and business surveillance recordings ever released. No recording-thus no jail time yet for the APD killers. Taxpayer are paying our large sums of money to settle lawsuits against APD.**

**PMR Inc. made up of mostly former police officers according to you and the embarrassing Federal Judge Brack must reports only you once a year for the \$4.5+ million of our tax dollars being wasted on these toothless monitors-"auditors."**

**At the last City Council meetings fellow APD reform activist Tony Pirard threatened twice at his home by US Marshals put on the overhead projector a long list of victims of Schultz's (who a Berry Journal editorial called the "best man for the job") and now Eden's urban warfare killer cops.**

Any honest US Attorney General would have immediately fired US Attorney General for NM Damon Martinez and the two US Marshals for that inexcusable threatening act-but not Ms. Lynch.

#### OUR FAILED CITY LEADERSHIP

Not surprisingly, like my upside down flag-an approved US Code signal of distress, Tony's list of APD victims was never shown on GOV-TV in yet another example of arrogant Council censorship. None of their APD killers have been convicted and sent to jail. This is because APD cops and their command staff-like the privileged-excluded from accountability corporate executives in the article, are also above the law. They are our City's white collar criminals.

#### BRAINWASHING

Now after a brave/honest judge charged the two cop murderers of homeless camper James Boyd, all we see are embarrassing brainwashing appeals from Berry's well rewarded Journal editorial board and its reporters, from senior retired police officers, from the corrupt "them vs. us"-don't be a squealer rat, APD union VP Willoughby and seemingly also the "entitled" wives of police officers.

These wives claim because each cop has a family they should have at least one free kill rather than get jail time. Sorry ladies-but try being the wife of a combat military veteran. Every veteran and their families would be outraged with their sob story. It's doesn't play. What about the recent killings of the four Marines in Chattanooga? Are these killings of our true heroes not to be deemed hate crimes?

We are now hearing for calls for making police killings (something rare in NM) a hate crime. It's not surprising that my NM Representative Bill Rehm (a former cop) is supporting it even for his corrupt police brotherhood.

Even the Eye on Albuquerque blog site run by a former officer has claimed we have a cop killing problem here. See an extract from their September 3 posting

*"THE THIN BLUE LINE-The Thin Blue Line ( Police ) is all that stands between us and total chaos and criminal running wild in our streets. We look at places like Baltimore, Ferguson, Detroit and yes, Albuquerque, New Mexico. Local news reports almost daily on murders, gangs running wild in the streets stealing anything they can get their hands on. There is no one to stop the criminals; the THIN BLUE LINE IS BROKEN ACROSS THE UNITED STATES. There are police officers being murdered just because they wear a badge.".....more.. NOT here- Eye!*

Instead of demanding real APD reform and accountability, the seemingly only concern of our cowardly "empty suits" on the City Council is to just decide how much more of our tax dollars they can throw at APD to hire more officers as if that will solve our problem-address the crisis. APD's command staff is already too top heavy and overpaid but still want retention money. Honest cops believe all of their corrupt APD command leaders should be sent packing as the first

step in any reform-beginning with Eden and Huntsman.

In addition to the three unjustified new APD Majors (two with checkered pasts) that we could have done without, Eden should not have brought out of retirement Schultz's Commander/his killer trainer "boy" and now Eden's shadow Chief Bob Huntsman a neighbor of mine who likely encouraged his two trained SWAT officers to murder our neighbor Chris Hinz on June 10, 2010.

Huntsman was the same arrogant cop who twice last year threatened to arrest me if I dared to step on his property merely to deliver our Neighborhood Association newsletter. *"I know who you are Dell'Angela. Don't you even dare to step on my property."* I would have like to have Huntsman under my command while in the Air Force for 22 years-one in Vietnam. He wouldn't have lasted one day.

The disgraceful selection by the POB (after being told which of the three candidates was acceptable to Berry and Eden) and later the Council's appointment of the POB's first choice-former the completely unqualified Milwaukee cop Ed Harness to lead and join the three other former cops on the new Police Oversight Agency were just more of the same insults to us.

Why should we be surprised after Berry gave jobs to two of Governor Martinez's discards-the unqualified Chief Eden and now Berry's and Perry's new private attorney Jessica Hernandez.

#### HIDING THE TRUTH

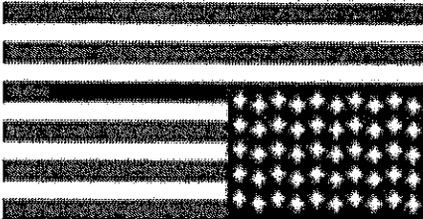
As city leaders directed that the Schultz's illegal "arrangement" with TASER be swept under the rug, APD will make sure that our thug CAO Perry's and at least one Councilor's alleged substance abuse problems will never be exposed.

Nor will the public ever find out just who in the Mayor's office was the intended recipient of the "souvenir" panties left there in an empty suitcase by the never charged "bomb threat" Cory Crosby Lockwood.

Not surprising that It was APD's trigger happy cop Leah Kelly-Arcata who was sent out to hunt Cory down and likely threaten her to shut up. Using the NM IPRA I asked for the recordings of Leah's and her partner's contact with Cory but was stonewalled. Cory's panties that should have been put on the flagpole in Old Town instead of the historical stars and bars flag of the North Virginia Confederate army or the City flag.

You have embarrassed yourselves here in New Mexico. Time for some serious soul searching and a long look at yourselves in the mirror.

Silvio  
For WE THE PEOPLE  
296 3241



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

Sat, Sep 12, 2015, 2:06AM EDT - US Markets are closed

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# The Justice Department's New Policy Is a Brutal Admission of Eric Holder's Failures

**THE FISCAL TIMES** By David Dayen 20 hours ago [f](#) [t](#) [e](#)

This week, the Justice Department felt the need to write a memo to staff instructing them to indict individuals when they commit crimes, seemingly something implied by their job titles. It doesn't say as much about the current Justice Department regime under Loretta Lynch as it does about the former one under Eric Holder.

No major Wall Street executive went to jail for the illegal actions that precipitated the financial crisis, despite a mountain of documentary evidence of fraud. Corporations and their employees got away with what amounted to slaps on the wrist. And Holder, after presiding over this, joined the head of his Justice Department criminal division and several top deputies at Covington & Burling, a white-collar defense firm that represents most major banks.

### Related Stories

1. Justice Dept. seeks to ease path for corporate prosecutions [Associated Press](#)
2. Corporate Crime by Individuals Targeted by U.S. Prosecutors [Bloomberg](#)
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4. Keep Waiting for Wall Street Crime Crackdown [Bloomberg](#)
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### Related: Eric Holder's Shameful Legacy on Wall Street Fraud

You can draw a direct line from this failure back to the "Holder memo," written when he served as a deputy in the Clinton Justice Department. That memo created the "collateral consequences" policy, arguing that prosecutors who seek criminal cases against large companies should take into account innocent victims who may get hurt. It laid out a host of alternative remedies, such as fines and deferred prosecution agreements.

This eventually gave prosecutors a way to shrink from complex cases, to talk themselves into not wasting the effort. The working theory inside the Holder Justice Department was to only go after cases where victory was absolutely assured, and where collateral damage was minimized. And this philosophy drifted to preventing prosecutions of individuals, as well, even though there's no shred

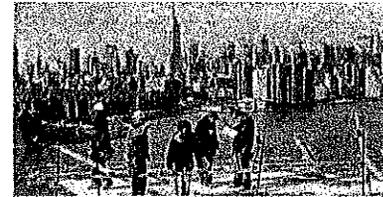
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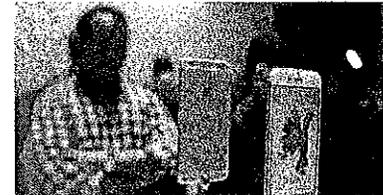
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of evidence that sending an executive to jail would sink a company (or that juries won't be able to understand complex cases against individuals, for that matter).

This Holder doctrine has soured opinions of the Justice Department, giving the impression that it serves only to protect the rich and powerful from the consequences of their actions. It's a perception that DoJ wants to correct, which is why it made the "Yates memo," named after Deputy Attorney General Sally Yates, public.

**CALLOUT: After the foxes have left the henhouse, DoJ decides it's time to find some foxes.**

The idea that prosecutors have to be told to prosecute again is an utter indictment of the Holder era. What was holding them back before? It's also worth noting that this change in direction, only applicable to future cases, comes after nearly all of the statutes of limitations for crisis-era misconduct have passed. After the foxes have left the henhouse, DoJ decides it's time to find some foxes. If this realization causes you to break something, then we have that in common.

**Related: DOJ Is Still More Bark Than Bite When It Comes to Corporate Crime**

Despite this, I will try to look forward. Though prosecutorial will ultimately matters more than any guidelines, directives like this have historically been an important signal. Will the Yates memo create a tone at the top to effectuate change?

The memo proceeds from this premise: "One of the most effective ways to combat corporate misconduct is by seeking accountability from the individuals who perpetrated the wrongdoing."

Yates recognizes challenges to this: complex lines of responsibility, difficulty identifying intent, levels of decision-making insulating top executives. Therefore, she outlines steps that should be taken in corporate cases to maximize the possibility of holding individuals accountable.

The biggest change concerns cooperation credit. In the majority of legal cases, a corporation identifies misconduct, pledges to cooperate with the investigation and hires lawyers (frequently ex-Justice Department lawyers) to conduct an internal probe to ferret out the problem and take steps to correct it. DoJ usually rewards this cooperation with reduced penalties.

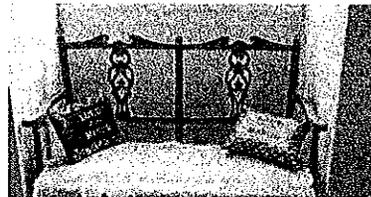
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Now, Yates decrees that no corporation will get credit for cooperating unless it essentially offers up all individuals responsible for the misconduct. And Yates doesn't want that person to be a scapegoat, telling The New York Times, "We're not going to be accepting a company's cooperation when they just offer up the vice president in charge of going to jail."



The 30 Hottest Female Celebrity Bodies

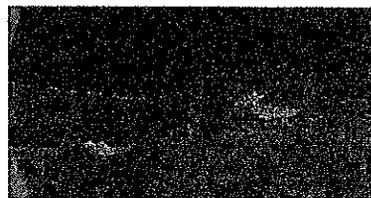
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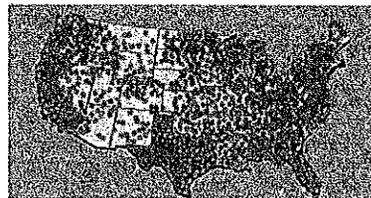
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Regardless of that tough talk, I could envision how this demand for corporations to turn in individual wrongdoers gets abused. You could see executives who lose power plays inside their organizations bear responsibility, regardless of whether they deserve it.

Most important, this leaves in place the dynamic of corporate internal investigations doing the work of law enforcement. Internal investigations paid by the corporate offender simply aren't going to look as hard at the depth of the misconduct. It requires old-fashioned police work, including flipping lower-level employees to go after those truly responsible. The Yates memo still relies too much on the old way of doing business.

**Related: Meet Loretta Lynch, 'Steel Wrapped in Velvet'**

Effective police work takes resources, which is where the real impact of this guidance will lie. It's nice to say that corporate investigations should prioritize prosecuting or imposing civil penalties on individuals first and corporations second, or that criminal and civil attorneys in corporate prosecutions should communicate, or that prosecutors shouldn't release guilty parties from liability, all of which is in the Yates memo. The provision to not resolve any corporate cases without a plan to deal with individual cases before the statute of limitations expires, for example, can be an important step. But if the prosecutors can't do more than accept what the guilty corporations tell them, the memo is as useless as the Holder memo was before.

The Justice Department would not have attempted to make this change without full recognition of the loss of public trust its actions over the past several years have engendered. Relentless criticism of the lack of white-collar prosecutions had an impact, and those who participated in that conversation should be proud.

But at this point, guidelines won't do the trick, only actions will — a genuine effort to make the concept of justice more than a punch line. This is the beginning of a real overhaul in mindset at the Department of Justice. Hopefully, the resources and training needed to undertake wide-ranging investigations will accompany the guidelines. Hopefully, U.S. Attorneys and FBI agents will be allowed to do their jobs. Hopefully, settlements with corporations no longer represent a dead end of accountability. Hopefully, the Justice Department will live up to its name.

**Top Reads from The Fiscal Times:**

- For Most Americans, Wages Aren't Just Stagnating — They're Falling
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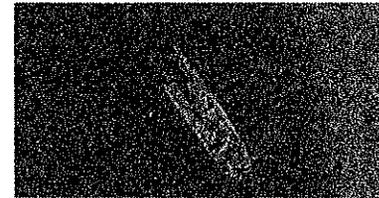
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**From:** Hammer, Robin  
**To:** Davila, Natalee Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Bullock, Nicholas; Mark T. Baker; Cash, Paul; Contreras, Michelle; Davidson, Christopher; Hammer, Robin; McDermott, Diane L.; O'Neil, Erin; Skotchdopole, 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:** August 3, 2015 Policy Subcommittee  
**Date:** Thursday, July 30, 2015 9:59:40 AM  
**Attachments:** Aug 3, 2015 Policy Subcommittee Agenda-Final.pdf

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POB Members:

Attached is the Agenda for Monday's Policy and Procedure Subcommittee Meeting. It will be held in the 7<sup>th</sup> Floor Conference room of Plaza del Sol.

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  
POLICE OVERSIGHT BOARD  
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE**

*Susanne Brown –Chair*

*Dr. Moira Amado-McCoy*

*Beth Mohr*

*J. Scott Wilson*

Robin S. Hammer, Acting Executive Director

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

**Monday, August 3, 2015 – 8 :30am  
Plaza del Sol, 600 2nd Street NW –  
7th Floor Conference Room**

**AGENDA**

- I. **Welcome and Call to Order: *Chair Susanne Brown***
- II. **Approval of the Agenda**
- III. **Public Comments**
- IV. **Rules of our committee**
- V. **Report on the process of APD policy committee - *Chair Susanne Brown***
- VI. **Any additional training the Subcommittee wishes re: Policy and Procedures -**
- VII. **Review of Albuquerque Police Department Retaliation Policies**
- VIII. **Specific policies mentioned in the Settlement Agreement for POB input - *Chair Susanne Brown***
- IX. **Discussion of policy weaknesses which Members have noticed**
- X. **Other Business**
- XI. **Next Meeting date to be determined at meeting**
- XII. **Adjournment**

**From:** [Beth Mohr](#)  
**To:** [Joanne Fine](#)  
**Subject:** Automatic reply: POB Personnel Subcommittee meeting  
**Date:** Monday, July 06, 2015 12:01:12 AM

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McHard Accounting Consulting is closed in observation of Independence Day. We will return to the office on July 6th and I will return your email then. Thanks much, -B

**From:** [Oney, Kathleen](#)  
**To:** [Joanne Fine](#)  
**Subject:** Automatic reply: Undeliverable: NACOLE Conference  
**Date:** Friday, June 19, 2015 11:06:08 AM

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Hello,

I will be out of the office on 06/19. I will be back on Monday morning at 8:00am. Any public records requests will be processed on Monday. If you need immediate assistance please contact the City Clerk front desk at 505-924-3650.

Have a great day!

M005391

**From:** Yntema IV, Hessel E.  
**To:** Joanne Fine  
**Subject:** Automatic reply: Undeliverable: Re: Personnel Subcommittee meeting will be Tuesday July 7th at 3:00 pm  
**Date:** Monday, June 29, 2015 8:38:18 AM

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Hess Yntema is no longer with the City Attorney's Office. Please contact Eric Locher, Managing Assistant City Attorney at [elocher@cabq.gov](mailto:elocher@cabq.gov) (505) 768-4511, or Yvette Gurule, Paralegal Assistant, [ygurule@cabq.gov](mailto:ygurule@cabq.gov) or (505) 768-4699, if you have any matters which require further attention. Thank you.

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** BLATANT CORRUPTION HERE with the \$100+ million ABQ Rapid Transit System-ART-the latest tax wasting scam on taxpayers-time to appeal directly to the FTA  
**Date:** Sunday, September 27, 2015 4:18:39 PM  
**Attachments:** [9-24-15KOB-ART.doc](#)  
[7-15 IPRA-ART.doc](#)  
[PERRY-CAPONE.pdf](#)

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ALL

CORRUPTION AND MORE WITH AN APATHETIC/MIA CITY COUNCIL WHO WON'T DO THEIR JOBS-REPRESENT US

**A recent national report said this state was fifth most corrupt in the nation.** I expected it to be rated first. As former NM governor Toney Anaya allegedly told a prospective business owner thinking about relocating here, "You have to pay to play in NM." Likely our City is also the most corrupt with APD among the most corrupt police departments in the US because of its Command staff.

A recent Eye on Albuquerque posting called the command staff a bunch of gangsters led by Eden and Eden's mentor/Mafia like boss-Berry's CAO Rob Perry. See one depiction of Perry attached.

APD

We are getting ripped off again with \$650,000 or more going to two Cincinnati mercenaries to negotiate with the DOJ and they are still here doing exactly what? We have over \$4.5 million over four years being wasted on a bunch of primarily former cops led by MIA James Ginger from South Carolina to merely monitor/"audit" APD reform.

What we needed here was another APD Chief like Bob Stover who recently passed away. The latest 9/26 Eye on Albuquerque posting paid Bob a tribute-extract is below.

\_\_\_\_\_

**The Honorable Chief, Bob V. Stover**

*It is truly with a heavy heart and sincere sorrow we must all say our goodbye's to Chief Bob V. Stover, who recently passed. Our senior Eyes tell us Chief Stover was the **BEST** Chief of Police the Albuquerque Police Department has had in the past 35 years. We are told Chief Stover was a no nonsense type leader. **Stover was not a politician's political appointee and pawn like many others such as Joe Polisar who's wife was related to Marty Chavez; or Gil Gallegos who was only appointed because of his political ties to the FOP; or Ray Schultz who was brought in by Chavez to rescue APD but instead ruined the Department; and recently the newest political appointee, the inept and incompetent Gordon Eden who was appointed by the same type of incompetence, RJ Berry.**"*

\_\_\_\_\_

BIO-PARK

M005393

Instead of living within their means, now we are going to be asked to fund/approve a new \$3.5 million bond measure and also a sales tax increase for our Bio-Park after its admission prices were raised years ago because this administration continued to waste our tax dollars on fluff projects.

One of the biggest tax wasters has been our former Mayor Marty Chavez whose 9/26 Journal letter "Let's dream big again for ABQ" endorsed this double rip-off of taxpayers for the Bio-Park. All should say NO to both the bond and tax increase

RESSURECTING MAYOR MARTY'S UNJUSTIFIED 'MODERN STREETCAR' (NOW ON TIRES) DOWN HIS PRECIOUS CENTRAL

While our Mayor took a stand against Mayor's Marty's \$400-500 million "Modern Streetcar" to nowhere down Central, he has now found his own public transit legacy to waste-his blatantly unjustified ABQ Rapid Transit (ART) along the same route that is being justified on the same lies told us for the streetcar.

The lies tell us that we are comparable to/have the density of big cities like Cleveland. The apathetic Council was even given a propaganda pitch from a mercenary from Chicago hired by Rizzieri whose lies the councilors never challenged. They think it's a done deal!

We had heard the truth from business owners along Central like Doug Peterson (see his objection to ART in his June 25 letter to the Journal) and real public transit vs. automobile experts like Randal O'Toole whose first books included *"The Vanishing Automobile and Other Urban Myths: How Smart Growth Will Harm American Cities"*

While the Berry Journal's editorial board not surprisingly fell in line and promoted this tax wasting unjustified ART as they had done years ago with Mayor Marty's modern streetcar to nowhere, there has also been serious questioning of the need for ART in the ABQ Free Press, by Joe Monahan and others who aren't beholden to Berry and the corrupt political machine here.

ART JUST BASED ON LIES-SMOKE AND MIRRORS

The fact is that there has never been any objective cost/benefit or other analysis justifying its need as ABQ Ride's Bruce Rizzieri confirmed when I asked for it. It is all based on mere smoke and mirrors.

See my attached July IPRA request questioning whether the "construction management at risk approach" advertised by Kiewit who has relocated to this city will be used to justify essentially use only subjective evaluation criteria to give the contract award to them?

Berry's embarrassed COO Mike Riordan then goes in a damage control mode and his response claims such is not the case. Mike who also supported Marty's streetcar while head of DMD claims responses to the RFP for the ART will be due by this Wednesday-9/30. Is the RFP posted showing the ART's contractor selection criteria? Does the Council even care?

Why is work starting this year to waste our tax dollars tearing up Central for ART before we get a FTA decision on the \$80 million grant request? There are few supporters of ART except the tax wasting characters in the Berry administration and on the Council.

Last Thursday's KOB's report attached said business owners along Central have given up on our City leaders (including Councilors like Rey Garduno) using any common sense and fiscal responsibility with our tax dollars. They are now going right to the Federal Transportation Administration and telling them to reject the \$80,000 grant our irresponsible City leaders are asking to build ART. I plan to do the same as should all taxpayers.

RIZZIERI NOW TAKING HIS LYING DOG AND PONY SHOW ON THE ROAD TO TRY TO CONVINC  
NEIGHBORHOOD LEADERS WHO HE BELIEVES ARE ALL STUPID

I am aware that the Academy Ridge Neighborhood Association (ARENA) along possibly with our Eisenhower Area Neighborhood Association (EANA) has agreed to hear his propaganda pitch. I expect that that Bruce and his fellow liars that may include more paid mercenaries will get an earful. Likely other NAs or Coalitions will be subjected to the same lies.

Maybe Councilor Garduno will be Rizzieri's opening act. We'll see.

Silvio  
For WE THE PEOPLE

## Some Nob Hill business owners say new Rapid Transit Project will hurt business

Updated: 09/24/2015 10:27 PM | Created: 09/24/2015 9:39 PM By: Caleb James, KOB Eyewitness News 4

Now that a massive public transportation project along Central Ave. in Albuquerque is closer to reality, some small businesses are crying foul. Owners say they're fearful Albuquerque's Rapid Transit Project will kill their livelihoods. Some business owners say it will funnel traffic away and turn Central into a "business cemetery," and they're using postcards with some brash wording to get that message to the federal government.

A graveyard of dreams -- that's what Steve Schroeder sees in Albuquerque's Rapid Transit Project. "If people start to try to come into the businesses on Central, and they can't get in here because of congestion, they go somewhere else," said Schroeder. Schroeder owns Nob Hill Music right on Route 66 -- a motorway easy to exit, for now. "It was like, nobody would do this. This is idiocy," he said. Schroeder has launched SaveRt66.org, listing dozens of business owners opposed to the plan.

Schroeder thinks Route 66 businesses have an expiration date thanks to the project. From Tramway to Coors, Central will be revamped to include a two-way bus lane right down the middle, with modern stations and a solid median. Schroeder says it will mean fewer left turns and fewer options to stop.

"Gonna start putting stamps on them to mail to the Federal Transportation Administration," said Schroeder, holding a stack of postcards, all with different return-addresses from customers of businesses up and down the corridor. Schroeder is mailing them straight to the feds on behalf of folks who oppose the project. The cards ask the FTA to block grant money for the project. He's collected about 500. Those postcards don't mince words.

They read: "The city is making a commitment to keep access open to these businesses as much as possible,"(????) said ABQ Ride director Bruce Rizzeri. Rizzeri says accommodations ???? will be made every few blocks for business access.

"It's unfortunate," said city council president Rey Garduno. Nob Hill is his district, and Garduno said he isn't impressed by the postcard campaign. He said the time for discussion over the project was largely ignored years ago. "There have been a myriad of opportunities for people to talk about these things," he said. (THAT'S A BLATANT LIE AS REY KNOWS FROM ONE WHO DOESN'T GIVE ONE DAMN ABOUT THIS WASTE OF OUR TAX DOLLARS. HIS PREDECESSOR MARTIN HEINRICH WHO ALSO SUPPORTED MARTY'S MODERN STREETCAR-ALSO SAID DAMN THE TAXPAYERS. "But to do this has a tendency to make people think, 'now I'm on one side and they're on the other,' and that's not what we want." (ANOTHER INSULT TO EVERYBODY'S INTELLIGENCE)

**From:** Riordan, Michael J. [mailto:MRiordan@cabq.gov]  
**Sent:** Friday, July 24, 2015 2:04 PM  
**To:** 'Silvio Dell'Angela'; Rizzieri, Bruce  
**Cc:** City Clerk Staff; Yoshimura, Debra; Pacheco, Peter J.; info@nmfog.org; 'Bill Rehm'; lisa.torraco@nmlegis.gov; Mayor Berry; larry.barker@krqe.com; Ramirez, Chris; Hoffman, Lou D.; Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; Bill.Anderson@krqe.com  
**Subject:** RE: NM Inspection of Public Records Act (IPRA) request-ART/BRT

Mr. Dell'Angela,

The City of Albuquerque is currently advertising for requests for proposals. We have yet to receive any bids, nor award a contract. Kiewit seems to have taken it upon themselves to advertise their intent to bid on the project and therefore are requesting public input. (REALLY MIKE?) That action is not sponsored nor supported by the City of Albuquerque. **All potential bidders have until September to submit a response to the request for proposals.** At that time the selection committee will be review all bids for qualifications and cost. When a selection is made we can provide you the information requested below if you would like to resubmit the request then.

Sincerely,

Michael J. Riordan, P.E.  
Chief Operations Officer  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103  
Phone: (505) 768-3000

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Friday, July 24, 2015 12:12 PM  
**To:** Rizzieri, Bruce; Riordan, Michael J.  
**Cc:** City Clerk Staff; Yoshimura, Debra; Pacheco, Peter J.; info@nmfog.org; 'Bill Rehm'; lisa.torraco@nmlegis.gov; Mayor Berry; larry.barker@krqe.com; Ramirez, Chris; Hoffman, Lou D.; Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; Bill.Anderson@krqe.com  
**Subject:** NM Inspection of Public Records Act (IPRA) request-ART/BRT

Mr. Rizzieri, Mr. Riordan

Info those shown and not shown.

See my e-mails below without the attached- the recent small Kiewit Journal ad and a description of the seemingly no-bid "Construction Management at risk approach" to contracting.

The e-mails expresses my concerns as a taxpayer with this seemingly unjustified bus system that will eventually cost over \$120 million of our local, State and federal (if given) tax dollars while other real needs are being seemingly ignored.

IAW the NM IPRA, allow me to review

M005397

1. the City's contract defining the scope of work and funding-including the source of funds given to the Kiewit Construction Company for all work associated with the ABQ Rapid Transit (ART) system --earlier referred to as the Bus Rapid Transit (BRT) system along Central.
2. Also indicate whether other contractors were allowed to bid and if so whether cost--not merely "cost control" was a selection criterion.
3. If it was a competitive procurement process request I have the opportunity to review the RFP, the members on the evaluation team and their ratings.
4. Also provide for my review documentation showing the scope and cost and schedule of work to be performed along Central for the ART this year.
5. Provide the name of the contractor and cost of the design of the BRT/ART system if it is not Kiewit.
6. Provide for my review any documentation indicating if Cumbre Construction is a sub-contractor to Kiewit

Your response is due NLT August 9, 2015.

Thank you

Silvio Dell'Angela  
296 3241

Added

Some final comments from my other e-mails that demands that the more important needs are addressed if we are to escape the third world image that seemingly the rest of the country has of us. The ART is seemingly an unjustified want and not a need just like the earlier proposed "modern streetcar," down Central, the Rail Runner and other alleged economic engines.

*"I just returned from attending the July 10 retirement ceremony of my USMC Colonel nephew at Quantico USMC base VA and later attended to family estate matters in New Jersey. The many I spoke to said what they know best about Albuquerque is (1) the hot air balloon festival, (2) the high crime rate and (3) our out of control police. Most looked on us as just a corrupt, backward city and state. While our Mayor has his propaganda machine (primarily the Journal) working hard to convince all here that everything is just fine, many in the rest of the US apparently thinks otherwise."*

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The Eye on Albuquerque's July 5 posting-extract below hit the nail on the head-regarding our failed leadership here. **Jul 5, 2015 -EYE ON ALBUQUERQUE "Time to Face the Facts"** *Berry has proven to be the worst Mayor in the history of Albuquerque. **FACT!** APD is being negligently mismanaged. **FACT!** And we the citizens are paying the price for both. **FACT!** What to do about this horrific chaos has to be the primary focus of every citizen. Do we try and fire the mayor thus causing and creating more problems to the chaos he has already created? Do we try and push a completely useless City Council to do their jobs? Do we take to the streets like a bunch of wild buffoons and commit civil disobedience? Do we go out and buy a gun and start carrying it strapped to our sides and take the law into our own hands? **The frustration among***

*the citizens is horrendous. Albuquerque is a magnet for every criminal in the country because we have the worst run city and police department in the USA. "*

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]

**Sent:** Thursday, July 23, 2015 8:16 PM

**To:** 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'

**Cc:** 'dyoshimura@cabq.gov'; 'ppacheco@cabq.gov'; 'brizzieri@cabq.gov'; 'Bill Rehm'; 'Lynne Andersen'; 'Mayorberry@cabq.gov'; 'lhoffman@cabq.gov'; 'mriordan@cabq.gov'

**Subject:** Contract to Kiewit-apparently a done deal for yet another Berry unjustified albatross-ART along Central

**Councilors**

Others shown and not shown)

Reference my earlier e-mail today shown again below. My earlier June 14 e-mail to the Journal's Win Quigley and the June 25 article by developer Doug Peterson were omitted in the interest of brevity. A reader told me it was Kiewit-not Li wit who posted the ad yesterday asking for feedback-copy attached. The survey at the website listed is a joke and this no-bid award is an insult to the sensibilities of every taxpayer and business owner along the proposed Central route. Kiewit is the construction company apparently already awarded a no-bid contract by the city using the CM at risk approach (copy again attached) in order to justify the award to build this \$120 million+ tax wasting albatross along Central. A Kiewit office headed by Sean White has already been set up at 5130 Masthead NE Albuquerque, NM 87109 PHONE-(505) 717-3075 EMAIL [Sean.white@kiewit.com](mailto:Sean.white@kiewit.com). We continued to be insulted by this Mayor, Bruce Rizzieri, Mike Riordan and others.

Silvio

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**Subject:** The Albuquerque Rapid Transit-ART, a \$120+ million albatross along Central being jammed down our throats-do you care?

**Councilors**

(Info to those shown and many not shown-sent this Bcc. Share with others if you wish.)

While Mayor seems only concerned with meeting with misguided/P.C. opponents of the old Stars and Bars Confederate flag remaining downtown rather than doing what's logical-leave it there as a historical symbol, apparently he and ABQ Ride's Rizzieri apparently don't need citizen consensus on their \$120 million+ ART.

M005399

They are now are going full speed ahead with wasting \$13-20 million of our tax dollars this year ripping up Central this year and expecting those at the FTA in Washington DC to give the city/waste another \$100+ million next year to build it. The fiscally responsible thing is to do a cost/benefit analysis and also wait until 2016 to see if the feds are foolish enough to fund this albatross. It will cost \$10 million/mile to build.

Rizzieri in response to my recent NM IPRA request confirmed that there was never any needs/cost benefit analysis ever done justifying ART by ridership, density or other criteria.

Justification for it was based solely on smoke and mirrors-lies told us of being another much needed catalyst for economic growth. Only the alleged success in Cleveland-a more dense city was cited as justification for ART.

The only thing done was a July 25 2011 "InfraConsult LLC" BRT "Feasibility Assessment" not a justification assessment and used Chavez's proposed "modern streetcar" and other not relevant studies that also included some selected four year old 2011 ABQ-Ride boardings. Go to the ABQ-Ride website to see the old study.

These lies of high ridership great economic growth were the same used by Mayor Marty Chavez when trying to justify his own white elephant the \$30-40 million/mile "modern streetcar" down Central that the feds refused to fund.

Now Kiewit another company or person is asking (after the fact) for citizen feedback-as announced in a small recent article in the Journal. Is Kiewit the/an ART contractor? Will R.J.'s and Maria Berry's Cumbre Construction be a subcontractor?

The same lies were told to justify the Rail Runner-another sink hole of our tax dollars. Likely at the direction of Governor Richardson, MR-COG then under Lawrence Rael then would claim in his bogus unsupported studies that there would be high ridership, a faster than automobile ride along I-25, tremendous economic development and increased population growth along the route particularly in Santa Fe. None of this ever occurred.

Not only did a Berry Journal editorial trying to justify it based on false claims but good Journal reporter Winthrop Quigley unfortunately jumped on the bandwagon as well. See my e-mail to him below. In an earlier interview with a small Central Avenue business owner, the owner said that it was a gross waste of our limited tax dollars and would likely put many like him out of business.

I hope developer Doug Peterson and other business owners file a lawsuit against the city to prevent the start of prep work/tearing up Central this year that will likely put many businesses along the route in jeopardy. See Doug's objection to ART in his June 25 Journal article below. Isn't it also time for those in NAIOP to also start representing the taxpayers for a change?

Since the Internal Audit office and IG were apparently directed to bury the Schultz/Berry "greasing" of the \$1.9 million contract with Schultz's employer TASER-TASERGATE, I wonder whether they are also being told to leave other disgraceful waste of our tax dollars alone.

Every trick in the book is repeatedly used by the Berry administration to justify no-bid contracts. Among these was the token \$70K one given to the Streicher-Greenwood team to negotiate with the DOJ on APD reform that intentionally was under the Council's approval threshold. Almost \$600K was not surprisingly added to that contract later deeming Schultz's TASER two buddies now incumbents.

Then Schultz and his procurement office buddies downtown would claim the token buy to TASER to test a nominal number of AXON body camera would be the justification for the subsequent \$1.9 million no-bid award.

For the ART we have a novel new tactic foisted on us by Berry and Rizzieri on us. This is to use a Construction Management (CM) at Risk approach being described/misrepresented as an "innovative approach to public project delivery." See attached.

The claimed advantages to CM at risk are bogus. What it really means is that this CM at risk approach justifies yet another no-bid award to Berry's/Rizzieri's desired ART contractor(s). Again, is Cumbre Construction being promised part of the work?

If you don't care and put a halt to this albatross, or a lawsuit isn't filed by Peterson and others, isn't it also time for an investigative report by Larry Barker and other TV reporters, other media outlets like the ABQ Free Press as the Berry Journal seems to be in Berry's pocket-has become a proponent of this waste-disregard for businesses along Central and us taxpayers?

Silvio  
For WE THE PEOPLE  
296 3241

**From:** [Silvio Dell'Angela](#)  
**To:** [Christina.Albright@aps.edu](mailto:Christina.Albright@aps.edu); "Board ED"  
**Cc:** [Winter, Brad D.](#); [info@susanamartinez.com](mailto:info@susanamartinez.com)  
**Subject:** Brad Winter-the forgotten Governor puppet-one of the best reason for term limits. Board President Don Duran, Joe Monahan's postings and the Guv's puppets-Duran and others  
**Date:** Saturday, August 29, 2015 1:04:36 PM

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## TO: Christina-APS

Please pass to all Board members and the embarrassing Dr. Valentino prior to Monday's APS Board meeting

### References

1. ABQ Free Press August 26 issue with cartoon of puppet-master Guv Martinez on the cover.
2. AFP article ignored by Journal *"Berry Gives APD brass Back-door raises"*
3. AFP article *"ABQ's Summer of the 'Know nothings'"* by retired APD officer Dan Klein with cartoon of *"what, me worry"* Berry
4. Journal article today *"APS Letters raise questions of nepotism"* and others
5. My e-mail yesterday *"Call for Valentino's resignation or fire him Monday without any going-away present"*

My latest e-mail yesterday called for Board President, Don Duran-another puppet of the Governor to excuse him from the School Board vote on the unethical/lying to all Luis Valentino, because of his conflict of interest with another Guv puppet-interim Superintendent Winter's decision to rehire Duran's daughter Gabriella Blakeley. But Duran is so arrogant-contemptuous of the people that he refuses to excuse himself from the vote.

While one naïve letter writer to the Journal and likely others in his Council District 4 believe that Brad Winter should be rehired if Valentino leaves, they apparently not been following Brad's record-first as the deputy Superintendent, then interim Superintendent and while serving as his District 4 Councilman. Like fellow PhDs Valentino, Board member Peercy and other elitists, all of them apparently feel they are far smarter than we common folks/country bumpkins that includes our great APS beleaguered teachers.

A Joe Monahan earlier posting revealed that it was Winter who "greased" the Board's selection of Valentino-assured that Luis would be an integral part of the Governor's corrupt political machine that runs things In NM. It was also Winter, Kizito Wijenje and APS's IPRA stonewaller Rigo Chavez who withheld incriminating information from me as to the real excessive cost of our new Georgia O'Keefe Elementary School construction project and was never criticized by his media friends for the cost overruns to the new west side high schools.

Many rightfully believe that Brad and his puppet-master in Santa Fe were also behind the removal by UNMH of former outspoken APD Board member Kathy Korte and her later defeat for

re-election because she dared challenge Hanna Skandera's dictatorial testing policies. Kathy is now (along with a long list of others) suing APS and we taxpayers will again be shelling out even more money for their malfeasance.

While on the Council, Winter scammed taxpayers repeatedly to make sure his sports fields on the west side were given first priority for our tax dollars. He also never once criticized APD for their bloodbath going on here. Some even speculate it was Brad's wife Nan who claimed the unqualified Rob Perry would be hired away by the MFA if fellow puppet Berry didn't give Rob a huge raise.

I once believed in this Winter as I did the puppet master-Guv in Santa Fe but no longer. Both have embraced the culture of corruption that NM is known for nationwide. But with the Journal editor and its editorial board as other willing puppets of the Guv, we will never read about scandals told us by TV reporter, the ABQ Free Press, the Eye on Albuquerque and other news outlets.

One notable news item the Journal ignored was the TV reported lawsuit by APD's original IPRA stonewaller Reynaldo Chavez's claiming he was directed by Kathryn Levy with the blessing of the Chief and those in the Mayor's office to hide the incriminating information proving the death of Mary Han was a murder and not a suicide. An earlier "Live Leak" internet report likely based information provided by an honest APD cop revealed that APD also withheld incriminating recordings of Boyd and Perez's murder of homeless camper James Boyd-also ignored by the Journal.

Not to be content with joining killer cop Dominique Perez's defense team with his earlier disgraceful article portraying this killer of James Boyd as a hero who should be exonerated-permitted at least one murder of a citizen as all cops are here, Journal reporter Ryan Boetel's article today discusses the lawsuit against APD and the city by a good cop Jacob Grant. But Ryan never mentions that the APD IPRA stonewallers still refuse to release the APD video of his shooting as well as the surveillance video recording made by the McDonald's store.

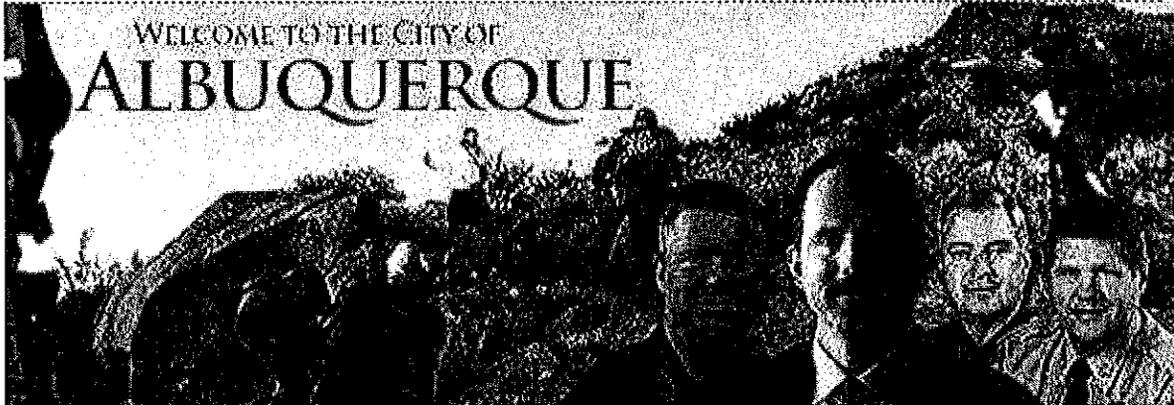
We then read that another Guv Martinez discard/puppet Berry/APD attorney Jessica Hernandez pretends the shooting of the now seriously disabled cop Jacob Grant by Lt. Greg Brachle was justified because she knows that no incriminating recordings will be released by APD. Good job Jessica! Like your Guv's fellow unqualified Guv discard Gorden Eden, you fit in just fine in this corrupt Berry administration.

Finally, back to puppets Brad Winter and Board President Don Duran. We don't need another four years of you-Brad. Don't insult our sensibilities Don by not excusing yourself and voting on Luis Valentino Monday.

An extract of Joe Monahan's latest August 28 posting is below that discusses the unethical lying Valentino who the APS Board is trying so hard to make the easy decision to fire him Monday. Like Joe Monahan and others, I more than disgusted with the Governor and her puppets.

Silvio -For WE THE PEOPLE

M005403



**THE MOST CORRUPT ADMINISTRATION (LIKE APS) AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

Friday, August 28, 2015 by Joe Monahan

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**The Summer of '15: The Reading Was Not On The Lighter Side**

*The APS School Board met for over four and half hours Thursday morning but announced it still has not decided the fate of APS Superintendent Luis Valentino. The board will meet for a third time on the matter at 7 a.m. Monday. And that brings us to our latest column for the ABQ Free Press. . .*

*The reading material for the Summer of '15 was definitely not on the lighter side for New Mexicans. Try as they might to beat the heat and escape into the plot of a mindless novel or seek relief in the magazine pages of pop culture, there was really no way out. The wreckage of this summer will be long-lived and long-remembered. We start with that mine waste spill into the Animas River in the Four Corners. It alarmed local residents who depend on its waters as well as armchair environmentalists nationwide who eyed the eerie, orange tainted river via their TV screens. The EPA, which caused the spill that originated at Silverton, Colorado, will be mired in the mess for years. Investigations and reparations are de rigueur with such disasters but what about accountability?*

*Then there was the summer unraveling of new Albuquerque Public Schools Superintendent Luis Valentino. The deputy superintendent he brought to town may be his own undoing. And it should be.*

*Jason Martinez was not subjected to a criminal background check before he started punching the clock. Then the shocker hit the headlines. Valentino had put in command a man who faces trial in Colorado on charges of sexually assaulting children. No, that's not summer fiction but the brutal reality of failed leadership. Prior to the sex scandal Martinez and Valentino were busted for playing politics over a contract with a Colorado firm that had questionable ethical ties. Valentino suspended APS chief financial officer Don Moya who opposed their hanky-panky. The sex scandal was like instant karma for Moya but yet another nightmare for Albuquerque whose luck picking superintendents over the years is summed up by the saying: "If I didn't have bad luck, I'd have no luck at all."*

*The summer news dump doesn't stop there. Two Albuquerque police officers were bound over for trial on second degree murder charges for the notorious fatal shooting of homeless camper James Boyd. Sure, you could see it coming but the preliminary hearing at which a judge found probable cause to have the officers stand trial was an undeniable low point in the history of the APD and the city. The saving grace may be that hitting that low point is the only way we can start clawing our way back to higher ground. The sorry summer kept delivering even more fodder for the glass is only half-full crowd. Google, one of the most important companies on the planet, announced that it was moving to California the aerospace company it had acquired in Moriarty only a year ago. Gov. Martinez was on hand to celebrate Google's entry into the state but nowhere to be found when the firm packed up and headed down I-40. It was the latest in a very long line of economic disappointments that have haunted the state in what historians will no doubt look back on as an epic bad news era. And that doesn't include the drumbeat of horrific crimes that plagued Albuquerque this summer. This list is depressing enough without bringing that to the table. A chief characteristic of this peculiar era in New Mexico has been the lack of accountability, but now the misdeeds are so egregious that they can no longer be ignored by the body politic (or at least the judiciary) or enabled by a public that has grown apathetic, acquiescent and exhausted by the nonstop negativity. Who is ultimately responsible for that Animas spill and will heads roll?*

*Who will be held accountable for the hiring of the new APS superintendent whose incompetence could have endangered school children? The superintendent himself? The school board that hired him? Who in the upper reaches of APD will ever lose their job over the scandals that have plagued the department all these years under Mayor Berry? So far, no one. Who will be held accountable for the loss of not only Google but the multi-year failure to address the economic problems of this state? The Governor? The Mayor? No one? Will accountability finally surface from the wreckage that was the Summer of '15?*

**From:** [Silvio Dell'Angela](#)  
**To:** [Garduno, Rey](#); [Harris, Don](#); [Pena, Klarissa J.](#); [Gibson, Diane G.](#); [Sanchez, Ken](#); [Benton, Isaac](#); [Winter, Brad D.](#); [Lewis, Dan P.](#)  
**Subject:** Buddies Garduno and Sanchez-disrespectful pandering politicians-best examples of the saying "power corrupts" and the Peter Principle  
**Date:** Sunday, October 18, 2015 3:29:36 PM  
**Attachments:** [10-15JNL-Rey.doc](#)  
[10-11-15JnlLetter.doc](#)  
[10-2015Sanchez.doc](#)

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## Councilors

(All others-Bcc)

Reference my earlier e-mail today, *"ABQ Journal Falsifying The News--Seems like I'm not alone in believing this"*

If you listened to buddies Rey Garduno and Ken Sanchez you wouldn't believe that we have a police problem here caused by its corrupt leadership that has been compared to a dangerous Mafia organization.

These two and others have continued to look the other way to these and other serious problems that this city including the still corrupt /procurement contract award systems has. More examples are on Monday's agenda listing no-cost demanded awarded contracts and in the IG and Internal Auditor's reports.

As media seeking hounds, the two always look for new ways to either waste our tax dollars on ART and other Berry white elephants or pander to special interest groups like the misguided leaders of the Red (skin) Nation. It's curious that the Red (skin) Nation opposed the name of the NFL football team-Washington Redskins as racist. What does their Red Nation stand for if not red skin? Hypocrites

During the past two weeks these two have refused to ask Chief Eden why he is still not complying with our State law-the NM IPRA and demanding that he stop stonewalling citizen and media requests for (likely incriminating) recordings that exposes the lies Eden, his spokespersons and his bad APD officers tell. Eden is still stonewalling my October 1 IPRA request for videos of the latest APD shooting. They don't care.

Having never served in the military where the real heroes are, the two also chose to insult our US Flag that I showed upside down at 2014 and 2015 Council meetings deeming it just a banner to be banned from ever being shown on GOV TV or in the chambers.

To justify his action, Sanchez while Council President intentionally chose to rely on the opinion of Berry's bad attorney Gregg Wheeler who would tell all that the actual US flag I showed upside down as an approved US Flag Code signal of a people in distress was somehow forbidden. The others on the Council remained silent to this outrageous action by Sanchez.

Not surprisingly, when he became President, Sanchez's buddy Garduno would first lie to me

saying that I could now show it upside down at his Council meetings. When I later did so and Sanchez objected, Rey had me remove it from sight and then allowed an obviously ignorant alleged veteran humiliate me publicly claiming showing my flag upside down was a USMJ Court Martial offense. What cowardice.

The attachments and narrative below discusses much more that all should know about these two

#### **SANCHEZ AND THE RETENTION BONUSES**

See the attached 10-2015 Journal article and Eye on Albuquerque articles on Sanchez and citizen comments to both-particularly the one by retired APD officer Dan Klein

#### **GARDUNO AND HIS APPARENT HATE FOR EUROPEANS-PARTICULARLY THOSE WHO ARE WHITE-LIKE MY ANCESTOR COLUMBUS**

Attached is the 10-15 Journal article by Dan McKay with Rey's feeble attempt to justify renaming Columbus Day to Indigenous Peoples Day and my scathing comments to it shown in red.

See also the attached 10-11 a letter to the Journal calling Garduno's action embraced by buddy Sanchez as being "driven by hate" for Columbus and seemingly all Europeans-particularly those who are white. (Maybe some white kids kicked Rey's butt while he was young and he still hasn't forgotten it.)

After reading that neither the Governor nor the Mayor would comment on-much less endorse his outrageous attack on Columbus with his disrespectful secret back door resolution, now Rey says in a failed effort at damage control that "*I'm anxious to have a frank conversation with anyone that wants to work with me on this resolution.* Really Rey? It's too late as you disgraced yourself.

In addition to his misguided resolution called by the 10-11 letter writer as hateful, a later 10/14 letter writer said that "*Garduno should relearn history to include taking a refresher course in anthropology.*" I said the same thing in earlier e-mails.

The clock for the indigenous people here didn't start in 1492 when Columbus landed on our shores and others before him but 15,000 years ago when people migrated from Asia, Siberia and elsewhere as a Smithsonian article I sent to him and others pointed out.

"Native American" is also an assigned P.C. historical revisionist label and NOT how American Indians want to be referred to. Nor would any honest/educated Indian spokespersons claim that their tribes that existed in 1492 were "indigenous" to the land we now call the United States.

If Garduno had any self-respect, he should **MAN UP** in front of the Council Monday and say that he deserves to being censored by his peers.

Second, he should drop this hate against the white and Hispanic people of this city and their ancestors and also forget about following those in Berkeley, Portland and other historical revisionists in the few other cities who also are also misguided and also eliminating Columbus Day.

Like those Garduno embraces in the "Black Lives Matter" movement, he needs to acknowledge that ALL LIVES MATTER and stop laying guilt trips on just those Europeans and their ancestors for slavery and other acts committed in the US throughout our history.

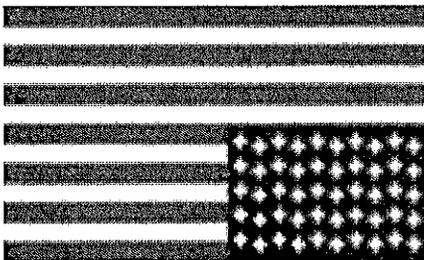
Finally, isn't it interesting that the P.C crowd decided to abolish as holidays the birthdays of our first President and father of our country George Washington and that of Abraham Lincoln, the signer of the Emancipation Proclamation but instead made the birthday of Martin Luther King Jr. a holiday whose accomplishments pale in comparison to these two Presidents.

THE SOONER THAT BOTH GARDUNO AND HIS EQUALLY DISGRACEFUL BUDDY SANCHEZ ARE OUT OF OFFICE THE BETTER OFF WE WILL ALL BE.

Regards

Silvio

For WE THE PEOPLE



P.S.

I still expect a public apology from Garduno and Sanchez for banning/disrespecting my American Flag that I served under for 22 years-over a year in Vietnam.

## **ABQ to consider formal policy recognizing Indigenous Peoples Day**

By Dan McKay / Journal Staff Writer Published: Thursday, October 15th, 4:49pm Updated: 10:42pm

City Council President Rey Garduño plans to introduce a resolution next week that would formally establish a city policy recognizing Indigenous Peoples' Day in Albuquerque. REJECT

That means the proposal will get a full hearing, debate and vote in a City Council meeting, probably next month. The move comes after Garduño faced criticism – and the possibility of a censure by his colleagues – for reading a proclamation last week recognizing the second Monday of October as Indigenous Peoples' Day. Opponents said it wasn't an appropriate topic for a proclamation, which is a ceremonial announcement that isn't voted on. Proclamations don't establish city policy either.

The idea should have been proposed as a resolution, opponents said, so councilors could have time to consider it ahead of time and formally cast a vote in a meeting. Garduño said he stands by the original proclamation, but wanted to address the criticism. "I'm anxious to have a frank conversation with anyone that wants to work with me on this resolution," he said in an interview. TOO LATE NOW REY?

City Councilor Dan Lewis, meanwhile, said he plans to go ahead with his motion asking his colleagues to censure Garduño for the original proclamation and other behavior. "I'm going to move for a censure vote on Monday, and I expect it to pass," Lewis said Thursday. GOOD-IT'S LONG OVERDUE

The debate in Albuquerque comes as more cities around the country are opting to recognize the contributions and culture of indigenous people on the second Monday of October. JUST LOOK AT THE CITIES-BERKELEY, PORTLAND AND THE LIKE

That, of course, is also the holiday recognized by the state and federal governments as Columbus Day. It's a regular workday for city of Albuquerque employees. Much of the local dispute centers on Garduño's decision to handle Indigenous Peoples' Day as a proclamation rather than regular legislation. NO-IT'S MORE THAN THAT. Hundreds of people marched through Downtown Albuquerque as part of a rally to celebrate Indigenous Peoples' Day.

Garduño said the resolution he will introduce at Monday's meeting will avoid some language that opponents had objected to – a section of the proclamation that mentioned the "occupation" of New Mexico lands that were home of indigenous nations. TOO LATE REY-AND CURRENT INDIAN TRIBES ARE NOT INDIGINEOUS TO LAND BUT THOSE THAT EXISTED ONLY WHEN COLUMBUS LANDED

The bill would be scheduled for action at a future meeting, probably in November. REJECT THIS BILL AND CONSIDER AMERICAN INDIAN (NOT INDIGINEOUS PEOPLES) DAY SOMETIME ON DIFFERENT DAY.

5 Comments-NOT KIND TO P.C./DISRESPECTFUL REY

## Attacks on Columbus driven by hate

By Jackie De La Porte / Albuquerque Resident Sunday, October 11th, 2015 at 12:02am

*History is history and Christopher Columbus ushered in the European "Age of Discovery" in 1492. Although there may have been many forays by previous explorers, Asians, Vikings, etc., into what is now known as the Americas; it was following Christopher Columbus' exploration into the "New World" which, yes, was inhabited by what we call indigenous people, that expanded worldwide European civilization. Discovering the discovered is still discovery.*

*There has been a movement afoot for some time (since 1954) to eliminate Columbus Day (first celebrated in 1938) as a national holiday. It has become fashionable for some people, through ignorance of history and the influence of revisionists' historic propaganda to bash Christopher Columbus and his accomplishments. What this reveals, in fact, is a hidden agenda to express hatred of the Italian-American and/or Hispanic people in a socially acceptable manner.*

*The Spanish brought with them horses, cattle, sheep, cats and other animals, and other types of agriculture that had never been seen here before. Plus the wheel, ironwork tools, a rule of equality under the law and a unifying language, among many other things. They brought Western Civilization to the New World. This is significant! Something to celebrate, not try to erase.*

*Outside groups have strived repeatedly and relentlessly to eradicate the honoring of Columbus and his substantial contributions to world history. Vilifying Spain, its people and the Roman Catholic Church does not change the fact that his achievements were amazing. Was he a perfect man, no, but who is?*

*This mariner's audacity, perseverance, constancy, vision, and competence in his profession in confronting uncharted seas is worthy of extreme honor.*

*Columbus Day is a federal and a state holiday. However, here at Albuquerque Public Schools, it was obliquely eliminated in favor of nothing. (Actually, now simply a four day "Fall Holiday" weekend).*

*On Wednesday the Albuquerque City Council voted to substitute Columbus Day for Indigenous People Day. Erasing history? How sad. Perhaps Indigenous Day is a good idea, but let us not be deceived that it must be on October 12 and no other.*

*Why insist on this day when there are so many other days from which to choose? It does not honorably serve one to diminish another. This movement to eliminate a day set aside to honor Christopher Columbus, who sailing west to encounter Asia, first stumbled across the Americas on Oct. 12, 1492 – he made four trips to the New World, changing the history of the world for all time – should not continue. Let us not be a party to revisionist hate.*

## Plan provides pay raise for APD officers

By Dan McKay / Journal Staff Writer Friday, October 16th, 2015 at 11:43pm

A proposal heading to the City Council aims to boost the pay of rank-and-file officers and provide \$5 million to settle a lawsuit filed by the police union. Mayor Richard Berry's administration immediately blasted the idea as an unwise intrusion into settlement negotiations.

The police union, meanwhile, said it appreciated the proposal and would present the offer to members for consideration, if passed by the city. The mixed reaction centers on a resolution sponsored by Ken Sanchez, a Democrat from the West Side. Berry is a Republican.

The proposal has two goals – boost officers' pay and provide enough money to settle a lawsuit alleging the Berry administration improperly withheld pay raises outlined in a union contract five years ago. Sanchez said the legislation would boost salaries to what was promised in the old union contract. "We are working so hard to try to get to this point, where we can avoid a multimillion-dollar lawsuit and where the officers can be restored," Sanchez said.

But the city administration said the proposal interferes with settlement talks. Rob Perry, the top executive under the mayor, called it "unfathomable" that the city would tell the union how much it's willing to pay to settle a pending suit. "The fact is, five million dollars is far more than the city has in reserve for this lawsuit and, if passed, this legislation could cost taxpayers millions more than necessary," Perry said.

The city administration, he said, "has been working hard on solving this police union lawsuit and the issues surrounding it." Furthermore, Perry said, "we don't telegraph how much money we have available for lawsuit settlements."

Sanchez said the administration has had plenty of time to end the litigation on its own. "We have sat waiting patiently for them to get this issue resolved," he said.

The debate comes as Albuquerque struggles to fully staff its police department and carry out reforms mandated by a settlement agreement with the U.S. Department of Justice. The city has about 865 officers employed now – 21 percent fewer than it had five years ago in summer 2010.

The Sanchez proposal would provide enough money to boost the base pay of most patrol officers by 5.9 percent, or to about \$58,240 a year, officials said. Higher-ranking officers would get smaller raises of about 1 percent. In addition to the pay raise, the council legislation would reserve \$5 million to settle the lawsuit filed by the Albuquerque Police Officers Association.

The union alleges Berry improperly withheld pay raises five years ago. The officers were due to get raises in 2010 under a contract agreed to in the prior mayoral administration.

But as the Great Recession squeezed the city budget, Berry moved to cut officer pay instead. Other employees faced similar reductions. It was necessary to help close a \$67 million hole in the budget,

the mayor contends, and the raises were always contingent on budget appropriations. The union filed suit, and each side has won some court decisions in the case, which is pending.

The pay raise would cost the city roughly \$2.5 million a year. The council cannot mandate how much each officer and rank would get. That's subject to union negotiations. Shaun Willoughby, vice president of the police union, said he appreciates the council's willingness to address the "crisis at APD." "I think the pay increase, coupled with the settlement, will assist us in healing some of the wounds that were caused by the Berry administration years ago," he said.

Dan Klein · (retired APD officer) Works at ABQ Free Press

*Perry and Berry hand out our money in civil cases like it's Halloween, then they turn around and screw the beat cops over when it comes to their raises. APD cops have received negative pay raises under Richard Berry, but the 1% at City Hall are getting richer. Perry received a \$30,000 pay raise, Montano a \$15,000 pay raise and Eden (before even accepting the job) received \$25,000 (as compared to Chief Schultz). Berry is a perfect example of screwing the low level worker and rewarding his pals for horrible job performance. Berry, Perry, Eden, etc were working for someone in the private sector they would have been fired by now. Berry's administration is the perfect example of what Greed and Austerity do, they destroy a city and a police department.*

1 - 5 of 5

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## Oct 9, 2015 EYE ON ALBUQUERQUE

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### Change is Needed

As reported in the Albuquerque Journal, Councilman Ken Sanchez proposed for one million dollars to be set aside. This would provide a raise for the Albuquerque Police Department (APD); an increase of 2.7 million dollars. The question is, where is the money going to come from?

We all know if the APD didn't have to pay out tens of millions of dollars in lawsuits, there would be plenty of money. If the City didn't waste money redoing projects that were never done right in the first place, there would be plenty of money. If the City didn't waste money on this joke of a recycle program, there would be plenty of money. Here is one suggestion that may help, exclude the top brass from any pay raise(s).

You see Councilman Sanchez, any study ever done shows money is not the main reason people stay at a job. People want to enjoy their work, feel respected by their supervisors, and feel secure in their position(s). You have none of this with the APD! Top brass give themselves bonuses and take away from the rank and file officer the money was meant for in the first place. What kind of leader does this? These people are not leaders they only take care of themselves.

Our Eyes tell us they have heard top brass bragging that the only reason they are there is to add to their already huge retirement. Our Eyes in the police department tell us they are afraid of their job, it's like walking on egg shells, waiting for the next shoe to drop. They are not afraid of the bad guys, they are afraid of the top brass, the good ol' boys.

Councilman Sanchez, thank you for trying to help. It is a step in the right direction, but until the culture changes at the APD and appointed politicians stop running the department, things will not change, and officers will continue to leave.

#### COMMENTS

Anonymous said...

Ken Sanchez has been on the City Council now for over 12 years, he has done absolutely nothing to stop the corruption at APD, and his proposal for more money for APD rank and file is nothing more than pure political pandering now that he is running for Mayor. This is the same Ken Sanchez who voted to confirm Darren White as Chief Public Safety Officer, who never demanded action against Ray Schultz, who publicly supported Chief Allen Banks as a great chief, who did not challenge Rob Perry when APD top brass were called in to intimidate the City Council. I am hoping Sanchez does run for Mayor this time like he has promised to do twice before so that he will finally lose and we can get him off the Council.

October 9, 2015 at 9:00:00 AM MDT

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Anonymous said...

It's really too bad the "top brass" doesn't read this AND take it to heart. YUP GOOD people have left and they continue to leave, and it will continue to happen.....not to mention the longer they drag their feet for promotions just makes those people that much closer to retirement ALSO want to leave.

October 9, 2015 at 11:43:00 AM MDT

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Anonymous said...

But APD has \$3.3 mil to buy a car lot to put in it all the cars impounded for DUI ?

October 9, 2015 at 12:36:00 PM MDT

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Berry is a fucktard said...

Don't get your hopes up on Sanchez just yet. I've kept an eye on Sanchez over the years and while a nice guy with his heart in the right place, I have heard him talk a lot but never follow anything through. He just doesn't have the tough guy balls to stand up and fight to the bitter end. This is why he'll never be mayor. Even he does get it approved by council, do you honestly think strawBerry shortcake and his butt-licker staff won't pull a fast one to derail it? You all know something will be taken from you to offset the raise. He's done it to you multiple times now.

October 9, 2015 at 10:11:00 PM MDT

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Anonymous said...

This is ok but Doyle and Woolever get railroaded? APD is run by criminals.

**From:** Contreras, Michelle  
**To:** Beth Mohr; Leonard Waites; Joanne Fine; Eric H. Cruz; Susanne Brown; Scott S. Wilson; Jeannette V. Baca; David Ring  
**Cc:** Hammer, Robin  
**Subject:** Business Cards  
**Date:** Wednesday, July 15, 2015 1:38:33 PM

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Good afternoon,

Your business cards have been delivered. It is my intention to hand these out the next time I see you at a meeting. If you would like to stop by our office to pick them up prior to your next subcommittee or full POB meeting, please do so.

Thank you.

Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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:** [POB](#); [Mark T. Baker](#)  
**Subject:** CPOA ED writing assignement  
**Date:** Thursday, July 23, 2015 2:21:36 PM  
**Attachments:** [Brown Writing Assignment, final.pdf](#)

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All: Enclosed is the writing assignment for James R. Brown, please add this to the application you have already received. Also, you may have received the application for Ms. Summers, but she has withdrawn her application, so please destroy any copies that you printed.

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.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicant**

Submitted by:

Name: James Richard Brown

Firm/Employer: unemployed

Address: [REDACTED]; Albuquerque, NM 87106

Phone: [REDACTED]

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?*

The Albuquerque community wants results. First and foremost, the community wants to participate in police oversight. The CPOA and POB are tools for that participation. The CPOA and POB must be responsive to the community's legitimate aspiration to participate in the process.

Valid results contemplated by the community range from merely wanting to be kept reliably informed about the important issues concerning APD to those of activist citizens who want to be more directly involved by attending POB hearings, community meetings, and other public gatherings. These citizens want to be heard and want their opinions to be given serious consideration.

The CPOA must keep the public at large informed and provide the community a real opportunity to give feedback. Part of this endeavour will be to have a good relationship with a broad range of media where CPOA can keep the community as a whole up-to-date. The objective here is to reach as broad a spectrum of the community as possible within budget and time constraints.

Necessarily included here is the need for transparency. Community participation means increased scrutiny. The CPOA and POB must strive to be as open and transparent as the Decree and the relevant laws allow. Anything less will result in community dissatisfaction and ultimate failure.

The community's acceptance and approval of the CPOA's and POB's work, in large part, will be based on how the new oversight ordinance is implemented. The Decree provides the CPOA and POB with new and innovative authority and responsibility that did not exist in Albuquerque before and is rare around the country. Innovation brings opportunity and new responsibilities.

The DOJ faulted the former oversight system for bias and a lack of independence from APD and the City, mostly related to structure but somewhat due to ineffective implementation. Among the most important new features of the current oversight system is the CPOA's and POB's right to hire independent legal counsel, a set budget to be administered independently of the city, the ability to recommend discipline, and the duty to review "APD trends and issues" and recommend policy and procedure changes. Given the scrutiny I expect from the public, the CPOA and POB need to produce conspicuous results with these new features.

It is important to note that the new oversight ordinance requires the CPOA to document that over 50% of the agency's time is spent reviewing APD's policy and procedures for recommendations to be made to the Chief and the City Council. I find no reference to the amount of time allotted to this endeavour by the Decree, however, the ordinance does not appear to be in conflict with the Court's Order.

The results required to demonstrate to the community that civilian oversight is meaningful and effective begin with transparency. The community needs to be confident in CPOA and POB. However, unless the substantive changes detailed in the Decree are implemented in consequential ways, the CPOA and POB will fail in the community's eyes.

2. *Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.*

For purposes of this answer I will refer to this client as "Pat", which is of course a fictitious name. As a young public defender I represented a client with bipolar disorder. Pat was extremely intelligent and suffered a disability, in part controlled by medication. Pat was charged with relatively minor misdemeanor charges stemming from incidents that I believe occurred while suffering from this disability.

During the pendency of this case Pat became convinced that the complaining witness and the authorities were conspiring to deny Pat's constitutional rights. Pat came to my office one afternoon and in a private conversation made statements that I interpreted as imminent credible threats against the personal safety of the witness. The threats involved a firearm.

I consulted the rules of ethics that cover such situations and determined that the rules allowed me, but did not require me, to report my client to the authorities. Few conflicts are as important or as troubling for a lawyer than those involving knowledge that a client is contemplating a criminal or unethical act—especially where violence is involved. In such situations an attorney's duty of confidentiality and loyalty to a client comes in direct conflict with other important duties under the ethical code. After discussing the matter with senior attorneys in my office I decided to call the prosecutor in the case.

Because my client's charges included misdemeanour telephone harassment, I thought it likely that Pat had called the witness earlier that same day. My plan was to make a decision about revealing my specific concerns about the safety of the complaining witness only after I determined if the police were unaware of the threat. Without revealing my client's statement, I asked the prosecutor if she could tell me whether my client had a warrant.

The prosecutor refused to answer my question citing a departmental prohibition against revealing the existence of arrest warrants. This was understandable since the subject of a warrant might be likely to flee if they became aware of a warrant. I asked to speak to her superior.

When I spoke with the supervising prosecutor I repeated my request explaining as I had earlier that I was unable to describe the circumstances. The supervisor complied and told me that there was in fact an arrest warrant for Pat based on threats against the complaining witness involving a firearm.

If I had learned that the authorities were unaware of my concern that my client had made a credible threat against the safety of the complaining witness, I was prepared to tell the prosecutor about my concerns. Since the police and prosecutor were aware of the specific set of facts that caused my concern, and there was in fact an arrest warrant for my client, I believed my information would not add materially to the safety of the witness. I prepared and filed my withdrawal as counsel due to the conflict, started the procedure to immediately get a contract attorney assigned to Pat's case, and wrote Pat a letter explaining that I was no longer the attorney-of-record in the case.

3. *Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.*

The most challenging aspect of management is employee discipline. One overwhelming pressure on humans is to get along. We all want to be liked by our peers and colleagues. However, as a manager of other human beings we must approach our relationships with those we supervise or evaluate in a professional manner. This requires self-discipline by the manager. Striking the right balance between maintaining a collegial, friendly relationship and a formal, professional one is difficult.

Clearly people respond to positive, reinforcing management much better than draconian practices. Employees deserve to be clearly informed of specific, detailed outcomes that they are expected to achieve in their jobs and given praise when they meet the standards. If they fail to meet standards, they should be afforded the opportunity to understand their shortcomings and be given the opportunity to correct their deficits.

In my role as the manager of the morphology laboratory of the Office of the Medical Investigator in the 1970s I was presented with at least two employees who failed to follow prohibitions against sexual harassment. Two male junior technical employees consistently disregarded supervision by senior female technicians and resorted to conduct demeaning to the gender of their superiors. Using the step-wise disciplinary procedures in place at the University of New Mexico at the time I was able to correct the behavior of one of these employees. In the other instance I ultimately fired the technician.

As Fifth Judicial District Defender I was presented with a set of circumstances in one of the district offices that is best described as total chaos. The staff of about ten employees had split themselves into two camps. Some of the attorney staff was aligned with the highest-ranking, non-attorney staff member while one single attorney was aligned with the rest of the non-attorney support staff. A few of the attorneys took no sides in the conflict. The operation of the office was in a shambles. The work of the office fell well below standards for a criminal defense law office and was affecting the quality of legal representation.

I inherited this difficult situation and was appointed District Defender in part to remedy it. I turned to the senior non-attorney administrator in my own district office for her professional perspective. Together we conducted a thorough investigation of the troubled office. Through consultation with the Chief Public Defender and other senior members of the Department's administration including the human resources manager, we developed a plan. We prepared letters detailing disciplinary action for the employees that we identified as being responsible for the conflicts in the office. These letters were consistent with New Mexico's State Personnel rules.

A few of the employees responded to the notice letters positively and made appropriate behavioral changes. One employee resigned on the spot, refusing to sign a neutral acknowledgment of receipt of the letter. While the atmosphere in that office continued to be quite tense for some time afterward, operational standards improved and the standards of legal representation returned to acceptable levels.

4. *Which of your legal cases are you the most proud of and why?*

I find this question to be somewhat out of place for an employment interview. My life long approach to the practice of law has been to serve my clients, the law and the public. It would be difficult if not impossible for me to pick out one or several cases that I take particular pride in. I won cases as a lawyer that I probably should not have and I lost cases that I believe I shouldn't. As always, this was due as much to luck as it was to my skill as a lawyer.

As a public defender and later as a judge I strived to approach each case as if it were the most important case I had. Early on as a lawyer I was taught that while lawyers have many clients and cases, most clients have only one case in their lives. That is a heavy burden but nonetheless important. I resolved at the start to strive to be the most prepared person in the courtroom to give my client the best possible chance to achieve favorable results. I also believed that an important part of my obligation to my clients was as a *counselor at law*, that is to say, someone who advises a client as well as seeks redress for his or her circumstances.

However, I can describe things that gave me satisfaction in my legal career. As a public defender I was pleased to give a voice to many of my clients who believed they had a ghost of a chance of getting a fair shake. Often, the most rewarding moments came when a client would thank me even though we lost the case. Often knowing that I had done my professional best to represent them was enough to restore their faith in the system even when the personal outcome was less than favorable for them.

I was pleased that I maintained a cordial relationship with police officers, detention officers, court officials and others even when the very nature of our professional relationship was often adversarial. I felt good when police officers that I had subjected to grueling cross-examination were nonetheless happy to sit down at lunch with me. Or later, when I became a judge, to ask me to perform their wedding.

Additionally, as a judge, I was pleased to engage criminal defendants, witnesses, victims, and members of the public in court as regular human beings not as case numbers to be processed. I believe that I always strive to treat others as I want to be treated professionally as well as personally.

5. *Describe your investigative philosophy.*

Quite simply I like to approach investigations as scientifically as possible. Initially, I want to learn as many facts as are available in a neutral way—without any presumptions. Later, after gathering as much factual information as is reasonably available, I think it is appropriate to develop hypotheses. Testing a hypothesis or multiple hypotheses allows you to accept or reject explanations of what has occurred based on a factual analysis.

The key is to approach an investigation with an open mind. If you form a hypothesis too early you can easily fall into the trap of only looking at facts that support your hypothesis. The key is to collect facts in an unbiased, neutral way until a hypothesis takes shape. Next, and equally important, is to test the hypothesis against additional facts. Often, testing a hypothesis will require the investigator to seek additional facts. If those additional facts indicate that your hypothesis is false, then you must reject it.

Facts can be placed in at least two different categories. Investigators can directly observe physical evidence, photographs, videos and the like. The investigator can use personal skills and experiences to evaluate this evidence. Another category of evidence is in the form of witness statements and opinions. Evidence of this sort requires an investigator to evaluate the witnesses' credibility, bias, accuracy of observation, and other aspects. Credibility determinations must be based on unbiased assessments of all the available evidence. At times a witness can honestly believe their observation or opinion is accurate but other evidence makes it clear that they are mistaken or untruthful. Not many determinations an investigator makes are as important as resolving credibility issues. When two witnesses' statements cannot be reconciled the investigator's determination of credibility can be decisive in the case.

During an investigation when an investigator rejects a working hypothesis, he or she can modify this hypothesis to retest or, if appropriate, take an entirely new approach and form a new hypothesis. Investigations that begin with premature assumptions often result in the investigator accepting all facts that support the assumption and rejection of all that do not.

However, when all the facts are assembled from an unbiased investigation, and a hypothesis survives a test of sufficient facts, the investigator can reach a rational conclusion. At times there will be no hypothesis that can be sustained by the facts. Some complaints simply cannot be sustained.

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?*

In my tenure as a public defender, I spent over 15 years dealing with workload pressures. First, as a line attorney handling caseloads that were double and, at times, even triple American Bar Association standards. As an attorney in the trenches you learn to handle pressure from the courts and your clients.

The only way to have any sense of success is to carefully prioritize your work. I learned early on that managing such a heavy caseload required managing my clients' expectations. That is not to say that I attempted to minimize their expectations. Rather, I learned to carefully explain what they could expect during the course of my representation.

I found that most clients understood that there were times in the life of a criminal case when an attorney's attention was critical and there were other times when there was little an attorney could do to further the cause. More often than not my clients were satisfied with this understanding as long as I could deliver my services for them at the critical times.

Later as District Defender, a senior administrator in the Public Defender, I attempted to instill this approach in the Department's statewide mentoring program. Pairing inexperienced attorneys with more senior attorneys around the district offices to help the new hires tackle the challenges of the workload was simply the best if not the only way to handle the problem. As a state office, our budget was set and our resources were necessarily fixed.

As an organization under workload pressure like a backlog of cases, the only way forward is to identify the scope of the problem and develop a plan for dealing with it. Clearly communicating the priorities to every employee and providing a clear understanding of individual expectations is key to success.

7. *What is your vision for the CPOA?*

Fair, unbiased, and professional oversight of police make a community safer for all—citizens and officers alike. The CPOA should be recognized broadly in Albuquerque's diverse communities, the City and APD administrations, as well as among the rank-and-file police officers, as a valuable tool for public participation in oversight of APD.

CPOA's investigations need to be thorough and timely; communication about results should be effective tools for all involved in implementing the Decree but also clear to lay people. CPOA should strive to be seen as fair and unbiased by the community as well as the police officers.

According to the Decree, the CPOA is one of several mechanisms created to foster continued participation and long-term sustainability of the reforms and goals embodied in the settlement agreement. CPOA should coordinate its work with the Mental Health Response Advisory Committee, Community Policing Councils, and community policing partnerships among others to increase communication within the community.

In its Memo Order of June 2, 2015, the Court notes that the Decree "repeatedly direct[s] the parties to respond to the community voices as they implement the decree. . . . Neglect of community voices gave rise, in part, to the concerns stated in the Complaint. The Court does not want that to be an on-going problem." Thus CPOA should be part of a collaborative effort to respond to changing circumstances and evolving needs through conspicuous review and recommendation of policy and procedure changes.

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.*

i) Fairness. Throughout my life I have sought to be as fair-minded as I can be. In my work I believe I approach conflicts large and small with an open mind and seek resolutions in a way that is as near to unbiased as possible. My experience shows that when people feel they have been treated fairly they are more likely to accept resolutions to conflicts that they do not agree with. I believe the value of this trait in police oversight is clear and invaluable.

ii) Experience as a district judge. After years representing clients accused of crimes, I felt a sense of relief on the bench that I no longer had clients to represent. While I missed the personal contact a client provided, I was relieved that I no longer had to work to achieve my client's goals. I felt somewhat unburdened since my role on the bench was to assess facts and reach unbiased conclusions of law to resolve cases presented to me.

It was not long before my viewpoint changed. I learned that a decision-maker has a much broader burden. As a judge one central duty is to provide the fairest possible

forum for all involved, the litigants, witnesses, and the public among others. For example, a judge is not allowed to offer assistance to litigants, even unrepresented ones facing an attorney on the other side. I found it extremely hard not to jump in to offer advice to unrepresented litigants based on my legal training and a very human sense of "fairness".

I believe I gained important insight into how insidious bias can be. Explicit bias, that which is obvious to everyone, is easily identified and relatively easy to avoid. Implicit bias, that which is so subtle that it is extremely difficult to detect in oneself or others, takes much more experience and skill to avoid. My six years on the bench was a continual experiment in detecting and avoiding implicit bias. Avoiding bias or even the mere appearance of bias is clearly valuable to police oversight.

iii) Background in science. While police oversight is not a scientific discipline it does lend itself to certain principles of science. First, there are volumes of literature available that touch on just about every topic in police procedure and oversight one could imagine. Some of the articles are in overtly scientific formats and others are narrative and anecdotal.

Many of the articles I have read indicate that the body of literature is very broad but that there is little depth. In other words there is a diversity of topics addressed but many topics remain largely unexplored in any real depth. My background in science (and law) and a general understanding of statistics helps inform me about the quality of the work as reported. A scientist looks for evidenced-based conclusions. My background should help me distinguish useful articles, reports and evaluations from those that have little or no merit.

iv) Experience as a criminal defense attorney. In addition to the experience and skills I gained by investigating criminal charges, I believe the approach I used in my investigations is a viable way for police oversight investigation. Frontline investigation of crimes by police officers is a very different set of circumstances from what I did as a criminal defense lawyer. My work was one step removed from determining who committed a crime and how it was committed. Police oversight investigation is similar in nature to the investigations I conducted as a lawyer.

v) The diversity of my experiences. My personal and professional experiences have been quite diverse. I grew up in Carlsbad, New Mexico, where I graduated from high school in 1969, the first in my family. My father and grandfather were potash miners. My first job was in a potash refinery. I spent a couple of years working before starting university at UNM in 1972. I worked as railroad brakeman, a construction laborer, a lifeguard, a landscaper, bartender, cab driver and welder. I attended Albuquerque's Technical Vocational Institute to learn welding as a trade in order to finance my education. I alternatively worked and attended UNM, eventually graduating in 1978 with a degree in biology. In nearly 30 years living in Albuquerque, I lived every quadrant of the city.

My wife and I joined the Peace Corps and taught I high school sciences and English in a small community school in Kenya. We traveled through Egypt, Israel and Greece on our way home. My wife began medical school soon after we returned and I started my work at OMI, first as a technician and later as a manager. I entered law school and graduated when I was 40 years old. I worked briefly for an environmental law firm in Santa Fe before joining the Public Defender. My work with the PD exposed me to a broad cross-section of indigent New Mexico residents. I represented clients with mental

disabilities, for over two years I handled all the mental health clients in the metro division of the Albuquerque Public Defender. I represented clients from across Albuquerque and later from across the Fifth Judicial District of Eddy, Lea, and Chaves counties. For six years I served as district judge in Carlsbad hearing cases in every category: criminal, juvenile, civil, domestic, abuse and neglect, and many others. I presided over countless jury trials and bench trials. At times the lawyers before me were some of the best in the nation and at other times the litigants were unrepresented and often struggling.

In December of 2012, my wife and I decided to move to New Zealand where she would continue her work as family practice physician. After being there for two years we decided to return home. We missed family and friends. On our way home we traveled through China, Vietnam, Laos, Cambodia, Thailand, Myanmar, and Qatar. We took six months in order to better understand the places we visited.

All in all, I believe that the diversity of my experiences gives me broad perspective that helps me understand a wide spectrum of people. I believe that perspective would be valuable to police oversight. This is especially true in light of the Decree's requirement that the entire community should be encouraged to participate.

iv) Personal challenge. I believe that the most challenging aspect of my personality is knowing when a job or project is adequately complete. I often struggle to feel satisfied with my work whether it is a written document, a plan to go forward, or other product—such as this very document you are reading. I struggle with this in my personal life as well as in my professional life. My experience in law taught me one valuable technique to help with this challenge. The practice of law is replete with deadlines. I learned that, for someone with this affliction, deadlines are your friends. When there are external deadlines imposed it goes without saying that a project is finished on the deadline—by definition if nothing else. When no external deadlines are in place, the way to address this affliction is to self-impose a reasonable deadline and live with it. I have more-or-less succeeded using this technique.

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.*

The call of this question exposes perhaps the weakest part of my application. I cannot point to a single experience I have had that meets the description in the question. That is not to say that I do not have general experiences and skills that provide me with a solid foundation to address this aspect of the job description. I have described the diversity of my life experiences above, especially regarding my personal and professional interactions with a broad cross-section of people around the world, New Mexico, and Albuquerque.

Additionally, my work as a criminal defense attorney necessarily exposed me to varied conflicts and points of view most often between clients and their accusers but also involving community organizations focused on criminal justice as a whole and from many points of view. My interactions with such groups gave me insight to the public's perceptions and expectations for the justice system. My role as an administrator in the Public Defender interacting with legislators and others to secure funding for the department and legislation to better serve the people of the state informed me about the nuts and bolts of state government and how to reach consensus.

While a jury hardly is the same as the "disparate groups of stakeholders" referred to in the question, a jury is a microcosm of the community with a fair diversity of interests and backgrounds. In a jury trial, a lawyer has done all of the pure legal work before starting to try the case. In court, a lawyer's role is properly shifted to persuasion. A skillful trial attorney is adept at communicating with a jury in as many ways as possible. First, an attorney must be as clear as possible when speaking to a jury. The language used must not be over simplified so as to be insulting but not be too technical or unnecessarily complicated. A skilled trial lawyer tells a story for the jury, as that is how humans have learned since before languages were fully developed. The lawyer paints visual images for the jury to better understand the lawyer's arguments. The lawyer must also use a variety of visual aids and graphic exhibits to help the jury understand and retain as much information as possible. Finally, the lawyer must be honest and fair to the opposition, the court and the jury otherwise the jury will distrust the lawyer and not be persuaded.

I did not intend to write a treatise on trial persuasion. However, I believe that the skills and experience I gained through trying numerous jury trials and conducting hundreds of bench trials and contested motions are applicable to the kind of work contemplated by this question. I have read in several documents and articles regarding reform of police oversight systems in Albuquerque and elsewhere that discussed the proper approach to community outreach. One suggestion is that a member of the oversight team should be primarily responsible for outreach. I believe this would be a valuable asset to the CPOA, of course with the POB's approval.

Finally, I believe my experiences as a judge lend themselves to the skill set this question addresses. Serving the community on the bench exposed me to some of the most needy members of the community. This exposure came from individuals involved in criminal cases, divorces, abuse and neglect cases, mortgage foreclosures, and many others. I also was exposed to a variety of advocacy groups in the local, state and national communities through direct contact and through formal and informal continuing legal education.

Perhaps more relevant, my participation in the judicial selection process and subsequent partisan election, required that I expose myself to the public in what many would find uncomfortable and awkward ways. Being interviewed in a public forum by a dozen or so judges, lawyers and prominent members of your community is a trial by fire. Upon appointment to the bench a judge must face a partisan election and all the public scrutiny that goes with that. Part of the unique circumstances of a judicial election stem from ethical obligations that restrain the judge from commenting on a variety of specifics. As a judicial candidate, a sitting judge finds herself or himself in the role of educator first and candidate second. Pulling that off requires savvy, composure, ethics,

and discipline. Surely these experiences will help when reaching out to the community in the public forum.

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.*

I am satisfied that as the deadline approaches for submitting this document I have exhausted the subjects I was asked to address (if not the reader). My experience is that when I have more time to edit my written work I tend to make it more concise. Perhaps what I need is a page limit in addition to a deadline.

*Professional References:*

Jane Shuler Gray  
District Judge  
Fifth Judicial District Court  
102 N. Canal  
Carlsbad, NM 88220  
(575)887-7101  
[jshuler@bajabb.com](mailto:jshuler@bajabb.com)

I have known Judge Shuler Gray since school in Carlsbad. We graduated in the same class. We had no contact until I moved back to Carlsbad in 1998. When I joined the bench, Judge Shuler Gray was already a judge.

Lisa Riley  
Fifth Judicial District Court  
102 N. Canal  
Carlsbad, NM 88220  
(575)885-4740  
[email address to be sent]

Judge Riley joined Judge Shuler Gray and me about two years after I became a judge. Both Judge Riley and Judge Gray are aware of my work on the bench.

Richard B. Pugh  
Second Judicial District  
Defender  
505 Marquette NW  
Albuquerque, NM 87102  
(505)400-9535  
[pughlawoffice@gmail.com](mailto:pughlawoffice@gmail.com)

When I was Fifth Judicial District Defender I hired Mr. Pugh when he graduated from law school. He worked in the Roswell district office. He is aware of my work as the District Defender.

**From:** [Beth Mohr](#)  
**To:** [Mark T. Baker](#); [Joanne Fine](#); [Eric H. Cruz](#); [POB](#)  
**Subject:** CPOA Executive Director Applicants  
**Date:** Thursday, July 16, 2015 9:30:49 PM  
**Attachments:** [CABQ HR - CPOA Director Applicant Summary.xlsx](#)  
[CPOA Director Applicant Bradley Brown w-writing assignment.pdf](#)  
[CPOA Director Applicant Duncan Bradley w-writing assignment.pdf](#)  
[CPOA Director Applicant Edward Harness w-writing assignment.pdf](#)  
[CPOA Director Applicant Herbert Strassberg w writing assignment.pdf](#)  
[CPOA Director Applicant Jay Rowland w writing assignment resume.pdf](#)  
[CPOA Director Applicant John Grubescic w writing assignment.pdf](#)  
[CPOA Director Applicant Julia Petrucelli w-writing assignment-resume-cover letter.pdf](#)  
[CPOA Director Applicant Niva Lind w writing assignment resume.pdf](#)  
[CPOA Director Application Denise DeForest w-writing assignement, resume, letter.pdf](#)  
[CPOA Director Application Jennifer Burrill w-writing assignement.pdf](#)  
[CPOA Director Application Philip Dabney w- writing assignment.pdf](#)  
[CPOA Director Application Robin Dozier Otten w-writing assignment.pdf](#)  
[CPOA Director Application Stephanie Y Lopez w-writing assignement - resume.pdf](#)

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All - At this point we have 13 CPOA Director applications complete with writing assignment; we also have four applications received by City HR that have not yet come to me, three with writing assignments due on 7/18/2015, and one with a writing assignment past due.

Enclosed are all the applications which are complete with writing assignments, plus the spreadsheet tracking our applicant pool. The new applicants are:

Jay Rowland (former IRO)  
Jennifer Burrill  
Philip Dabney  
Denise DeForest  
Stephanie Lopez

I am enclosing all of the complete applications for any of you who missed getting them in prior emails. I am NOT enclosing any incomplete applications, but will send them as soon as they are complete, if the applicants complete them.

Please use the spreadsheet to double-check and ensure you have everyone. If at least one person would kindly confirm receipt of these, then I'll know that the file wasn't too large to send.

Call me with questions. 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.

M005427

## CPOA Director Applicant Summary

Status Date 7/14/2015

Application Received	Met Minimum Qualifications	Resume Received	Cover Letter Received	Sent Writing Assignment	Returned Writing Assignment	Withdrawn	Rec'd by Beth	Sent to POB
Strassberg, Herbert	Yes	Yes	No	6/19/2015	6/22/2015		X	X
Grubestic, John	Yes	No	No	6/19/2015	6/24/2015		X	X
Lind, Niva	Yes	Yes	No	6/19/2015	6/30/2015		X	X
Brown, Bradley	Yes	No	No	6/26/2015	7/1/2015		X	X
Harness, Edward	Yes	No	No	6/26/2015	7/1/2015		X	X
Petruccelli, Julia	Yes	Yes	Yes	6/26/2015	7/1/2015		X	X
Bradley, Duncan	Yes	No	Yes	7/2/2015	7/7/2015		X	X
Otten, Robin Dozier	Yes	No	No	7/2/2015	7/10/2015		X	X
Rowland, Jay	Yes	No	No	7/9/2015	7/13/2015		X	X
Burrill, Jennifer	Yes	No	No	7/9/2015	7/14/2015		X	X
Dabney, Philip	Yes	No	No	7/9/2015	7/14/2015	Unavailable for interview 7/29	X	X
DeForest, Denise	Yes	Yes	Yes	7/9/2015	7/14/2015		X	X
Lopez, Stephanie	Yes	Yes	No	7/9/2015	7/14/2015		X	X
Hone, Jay	Yes	No	No	7/9/2015	Due 7/14	No timely writing assignment	App only	
Erdman, Nan	Yes	Yes	No	7/13/2015	due 7/18/2015			
Summers, Karen	Yes	Yes	Yes	7/13/2015	due 7/18/2015			
Timm, Michael	Yes	Yes	No	7/13/2015	due 7/18/2015			
Gansallo, Africa	Yes	Yes	Yes	6/19/2015	No response			
Salazar, Anthony	Yes	Yes	No	6/19/2015	No response			
Stansbury, Roger	Yes	Yes	No	6/26/2015	No response			
Alvarado, Jorge	Yes	No	No	7/2/2015	Withdrawn	7/5/2015		
Gardner, Sandra	Yes	Yes	No	6/26/2015	Withdrawn	7/1/2015		
Romero, Jennifer	Yes	No	No	7/2/2015	Withdrawn	7/8/2015		
DeFrancesco, Gregory	No	NA	NA	NA	NA			
DeSantis, Alexander	No	NA	NA	NA	NA			
Moore, Ricardo	No	NA	NA	NA	NA			
Ortega, Johnny	No	NA	NA	NA	NA			
Simpson, Jeremy	No	No	No	NA	NA			

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 24847172**

Name: Bradley J Brown Address: [REDACTED] Las Vegas, Nevada 89123 US  
Home Phone: [REDACTED] Alternate Phone:  
Email: [REDACTED] Notification Preference: Email  
Former Last Name: Month and Day of Birth:

**Personal Information**

Driver's License: Yes  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
Are you willing to relocate? Yes  
I have contacts in ABQ healthcare community that allow for easy relocation  
Types of positions you will accept: Regular  
Types of work you will accept: Full Time  
Types of shifts you will accept: Day , Evening , Night , Rotating , Weekends , On Call (as needed)

**Objective**

**Education**

**Professional**  
*University of Kansas*  
6/1996 - 8/1998  
Lawrence, Kansas

Did you graduate: Yes  
College Major/Minor: Law  
Degree Received: Professional

**Graduate School**  
*Purdue University*  
6/1990 - 6/1992  
West Lafayette, Indiana

Did you graduate: Yes  
College Major/Minor: Management  
Degree Received: Master's

**College**  
*Friends University*  
[Unspecified Start] - 1990  
Wichita, Kansas

Did you graduate: Yes  
College Major/Minor: Human Resource Management  
Degree Received: Bachelor's

**Work Experience**

**General Counsel and VP of Business Development**  
10/2013 - Present  
  
Anterro, LLC  
Miami, Florida

Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 4  
May we contact this employer?

**Duties**

responsible for negotiating provider-supplier relationships under Obamacare regulations. Assist in formation and operation of accountable care organizations (ACOs) under the Affordable Care Act.

**Reason for Leaving**

Change in business objectives

**General Counsel**

Hours worked per week: 40

7/2009 - 9/2013

Access Healthcare, LLC  
Spring Hill, Florida

Monthly Salary: \$0.00  
# of Employees Supervised: 8  
May we contact this employer?

**Duties**

in charge of the legal department of a management company managing 50 other companies, including commercial real estate operating companies and medical practices. Responsible for litigation management, including mediation, negotiation, and settlement of claims as well as overseeing outside business litigation counsel.

**Reason for Leaving**

Company was purchased by a hospital and ceased further growth.

**Attorney**

1/2003 - 6/2009

Brown Law Office  
Wichita, Kansas

Hours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?

**Duties**

General practice focused on healthcare and intellectual property, including healthcare M&A, regulation compliance, drafting and negotiation of commercial real estate leases, commercial contracts, IP licenses, and infringement litigation and corporate administration.

**Reason for Leaving**

Economic conditions

**Associate**

8/2001 - 1/2003

Martin, Pringle LLP  
Wichita, Kansas

Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 1  
May we contact this employer?

**Duties**

Engaged in M&A, entity formation, commercial retail leasing, contract drafting, negotiation, litigation document review, and litigation for large and medium businesses conducting business on an international basis. Business contract and license drafting. Primary and secondary litigator for civil litigation. Prosecution of appeals representing both Appellants and Appellees. Member of the court appointment panel for indigent criminal defendants serving as primary counsel for several felony jury trials.

**Reason for Leaving**

Major client was a supplier to Walmart and the firm commenced representation of Walmart creating conflict of interest

**Managing Attorney**

8/1998 - 8/2001

Brown and Kent  
Wichita, Kansas

Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 8  
May we contact this employer?

**Duties**

Principal in a general practice firm focusing on business matters transactions involving entity formation, drafting and negotiating commercial leases, contract and licensing agreements, client counseling, and including copyright, trademark and patent litigation. Served as primary counsel on over 800 criminal cases.

**Reason for Leaving**

Recruited by Martin Pringle as a result of a patent litigation case I retained them to second-chair for me.

## Certificates and Licenses

### Skills

Office Skills

Typing:

Data Entry:

### Additional Information

### References

### Resume

### Text Resume

### Attachments

### City-Wide Questions

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

### Supplemental Questions

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: University of Kansas School of Law

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: Kansas and Florida

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**5. Q:** How many years of management experience do you possess related to this position?

A: 6 or more years

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**6. Q:** Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

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**7. Q:** Briefly describe your experience in criminal investigation.

A: Represented criminal defendants in possibly over 1,000 cases involving criminal investigations. Worked with law enforcement expert witnesses in evaluating criminal investigations.

I have never been employed by a law enforcement or prosecuting agency. My experience has focused on investigating and defending against criminal claims to assure appropriate resolution of the controversy.

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**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: Represented clients in both civil and criminal litigation for over 1,000 cases. Practiced healthcare law involving administrative law and procedure.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due June 24, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov). The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: Bradley Brown  
Firm/Employer: Anterro, LLC  
Address: [REDACTED], Albuquerque, NM 87108  
Phone: [REDACTED]

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?

The City of Albuquerque has attempted some form of public oversight continuously since June of 1978. During the intervening decades, the city has explored a variety of methods with limited or no success. In fact, the April 2014 DOJ Findings letter opined that the then current approach to public oversight was a contributor to what it considered to be unconstitutional conduct of the Albuquerque Police Department (APD). There may be no greater failure of public oversight.

In September 2014, the City of Albuquerque instituted the POB and CPOA as a new form of public oversight in attempt to address the short comings believed to be present in the prior implementations. As with all previous forms of public oversight, under the current system the APD remains free to ignore the recommendations of the POB. However, the present environment makes it far more likely that the APD will be receptive to change as a result of information it receives from the community. The single most important element in the success of public oversight is APD's willingness to participate.

As a result, the most important goal for the CPOA and POB to achieve within the next 12 months is to objectively demonstrate on a consistent basis that the APD is meaningfully responsive to recommendations of the POB and CPOA. If the APD fails or refuses to adopt the recommendations of the POB as a general practice, the POB and CPOA will fail at effective public oversight within far less than twelve months.

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

During my representation of a company, I became aware that a high level executive, who was my superior, had purchased and was operating an independent business venture. The existence of that business venture may have exposed the company to the possibility of civil and criminal claims. Knowing that my employment was in jeopardy, I reported my concerns to the CEO of the company and the executive. The executive obtained legal counsel and divested of that business venture. I took action because my ethical responsibility to the company is of greater importance than my continued employment. Fortunately though, our working relationship successfully survived the situation.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

Prior to law school during my employment at The Boeing Company I was given responsibility for a software quality assurance department that made the final delivery decisions for a number of multi-billion dollar programs including nuclear capable weapon systems. At the time of my promotion, I was the sole member of the department and confronted with the challenge of budgeting, obtaining facilities, and staffing in the face of rapidly growing business demand. I located facilities, obtained equipment, and hired a number of employees in a matter of weeks. Over the course of the next few years, I recruited and hired more than 30 employees. During this time, I created company-wide policies and procedures that outlined the philosophy of the organization and allowed employees quickly to become productive. I dealt with this challenge by creating a well-rounded cohesive team that could be relied upon to effectively accomplish their responsibilities independently. Managing delegation of tasks was critical, because the scope of work was broad and some of my employees were located remotely where communication was limited to phone calls with months passing between in person visits.

My second example is when, as general counsel, I was asked to terminate the HR director of a 650 employee company. I proposed to the executives the alternative of demoting of the HR director to an administrative position and the transfer another partially qualified employee to the director position. Having anticipated the situation over a year previously, I had arranged for the employee to be transferred to the HR department as an administrative assistant to gain HR experience, followed by coordinating her promotion and transfer to the business development department engaged in HR facilitation activity. By the time the situation with the incumbent HR director developed, the employee had sufficient experience to handle the position. The executives approved my proposal and tasked me with carrying it out, which I did in a matter of weeks.

The reason I proposed this alternative was that termination and replacement of the HR director could have caused significant disruption to the company. The incumbent was an experienced HR professional who enjoyed the administrative aspects of the job and had significant corporate memory, but disliked the conflict inherent in the HR director position. The proposed employee was adept at handling conflict and resolving disputes, but had insufficient experience in HR to serve a 650 employee company alone. However, with the enthusiastic support of the former HR director, she successfully performed as HR director while gaining experience in the position. The two of them work well as a team. Both individuals are still serving in those positions now after nearly three years.

A final example involves a situation when a physician-employee of the company related a racially charged joke in the presence of two minority employees, one of whom took offense. Another physician in the office reported the incident to me and I immediately investigated to confirm the occurrence, engaged in a discussion with the offending physician regarding the inappropriate conduct, then scheduled sensitivity training which included a final examination. My outside legal counsel included a female minority attorney who agreed to provide the sensitivity training as well as to counsel the offended employee to ensure that future performance was not affected. I followed up three months later to verify that the intervention had been successful and the office continued to be productive. Ensuring appropriate respect for all persons is vital to ensuring that an organization is able to function at optimal productivity.

4. Which of your legal cases are you the most proud of and why?

One case of which I am proud involves a mentally disadvantaged youth who had been charged with two counts of statutory rape with an initial proposed plea of one count with a 40 year sentence and no possibility of parole. A multi-state investigation revealed that an older sister who was alienated from

her father had made false claims about her younger sister in an attempt to harm her father, which gave rise to the false charges against my client. A court appointed medical expert re-examined the alleged victim and reported that the investigative findings presented in three reports all had been fabricated. After over a year involving many hearings before the court, I reached a plea agreement with the prosecutor for a misdemeanor conviction. The judge accepted a plea of no contest, entered a misdemeanor conviction and a sentence of time served. I am proud of this case because it represents defending a vulnerable person in an unpopular cause in the face of seemingly insurmountable odds.

Another case involved a claim of commercial fraud perpetrated by the relative of a sitting judge in the same district. After having engaged in a protracted uphill struggle to get the case in front of a jury, the presiding judge interrupted my examination of the defendant and allowed those of my claims that he previously had disallowed. Deliberation took less than 20 minutes. I am proud of this example because it represents pursuing justice in a difficult case with significant opposition.

One final case of many involved a court appointed representation relating to counts of attempted murder, kidnapping, felony evade and elude, and felony criminal damage to property. At the first preliminary hearing, the judge refused to bind over two of the counts for want of probable cause. The prosecutor dropped charges and refiled, and I was reappointed to the same defendant by mere chance. At the second preliminary hearing in front of a different judge, the judge bound the two charges, but refused to bind over the charges that had been bound in the previous hearing. Again, the prosecutor dropped the charges and refiled, but this time in anticipation, I had requested the assignment clerk to assign the case to me. The third preliminary hearing in front of a still different judge resulted again in only two charges being bound over, at which point the prosecutor entered into a plea for two misdemeanor counts with time served. My success largely was a result of my long-term relationship with an out of state law enforcement officer who served as an investigator. I am proud of this case because of my persistence in seeking a better outcome for my client. The traditional approach would have been to waive the preliminary hearing and let the case go to trial, but that would have meant the defendant would have spent perhaps close to a year in custody awaiting trial.

5. Describe your investigative philosophy.

The POB and CPOA exist to assure the community of the quality of the APD. Quality in this case being compliance with the US Constitution, New Mexico laws, the Settlement Agreement/Consent Decree, and other specifications of the APD system. Verification of quality can be expected to involve both a systemic audit program and a complaint resolution program. The audit program investigates both that the policies and procedures are correct and adequate, and verification of operational compliance with those policies and procedures. The complaint resolution program uses information provided by complaint investigations to further examine and verify the adequacy of the APD policies and procedures.

An investigation is an important step in a process of ensuring and improving the quality of the APD system. The investigation, however, is merely the information gathering portion of the process. The critical and possibly more difficult activity is that of implementing effective resolution of the identified concerns. The typical reaction of an organization to audit findings or complaints is to defend, deny and avoid taking any corrective action. But, with education and persistence, organizations can understand that all systems are imperfect, and that investigative findings are critical information necessary to continuously improve the system.

Part of my investigation philosophy is that among the most damaging conduct possible with respect to public oversight is false statements made by public servants in the course of an investigation. The Fifth Amendment does not shield false statements. See *U.S. v. Wong* (1977), *U.S. v. Mandujano* (1976), and *U.S. v. Knox* (1969). Consequently, *Garrity* rights do not apply to perjured or false statements made by a government employee under *Garrity* protection. I vigorously will encourage prosecution of any

government employee who participates in sworn false statements made during the course of an investigation, whether they utter the false statement or knowingly allow it to be uttered.

Furthermore, it is my opinion that *Garrity* rights do not require that the City of Albuquerque knowingly to expose the public to a risk of danger merely because information regarding that danger was elicited through compelled self-incriminating statements. It is my expectation and belief that the constitutional rights of government employees can be protected while simultaneously protecting the constitutional rights of the public at large.

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?

The POB and CPOA are tasked with verifying the quality of the APD as defined by the US constitution, New Mexico laws, the Settlement Agreement/Consent Decree, and other quality specifications. I have extensive experience with quality verification that is relevant here. In addition to my experience with criminal defense attorney, which will help with interpretation of the quality specifications for the APD, I also have fifteen years of quality assurance and industrial statistics experience that will allow rapid implementation of a comprehensive and cost effective program to verify APD's compliance with the identified requirements. In the past, I have been certified by the American Society for Quality, as a Quality Engineer, a Quality Auditor, and a Reliability Engineer, representing the possession of specific knowledge relating to the investigation of compliant and noncompliant systems and the resolution of noncompliance.

My background in industrial statistics also may be especially useful in rapidly responding to a large backlog of cases in a timely manner. Although sometimes criticized by people who do not understand, statistics is a science of decision making and problem solving that involves taking quantities of data and identifying information contained therein. The efficiency of investigations may be increased with the appropriate use of such analytic methods. Statistics can be used not only to identify the priority of investigations to pursue, but also to identify which cases are likely to be isolated events and which may be signals of systemic issues, and to objectively measure the success of implemented recommendations.

Statistical methods allow for an objective determination whether the POB and CPOA are effective. CPOA's report to the community and the City be expressed with a scientific level of confidence. For example, appropriate implementation of statistical methods can allow measurement of community confidence, and the change in that confidence over time, regarding whether the POB and CPOA have been able to achieve effective public oversight. Among the many other factors of quality that can be objectively measured are whether the frequency of observations of putative unconstitutional conduct has changed to a statistically significant extent and whether recommendations implemented by APD are likely to have contributed to an improvement in system performance.

7. What is your vision for the CPOA?

The POB is the voice of the community seeking to ensure the quality of the APD. Among the factors of quality that can be measured is the level of community confidence that the APD is appropriately protecting the community and that the CPOA is effective in supporting public oversight. The CPOA is the administrative function that supports the POB and empowers it with appropriate resources and systems to ensure that the concerns of the community have been satisfactorily addressed and that the APD is maintaining appropriate quality.

The primary purpose of the POB and the CPOA is to ensure that the community has confidence that the APD is complying with the US Constitution and other quality requirements while allowing the APD the

appropriate operational secrecy necessary to engage in effective law enforcement. It is my expectation based on prior experience with quality systems, that the APD can be persuaded to be responsive voluntarily to the recommendations of the POB from its own self-interest. It will be my goal to persuade the APD to take objectively verifiable action with respect to every recommendation of the POB.

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.

Prior experience with similar quality assurance systems. I have created and managed many quality assurance and complaint resolution systems in similar politically charged and conflict-filled environments under tight time constraints and high pressure to perform. I can create and have in operation an objectively verifiable system producing results visible to the community in a very short period of time.

Focus on the goal. The important goal of public oversight is for the community to have confidence in the APD. I am able to evaluate mountains of data to determine which are important versus merely urgent, and develop a strategy to satisfactorily accomplish large numbers of assignments in a short period of time. The CPOA has a large backlog of cases and being able to address and resolve that backlog quickly and effectively is important for establishing confidence in the CPOA and the APD.

Willingness to forgive insult to get the job done. I do not hold grudges and easily forgive insults. In an environment of conflict and divergent motivations, holding grudges for past insults or seeking retaliation can politicize an environment and destroy consensus building necessary for conflict resolution. Having implemented quality systems before, I have extensive experience de-escalating the natural defensiveness of organizations against perceived criticism and induced change.

Independence. I am an outsider. I have no prior relationships with the APD, the City Attorney, or any other employee of the City of Albuquerque. I have never been a police officer, a prosecutor, nor a city attorney. No one justifiably can accuse me of bias or favoritism.

Development of effective relationships. I have experience with developing effective relationships with people of all perspectives, cultures and backgrounds. Having an appropriate understanding of our different world views is important to ensuring effective community engagement and support.

As for one of my challenging characteristics, I have a tendency to be intense with a laser-like focus on completing important assignments that can cause distress for those who work for me. At times I have been given the nicknames, 'Bulldog' and 'Missile-lock.' I gravitate toward situations that involve more work than can be done in the given amount of time and lose sight of the clock to ensure the completion of an important goal. Sometimes this results in giving employees more work than they accomplish leading to stress and distress. To address this characteristic, I intentionally develop a rapprochement with my staff that allows them to coordinate the scheduling of their assignments and identify appropriate deadlines. We discuss the distinction between important and urgent assignments, and coordinate a priority that assures the appropriate assignment is accomplished at the required time.

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.

An advantage of having many years of life experience is that I have had numerous opportunities to be involved as officer, chairman or member of numerous community groups, including branches of the

American Red Cross, American Cancer Society, Habitat for Humanity, and other organizations. I have represented multiple independent practice associations, which are a type of union for physicians, with respect to their labor negotiations with contracted health plans and in matters relating to discipline of individual physicians, including navigation of the contractual dispute resolution and appeals provisions. I have served as an intern for a state senator, and coordinated lobbying action seeking reformation of state law. I have interacted with DOJ attorneys with respect to multi-million dollar civil and criminal claims. I have no prior experience working with a DOJ monitor, but my employment with The Boeing Company involved years of working closely with numerous defense procurement officers that served in an analogous role of monitoring that our system was complying with the requirements of the procuring government department. My fifteen year career at Boeing, and seventeen as an attorney, has centered on resolving disputes between groups having different interests in order to create a consensus necessary to achieve a common goal.

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.

My situations are myriad, but unfortunately the most interesting examples involving legal cases, the DOJ and others, are cloaked in confidentiality or involve classified programs. One example I can relate involved the assembly and installation of the aft access and blow out door that precludes a catastrophic failure mode for the 737 commercial aircraft; the door keeps the aircraft from blowing apart in midair. The installation process took nearly 8 hours to complete but the production line was being accelerated necessitating a more efficient process. There was significant conflict with the installation crew blaming assembly, assembly blaming tooling, and tooling blaming engineering; these conflicts related to hundreds of millions of dollars and involved perhaps 100 people all highly motivated to place blame on others with negative impact on process improvement. My responsibility was to improve the process to allow the airplane assembly to move faster while maintaining appropriate quality, which caused increased work but no reward for all of the supporting organizations. My role was to mediate disputes and obtain engagement from those disputing organizations. As a result of my facilitation and in a period of less than a week, the process was adjusted to allow completion of installation in less than 20 minutes.

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.

A Wichita, Kansas television news station used me as an on-air legal expert for a period of years. They would call me with an issue of criminal or civil law as they were on their way to my office to televise the interview. In most cases, I had less than ten minutes notice of the interviews on a wide variety of legal subjects.

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.

Laura Bunting  
R&D Manager  
Spirit AeroSystems, Inc  
PO Box 780008; MC K78-10  
Wichita, KS 67278-0008  
[laura.a.bunting@spiritaero.com](mailto:laura.a.bunting@spiritaero.com)  
[316 - 214 - 7930](tel:316-214-7930)

Laura Bunting was the first employee that I hired into the Software Quality Assurance organization at The Boeing Company. She worked with me in the development and operation of complaint resolution

systems and quality programs for hundreds of projects involving tens of thousands of people including government monitoring and oversight. She currently is a member of several corrective action boards. She has known me for nearly 30 years.

Courtney Elam  
Assistant District Attorney in Atlanta, Georgia

[REDACTED]  
[REDACTED]

Courtney Elam served as outside counsel on contract drafting and personnel matters. She has worked with me in resolving company personnel conflicts. She has known me for approximately 5 years.

Edmund J. McKenna  
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
100 North Tampa Street, Suite 3600 Tampa, FL 33602  
Telephone: 813-289-1247  
Fax: 813-289-6530  
[edmund.mckenna@ogletreedeakins.com](mailto:edmund.mckenna@ogletreedeakins.com)

Ed McKenna served as outside counsel for employment practices. We worked together on numerous employment dispute related matters including EEOC complaints and employment practice litigation. He has known me for 6 years.

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 3046681**

Name: Duncan Lee Bradley Address: [REDACTED] Ruidoso, New Mexico 88345 US  
Home Phone: [REDACTED] Alternate Phone:  
Email: [REDACTED] Notification Preference: Email  
Former Last Name: Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, New Mexico, [REDACTED]  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
Are you willing to relocate? Yes  
Types of positions you will accept: Regular  
Types of work you will accept: Full Time  
Types of shifts you will accept: Day, Evening, Night, Weekends, On Call (as needed)

**Objective**

Opportunities to apply skills and knowledge acquired through training, education, and experience, in order to contribute to the betterment of the New Mexico community.

**Education**

**Professional**

*United States Institute of Peace - Organization for Security and Cooperation in Europe*  
10/2010 - 1/2011  
On-Line, New Mexico

Did you graduate: Yes  
College Major/Minor: Rule of Law - Transcaucus, Transoxus & Balkan Regions  
Degree Received: Certification

**Professional**

*Civilian Police International*  
12/2008 - 2/2009  
Leesburg, Virginia

Did you graduate: Yes  
College Major/Minor: Rule of Law - Iraq  
Degree Received: Certification

**Professional**

*ATLA College of Trial Advocacy*  
8/1987 - 10/1987  
Vail, Colorado

Did you graduate: Yes  
College Major/Minor: Trial Advocacy  
Degree Received: Certification

**Professional**

*Colorado Court of Appeals - Internship, Senior Judge Donald P. Smith*  
12/1983 - 1/1985  
Denver, Colorado

Did you graduate: Yes  
College Major/Minor: Legal Research, Drafting, Court Administration  
Degree Received: Certification

**Graduate School**

*University of Denver College of Law*  
9/1982 - 12/1984  
Denver, Colorado

Did you graduate: Yes  
College Major/Minor: Law- Jurisprudence-Trial and Appellate Advocacy  
Degree Received: Doctorate

**Professional**

Did you graduate: Yes

Colorado Supreme Court - Internship, Chief Justice Edward Pringle  
9/1982 - 9/1983  
Denver, Colorado

College Major/Minor: Legal Research,  
Drafting, Court Management  
Degree Received: Certification

**Professional**

Jefferson County Colorado Sheriff's Training Academey  
5/1973 - 8/1973  
Golden, Colorado

Did you graduate: Yes  
College Major/Minor: Law Enforcement -  
Field Services, Crime Scene  
Preservation, Report Writing, Vehicle  
Operations, etc.  
Degree Received: Certification

**Graduate School**

Southern Illinois University  
9/1968 - 6/1972  
Carbondale, Illinois

Did you graduate: Yes  
College Major/Minor: Philosophy -  
Middle East Area Studies  
Degree Received: Doctorate

**College**

Reed College  
6/1966 - 9/1966  
Portland, Oregon

Did you graduate: Yes  
College Major/Minor: Farsi Language  
and Middle East Area Studies  
Degree Received: Other

**Graduate School**

Southern Illinois University  
9/1963 - 6/1966  
Carbondale, Illinois

Did you graduate: Yes  
College Major/Minor: Philosophy -  
Anthropology  
Degree Received: Master's

**College**

Southern Illinois University  
6/1961 - 6/1963  
Carbondale, Illinois

Did you graduate: Yes  
College Major/Minor: Philosophy -  
English  
Degree Received: Bachelor's

**College**

Elmhurst College  
9/1957 - 6/1961  
Elmhurst, Illinois

Did you graduate: No  
College Major/Minor: German, History  
Degree Received: No Degree

**College**

Northern Illinois University  
9/1958 - 1/1960  
DeKalb, Illinois

Did you graduate: No  
College Major/Minor: German, Art,  
History, English  
Degree Received: No Degree

**High School**

York Community Highschool  
9/1953 - 6/1957  
Elmhurst, Illinois

Did you graduate: Yes  
Highest Level Completed: 12  
Did you receive a GED?  
Degree Received: High School Diploma

**Work Experience**

**Assistant Public Defender**  
12/2003 - Present

Law Office of the Public Defender, New Mexico  
Main Street  
Las Cruces/Alamogordo, New Mexico

Hours worked per week: 70  
Monthly Salary: \$0.00  
# of Employees Supervised: 3  
Name of Supervisor: Dennis Seitz,  
Kenneth Henrie, Mario Torrez - District  
Defenders  
May we contact this employer? Yes

**Duties**

Representation in the New Mexico Courts of the 3rd and 12th Judicial Districts, of indigents accused of violations of the New Mexico Criminal Code.

**Legislative Advisor**

12/1997 - 1/2009

Hours worked per week: 2  
Monthly Salary: \$0.00  
May we contact this employer? Yes

Colorado Senator James F. Congrove  
Arvada, Colorado  
[REDACTED]

**Duties**

Advised concerning legislation before the Colorado Legislature and the Jefferson County Board of County Commissioners, and drafted legislative initiatives for Commissioner, Representative, and Senator James Congrove.

**Reason for Leaving**

Senator Congrove passed away January, 2012, after a prolonged incapacitating illness which commenced January, 2009

**Visiting Lecturer**  
1/2008 - 7/2008

Eastern New Mexico University  
Ruidoso, New Mexico

Hours worked per week: 15  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

Taught Two Courses:  
Survey of the History of the Middle East; and,  
Introduction to Philosophy.

**Reason for Leaving**

Part-time teaching duties, responsibilities, and time requirements conflicted with the full-time duties, responsibilities, and time requirements of primary employer, the Law Office of the New Mexico Public Defender.

**Assistant County Attorney**  
3/2005 - 1/2007

Jefferson County Attorney's Office  
Golden, Colorado

Hours worked per week: 70  
Monthly Salary: \$5,200.00  
# of Employees Supervised: 2  
Name of Supervisor: James Congrove -  
County Commissioner  
May we contact this employer? Yes

**Duties**

Representation of the County in the Courts of the State of Colorado, and advising the Board of County Commissioners.

**Reason for Leaving**

Returned to New Mexico, Law Office of the Public Defender

**Member, Board of Directors**  
9/1998 - 12/2003

Midwestern Center for Mental Health  
Montrose, Colorado

Hours worked per week: 2  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

Acted as a Board Member at Board Meetings, and represented the Center as directed by a vote of the Board of Directors.

**Reason for Leaving**

Moved to Las Cruces, New Mexico.

**Member, Sheriff's Advisory Committee for Budget & Training**  
8/1999 - 12/2003

Montrose County Colorado Sheriff's Department  
Montrose, Colorado

Hours worked per week: 2  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

Advise the Montrose County Sheriff with regard to his Department's annual budget, and the Department's training programs. Presented the Department's annual budget to the Board of County Commissioners.

**Reason for Leaving**

Moved to Las Cruces, New Mexico

**Lecturer**

10/1997 - 12/2003

Colorado Continuing Education Services  
Denver, Colorado

Hours worked per week: 2  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

Gave Continuing Education Lectures/Courses

**Reason for Leaving**

Moved to Las Cruces, New Mexico

**Trial Attorney**

5/1985 - 12/2003

Duncan Bradley & Associates  
Montrose, Colorado 81401  
(303) 349-2110

Hours worked per week: 80  
Monthly Salary: \$0.00  
# of Employees Supervised: 8  
Name of Supervisor: D. L. Bradley  
May we contact this employer? Yes

**Duties**

Representation of individuals in both civil and criminal actions at both the trial and appellate levels in the Colorado State and Federal Courts. Also did a some transactional law, wills deeds and trust work, real estate law, and a number of Federal Bankruptcy cases.

**Reason for Leaving**

Accepted a position with the Law Office of the New Mexico Public Defender, and moved to Las Cruces, New Mexico

**Designated Alternate Defense Counsel for the 7th Judicial District**

11/1997 - 12/1998

Colorado Office of the Alternate Defense Counsel  
Greely, Colorado

Hours worked per week: 35  
Monthly Salary: \$0.00  
# of Employees Supervised: 3  
Name of Supervisor: Colorado State  
Alternate Defense Counsel  
May we contact this employer? Yes

**Duties**

Representation of indigent individuals charged with violations of the Colorado Criminal Code, who could not be represented by the Colorado Office of the Public Defender because of conflicts of interest.

**Reason for Leaving**

Completed contractual obligations (1 year contract) and returned to the private practice of the law

**Member, Judicial Advisory Committee**

9/1987 - 1/1993

Colorado Bar Association  
Denver, Colorado

Hours worked per week: 2  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

As a committee member, acted to advise the Colorado Judiciary concerning judicial policy, rule creation, budget, and judicial appointments.

**Reason for Leaving**

Moved law practice from 847 Sherman Street, Denver, Colorado, to Arapahoe County, Colorado

**Intern**

Hours worked per week: 15

9/1982 - 1/1985

Colorado Supreme Court, Colorado Court of Appeals  
Denver, Colorado

Monthly Salary: \$0.00

Name of Supervisor: Edward Pringle &  
Donald P. Smith - Chief Justice,  
Colorado Supreme Court, Senior  
Judge, Colorado Court of Appeals  
May we contact this employer? Yes

**Duties**

Research and draft opinion briefs for Chief Justice Pringle (09/82-06/83) and Judge Smith (01/84-02/85).

**Reason for Leaving**

Graduated from the University of Denver, College of Law, December, 1884.

**Senior Patrol Deputy**

2/1973 - 9/1982

Jefferson County Sheriff's Department  
Golden, Colorado 80401

Hours worked per week: 60

Monthly Salary: \$0.00

Name of Supervisor: Harold E. Bray -  
Sheriff, Jefferson County  
May we contact this employer? Yes

**Duties**

As a Patrol Officer: provide law enforcement services in an assigned district.

As a Dispatch Officer: receive requests for law enforcement services and dispatch appropriate field officers to meet the requirements of such requests.

As Investigator: investigate and file for prosecution cases involving crimes against persons (principally murders and sexual assaults).

As Head of Research and Development: research and implement projects under the direction and supervision of the Jefferson County Sheriff, including preparation, submission, and presentation to the Board of County Commissioners of the Department's annual budget.

Jeffco Sheriff's Department Training Academy: presented in-service training classes with regard to field report writing.

As Sheriff's Personal Representative: represented the Jefferson County Sheriff on the Citizens Advisory Committee for Budget and New Facilities Design and to the Board of County Commissioners with regard to Department and County Projects, negotiated the Jefferson County Sheriff's Department Law Enforcement Services Contract with the U.S. Forest Service, for Pike National Forest, and served as the watch commander and field supervisor for the deputies fulfilling the contract's provisions.

As Civil Officer: the service and execution of civil process.

**Member, Board of Directors**

9/1977 - 1/1979

Jeffco Federal Credit Union  
Golden, Colorado

Hours worked per week: 2

Monthly Salary: \$0.00

May we contact this employer? Yes

**Duties**

Acted in the interest of the Jeffco Federal Credit Union and its Members as a Board Member

**Reason for Leaving**

Left Jefferson County, Colorado, employment to attend law school

**Adjunct Professor**

12/1975 - 9/1978

Metropolitan State College (now, University)  
Denver, Colorado

Hours worked per week: 10

Monthly Salary: \$0.00

May we contact this employer? Yes

**Duties**

Taught courses focused on prelaw and law enforcement students.

**Undergraduate, Graduate, and Post Graduate Assistant,  
Intern to the Dean, and Graduate Lecturer**

8/1962 - 6/1972

Southern Illinois University  
Carbondale, Illinois

Hours worked per week: 40

Monthly Salary: \$650.00

# of Employees Supervised: 2

Name of Supervisor: Several - included  
the Department Chair for the  
Department of Philosophy & the Dean of

International Education  
May we contact this employer? Yes

**Duties**

As an Undergraduate: assist professors in the execution of their teaching duties and the teaching of courses.  
As a Graduate Assistant: assist in the design and teaching of an experimental core curriculum course, Introduction to Western Humanities, and the teaching of the philosophy portion of the Western Humanities 12 quarter hour, three quarter program (which program included Art, Literature, Music, Design, and Philosophy).  
As Intern to the Dean of International Education: research and draft international education proposals.  
As Faculty Adviser: advise and counsel students from the Middle East, and supervise the activities of the International Students Association.  
As Post Graduate Leturer: taught course in extension at the Mattoon, Illinois, Community College and at Menard State Penitentiary, Chester, Illinois.

**Lecturer**

6/1966 - 6/1968

Hours worked per week: 80  
Monthly Salary: \$0.00  
May we contact this employer? Yes

Iranian Ministry of Education  
Tehran, International

**Duties**

Taught at the Iranian Women's College, Tehran, English as a Second Language and Introduction to Western Humanities; with the Iran Literacy Corps assisted with the design and implementation of a correspondence school program in accord with the Shah's policy and goal of establishing national literacy by the year 2000; at the Mamazan Agricultural College, English as a Second Language and Introduction to Western Humanities; at Pars College, Shimran, English as a Second Language and Introduction to Western Humanities.

**Reason for Leaving**

Completion of U.S. Peace Corps Volunteer two year service obligation.

**Certificates and Licenses**

Type: COLORADO LICENSE TO PRACTICE LAW

Number: [REDACTED]

Issued by: COLORADO SUPREME COURT

Date Issued: 5 /1985 Date Expires:

Type: NEW MEXICO LICENSE TO PRACTICE LAW

Number: [REDACTED]

Issued by: NEW MEXICO SUPREME COURT

Date Issued: 4 /2005 Date Expires:

Type: Pilot's License, Land, Complex Aircraft, Single and Multi-Engine

Number:

Issued by: Federal Aviation Administration

Date Issued: 9 /1981 Date Expires:

**Skills**

Office Skills

Typing: 50

Data Entry: 250

Other Skills

Author & Technical Researcher Expert - 30 years and 0 months

Languages

Arabic - Read  
Persian - Speak, Read, Write  
German - Read  
English - Speak, Read, Write  
French - Read  
Spanish - Read

**Additional Information**

**References**

Professional  
**Smith, Esquire, Bruce**  
Crown Prosecutor  
Crown Prosecutor's Chambers, 20th Level  
175 Liverpool Street  
Sydney, New South Wales, International  
+61 2 457 810 999  
[bcsmith44@yahoo.com.au](mailto:bcsmith44@yahoo.com.au)

Professional  
**Henrie, Esquire, Ken**  
District Defender, Law Office of the New Mexico Public Defender  
(Las Cruces) - Retired  
508 South Main Street  
Suite 700  
Las Cruces, New Mexico 88001  
(575) 496-3037

Professional  
**Rothenberg, J., Sandra I.**  
Senior Judge, Colorado Court of Appeals (Retired)  
[REDACTED]  
Denver, Colorado 80203  
[REDACTED]

Professional  
**Ludwig, William D.**  
[REDACTED]  
Leesburg, Virginia 22191  
[REDACTED]

**Resume**

**Text Resume**

**Attachments**

Attachment	File Name	File Type
LETTER_OF_APPLICATION_CPOAD_150628.pdf	LETTER_OF_APPLICATION_CPOAD_150628.pdf	Cover Letter
REFERENCES_150628.pdf	REFERENCES_150628.pdf	References

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

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3. Q: Do you have relatives working for the City of Albuquerque?

A: No

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4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

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5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

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6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

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7. Q: Are you receiving a PERA pension?

A: Neither of these

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### Supplemental Questions

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

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2. Q: If you possess a professional law degree identify the accredited law school.

A: University of Denver, College of Law

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3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

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4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico and Colorado

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5. Q: How many years of management experience do you possess related to this position?

A: 6 or more years

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6. Q: Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

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7. Q: Briefly describe your experience in criminal investigation.

A: Detective, Jefferson County Colorado Sheriff's Department, Crimes Against Persons (Homicide).

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8. Q: Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: Licensed Attorney, thirty years; Intern, Colorado Supreme Court and Colorado Court of Appeals, two years; Operated a Law Firm, Duncan Bradley & Associates, in Colorado; Served on the Colorado Bar Association's Judicial Advisory Committee, three years; Member, Board of Directors, Midwestern Center for Mental Health and Jeffco Federal Credit Union, eight years total; Legislative Advisor to Colorado Senator James F. Congrove, eleven years; Advisor, Montrose County Colorado Sheriff and Jefferson County Colorado Sheriff, six years total; Jefferson County Colorado Sheriff's Representative to the U.S. Forest Service, Negotiation and Implementation of the Sheriff's Department's Law Enforcement Services Contract for Pike and San Isabel National Forests, three years total

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due July 8, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov) . The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.iustice.gov/crt/about/spl/findsettle.php#newmexico>

**DUNCAN L. BRADLEY**

Law Office of the New Mexico Public Defender  
2395 North Florida, Alamogordo, New Mexico 88310

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?

**The reestablishment of productive and trusting relations** between the Albuquerque Police Department and the communities it serves is of first importance. Both the Settlement Agreement/Consent Decree and the October 6, 2014 Amendment to Chapter 9, Article 4, Part 1 ROA 1994, the Police Oversight Ordinance provide important guidance, direction, and operational requirements to achieve that goal.

In that connection, there are a number of things which might be immediately accomplished by the Civilian Police Oversight Agency and the Police Oversight Board in the course of their required interactions with the Albuquerque City Government and Police Department. For example, the development of a process for productive interaction between the Albuquerque Police Department and the citizens of Albuquerque through an active community watch program would directly involve Albuquerque's several communities with the Department, which is something which the Civilian Police Oversight Agency might be able to foster.

Further, advocacy for, and support of an Albuquerque Police Department in-house activities such as the implementation of a monthly in-service training program would be another step in that direction. Such a program could focus on the historic role of law enforcement in the American judicial system (concerning its primary goal of maintaining public peace, order, and safety), professional patrol procedures, professional call response procedures, field officer public demeanor, citizen contact protocols, officer safety procedures, and professional constraints on responses to threats involving an officer and/or public peace, order, and safety.

Enhancement of public awareness and involvement could also be advanced by encouraging the Department to invite direct citizen and media participation in various aspects of such programs (albeit, not all, since as some law enforcement

training entails unacceptable security risks and liabilities, and the Police would wish to keep certain matters confidential with regard to field operations).

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

While serving as the Designated Alternate Defense Counsel for Colorado's Seventh Judicial District, in the course of interviewing a client he advised he was going to commit another crime in connection with the offenses with which he was charged, in order to conceal his involvement and generate false testimony.

Pursuant to the specific provisions of the Attorney Code of Professional Responsibility, the Canons of Ethics, and prevailing written standards from the Bar Association, an *en camera* hearing with the presiding Court was requested, the purpose of which was to ask to be excused from representation of that client on the grounds of a conflict of interest, and that the Court appoint alternate counsel.

The Court granted the request and did appoint alternate counsel. It also recused itself from further participation in proceedings regarding the case.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

While in private practice, on more than one occasion intra-office and inter-office disharmony affected the firm's ability to effectively represent the interests of its clients. The situation was resolved by exercising leadership by example, among other things by inviting the in-input of those expressing competing or conflicting interests and points of view. This approach proved, and has proven successful in almost all cases. Very few individuals, if any, respond positively to being ordered to act or conduct themselves in specific ways. However, for the most part they will respond favorably to an invitation of conversation and exchange of views.

4. Which of your legal cases are you the most proud of and why?

**As an attorney:**

Personal satisfaction does not arise from a particular success involving the results of a particular case, but from the over-all results of many cases, those achieved on behalf of many clients. In the course of both private and public practice, the satisfaction felt has arisen from the many letters and other expressions of appreciation received from clients who were assisted in the resolution of the difficulties concerning which consultation and representation were afforded.

**As a peace officer:**

The successful resolution of a case which involved a serial kidnapper-rapist-murderer (twenty-four known victims) accomplished in the face of official disapprobation by a politician who wished the effort expended investigating the perpetrated crimes to be spent on another, more publically visible goal (the exact rebuke was, "Nobody gives a damn about an East Colfax hookers—we need that jail built!"). As it happened, it was an election year.

The perpetrator was eventually arrested, tried, and convicted, and hen last heard (Summer of 2006), he was still serving a life sentence in the Colorado Department of Corrections without chance of parole.

5. Describe your investigative philosophy.

**As an attorney:**

Establish the facts necessary to accurately evaluate a case, and determine for the client a course of action, advise him or her regarding the cause of action pending, and create a plan to successfully resolve the matter in the client's best interests with the least expense and personal disruption.

**As a peace officer in Illinois and Colorado:**

Establish what happened by a careful evaluation of the facts of the matter, and preserve the scene and its evidence to the end of maintaining public peace, order, and safety in order to achieve substantial justice in resolution of the matter into which enquiry is being made.

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?

In meeting the several requirements of the October 6, 2014 Amendment to Chapter 9, Article 4, Part 1 ROA 1994, and the Police Oversight Ordinance the Settlement Agreement/Consent Decree for the Civilian Police Oversight Agency and Police Oversight Board, an ability to analyze factual material, prioritize goals, and focus effort on achieving specific results and ends would be essentail, which ability was acquired by and through:

**Education** (BA; MA; Certification in Iranian Area Studies and Farsi Language - Reed College, Portland, Oregon; PhD; JD; Diploma - Jefferson County Sheriff's Department Training Academy, Golden, Colorado; Diploma - ATLA College of Trial Advocacy; Diploma - Iraq Rule of Law - Civilian Police International; and, Certification - United States Institute for Peace, Organization for Security and Co-operation in Europe;

**Service as Legislative Advisor** (to a Colorado State Senator, the late James Francis Congrove);

**Service as a Board Member on two boards of directors** (the Jeffco (Jefferson County, Colorado) Federal Credit Union and the Midwestern Center for Mental Health, Montrose, Colorado);

**Service as an Advisor to two Sheriffs:** (the Montrose County Colorado Sheriff, four years as a member of his committee for budget and training and representing him to the Montrose Board of County Commissioners and the Sheriff's Citizens Advisory Committee, and the Jefferson County Colorado Sheriff, four years as his Research and Development Specialist representing him and the Department to the Jefferson Board of County Commissioners regarding the Department's

annual budget, staffing needs, and equipment and facilities requirements, to the Citizens Advisory Committee for New Facilities, and negotiating and implementing the Department's contract with the U.S. Forest Service regarding the provision of law enforcement services in the Pike and San Isabel National Forests);

**Service a member on the Colorado Bar Association's Judicial Advisory Committee:** (three years, Denver, Colorado);

**Service in Iran:** (working with the Iranian Ministry of Education and the Iranian Literacy Corps);

**Service with Southern Illinois University's Division of International Education:** (working under the direction of the Division Dean creating international education programs, the University's Center for Vietnamese Studies, and serving as Faculty Advisor to Students from the Middle East and as the Faculty Advisor for the International Students' Association); and,

**Higher education administration and teaching experience:** (Colorado Continuing Legal Education Services; Metropolitan State College, Denver; Southern Illinois University, Carbondale in extension at Menard Penitentiary in Chester Illinois and at the Macomb Community College in Macomb Illinois; Southern Illinois University Faculty Committee for the Creation of Core Curriculum Courses; and, in Iran at the Iranian Women's College, Tehran, Mamazan Agricultural College, Deh-ye-Mamazan, Pars College, Shimran, and the Iranian Literacy Corps creating a correspondence school program aimed at fostering national literacy).

7. What is your vision for the CPOA?

**The immediate goal** would be the satisfaction of the October 6, 2014 Amendment to Chapter 9, Article 4, Part 1 ROA 1994, and the Police Oversight Ordinance the Settlement Agreement/Consent Decree to establish a situation which provides a basis for creating on behalf of the Albuquerque Community and the Albuquerque Police a sound and effective basis for the resolution of complaints through the establishment of the services needed to maintain the public peace, order, and safety of the community while building and maintaining its trust.

**The long term goal** would be to establish a professional staff to implement the policies and procedures created for the long-term so that the events of the recent past do not again arise, guided by the principle of fostering trust between the Albuquerque Police and the community it serves by means of creating effective training and communication channels.

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.

1) Education, training, and experience which includes the area of court administration acquired as an intern to Chief Justice Edward Pringle, Colorado Su-

preme Court and Judge Donald P. Smith, Colorado Court of Appeals (see ¶ 6, *supra*);

2) Law Enforcement Experience in both administration and the provision of field service;

3) Attorney Experience in both the public practice of the law in New Mexico, and the private and public practice of the law in Colorado;

4) Administrative and Supervisory Experience serving a Dean of Internal Education, as a Faculty Advisor, as a member of two boards of directors, two law enforcement advisory committees, contract negotiator for the Jefferson County Colorado Sheriff's Department with the with Federal Government, and implementation of the resulting contracts for te provision of law enforcement services, instructor with the Jefferson County Sheriff's Department Training Academy reference crime scene preservation and report writing, and service a judicial advisory committee; and,

5) Service as a Legislative Advisor.

The life-long challenge has been to continually work in order to improve personal knowledge, information, and people skills so as to avoid making mistakes in conduct and decision making regarding matters for which responsibility is carried for self and others, personally and professionally, and to communicate that knowledge, information, and people skills to those with whom one is obliged to work and interact.

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.

In the course of personal experience, have worked with all such individuals as identified, except for union officials and Department of Justice monitors, while serving on two Board of Directors, two Advisory Committees for elected Colorado Sheriffs, as a Legislative Advisor, on the Colorado Bar Association's Judicial Advisory Committee, while in service to the Iranian Ministry of Education and the Iranian Literacy Corps, while in service to the Dean of International Education at Southern Illinois University, as the Jefferson County Sheriff's designated representative to the United States Forest Service in contract negotiations for the Department's provision of law enforcement services in the Pike and San Isabel National Forests, in the implementation of those contracts and as a field supervisor for the National Forest Contract Services Team, and as Designated Alternate Defense Counsel in the Colorado Seventh Judicial District.

All these situations involved disparate groups of stakeholders with different viewpoints and conflicting interests. However, working relationships have been invariably established, albeit not without some difficulties.

A situation which was especially serious entailed service on the Board of Directors for the Jefferson County (Jeffco) Federal Credit Union, when serious operational misconduct was discovered, resulting in the resignation of Chairman of the Board, a number of Board members, and of institutional employees. Elected to be act as the interim Acting Chairman of the Board, the situation was resolved without the filing of criminal charges, professional Savings and Loan operations were re-established, and a new Chairman was elected. I left Jefferson County employment at the conclusion of the matter, having applied to, and been accepted at the University of Denver, College of Law, and so was no longer eligible to participate in the Credit Union's operations.

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.
11. 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.

#### **LEGAL PROFESSION:**

**Mr. Bruce Smith, Esquire**, Crown Prosecutor's Chambers  
20<sup>th</sup> Level, 175 Liverpool Street, Sydney, New South Wales,  
Australia.  
Phone [REDACTED]  
E-mail address: [REDACTED]

Served together at the Civilian Police International headquarters in Leesburg, Virginia preparing for deployment to Iraq for the U.S. State Department's Iraq Rule of Law project.

**The Honorable Sandra I. Rothenberg, J.**, Colorado Court of Appeals, Retired  
2 East 14th Avenue, Denver, Colorado 80203.  
Phone [ State Judicial ] 1 303 837 3723  
E-mail address not known

Served Judge Rothenberg's court as *guardian ad litem* and next friend, and taught a continuing legal education course at her request regarding those subjects.

#### **LAW ENFORCEMENT**

**Mr. William D. Ludwig**  
624 Radford Terrace NE, Leesburg, Virginia 22191.  
Phone [REDACTED]  
E-mail address: [REDACTED]

Were together at the Civilian Police International headquarters in Leesburg, Virginia. Mr. Ludwig was the project's security officer responsible for doing background checks and obtaining the individual security clearances for the Department of State — for the project's team members — prior to their deployment to Iraq for the U.S. State Department's Iraq Rule of Law project.

**Captain William H. Flint**, Jefferson County Sheriff's Department, Retired  
[REDACTED], Golden, Colorado 80401.  
Phone [ Home ] [REDACTED]  
E-mail address not known

Commanding Officer while serving in the Investigations Division of the Jefferson County Sheriff's Department, Golden, Colorado.

Judge Rothenberg and Captain Flint currently reside in semi-seclusion and do not have e-mail addresses. Mr. Smith is an Australian Barrister serving as a Crown Prosecutor in Sydney, Australia. Because of the time difference between Australia and the United States, the best way to contact Mr. Smith is by e-mail. Mr. Ludwig, because of his security responsibilities, is generally not available for phone contact and is better approached by means of e-mail.

Copies of recent letters of reference are available upon request.

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR****Contact Information -- Person ID: 24856880**

Name: Edward W. Harness Address: [REDACTED]  
 Milwaukee, Wisconsin 53202 US  
 Home Phone: [REDACTED] Alternate Phone: [REDACTED]  
 Email: [REDACTED] Notification Preference: Email  
 Former Last Name: [REDACTED] Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, Wisconsin, [REDACTED]  
 Can you, after employment, submit proof of your legal right to work in the United States? Yes  
 What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
 Are you willing to relocate? Yes  
 Types of positions you will accept: Regular  
 Types of work you will accept: Full Time  
 Types of shifts you will accept: Day, Evening, Night, Weekends, On Call (as needed)

**Objective****Education**

**Graduate School** Did you graduate: Yes  
*Marquette University Law School* College Major/Minor: Law  
 8/1997 - 5/2000 Degree Received: Doctorate  
 Milwaukee, Wisconsin

**College** Did you graduate: Yes  
*Concordia University* College Major/Minor: Management of Criminal  
 [Unspecified Start] - 5/1996 Justice Operations  
 Mequon, Wisconsin Degree Received: Bachelor's

**Professional** Did you graduate: No  
*California State Polytechnic University at Pomona* College Major/Minor: Resources and Small  
 9/1977 - 12/1981 Business Management  
 Pomona, California Degree Received: Professional

**Work Experience**

**Attorney & Counselor at Law** Hours worked per week: 40  
 11/2001 - Present Monthly Salary: \$0.00  
 # of Employees Supervised: 2  
 Harness Law Offices, LLC Name of Supervisor: Edward Harness -  
 www.bankruptcymke.com Owner/Attorney  
 310 E Buffalo St May we contact this employer?  
 Milwaukee, Wisconsin 53202  
 4146472222

**Duties**

Private practice of law representing individuals in two federal areas. Accredited by the Department of Veterans Affairs, & a designated Federal Debt Relief Agency. Gross receipts \$0 - \$224,000

**Founder/Mediator** Hours worked per week: 10  
 5/1998 - 9/2010 Monthly Salary: \$0.00

E-Mediate(TM)  
Milwaukee, Wisconsin

Name of Supervisor: Edward Harness -  
Owner/Mediator  
May we contact this employer?

**Duties**

National Panelist, 1999 - 2010, United States Postal  
Service REDRESS Program Mediator, Workplace dispute, formal and informal EEO  
complaints.

**Director-Dispute Resolution**  
5/1999 - 7/2002

Hours worked per week: 40  
Monthly Salary: \$0.00  
Name of Supervisor: Ran Hoth - CEO  
May we contact this employer?

Better Business Bureau of Wisconsin  
www.bbbwi.org  
10101 W Greenfield Ave  
Milwaukee, Wisconsin 53214  
414-847-6000

**Duties**

The center provides dispute resolution services for the statewide organization including BBB Auto Line  
program for Wisconsin. Duties  
included system design, recruiting, training, implementing policy and programs.  
Salary Range \$35,000 - \$50,000

**Police Officer**  
7/1991 - 8/1997

Hours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?

Milwaukee Police Department  
749 W State Street  
Milwaukee, Wisconsin 53233  
4149334444

**Duties**

Conducted all phases of law enforcement including;  
investigation, crime suppression, new officer training, report writing, and court  
testimony. Salary Range \$30,000 - \$45,000

**Certificates and Licenses**

**Skills**

Office Skills  
Typing:  
Data Entry:

**Additional Information**

Professional Associations

Wisconsin Bar Association, Admitted to practice law in the state of Wisconsin  
Easter District of WI Federal Bar - Admitted to practice law in the Eastern District of WI.

Professional Associations

National Association for Civilian Oversight of Law Enforcement

Professional Associations

National Association of Consumer Bankruptcy Attorneys

Professional Associations

National Organization of Veterans Advocates

Professional Associations

Board of Directors - Wisconsin Association of Mediators

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Honors & Awards

Bachelor of Arts, Cum Laude, May 1996

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Honors & Awards

Marquette University Law School - The Saint Thomas More Law Scholarship, 1997

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Honors & Awards

The W. Dale Phillips Scholarship, 1998, The Honorable Noel P. Fox Law Scholarship

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Honors & Awards

1998, The Clifford I. Bitker Memorial Law Scholarship, 1999

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Honors & Awards

Milwaukee Police Department - Chief of Police Superior Achievement Award, 1995

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Honors & Awards

United States Army - Army Commendation Medal, 1988, (2) Army Good Conduct

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Honors & Awards

American Registry Highest Rated Professionals, 2014

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Honors & Awards

M' Milwaukee Lifestyle Magazine's Top Rated Attorneys, 2012 - 2015

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Honors & Awards

National Academy for Bankruptcy Attorneys Top Ten Attorney, 2014

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Honors & Awards

Wisconsin Rising Star SuperLawyers, 2008 - 2010

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Honors & Awards

(4) Meritorious Arrest Awards, 1991-1995

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Honors & Awards

US Army Commendation Medals, 1985 & 1988

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Professional Associations

Vice Chair, Police Commission - Whitefish Bay, Wisconsin. Citizen oversight of police hiring, discipline, and civilian complaints

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Volunteer Experience

Volunteer Instructor - Make A Difference Wisconsin, Inc. teaching financial literacy

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Volunteer Experience

Volunteer Attorney - Marquette Volunteer Veterans' Legal Clinic

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Volunteer Experience

Peer Mentor - Milwaukee County Veteran's Court facilitated by Dryhooch

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Volunteer Experience

Expert Presenter - Wisconsin Women's Business Initiative Corporation, Inc

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**References**

Personal  
**Leibold, Kurt**  
Assistant Chief of Police Milwaukee Police Dept  
[Redacted]  
Milwaukee, 53233  
[Redacted]

Professional  
**Young, Michael**  
Chief of Police Whitefish Bay  
5300 N Marlborough Dr  
Whitefish Bay, Wisconsin 53217  
414-962-3830

Professional  
**Harron, Denise**  
Attorney-Chair Police Commission  
1200 N Mayfair Rd  
Suite 290  
Milwaukee, Wisconsin 53226  
414-777-0000

Personal  
**Inger, Alma**  
Paralegal  
735 W Wisconsin Ave  
12th Floor  
Milwaukee, Wisconsin 53233  
[Redacted]

**Resume**

**Text Resume**

**Attachments**

Attachment	File Name	File Type
DD Form 214.pdf	DD Form 214.pdf	Other

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?  
A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]  
A: Yes

3. Q: Do you have relatives working for the City of Albuquerque?  
A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.  
A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.  
A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and

relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: Marquette University Law School

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: State Bar of Wisconsin  
Federal Bar - Eastern District of Wisconsin

5. Q: How many years of management experience do you possess related to this position?

A: 6 or more years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

7. Q: Briefly describe your experience in criminal investigation.

A: My experience in criminal investigations is 6 years as a City of Milwaukee Police Officer. Additionally, I spent 6 years as a Military Policeman.

8. Q: Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: In addition to the experience I described above, for the past seven years I've served as a Commission for the Village of Whitefish Bay police department.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due July 1, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov). The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: Edward W. Harness  
Firm/Employer: Harness Law Offices  
Address: [REDACTED] Milwaukee, WI 53202  
Phone: [REDACTED]

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?

**ANSWER:** Use of Force is the issue on which the public will focus. What is the CPOA going to do about it? I propose the following:

- a. Within 30 days the Chief of APD must present an overview of the department's Use of Force Training for new hires and in-service training. This report must include a detailed use of force continuum. Additionally, the Chief must present a comparison between APD standards and national standards.
- b. Within 90 days the Chief must submit an action plan to conform with national standards for use of force with a timeline for department wide training.

At the same time the Director must initiate an aggressive media campaign to highlight the work of the CPOA relating to the use of force issue. That campaign must include individual meetings with stakeholders, media availability, and use of social media.

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

**ANSWER:** A few years ago a client came to my office needing to protect assets from garnishment. The garnishment effective date was just a few days away. I filed an action in federal court on an emergency basis.

After the case was filed I discovered my clients had an interest in a business they had not disclosed to me or to the court. Because I filed the case on an emergency basis, the case status was still pending. Therefore, the clients' assets had not been finalized with the court.

Upon discovering these facts I met with my clients and discussed their options. They could continue the case and possibly face criminal charges; and I would file a motion to withdraw as their attorney, or they could voluntarily dismiss their case and find another way to protect their assets.

My clients voluntarily dismissed their case.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

**ANSWER:** An employee presented a challenge to me. For a time my law office ran commercials on a local Spanish TV station. The campaign was successful and I needed to add a Spanish speaking assistant. My Office Manager and I interviewed applicants and we hired a part-time assistant to answer phones, do client intake, and data entry.

After the employee started it became apparent she was comfortable speaking Spanish in the office, but not interacting with clients. My office manager began to tutor the employee in Spanish to help the employee's confidence.

Another problem developed, the employee fell behind on data entry tasks. I counseled the employee on the data entry tasks, and offered to increase her hours to help complete the tasks. She said she would get caught up and did not need the extra hours.

The employee's interaction with our Spanish speaking clients did not improve. The data entry tasks fell behind again, so I terminated her employment.

4. Which of your legal cases are you the most proud of and why?

**ANSWER:** The legal case I'm most proud of is Feerick v. Matrix Moving Systems, Inc. et.al. I'm proud because I received a fair and just outcome for my client, and proud of the work it took to get it.

The case involved interstate transportation of household goods and exploitation of the elderly. My clients moved from Wisconsin to Florida. The moving company charged the Feericks \$20,000.00 more than the original quote (a violation of federal statute). The moving company held the household goods hostage until my clients paid the extra \$20,000.00.

The Feericks hired me to help them recover the extra money paid. I filed a claim and complaint with the Better Business Bureau. The BBB conducted an arbitration hearing. The arbitrator ruled in our favor.

The moving company hired new attorneys and the appeals process began. I filed an action in state court to confirm the arbitrator's decision. Meanwhile, the moving company sought relief from the decision through federal statute. During the state court action the defendants through their attorneys claimed the arbitration award money was in the moving company's lawyer's trust account.

The state court ruled in my client's favor ordering the money be paid, and that is when it got complicated. The law firm for the moving company then stated it did not have the money. I filed a Contempt Motion to compel the law firm to turn over the money. The court ruled in our favor and the law firm paid the money from its general business account.

The case then moved to the Wisconsin Court of Appeals. After submissions from all parties the appellate court ruled judicial estoppel was not the correct legal theory to hold the law firm liable and remanded the case back to state court for further proceedings.

Upon remand my clients were dismissed from the case and allowed to keep the arbitration award, based upon the legal theory of equitable estoppel. The case took 5 years to complete.

5. Describe your investigative philosophy.

**ANSWER:** It is important to understand investigations of the police have a special nature, because police hold a special place in our society. First and foremost every complaint matters. Each complaint can be analyzed as a management tool for the CPOA.

Investigations must be timely and thorough: Were all the identified witnesses interviewed? Were there efforts to identify additional witnesses? Was a neighborhood canvas conducted? Did the investigation include any photographs or diagrams? Were there any conflicts of interest for the parties involved? Was there any conflict of interest that existed between the parties? Is this a pattern and practice? These are questions that should be answered for each investigation.

My philosophy is to treat each and every investigation with the care it deserves, because each complaint is a tool to better the police department.

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?

**ANSWER:** In 1999, the Better Business Bureau of Wisconsin hired me to lead its Dispute Resolution Center during a time of transition. The BBBWI wanted to add mediation as a dispute resolution process, but more importantly the organization needed to upgrade its arbitrator cadre to comply with federal warranty laws and state administrative code. When I came to the BBBWI the arbitrators were volunteers and non-lawyers. To gain compliance the arbitrators needed to be attorneys.

Over the next 18 months I recruited and trained a new cadre of arbitrators across the state of Wisconsin. Additionally, I designed and implemented a mediation program for resolution of consumer complaints.

7. What is your vision for the CPOA?

**ANSWER:** My vision for CPOA is that it conducts thorough and fair investigations of both internal and external complaints. That CPOA deter future police misconduct by ensuring discipline in cases of proven misconduct. That CPOA provides a satisfactory procedure for citizens to seek redress for grievances against the police. That CPOA provide fair treatment of officers accused of misconduct. That CPOA enhance public confidence in the police by providing a professional complaint review process.

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.

**ANSWER:** Five assets I bring to the position are:

- Experience – My work as a police officer in a major city, an administrator of a statewide organization, an attorney, a mediator, and Vice Chair of a civilian oversight of police commission.
- Demeanor- I'm calm, pragmatic, and decisive.
- Education – BA in Criminal Justice Operations, Law Degree from Marquette University Law School
- Accomplished - Most recently as a Leading Lawyer in Milwaukee for 2015

- o Marketer – I took my firm from \$0 to over \$200,000.00 of gross revenues by learning how to market. I've done trade-shows, community events, designed websites, and used social media including blogging.

I struggle with finding a balance between work and off time. I'd rather check email or phone messages instead of letting them go until the next day.

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.

**ANSWER:** I am a professionally trained Mediator. My training is in the evaluative, facilitative, and transformative models of mediation. The issues I've mediated have been quite diverse: federal land use issues, discrimination complaints, consumer issues, and employee/employer to name a few.

Most of the mediations I conducted were for the United States Postal Service. These mediations involved union workers, union representatives and management officials. Over 80 % of the cases I mediated resulted in resolution of the dispute.

My achievements and recognition as an attorney have presented other opportunities for community involvement. State Senator Lena Taylor requested my participation in a series of workshops related to homeownership. Alderperson Linda Lubotsky requested I participate in a workshop for the citizens of Greenfield when new property assessments threatened homeowner's ability to meet their property tax obligations.

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.

**ANSWER:** The CPOA has a big task ahead. My breadth of experience, education, and training make me uniquely qualified to fill the position. I will be ready from Day 1 to assume the duties of the position.

Based upon the current make-up of the committee, not a single member has police experience. According to news reports, there is already pushback from police staff and the police union. My experience shows me a committee comprised of all civilian personnel will meet great resistance to change. I can change the dynamic.

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.

**Kurt Leibold**

Assistant Chief of Police

Milwaukee Police Department

749 W State St

Milwaukee, WI 53233

414-935-7802

M005463

Chief Leibold is a friend and a former squad partner from my days working for the Milwaukee Police Department.

**Michael D. Young**

Chief of Police

Village of Whitefish Bay Police Department

5300 N. Marlborough Dr.

Whitefish Bay, WI 53217

414-962-3830

Chief Young will describe my role in his hiring as the Chief of Police for the village in my capacity as a Commissioner.

**Denise M. Harron**

Attorney – Chair Police Commission

Emile Banks & Associates LLC

1200 N Mayfair Rd Ste 290

Milwaukee, WI 53226

414-777-0000

Attorney Harron recruited me to serve on the police commission. She and I serve together on the commission. We met as Supervising Mediators for Marquette Law Schools Mediation Workshop at Milwaukee County Small Claims Court.

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR****Contact Information -- Person ID: 4765545**

Name: Herbert M Strassberg Address: [REDACTED] Hobbs, New Mexico 88240-1074 US

Home Phone: [REDACTED] Alternate Phone: [REDACTED]

Email: [REDACTED] Notification Email Preference:

Former Last Name: Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, New Mexico, [REDACTED]

Can you, after employment, submit proof of your legal right to work in the United States? Yes

What is your highest level of education? Doctorate

**Preferences**

Preferred Salary: \$45,000.00 per year

Are you willing to relocate? Yes  
I will relocate to appropriate city to where an accepted job is.

Types of positions you will accept: Regular, Temporary

Types of work you will accept: Full Time

Types of shifts you will accept: Day, Evening, Weekends

**Objective**

Attorney position

**Education**

<b>Professional</b> Southwestern University School of Law www.swlaw.edu 8/1999 - 5/2003 Los Angeles, California	Did you graduate: Yes College Major/Minor: Law (J.D.) Units Completed: 87 Semester Degree Received: Professional
<b>College</b> UCLA Extension www.uclaextension.edu 4/1995 - 3/1996 Los Angeles, California	Did you graduate: Yes College Major/Minor: Corporations/Litigation focus: Paralegal Certificate Units Completed: 32 Quarter Degree Received: Vocational
<b>College</b> California State University Northridge www.csun.edu 9/1981 - 6/1988 Northridge, California	Did you graduate: Yes College Major/Minor: Industrial Engineering/Computer Science Units Completed: 181 Semester Degree Received: Bachelor's

**Work Experience**

**Assistant Public Defender**  
12/2014 - 5/2015

State of New Mexico, Public Defender Department

Hours worked per week: 40  
Monthly Salary: \$4,853.00  
# of Employees Supervised: 0  
Name of Supervisor: Larry Bishop - Public

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1601 N. Turner Street, Suite 300  
Hobbs, New Mexico 88241  
575-263-2272

Defneder 4  
May we contact this employer? Yes

**Duties**

Represent juvenile clients in Children's Court in Court in Lovington, NM for Probation Violations and for criminal charges filed in Criminal Informations as well as representing adult clients in Eunice and Jal Magistrate Courts and District Court in Lovington, NM for Probation Violations and for criminal charges filed in Criminal Informations, negotiate plea deals with Assistant District Attorneys

**Reason for Leaving**

Supervising attorney just resigned and there is no managing attorney currently (his supervisor quit too); office workloads being redistributed and I was laid off during probation while they reorganize the workflow of the office.

**Legal Analyst/Case Manager/Paralegal**  
1/2014 - 12/2014

Hours worked per week: 40

Monthly Salary: \$3,843.00

# of Employees Supervised: 0

State of California, Attorney General's Office,  
Department of Justice  
455 Golden gate Avenue, 12th Floor  
San Francisco, California 94115  
(415) 703-5500

Name of Supervisor: Sean Cotulla -  
Regional Manager I

May we contact this employer? No

**Duties**

Provided consultative services to attorneys and paralegals on litigation support systems and for managing complex discovery plans, electronically stored information, litigation support projects and trial presentation systems; consulted with attorney and paralegal staff as well as with client agency staff to develop strategies for managing complex litigation; scanned documents, manipulated images, imported PDF files into databases & did document productions.

**Reason for Leaving**

Quit to accept an attorney position with the Public Defender's Office in Hobbs, NM

**Paralegal**  
6/2013 - 12/2013

Hours worked per week: 30

Monthly Salary: \$2,300.00

# of Employees Supervised: 0

Peninsula Law  
<http://www.peninsulalaw.org>  
3655 Torrance Boulevard, 3rd Floor  
Torrance, California 90503  
(424) 247-1196

Name of Supervisor: Beti Bergman -  
Managing Partner

May we contact this employer? No

**Duties**

Scanned and coded documents; organized/maintained physical and electronic files; calendared due dates; billed costs and time; answered client phone calls and email messages; prepared probate court accounting schedules (spreadsheets); prepared and sent correspondence to clients; performed research; filed documents with Los Angeles Superior Court; prepared and served various probate related legal documents

**Reason for Leaving**

Needed a full-time job

**Job Seeker**  
12/2012 - 5/2013

Hours worked per week: 40

Monthly Salary: \$0.00

# of Employees Supervised: 0

None - Unemployed Job Seeker

Name of Supervisor: self - Herbert

[REDACTED]  
Torrance, California 90501  
[REDACTED]

Strassberg - Job Seeker  
May we contact this employer? Yes

**Duties**

Search websites for jobs, fill-out job applications, email resumes, follow-up via telephone re job leads and application status, go to job interviews applications

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**Temporary Document Reviewer**  
11/2012 - 11/2012

Hours worked per week: 60  
Monthly Salary: \$4,330.00  
# of Employees Supervised: 0  
Name of Supervisor: Bernadette Savage -  
Managing director  
May we contact this employer? Yes

Hire Counsel  
hirecounsel.com  
800 Wilshire Blvd., Suite 450  
Los Angeles, California 90071  
(213) 258-4630

**Duties**

Reviewed and coded electronic discovery documents utilizing Concordance database for a trademark infringement and trade dress federal action

**Reason for Leaving**

Temporay project was completed

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**Temporary Document Reviewer**  
10/2011 - 10/2011

Hours worked per week: 40  
Monthly Salary: \$4,330.00  
# of Employees Supervised: 0  
Name of Supervisor: Bernadette Savage -  
Managing Director  
May we contact this employer? Yes

Hire Counsel  
hirecounsel.com  
800 Wilshire Blvd., Suite 450  
Los Angeles, California 90071  
(213) 258-4630

**Duties**

Reviewed and coded intellectual property electronic discovery documents for a patent infringement ITC action in the biotechnology field

**Reason for Leaving**

Temporary projects were completed

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**Temporary Discovery Paralegal**  
12/2010 - 3/2011

Hours worked per week: 40  
Monthly Salary: \$44,458.00  
# of Employees Supervised: 0  
Name of Supervisor: Kevin Loew - Partner  
May we contact this employer? Yes

Waters & Kraus LLP  
222 North Sepulveda Boulevard Suite 1900  
El Segundo, California 90245  
(310) 414-8146

**Duties**

Plaintiff's personal injury representation for asbestos exposure in personal injury and wrongful death litigation: responded to discovery requests consisting of Requests for Production, Requests for Admissions, Form & Special Interrogatories; researched medical and factual documents and file history; summarized deposition transcripts in order to complete discovery responses

**Reason for Leaving**

Not selected to stay on as regular employee after temporary period ended

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**Temporary Patent Paralegal**

6/2010 - 9/2010

Kleinberg & Lerner LLP  
1875 Century Park East, Suite 1150  
Los Angeles, California 90067  
(310) 557-1511

Hours worked per week: 24  
Monthly Salary: \$2,078.00  
# of Employees Supervised: 0  
Name of Supervisor: Marshall Lerner -  
Managing Partner  
May we contact this employer? Yes

**Duties**

Prepared Accelerated Examination Support Documents for utility patent applications; analyzed patent claims for freedom to operate and infringement opinion letters; performed due diligence searches on patent portfolios; prepared information disclosure statements; corresponded with foreign associate attorneys regarding foreign trademark annuities; drafted preliminary amendments for utility patent applications; assisted in filing PCT applications

**Reason for Leaving**

Temporary projects were completed

**Communications Specialist/Customer Service Representative**

3/2009 - 5/2009

Robert Half Legal  
www.roberthalflegal.com/  
865 S. Figueroa Street, Suite 2600  
Los Angeles, California 90017  
(213) 624-8335

Hours worked per week: 40  
Monthly Salary: \$3,667.00  
Name of Supervisor: Todd Drucker -  
Director of Legal Placement  
May we contact this employer? Yes

**Duties**

Responded to live and recorded telephone calls for national Chapter 11 bankruptcies from stakeholders including shareholders, vendors, investment advisors, landlords, employees, attorneys, etc.; responded to website and email inquiries regarding same; analyze and review bankruptcy laws, court dockets, press releases, motions, orders, etc. in order to respond to stakeholder inquiries; worked effectively as part of a team with local and remote co-workers

**Reason for Leaving**

Temporary assignment concluded

**Patent Agent/Intellectual Property Paralegal**

9/2006 - 2/2008

O'Melveny & Myers LLP  
www.omm.com  
400 South Hope Street  
Los Angeles, California 90071  
(213) 430-6000

Hours worked per week: 45  
Monthly Salary: \$5,916.00  
Name of Supervisor: Brian Berliner, Esq. -  
Partner  
May we contact this employer? Yes

**Duties**

Drafted provisional and non-provisional computer, electrical & electro-mechanical patent applications; performed patentability searches and analysis; filed PCT applications; performed due diligence searches on patent & trademark portfolios; electronically filed patent prosecution documents; drafted patent office action responses; corresponded with clients and foreign associates re national phase applications; prepared information disclosure statements; recorded patent and trademark assignments

**Reason for Leaving**

Laid-off due to lack of available work

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**IP Paralegal**

5/2005 - 9/2006

Adeli and Tollen LLP  
<http://www.adelitollen.com/>  
 11859 Wilshire Blvd., Suite 500  
 Los Angeles, California 90025  
 (213) 442-9300

Hours worked per week: 40  
 Monthly Salary: \$4,333.00  
 # of Employees Supervised: 0  
 Name of Supervisor: Mani Adeli, Esq. -  
 Partner  
 May we contact this employer? Yes

**Duties**

Prepared utility patent applications, amendments and responses to office actions and communications via mail, fax and EFS-Web; drafted terminal disclaimers, information disclosure statements, requests for certificate of correction, PCT patent applications; corresponded with clients and foreign associates re national phase applications; tracked and charted status of pending U.S. and foreign patent applications; updated/maintained patent docketing system; performed trademark searches, responded to trademark office actions, prepared and filed U.S. trademark applications

**Reason for Leaving**

Found a higher paying job with technical work in my area of education

**Senior Paralegal**

2/2005 - 5/2005

Law Office of Barry L. Silver (out go  
 business/deceased in 2011))  
 1901 Avenue of the Stars, Suite 1900  
 Los Angeles, California 90067  
 (310) 277-9955

Hours worked per week: 40  
 Monthly Salary: \$3,500.00  
 # of Employees Supervised: 2  
 Name of Supervisor: Barry Silver, Esq. -  
 Principal  
 May we contact this employer? Yes

**Duties**

Performed legal, factual & public records research; draft complaints and discovery responses, including trademark & patent infringement matters; maintained office computer systems & billing software; supervised law clerk & typist; prepared trademark specimens, performed trademark searches, prepared and filed U.S. trademark applications; prepared trademark statements of use, extensions of time, and section 8 & 15 affidavits

**Reason for Leaving**

Found higher paying job in an area of law I preferred (intellectual property)

**Law Clerk**

5/2004 - 12/2004

ICPEIR, Inc. Law Offices  
[www.icpeir.com/](http://www.icpeir.com/)  
 626 Wilshire Blvd., Suite 711  
 Los Angeles, California 90017  
 (213) 488-9632

Hours worked per week: 20  
 Monthly Salary: \$1,818.00  
 # of Employees Supervised: 0  
 Name of Supervisor: E. Robert Sorroco -  
 Executive Director  
 May we contact this employer? Yes

**Duties**

Performed legal, factual & public records research; draft motions and appellate briefs in immigration matters

**Reason for Leaving**

REsigned to study for and take the CA Bar Exam

**Volunteer Judicial Extern**

1/2002 - 9/2002

United States Bankruptcy Court, Central District of California

www.cacb.uscourts.gov

255 East Temple Street, Rm 1058

Los Angeles, California 90012

(213) 894-3129

Hours worked per week: 15

Monthly Salary: \$0.00

# of Employees Supervised: 0

Name of Supervisor: Honorable Kathleen

March - U.S. Bankruptcy Judge

May we contact this employer? No

**Duties**

Analyzed motions and orders; performed legal research; drafted memoranda with recommended rulings; attended Bankruptcy Court hearings

**Reason for Leaving**

The Judges term ended and was non-renewed

**Volunteer Legal Extern**

6/2002 - 7/2002

United States Attorney, Tax Division, Central District of California

www.usdoj.gov/usao/cac/

312 N. Spring Street, Suite 1200

Los Angeles, California 90012

(213) 894-2400

Hours worked per week: 20

Monthly Salary: \$0.00

# of Employees Supervised: 0

Name of Supervisor: Richard Stack, Esq. - Assistant U.S. Attorney

May we contact this employer? No

**Duties**

Analyzed and reviewed IRS files and exhibits recommending that U.S. Attorney file suit; performed legal research; drafted memoranda and complaints; attended U.S. District Court hearings and trials

**Reason for Leaving**

Summer School term ended and so did this position which was for law school credit

**Law Clerk**

2/2001 - 12/2001

Law Offices of Judith L. Wood and Jesse Moorman

201 South Santa Fe Ave., Suite 101

Los Angeles, California 90012

(213) 680-7801

Hours worked per week: 18

Monthly Salary: \$1,403.00

# of Employees Supervised: 0

Name of Supervisor: Judith Wood, Esq. -

Partner

May we contact this employer? Yes

**Duties**

Performed legal research; drafted legal memorandum, motions &amp; appellate briefs in immigration litigation matters

**Reason for Leaving**

Left to start judicial externship with the US Bankruptcy Court

**Law Clerk/Paralegal**

1/2001 - 9/2001

Kathy Dockery Chapter 13 Standing Trustee (formerly Edwina E. Dowell)

http://www.13network.com/laxdocs/laxemail.htm

700 South Flower Street, Suite 1950

Los Angeles, California 90017

Hours worked per week: 20

Monthly Salary: \$1,732.00

# of Employees Supervised: 0

Name of Supervisor: Sheila Psitone, Esq. - Senior Staff Attorney

May we contact this employer? Yes

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(213 ) 996-4400

**Duties**

Researched and drafted motions, objections, applications, orders, notices, letters to the U.S. Trustee; analyzed, and made recommendations regarding fee applications to Senior Staff Attorney; reviewed case status of Bankruptcy Court documents on PACER; proofread legal documents for Senior Staff Attorney

**Reason for Leaving**

Part-time work was no longer available, only full time offered, but I declined so I could continue attending law school

**Legal and Accounting Manager**

3/2000 - 6/2001

Strassberg Internet, Inc.  
<http://www.1stoppictures.com/>  
 33 Reef Street, Suite 8  
 Marina Del Rey, California 90292  
 (310) 785-7414

Hours worked per week: 30

Monthly Salary: \$3,000.00

# of Employees Supervised: 0

Name of Supervisor: Neil Strassberg -  
 President

May we contact this employer? Yes

**Duties**

Established and maintained corporate minutes book and corporate bookkeeping system; prepared corporate resolutions and corporate tax documents; reviewed, modified and negotiated intellectual property contracts

**Reason for Leaving**

Lack of available work due to major decline in volume of business for the firm

**Paralegal II**

6/1999 - 3/2000

Katten Muchin Rosenman LLP  
[www.kattenlaw.com/](http://www.kattenlaw.com/)  
 2029 Century Park East, Suite 2600  
 Los Angeles, California 90067  
 (310) 788-4400

Hours worked per week: 30

Monthly Salary: \$3,250.00

# of Employees Supervised: 0

Name of Supervisor: Thomas Leanse, Esq.  
 - Partner

May we contact this employer? Yes

**Duties**

Developed spreadsheets computing lease rejection damages; prepared bankruptcy claims; reviewed and analyzed commercial leases regarding damages for bankruptcy claims; prepared memos re reorganization plans

**Reason for Leaving**

Laid-off since I was not available to work overtime at night when needed because I attended law school at night

**Paralegal**

5/1998 - 3/1999

Levene Neale Bender Yoo & Brill LLP (Formerly  
 Robinson, Diamant & Wolkowitz)  
<http://www.lnrb.com>  
 10250 Constellation Boulevard, Suite 1700  
 Los Angeles, California 90067  
 (310) 229-1234

Hours worked per week: 40

Monthly Salary: \$3,750.00

# of Employees Supervised: 1

Name of Supervisor: Douglas Kappler,  
 Esq. - Partner

May we contact this employer? Yes

**Duties**

Drafted fee applications and Trustee's Final Report; performed public records on-line research; drafted bankruptcy employment applications, motions, notices and orders; reviewed residential real estate escrow and title documents re sale of estate property; drafted objections to claims

**Reason for Leaving**

I was transferred to a different department after another employee quit and I did not like the new job duties, so I sought other employment

**Paralegal**

6/1996 - 5/1998

MoneyMaker & MoneyMaker  
515 S. Figueroa St. #1020  
Los Angeles, California 90071  
(213) 622-1088

Hours worked per week: 40

Monthly Salary: \$3,125.00

# of Employees Supervised: 0

Name of Supervisor: Richard MoneyMaker,  
Esq. - Partner

May we contact this employer? Yes

**Duties**

Prepared bankruptcy petitions, schedules and statements of financial affairs; prepared Bankruptcy Court orders, applications for employment, notices, motions, orders, subpoenas, & deposition notices; performed legal research

**Reason for Leaving**

I found a higher paying job with more interesting work duties

**Certificates and Licenses**

Type: New Mexico State Bar License (conditional due to ADD)

Number: [REDACTED]

Issued by: New Mexico Supreme Court

Date Issued: 1 /2015 Date Expires: 12 /2015

Type: Amateur Radio License (Extra Class)

Number [REDACTED]

Issued by: Federal Communications Commission

Date Issued: 4 /1976 Date Expires: 3 /2025

Type: USPTO Patent Agent Registration

Number: 55,812

Issued by: United States Patent & Trademark Office

Date Issued: 2 /2004 Date Expires:

Type: Paralegal Certificate

Number:

Issued by: UCLA Extension Paralegal Program

Date Issued: 3 /1996 Date Expires:

Type: NSC Defensive Driving Course completed - accepted by State of New Mexico

Number: 782051

Issued by: National Safety Counsel - New Mexico GSD/Transportation Services Division

Date Issued: 3 /2015 Date Expires: 3 /2019

Type: Bridge the Gap Mentorship Program for new attorneys

Number: N/A (program completed)

Issued by: State Bar of New Mexico

Date Issued: 5 /2015 Date Expires:

**Skills**

Office Skills

Typing: 48

Data Entry: 0

**Additional Information**

Honors & Awards

Graduated law school in the top 40%;

Lead Articles Editor and Staff Member for the Southwestern Journal of Law and Trade in the Americas;

Winner of a CALI Award in Software & Internet Law;

Justice Marshall F. McComb Memorial Scholarship: 2000-2002

Publications

Publication: Comment, IX Southwestern Journal of Law and Trade in the Americas, 1, 221-243 (2002 - 2003)

Miscellaneous

From 05/2009 to present, I have been an unemployed job seeker.

From 02/2008 to 07/2008, I studied for and took the CA State Bar Exam for the 5th time and was not employed.

From 08/1999 to 05/2003, I was an evening program law school student and held various part-time jobs and externships.

From 05/2003 to 02/2005 I studied for and took the CA State Bar Exam and worked part-time and sporadically between examination periods.

**References**

Professional

**Berliner, Brian**

Partner

O'Melveny & Myers LLP

400 South Hope Street

Los Angeles, California 90071

(213) 430-7424

[bberliner@omm.com](mailto:bberliner@omm.com)

Professional

**Nulud, Phillip**

Associate Attorney

Buchalter Nemer

1000 Wilshire Blvd Ste 1500  
 Los Angeles, California 90017  
 (213) 891-0700  
[pnulud@buchalter.com](mailto:pnulud@buchalter.com)

Professional  
**March, Kathleen**  
 Attorney at Law  
 10524 Pico Boulevard, Suite 212  
 Los Angeles, California 90064  
 (310) 559-9224  
[kmarch@bkylawfirm.com](mailto:kmarch@bkylawfirm.com)

Professional  
**Fitzsimmons, Todd**  
 Partner  
 Fitzsimmons IP Law  
 14739 S Vermont Ave  
 Gardena, California 90247  
 (213) 500-1178  
[todd@fitzjplaw.com](mailto:todd@fitzjplaw.com)

Professional  
**Castillo, Laura**  
 Attorney  
 309 W. Broadway St.  
 Hobbs, New Mexico 88240  
 575-391-0101  
[lkcastillolaw@yahoo.com](mailto:lkcastillolaw@yahoo.com)

Professional  
**Bishop, Larry**  
 Assitattn Pubic Defender  
 1601 N. Turner St.  
 Suite 300  
 Hobbs, New Mexico 88241  
 575-391-0101  
[lkcastillolaw@yahoo.com](mailto:lkcastillolaw@yahoo.com)

Professional  
**Adepoju, Ibukun**  
 Assistant Public Defender  
 1601 N. Turner St.  
 Suite 300  
 Hobbs, New Mexico 88241  
 915-731-6119  
[ibukun.adepoju@lopdnm.us](mailto:ibukun.adepoju@lopdnm.us)

**Resume**

**Text Resume**

**Attachments**

Attachment	File Name	File Type
NM Bar License.pdf	NM Bar License.pdf	License
NM Driv Lic.pdf	NM Driv Lic.pdf	License
Def Driv Cert 03-20-15.pdf	Def Driv Cert 03-20-15.pdf	Other

Attorney_chrono_Doc_6-12-15.pdf	Attorney_chrono_Doc_6-12-15.pdf	<b>Resume</b>
REFERENCES 05-15.pdf	REFERENCES 05-15.pdf	<b>References</b>
Final Law School Transcripts 6.pdf	Final Law School Transcripts 6.pdf	<b>Transcripts</b>
Final_Undergraduate_Transcripts_6 NID.pdf	Final_Undergraduate_Transcripts_6 NID.pdf	<b>Transcripts</b>
Final_Paralegal_Transcripts_5 NID.pdf	Final_Paralegal_Transcripts_5 NID.pdf	<b>Transcripts</b>

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A: N/A

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A: N/A

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A: N/A

7. Q: Are you receiving a PERA pension?

A: Neither of these

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: Southwestern University School of Law, Los Angeles, CA (2003)

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: NM, license inception date: 1/9/2015, Expires: 12/31/2015

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**5. Q:** How many years of management experience do you possess related to this position?

A: 1 year to less than 2 years

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**6. Q:** Select the number of years of work experience you possess which relate to this position.

A: 2 years to less than 3 years

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**7. Q:** Briefly describe your experience in criminal investigation.

A: As a public defender, I have been involved with our office investigator in obtaining discovery from police agencies including video and audio camera recordings, investigative reports, DWI field exam reports and communication authority call logs, radio dispatch call traffic recordings, interviews of witnesses and police officers, investigation reports, subpoenas, etc.

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**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: I have been an attorney, law clerk, paralegal, patent agent and judicial extern since 1996 in many areas of the law. As such, I have been involved in many aspects of dealing with courts and administrative governmental bodies in many ways including obtaining court information, filing court documents, appearing in court on behalf of clients, preparing motion, complaints, briefs, etc. for clients and serving documents, etc.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due June 24, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov) . The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: Herbert Strassberg  
Firm/Employer: None  
Address: [REDACTED] Hobbs, NM 88240  
Phone: [REDACTED]

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?
  - a. It seems that more transparency is needed and the availability of the results of investigations into particular police complaints be made available to the public and while the number of complaints filed by citizens has fallen over the last couple of years, there is still a backlog that needs to be addressed. Perhaps some additional procedures being put into place and more defined roles of investigative personnel involved would help to resolve the complaints more quickly. The shifting of financial resources to improve law enforcement training and the number of trained professionals in dealing with mentally ill citizens as well as those high on illegal substances in reducing the use of force especially in situations involving mentally ill citizens as well as minimizing racial profiling and constitutionally proper search and seizure procedures together with increased documentation of the particular procedures being followed in police reports would go a long way to reduce further the number of citizen complaints filed.
2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.
  - a. As an Assistant Public Defender, there is often the ethical conflict of expediency in urging a client to accept a plea deal from the Assistant District Attorney (ADA) versus going to trial. Because we (as well as the Assistant District Attorneys) have a heavy caseload and there is not enough work time to take all or most of our cases to trial, there is the ever present ethical conflict of having our clients best interests served vs. getting his or her case resolved quickly. In my case, I have often been able to get charges dropped (usually the most serious ones) and an offer of no jail time, but supervised probation in exchange for their pleading guilty and the clients usually prefer that certainty vs. taking their case to trial when the evidence appears to weigh in favor of the ADA. Of course there are often times when I filed a motion to suppress improper evidence to try to get the ADA' cases dismissed instead of the client accepting a plea deal. When that failed and/or the evidence is weak on the prosecution side, then I have taken the client's case forward towards a trial. Again, most of these have been settled along the

way with revised plea deals more to the clients liking. Of course, sometimes I had to take cases to trial and I won about 50% of those cases that went all the way to a judge or jury verdict.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.
  - a. As a supervisor of employees that had multiple supervisors, I encountered the challenge of getting the underlying employees to treat my projects with appropriate priority. I have dealt with these situations by asking what the other projects were for the other supervisors and letting the employee know how mine fit into their workload. At times, I contacted the other supervisors to inform them of my project so that we could work out the appropriate priority of the pending projects for the effected employees as well as to inform them of the work I have given to those employees. This way, all the supervisors can better coordinate the workload on the effected employees.
  
4. Which of your legal cases are you the most proud of and why?
  - a. I am most proud of my criminal defendant cases where I got the ADA to dismiss or reduce charges against my client in light of the motions I told them I was going to file after I discussed with them why the evidence and law was in my clients favor. I am most proud of such cases as I was able to resolve these cases quickly in my clients favor without the expense and time needed to take their cases to trial and that my being able to convince the ADA of this meant I was on the right path in achieving justice for my clients. In such cases, the ADA could see that I would likely win given the law and evidence in such situations.
  
5. Describe your investigative philosophy.
  - a. As an Assistant Public Defender, I usually didn't just depend on the ADAs to provide me with discovery for a particular case as they often drag their feet in timely getting me the legally required evidence against my client. Also, they often don't give me all or even most the possible exculpatory evidence available; but rather, tend to turn over only the standard items of evidence, usually the items in their prosecutorial favor. My standard mode of practice was early after I am assigned a case, I review our case file and criminal information we have initially and then make a list of items that are likely available (such as audio and video recordings, call logs and reports) and request them from our in-house investigator. Not only do I obtain additional exculpatory evidence this way, but it also puts pressure on the ADAs to turn over evidence more quickly to my office.
  
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?
  - a. One part of my background that makes me uniquely qualified to attack the backlog of cases is that I earned a Bachelor's of Science Degree in Industrial Engineering. In that major, I was taught how to optimize the flow of labor and materials not just in a factory setting, but also in an office setting. Since obtaining my degree, I have always worked towards optimization of not only handling my assigned projects, but the layout and handling of papers and projects coming across my workstations in just about every job I have held since graduation.
  
7. What is your vision for the CPOA?
  - a. My vision is that the CPOAi is able to effectively and efficiently handle citizen complaints in a timely manner to the satisfaction of the constituents and citizens of Albuquerque so as to eliminate most of the backlog and more importantly, to properly educate and oversee the training of the law enforcement personnel of the Albuquerque Police Department as to just and proper procedures in light of the

constitutional rights of its citizens to be free from improper searches and seizures as well as to be treated with the respect they deserve regardless of their race, income level and place they reside or are encountered in by law enforcement personnel. One area in particular, not just for the Albuquerque Police Department, but also for most police departments across the United States is proper psychological training in dealing with mentally ill citizens as well as those that are high on illegal substances causing them to act irrationally. Perhaps there can be on call a staff of mental health care professionals and/or substance abuse counselors around the clock to serve as a resource for law enforcement personnel. Many encounters with mentally ill patients and/or those high on illegal substances lead to violent encounters with law enforcement, as the proper recognition of their illnesses and limitations as well and how best to handle such encounters so as to calm them down without violent shows of force is not part of standard law enforcement training.

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.
- a. I am a dedicated worker, often putting my work first ahead of personal commitments and don't mind working overtime to get the job done when needed. This is important to meet the goals of the organization, especially in light of the current backlog.
  - b. I am an ethical person and like to do the right thing whenever possible not just on the job, but in my personal life as well. The CPOA is all about law enforcement personnel acting ethically and respecting the rights of others, so this is a key quality.
  - c. I prefer to be collaborative and please as many people involved in a particular work project or assignment as possible vs. doing whatever is needed to get the job done at the cost of causing acrimonious relationships. Many diverse stakeholders are affected by actions by the CPOA, so it is important to work as collaboratively as possible to work out arrangements that can please as many people as possible while still achieving the goals of the CPOA.
  - d. I am a person of high integrity and professionalism. I strive for keeping my word whenever possible and keeping other effected individuals informed when things cause deadlines to shift. I do not make false promises to others.
  - e. I strive to not mix personal and work relationships by not getting too personal and prying into the lives of co-workers, but stick to the work at hand, yet show my concern for the welfare of my co-workers. This is important to not implicate insinuations by member of the public and other stakeholders, especially in a neutral oversight body such as the CPOA that must maintain its independence from any particular group of stakeholders to accomplish its mission.
  - f. One challenging area to improve is that I am a bit of a shy person and can sometimes be a little intimidated in public speaking situations before large groups, but I have been active in Toastmasters in the past and have practiced overcoming my nervousness in such situations. In fact, once I start speaking for 30 seconds or so, I usually get over my apprehensiveness. My recent position as an Assistant Public defender has helped a great deal in this respect as well.
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.
- a. At one of my former positions, I worked for a bankruptcy claims agent as a communications specialist and paralegal for national level chapter 7 and 11 bankruptcies. I effectively dealt with a wide array of stakeholders, employees, stockbrokers, landlords, creditors, attorneys and investors. I answered phone

bank calls and email requests for all sorts of information effecting these stakeholders as to how the bankruptcy effected their salaries, investments, pension plans, etc. and how to file a claim for what is owed to them in a number of bankruptcy proceedings. As a paralegal for various bankruptcy law firms and intellectual property law firms, I also communicated with a variety of people and organizations including creditors, patent examiners, technical support and customer service agents. In other employment, I was an extern to a United State Bankruptcy Judge and for a United State Attorney's Office where I interfaced with attorneys, judges and court staff personnel. More recently, I was a paralegal in litigation support for the California Attorney General's office where I interfaced with staff attorneys, the executive office and attorneys and paralegals at many CA State agencies that the Attorney General's Office represented in litigation proceedings. Finally, in my last job as an Assistant Public Defender, I represented indigent persons accused of crimes and I regularly negotiated and communicated with police officers, Assistant District Attorneys and of course appeared before magistrate and district court judges.

- b. As a paralegal for a patent prosecution firm, I was assigned the task of figuring out how to electronically file patent applications and amendments when that procedure was still new to many law firms. In a series of staff meetings that were held, I informed the other firm members (lawyers, paralegals, patent agents and legal secretaries) of the information I found out and we openly discussed the procedures and protocols that we could use as a firm to implement the use of electronic filing in place of the tried and true filing by mail and facsimile. I was the point person on the project and I learned how to do the electronic filing for the firm. Some of the long time firm members were a bit old school and hesitant of the trustworthiness of electronic filing, preferring to follow the old tried and true methods, but after we discussed how we can change office procedures and workflow in the office in these meetings, I volunteered to be the person to do all of the electronic filing initially, then slowly train others to do so both one on one and by developing training documentation for the office. Eventually, most everyone came to appreciate the speed and almost immediate confirmations we received in filing electronically with the US Patent Office vs. our old methods of filing documents and that became the new norm for the firm within 6 months of beginning the process.

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.

- a. I am a detailed oriented person, yet I like to know the bigger picture to keep things in perspective. I also like to be more of a collaborator than a dictator type manager giving people I supervise some autonomy and authority over their own work, but within reasonable limits of course. When new and difficult situations arise, I like to involve co-workers in some brain storming for ideas and possible solutions when the standard protocols and procedures do not seem to be able to efficiently resolve the situations at hand.

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.

- a. Larry K. Bishop  
Law Office of the Public Defender, State of New Mexico  
Assistant Public Defender  
1601 N. Turner St., Suite 300  
Hobbs, NM 88241  
Phone Number: [REDACTED]  
Email Address [REDACTED]

Mr. Bishop was my mentor at the Public Defender's Office in Hobbs and has been an attorney there for 17 years.

b. Laura K. Castillo  
Castillo Law Offices  
Attorney  
309 W. Broadway St.  
Hobbs, NM 88240  
Phone Number: (575) 391-0101  
Email Address: lkcastillolaw@yahoo.com  
Ms. Castillo was my colleague and she serves as the Public Guardian on many juvenile cases I handled.

c. Philip Nulud  
Associate Attorney  
Buchalter Nemer  
1000 Wilshire Blvd Ste 1500  
Los Angeles, CA 90017  
Phone Number: (213) 891-0700  
pnulud@buchalter.com  
Mr. Nulud was a project manager at Kleinberg & Lerner where I worked as a patent paralegal. He supervised patent related projects I worked on and has since changed firms to Buchalter Nemer.

Notice - If selected as a finalist for this position:

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.

## 1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR

### Contact Information -- Person ID: 25013324

Name: Jay Rowland Address: ██████████  
WARWICK, New  
York 10990 US

Home Phone: ██████████ Alternate Phone:  
Email: ██████████ Notification Preference: Email  
Former Last Name: Month and Day of Birth: ██████████

### Personal Information

Driver's License: Yes, New York  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

### Preferences

Preferred Salary: \$90,000.00 per year  
Are you willing to relocate? Yes

Types of positions you will accept: Regular  
Types of work you will accept: Full Time  
Types of shifts you will accept: Day , Evening , Night , Rotating , Weekends , On Call (as needed)

### Objective

Civilian Police Agency Director

### Education

**Graduate School**  
*University of Illinois Law School*  
8/1969 - 1/1972  
Champaign, Illinois

Did you graduate: Yes  
College Major/Minor: Law  
Units Completed: 90 Semester  
Degree Received: Doctorate

### Work Experience

**Independent Review Officer**  
9/2002 - 5/2007

Independent Review Officer for city of Albuquerque  
2nd St 8th floor  
Albuquerque, New Mexico 87122  
5054176316

Hours worked per week: 40  
Monthly Salary: \$8,000.00  
# of Employees Supervised: 4  
Name of Supervisor: Police Oversight Commission  
May we contact this employer? Yes

### Duties

Independent civilian oversight of the Albuquerque Police Department.

### Reason for Leaving

Contract ended

### Certificates and Licenses

Type: Law license  
Number: ██████████  
Issued by: NY Office of Court Administration  
Date Issued: 10 /1993 Date Expires:

### Skills

Office Skills  
Typing:

Data Entry:

**Additional Information**

**References**

Professional  
**McDowell, Jerry**  
former Vice President of Sandia National Lab  
[REDACTED]  
Albuquerque, New Mexico 87122  
[REDACTED]

**Resume**

**Text Resume**

**Attachments**

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?  
A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]  
A: Yes

3. Q: Do you have relatives working for the City of Albuquerque?  
A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.  
A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.  
A: 2007

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.  
A:

7. Q: Are you receiving a PERA pension?  
A: Neither of these

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?  
A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.  
A: University of Illinois

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?  
A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New York

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**5. Q:** How many years of management experience do you possess related to this position?

A: 6 or more years

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**6. Q:** Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

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**7. Q:** Briefly describe your experience in criminal investigation.

A: I served 30 years in the Air Force. I supervised investigations by the Office of Special Investigations and the Security Police Investigations. I served as a defense attorney and prosecutor. I served as Acting Inspector General for 21 st Air Force and my last assignment was with the Inspection Agency, reporting directly to the Inspector General of the Air Force. I was IRO from 2002 to 2007

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**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: I wrote the policy, procedures and rules for the Police Oversight Commission. I also negotiated with the APOA for important changes to the original POC Ordinance. I presented these changes to the City Council who approved them.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due July 14, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov). The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: Jay Rowland

Firm/Employer: Retired

Address: [REDACTED], Warwick, NY 10990

Phone: [REDACTED]

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? I believe the most important goal for police oversight is police shooting cases. Our credibility with the citizens of Albuquerque will never be good unless we can prove to them that we are serious about properly investigating and quickly reporting the findings to the public. The starting point is to ensure police shooting cases are investigated and completed in a timely manner (eg 60 days) and the District Attorney presents the case to the grand jury quickly (eg 30 days). Then the POB and Executive Director present the facts, findings and recommendations to the public at the first possible POB meeting so the public can judge us by our actions. A close second is the serious use of force by APD officers. These need to be quickly and thoroughly investigated and presented publicly at the first possible POB meeting. Both of these are critical to winning the trust of the citizens of Albuquerque by showing the openness of this new police oversight system. Then we must accept public input.

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome. After a year as IRO, I had an APD lieutenant call me and tell me that she had very important information about some misconduct by the Chief of Police. She wanted to talk to me about it, but wanted my assurance that I would not tell anyone, because she feared retaliation. I gave her that assurance but had no legal authority to promise confidentiality or treat her as a "Whistleblower". She and I had long discussions on these issues. She told me the Chief had just changed the findings on two police shooting cases and one Citizen Police Complaint from Sustained to Exonerated. After much agonizing and study of the APD Standard Operating Procedures, she decided to go to the Chief and tell him that she had told me this information and she thought his actions were wrong. I presented this information to the Police Oversight Commission at our publicly televised meeting and answered questions from reporters. This began the journey of discovery that led to significant changes in the original POC Ordinance.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why. The Mayor asked me to do an independent investigation of the Evidence Room controversy that was front page news for several days. This was outside the Police Oversight Ordinance, but I accepted the challenge. Not only was this a very politically charged controversy, but it also stretched our limited resources of only two investigators. We were tasked to quickly complete this massive investigation of the Evidence Room problems, while at the same time providing citizens with timely investigations of their complaints. The Mayor approved my hiring of additional investigators. I contacted and hired former Independent Counsels (the previous police oversight attorneys) and an independent investigator I had hired for the Iraq war demonstration cases. Thanks to all these investigators, we were able to interview numerous APD employees in a timely manner, seize an APD computer for evidence, obtain all emails from the public Safety Director, APD Chief and

Deputy Chiefs, captains, and all others involved. We made and sustained significant findings which were supported by the evidence and the Mayor was able to act decisively, make the investigation public and order corrections of the problem areas.

4. Which of your legal cases are you the most proud of and why? Several months into the IRO job, the Iraq war started. There were numerous demonstrations by Albuquerque citizens against the war. APD responded to attempt to control the demonstrations and ensure they were peaceful. We immediately received dozens of citizen complaints against the use of force by APD. Again, we were stretched thin with only two investigators to try to get this controversial case completed quickly and thoroughly while continuing to complete the other citizen complaints within the required time frames. I am especially proud of this case because we provided APD not only with the facts of all the complaints, but also with a guide on how to handle the next demonstrations. We did not have any other large scale demonstrations while I was IRO, but I hope APD learned from our extensive recommendations.

5. Describe your investigative philosophy. My investigative philosophy is very simple. We investigate the entire incident complained about thoroughly and quickly. We don't investigate just the issue complained about. We investigate the entire course of conduct and anything else that is discovered during the course of the investigation. A citizen might complain about the use of force, but if we find other issues raised by the evidence of any other APD policy or procedure violations, we investigate them as well. Every issue the evidence raises will be investigated to its conclusion. All findings are based on a preponderance of the credible evidence.

6. The CPOA as an organization has been 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? That is exactly the same situation I inherited when I became IRO in 2002. The previous IRO did not have her contract renewed and the position was vacant for several months. As soon as I was appointed by the Mayor and approved by City Council, I directed Internal Affairs to send all cases that had not been completed to our office for review and investigation. Some cases had to be reinvestigated. In one case, Internal Affairs had referred the investigation out of their office and to the sergeant of the area command in which the person complained about was the sergeant's captain and superior. My reinvestigation of this case created a controversy with APD and the APOA. I dealt with that and all other issues personally, so my investigators could maximize the number of citizen complaints that they could investigate. Investigating cases was their sole duty and our goal was to eventually be able to investigate all citizen complaints and not have Internal Affairs investigate any of those complaints. This was to establish our credibility with the citizens of Albuquerque. The new Ordinance is far superior to the previous one. The Executive Director's job has changed for the better and the CPOA has been given more resources. I will be able to hit the ground running with little to no learning curve.

7. What is your vision for the CPOA? With the enhanced funding and a full time staff person dedicated to community outreach, the CPOA has the potential to become the model for other cities. The POB will prove to the citizens of Albuquerque that the POB can be trusted to provide meaningful civilian oversight of APD. Citizen comments and input will be solicited and heard regularly in many different forums all across the city. POB members will become the best trained independent oversight body in the country. The publicly televised hearings will prove their fairness and impartiality to the public and APD. The POB will attend the Citizen Police Academy, do FATS training in both de-escalation situations and shooting scenarios. They will attend the many new outreach efforts by the CPOA and APD. They will do regular ride-a-longs with young APD officers and prove to the young officers that the civilian oversight system works and is fair and can be trusted. All of this can and will be done to improve community relations and earn the public's trust in civilian oversight and in APD.

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. First is my experience. I was the IRO for four and a half years in Albuquerque. I knew the APD policies and procedures and will quickly learn the changes made over the last several years. My entire career has been involved with investigations and discipline from the investigations findings, as well as systemic improvements.

My last assignment in the Air Force was at Kirtland AFB with the Air Force Inspection Agency. We worked directly for the Air Force Inspector General and at his direction, we conducted investigations and inspections throughout the world. These were designed to improve important issues for the Air Force. During my career, I not only conducted numerous inspector general investigations, I reviewed and recommended disciplinary actions and systemic corrective actions on hundreds of inspector general investigations and inquiries. I also acted as the Inspector General for HQ 21st Air Force in the absence of the general. Second is my integrity. I firmly believe in the necessity for independent oversight of all agencies of government. Inspector Generals, auditors, and Police Oversight Boards are a necessity. You can be sure that you will get the truth from me and I will do what the job requires. I proved that as IRO and in my 30 years in the Air Force. Third, I am innovative. As the second IRO, I started the long term planning committee for the POC, wrote the POC Rules and Regulations that were approved by the City Council, started sending letters from the POC to the citizens explaining the investigation and findings, negotiated changes to the old Ordinance that actually gave the POC some authority, got the jail to save homeless peoples' property when they were arrested, allowed the County Sheriff to appeal the Sustained finding against an APD officer, and did ride-alongs with other POC commissioners on APD helicopters and with SWAT officers. I encourage out of the box thinking and action. My investigators and I conducted a stake out of the APD prisoner transport station, seized an APD captains computer, seized emails from the Director of Public Safety, Chief of Police and his Deputies and other senior staff. We were innovative and aggressive in our investigations to ensure we got the facts and enhanced the system of civilian oversight of APD. Fourth, I am dedicated and will work tirelessly to achieve our goals and meet our responsibilities. Police are absolutely essential to our city and a civilized society. Police have an extremely difficult and dangerous job to do. We citizens of Albuquerque need to support and appreciate the 97% of good police officers. ( I use these percentages based on my experience, not with any cited authority). APD and our investigations need to identify the small minority of officers who are prone to abuse the great authority given to them by our citizens. Review of all use of force cases will identify officers who need retraining, counseling, discipline or removal. We need to protect our officers who want to do the right thing and protect the citizens of Albuquerque. Civilian oversight of police is essential. Long hours and night meetings are a requirement for this job and I have shown the will and capability to do it in the face of strong opposition. Fifth, I have the right personality for this job. I have a very thick skin. I do not take personal attacks personally. I have patience when patience is called for. I spent over an hour on the telephone listening to a very nice lady who was a regular complainant and had mental health issues. At the end, she thanked me for an excellent conversation (I had said maybe 10 words). The area I need to improve on is my lack of patience with government bureaucracies (or any bureaucracy) that do not serve the public in a courteous and timely manner. We are public servants and our goal should be to make things work to help our citizens. It can be done!

9. Is, 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. When I was IRO, the City Attorney wrote legal opinions that stated the findings of the POC were not authorized to be placed in the officers' records or anywhere in an APD record. The City Attorney also stated the Chief of Police could legally change the sustained findings on police shooting cases and citizen police complaints any time the Chief wanted. This was the impetus for the POC to request changes to the old Ordinance. Counselor Winter was willing to carry our recommended changes, but wanted us to sit down and negotiate the changes with the Administration, APD and the APOA. Our first meeting was a total disaster. No agreements were reached and the POC and I decided to leave it up to the City Council. Councilor Winters made us to keep trying to reach some agreement. I was

negotiator for the POC. After numerous meetings and give and take on both sides, we finally agreed to the amendments that were passed by the City Council. The Administration, APD, the APOA and I presented a united front at the City Council. The amendments were passed. I have also met with many community groups including Vecinos United, NAACP, ACLU, homeless advocacy groups, Human Rights Commission, the Vietnamese Task Force, and anybody else who wanted to talk to me. I have never worked with a DOJ monitor before, but look forward to the experience. I was assigned to the Air Force Litigation Division in the Pentagon for almost 3 years. We worked very closely with the US Attorneys in all the states and District of Columbia. I met with the Solicitor General in an effort to get him to appeal one of my cases. Another one of my cases was eventually unanimously reversed in our favor by the United States Supreme Court.

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. You probably want to know what I have been doing for the last eight and a half years. My wife and I left Albuquerque to care for her elderly parents. They were like second parents to me and we had always told them that when they got to the point they could not care for themselves that we would be there for them. My 83 year old mother in law had heart surgery and contracted a serious infection. Everyone thought she was dying, including herself. My father in law had congestive heart failure and was totally exhausted and asked for our help. So we did as we promised and went to live with them and care for them. She eventually recovered and is now 91 and in the best physical and mental health since that surgery. My father in law was in the hospital every 3-4 months and died in 2010. The last 8 years, I have been doing legal work for friends and family. I manage the building and farm that my mother in law owns. My wife manages all her mother's personal finances and affairs and drives her to all doctor's appointments, etc. In 2008, a friend and I started a local charity, Backpack Snack Attack. We started at one elementary school and as donations permitted we expanded to all the public elementary, middle and high schools in Warwick Township (that includes 5 separate villages). We average almost 300 meals on weekends to children in the schools' free and reduced lunch programs. We later expanded to include a summer program to feed these same children. Our annual budget is around \$80,000 and the community generously supports us through our numerous fundraisers. We kept our home in Albuquerque and visit often. Our daughter and three grandchildren live in Albuquerque. Our sons and their families live in Seattle, Wa and Chicago, Il. My most important job now is being a good grandpa.

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.

1. John Parisi, retired USAF [REDACTED] [REDACTED] I was the senior attorney at Blytheville AFB, AR. Lt Col Parisi was my senior officer and the Deputy Support Group Commander.
2. Steve Abraham, [REDACTED], he was the Chair of the Police Oversight Commission during our tumultuous first years and a commissioner for several years.
3. Phil Davis, civil rights attorney, [REDACTED], he has observed how I performed my duties as IRO.

Notice - If selected as a finalist for this position:

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.



**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR****Contact Information -- Person ID: 24778266**

Name: JOHN T. L. GRUBESIC Address: [REDACTED]  
Albuquerque, New Mexico 87111  
US

Home Phone: ([REDACTED]) Alternate Phone: [REDACTED]

Email: [REDACTED] Notification Email Preference:

Former Last Name: Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, New Mexico , Class D

Can you, after employment, submit proof of your legal right to work in the United States? Yes

What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:

Are you willing to relocate? No

Types of positions you will accept:

Types of work you will accept: Full Time

Types of shifts you will accept:

**Objective****Education**

**Professional** Did you graduate: Yes  
*University of Denver College of Law* College Major/Minor: Juris Doctor  
1989 - 1992 Degree Received: Professional  
Denver, Colorado

**College** Did you graduate: Yes  
*Fort Lewis College* College Major/Minor: English  
1984 - 1989 Degree Received: Bachelor's  
Durango, Colorado

**Work Experience**

**Partner** Hours worked per week: 60  
8/2008 - Present Monthly Salary: \$0.00  
# of Employees Supervised: 3  
Kanter & Grubestic, P.A Name of Supervisor: self  
4209 Montgomery Blvd. NE May we contact this employer?  
Albuquerque, New Mexico 87109 Yes  
505-273-5533

**Duties**

Partner in general practice law firm, areas of practice include utilities, civil litigation, criminal defense, personal injury, real estate and domestic relations. 2008-2013 Mora County Attorney, served as County Attorney, handled all litigation and legal matters on behalf of the County

**County Attorney**

12/2008 - 5/2013

Kanter & Grubestic, P.A.  
4209 Montgomery Blvd. NE  
Albuquerque, New Mexico 87109  
505-273-5533

Hours worked per week: 20  
Monthly Salary: \$0.00  
# of Employees Supervised: 3  
Name of Supervisor: self  
May we contact this employer?  
Yes

**Duties**

Mora County Attorney, served as County Attorney, handled all litigation and legal matters on behalf of the County

**New Mexico State Senator, District**

7/2004 - 12/2008

New Mexico Legislature  
Santa Fe, New Mexico 87501

Hours worked per week: 15  
Monthly Salary: \$0.00  
May we contact this employer?  
Yes

**Duties**

Represented Senate District 25

Significant legislation - (primary sponsor/signed into law) SB 399, allowed state to take over improperly run healthcare facilities, SB 439, increased criminal penalties for sex offenders, SB 440, strengthened DWI laws by allowing three hour window for BAT, SB 931-Gift Ban, first major piece of ethics legislation passed by the Legislature and signed into law.

**Partner**

4/2004 - 8/2008

Clark, Grubestic, Jones & Baur, LLC  
Santa Fe, New Mexico  
505-820-1825

Hours worked per week: 60  
Monthly Salary: \$0.00  
# of Employees Supervised: 3  
May we contact this employer?  
Yes

**Duties**

General practice, including civil litigation, utilities, criminal defense, personal injury, real estate and domestic relations.

**Trial Attorney - Environmental Enforcement  
Division/Deputy Director Civil Division**

1/2001 - 5/2004

Attorney General's Office  
Santa Fe, New Mexico

Hours worked per week: 55  
Monthly Salary: \$0.00  
# of Employees Supervised: 25  
Name of Supervisor: Albert Lama  
- Deputy Director  
May we contact this employer?

**Duties**

responsible for enforcement of various environmental statutes, including Clean Air Act, Clean Water Act and Comprehensive Environmental Response, Compensation and Liability Act. Attorney -- Civil Division, general counsel to Museum of New Mexico, NM Taxation and Revenue Department, NM Law Enforcement Academy, NM Real Estate Commission, NM Game Commission, NM Department of Game and Fish, Cumbres and Toltec Scenic Railroad Commission and Department of Public Safety Advisory Commission. Lead counsel on all litigation matters within division. Deputy Director - Civil Division, supervised/trained eighteen attorneys who were responsible for providing general counsel to various boards and commissions, assisted in formulation of litigation strategies, assigned to assist hearing officer for the New Mexico Law Enforcement Academy and State Personnel Board, provided training to various agencies on Open Meetings/Inspections of Public Records Act, Procurement Code. Reviewed and/or prepared all administrative appeals.

**Reason for Leaving**

Elected to New Mexico Legislature

**Assistant District Attorney**

1/1999 - 5/2001

First Judicial District Attorney's Office  
Santa Fe, New Mexico 87501Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 8  
Name of Supervisor: Angela  
"Spence" Pacheco  
May we contact this employer?**Duties**Responsible for prosecution of felony cases in Rio Arriba and Los Alamos  
County. Supervised Magistrate Court Division.**Reason for Leaving**

Higher Salary

**Assistant District Attorney**

1/1998 - 4/2001

First Judicial District District Attorney's Office  
Santa Fe, New MexicoHours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 8  
May we contact this employer?**Duties**

Supervised Magistrate Court Division.

**Senior Trial Prosecutor**

1/1998 - 5/1999

Magistrate Division  
Santa Fe, New MexicoHours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?**Duties**responsible for supervision and training of five magistrate attorneys, handled full caseload before  
Santa Fe, Los  
Alamos, Rio Arriba and Bernalillo County Magistrate and District Courts. Senior Trial Prosecutor-  
Rio**Associate**

1/1996 - 8/1998

White, Koch, Kelly & McCarthy, P.A.  
Santa Fe, New Mexico 87501Hours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?**Duties**Associate, general practice, including civil litigation, criminal defense, real estate, utility, water  
and commercial law.**Trial Attorney - Litigation Division**

12/1993 - 8/1996

Attorney General's Office  
Santa Fe, New MexicoHours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?

**Duties**

handled all types of litigation, including administrative prosecutions and appeals in State District Court, Supreme Court and Federal Court.

**Certificates and Licenses**

Type: State Bar of New Mexico

Number: [REDACTED]

Issued by: State Bar of NM

Date Issued: 5 /1993 Date Expires:

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

Honors & Awards

Graduated Cum Laude

**References**

Professional

**Lama, Albert**

Chief of Staff National Association of Attorneys General

[REDACTED]

Professional

**Hull, Arthur**

[REDACTED]  
Albuquerque, 87124

[REDACTED]

Professional

**Payne, Bill**

Senator

[REDACTED]  
Albuquerque, New Mexico 87191

[REDACTED]

Professional

**Torraco, Lisa**

Senator

[REDACTED]  
Albuquerque, New Mexico 87102

[REDACTED]

**Resume**

**Text Resume**

**Attachments**

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

### Supplemental Questions

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: University of Denver College of Law

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico

5. Q: How many years of management experience do you possess related to this position?

A: 6 or more years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

**7. Q:** Briefly describe your experience in criminal investigation.

**A:** As an assistant district attorney, assistant attorney general and a criminal defense attorney I have worked closely with various law enforcement agencies/private investigators in developing cases and preparing them for trial. I have coordinated investigations and assisted law enforcement personnel through all stages of investigation/trial preparation.

**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

**A:** Over the past 22 years, I have practiced before all New Mexico State Courts and have also appeared in Federal Court in New Mexico. I served as an administrative prosecutor for the Law Enforcement Academy, the State Personnel Board, the Real Estate Commission and the Board of Chiropractic Examiners. I have trained employees in State Government regarding the New Mexico Open Meetings Act and the Inspection of Public Records Act. I have drafted ordinances for Mora County and drafted policy and procedure manuals for Mora County.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due June 24, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov). The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: John Grubestic  
Firm/Employer: Kanter & Grubestic, PA  
Address: 4209 Montgomery Blvd. NE, Albuquerque, NM 87109  
Phone: [REDACTED]

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?

I believe an immediate need is to establish a simple, efficient and reliable system to administer civilian complaints and coordinate the effective investigation of these complaints. This requires the development of easily understood procedures and guidelines. This will eliminate confusion and assist in the just resolution of civilian complaints. This step is critical in order to establish confidence that members of law enforcement will be held accountable for their actions. It is necessary to implement a well-thought-out system to ensure that the oversight board is accountable, equitable and gives both the law enforcement community and the general public confidence that their concerns will not be overlooked and that they will be treated fairly.

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

A client appeared for a court hearing and he was highly intoxicated. Unfortunately, he hid it very well and I was the only one in the courtroom aware of his condition. He was my client so I was obligated to advocate on his behalf and keep him out of jail. I also had to make sure that he didn't do any harm to himself or others. I discussed this with my client and informed him that we needed to address the court regarding his condition. He was angry and threatened to leave. I quickly discussed the matter with the Assistant District Attorney and he agreed that if I made sure that he did not drive we could request a reset of the hearing and not have my client taken into custody. I took the client back to my office. He slept in my conference room for the rest of the day and his wife picked him up after she got off work.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

When I was supervising the Magistrate Court Division of the First Judicial District Attorney's Office, one of my duties was to make sure that we had adequate coverage for the Magistrate Courts in Santa Fe, Rio Arriba and Los Alamos Counties. There were four attorneys including me to make sure that all three courts were covered. This was challenging given the number of cases and the size of the area that needed to be covered. There were

courthouses located in Chama, Espanola, Los Alamos and Santa Fe. One of the lawyers I supervised constantly complained about the size of his caseload and what he perceived as the unfair distribution of cases. I sat with him on numerous occasions and attempted to resolve it without much success. I finally hit upon the idea to put him in charge of case coverage. Much to my surprise he adapted well to the new assignment, worked closely with the other attorneys and flourished in his new role. I was able to focus on other needs within the division and could count on him as a reliable back up.

4. Which of your legal cases are you the most proud of and why?

I represented a single mother who suffered significant injuries as a result of an arrest. Once her case was resolved she used the proceeds to purchase a home and pursue her college degree. I have found that the most rewarding moments of my career are those that result in helping my clients obtain resolutions that allow them to improve their lives.

5. Describe your investigative philosophy.

Investigation is the key to obtaining a just result. It is a process that requires a patient, step by step inquiry into conflicting and sometimes confusing fact patterns. A professional investigation exonerates those who are wrongly accused and establishes a basis to proceed when the facts point to misconduct. The foundation of effective investigation is developing facts, weeding out inconsistent and false statements and arriving at a just resolution.

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?

I have been a solo practitioner in a very busy criminal defense practice. I have done this without a support staff for the last five years. I have handled hundreds of difficult cases and clients and have provided excellent service and representation under challenging circumstances. I have the focus to ensure I handle my caseload in a manner that is efficient and effective. I work well under pressure and I am used to handling multiple cases at the same time, all of which will allow me to move the backlog of cases efficiently.

7. What is your vision for the CPOA?

I believe that the core function of the CPOA should be establishing and maintaining Albuquerque citizens' confidence that members of law enforcement will be held accountable for their actions. Above all, the community must believe in the CPOA's integrity to ensure that this confidence is developed. Trust in law enforcement is the cornerstone of a vibrant community. The CPOA must actively monitor and work closely with law enforcement; when necessary the CPOA must be willing to make difficult decisions to foster community belief in its legitimacy. I have unique perspectives from the several different positions I have held in the legal system, including those of prosecutor, defense attorney, civil litigator and legislator. I have tried many cases in these various roles. As a result of this background, I have developed an ability to work effectively with a variety of individuals. My previous experience ensures that I will be able to fulfill my role as Executive Director based on my current knowledge and my ability to adapt quickly and effectively. My extensive and diverse experience will allow me to define challenges and quickly develop solutions.

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.

1. Honesty. This is a key asset in establishing credibility with all stakeholders involved in this process.
2. Integrity. I hold myself to high standards and believe it reflects in the work that I do. I trust myself to do the right thing in a variety of circumstances. If you can't trust yourself then you can't expect others to trust your insight or observation.

3. Candor. I feel a direct approach results in the efficient use of a limited amount of time to resolve issues.
  4. Ability to work well with others. Throughout my career I have been most effective when I recognized other points of view and worked with people in arriving at a solution rather than trying to force someone to accept my view.
  5. Sense of humor. This quality has allowed me to see trying situations as challenges to overcome and not as roadblocks without a solution.
  6. I struggle with being somewhat direct in addressing an issue. There are circumstances that require a more delicate touch and I am working on that.
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.

As a New Mexico State Senator I carried and passed the first major piece of ethics legislation passed by the legislature and signed into law. Senate Bill 931 governed ethical conduct by legislators and substantially cut monetary awards and gifts to legislators. There was significant opposition to my proposal. Several legislators felt it was unnecessary and that it created more oversight than was needed. Proponents of the legislation did not think that it went far enough and asked for significant penalties to be attached to the bill. I spent a great deal of time convincing legislators that we were obligated to our constituency to monitor our own conduct and control any appearance of impropriety. I met with vocal constituents who wanted stiff penalties and worked out a compromise to ensure that the legislation passed. This Bill proved to be an important first step in the development of additional ethics legislation.

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.

When I first started at the Attorney General's Office as an administrative prosecutor, I presented cases to the Law Enforcement Academy Board for the revocation of law enforcement officers' certifications. This gave me valuable insight into the function of a board that monitors law enforcement and the challenges a board has in maintaining high standards of professionalism in a sometimes adversarial environment. Additionally, it helped me develop my skills as attorney and help me recognize the fundamentals of good investigation. I have used these skills in my career to direct investigations and as a defense attorney to point out flaws in investigations. As Deputy Director of the Civil Division of the Attorney General's Office, I advised numerous Boards and Commissions on all aspects of compliance with State law and regulation.

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.

Albert J. Lama, Chief of Staff  
National Association of Attorneys General  
2030 M St. NW, Washington, DC, 20036  
202-326-6266  
[alama@naag.org](mailto:alama@naag.org)

I served as Deputy Director of the Civil Division of the Attorney General's Office under Mr. Lama. I have known him for over twenty years on both a professional and personal level.

Senator William "Bill" Payne  
Senate District 20

P.O. Box 14823  
Albuquerque, NM 87191

[REDACTED]  
[REDACTED]

I served with Senator Payne in the New Mexico Legislature. I worked closely with him in developing bi-partisan solutions to difficult issues.

Arthur Hull II

[REDACTED]  
Albuquerque, NM 87194

[REDACTED]  
[REDACTED]

Mr. Hull is a lobbyist. He saw me develop into an effective legislator.

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 21764574**

Name: JULIA M. PETRUCELLI Address: [REDACTED]  
Albuquerque, New Mexico 87123 US  
Home Phone: [REDACTED] Alternate Phone:  
Email: [REDACTED] Notification Email  
Preference:  
Former Last Name: Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, California, [REDACTED]  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

**Preferences**

Preferred Salary: \$50,000.00 per year  
Are you willing to relocate? No

Types of positions you will accept: Regular , Temporary  
Types of work you will accept: Full Time , Part Time  
Types of shifts you will accept: Day , Evening , Night , Rotating , Weekends , On Call (as needed)

**Objective**

**Education**

**Graduate School**

American University Washington College of Law  
<http://www.wcl.american.edu/>  
8/2010 - 5/2013  
Washington, District of Columbia

Did you graduate: Yes  
College Major/Minor: Law  
Degree Received: Doctorate

**College**

University of California San Diego  
<http://ucsd.edu/>  
9/2005 - 8/2009  
La Jolla, California

Did you graduate: Yes  
College Major/Minor: World Literature / Law  
Degree Received: Bachelor's

**Work Experience**

**Staff Attorney**

11/2014 - Present

Disability Rights New Mexico  
[www.drnrm.org](http://www.drnrm.org)  
1720 Louisiana Blvd. NE, Suite 204  
Albuquerque, New Mexico 87110  
5052563100

Hours worked per week: 40  
Monthly Salary: \$0.00  
Name of Supervisor: Jason Gordon - Senior Staff Attorney  
May we contact this employer? Yes

**Duties**

Attend Individualized Education Program and Behavior Intervention Plan meetings to advocate on behalf of students receiving special education services. Communicate with District representatives and attorneys to encourage compliance with federal and state regulations. Work with and advocate for students receiving special education services who are facing expulsion from school due to behavior problems and violations of school code of conduct policies. Write and submit State Complaints and initiate and conduct Due Process Hearings. Create Special Education tip sheets and conduct training sessions for providers, parents, and students on Special Education Law and the rights of students and

families. Chosen to participate in the Education Justice Project to advocate for the provision of special education services to students overlooked by the education system due to disabilities leading to behaviors that violate school code of conduct policies. As an attorney participating in this project, I attend stakeholder meetings and conduct trainings with Judges, Public Defenders, and District Attorneys. Represent clients in Medicare Administrative Fair Hearings challenging denials of coverage. Represent clients in Medicaid Administrative Fair Hearings challenging removals from the Medicaid DD Waiver Waiting List due to claims of ineligibility. Represent clients in transfer or removal of guardianship cases.

**Reason for Leaving**

I would like to explore other interests related to police accountability and governmental policy work. I have a strong desire to conduct training sessions with city employees and other governmental agencies and personnel and would like to participate in ensuring that my government operates with integrity.

**Sales Associate**

3/2014 - 7/2014

Old Navy  
5625 Bay St  
Emeryville, California 94608

Hours worked per week: 40  
Monthly Salary: \$0.00  
Name of Supervisor: Jeremy - Store Manager  
May we contact this employer? Yes

**Duties**

Provide a variety of services to customers including assistance with finding items, fitting and completing an outfit, and conducting transactions at the cash register. Genuine and effective customer interaction is the basis for this position and my work involved engaging with diverse customers on a variety of issues throughout my shift. I developed excellent interpersonal communication skills, developed a sense of pride and loyalty in the quality of services my store provided, and became a reliable mentor to new employees. In working at the cash register, I demonstrated my commitment to be a reliable and effective employee with high integrity and honesty.

**Reason for Leaving**

I relocated to Albuquerque, NM with my husband. Because I was volunteering at three organizations in the San Francisco Bay Area, I was working at Old Navy to supplement my income and it was a temporary job.

**Volunteer**

1/2014 - 6/2014

California Reentry Program  
<http://ca-reentry.org/about/>  
P.O. Box 483  
San Quentin, California 94964

Hours worked per week: 15  
Monthly Salary: \$0.00  
# of Employees Supervised: 0  
Name of Supervisor: Allyson West - Program Director  
May we contact this employer? Yes

**Duties**

Provide reentry counseling to inmates at San Quentin State Prison in San Quentin, CA. Reentry counseling serves to work with individuals imprisoned for both violent and non-violent offenses to make a positive transition from life in prison to their communities. Individual reentry counseling consists of service referrals and linkages to other programs and providers and answering questions about specific reentry needs such as college financial aid, county resource guides, course information at community colleges, DMV paperwork, and GED information. Long-term case management is established to provide ongoing assistance in long-term planning including employment, education, medical needs, drug/alcohol treatment, and housing. Participate in San Quentin educational events to provide information on mental health services and general reentry planning needs.

**Reason for Leaving**

Moving to Albuquerque, NM

**Volunteer Intern**

11/2013 - 6/2014

California Coalition for Women Prisoners  
<http://womenprisoners.org/wp/>  
1540 Market St., Suite 490  
San Francisco, California 94102

Hours worked per week: 5  
Monthly Salary: \$0.00  
# of Employees Supervised: 0  
May we contact this employer? No

**Duties**

Assist with researching a variety of issues relating to California's female inmate population and respond to inmate requests for information and referrals. Conduct legal research and analysis to bolster policy initiatives to expand the Alternative Custody Program while formulating CDCR guidelines for implementation.

**Reason for Leaving**

Moving to Albuquerque, NM

**Law Student Attorney**

1/2013 - 5/2013

Law Office of Michael Madden  
717 D St. NW, Suite 400  
Washington, District of Columbia 20004  
(202) 628-3820

Hours worked per week: 20  
Monthly Salary: \$0.00  
# of Employees Supervised: 0  
Name of Supervisor: Michael  
Madden - Supervising Attorney  
May we contact this employer? Yes

**Duties**

Intern with Criminal Justice Act defense lawyer working on homicide, assault, sexual assault, robbery, and domestic violence cases. Conducted client intake and individually interviewed defendants in domestic violence cases prior to court hearings and trial. Visited the DC Jail to meet with defendants to discuss case progress, theories, plea agreements, and sentencing guidelines in relation to charges of homicide, assault, robbery, and sexual assault. Drafted motions to compel discovery and to exclude evidence of other crimes. Prepared clients for direct- and cross- examinations. Investigated Affidavits of Arrest and WACIIS Reports to piece together witness statements and to probe statements in preparation for trial. Worked directly with clients suffering from psycho-social and developmental disabilities and participated in client meetings at St. Elizabeth's Psychiatric Hospital in the District of Columbia to meet with clients involuntarily hospitalized and their treatment providers.

**Reason for Leaving**

Semester Internship

**Student Attorney**

8/2012 - 12/2012

Women and the Law Clinic - American University Washington  
College of Law  
4801 Massachusetts Avenue, NW, Suite 417  
Washington, District of Columbia 20016  
(718) 340-4144 (Sofia Yakren)

Hours worked per week: 20  
Monthly Salary: \$0.00  
# of Employees Supervised: 0  
Name of Supervisor: Sofia Yakren -  
Clinic Supervising Attorney  
May we contact this employer? Yes

**Duties**

Maintained direct contact with clients and spearheaded casework. Assisted client with severe mobility impairments and numerous health problems to resolve Medicare/Medicaid claims and disputes and to initiate divorce proceedings. Researched and initiated a special education due process hearing for a client with a child denied special education services. Initiated a school transfer for client's child in light of an assault on the child by a police officer.

**Reason for Leaving**

Semester Clinical Program

**Law Student Intern**

8/2012 - 12/2012

Disability Rights International  
<http://www.disabilityrightsintl.org/>  
1666 Connecticut Avenue, NW, Suite 325  
Washington, District of Columbia 20009  
(202) 296-0800

Hours worked per week: 20  
Monthly Salary: \$0.00  
# of Employees Supervised: 0  
Name of Supervisor: Eric Rosenthal  
- Director  
May we contact this employer? Yes

**Duties**

Conducted legal research and analysis and drafted explanatory footnotes in support of legal arguments appearing in requests for precautionary measures, which were submitted to the Organization of American States against Guatemala for abuses occurring in a prison for women suffering from psycho-

social and developmental disabilities. Investigated questions pertaining to the rights of individuals within psychiatric institutions and accountability for various abuses occurring in those facilities.

**Reason for Leaving**

Semester Internship

**Law Student Intern for the Gender Jurisprudence Project**  
6/2011 - 12/2012

War Crimes Research Office - American University Washington  
College of Law  
<http://www.wcl.american.edu/warcrimes/>  
4801 Massachusetts Avenue, NW  
Washington, District of Columbia 20016  
(202) 274-4067

Hours worked per week: 20  
Monthly Salary: \$0.00  
Name of Supervisor: Chante Lasco -  
Jurisprudence Collections  
Coordinator  
May we contact this employer? Yes

**Duties**

Reviewed international criminal tribunal court documents for issues relating to gender- and sexual-based violence. Analyzed and synthesized decisions and judgments to consider the implications of gender- and sexual- based convictions, acquittals, and dismissals for defendants charged with gender- and sexual- based crimes against humanity, war crimes, and grave breaches of the Geneva Conventions. Digested the various documents to be included in a collection utilized by researchers and court officials at various international criminal tribunals.

**Reason for Leaving**

Temporary Internship

**Law Student Intern**  
4/2012 - 8/2012

Hermano Pedro Day Shelter - Shrine of the Sacred Heart  
3211 Pine St., NW  
Washington, District of Columbia 20010  
(202) 246-6643

Hours worked per week: 10  
Monthly Salary: \$0.00  
Name of Supervisor: Michael  
Madden  
May we contact this employer? Yes

**Duties**

Interned with pro bono attorney Michael Madden at Hermano Pedro Day Shelter at the Shrine of the Sacred Heart in the District of Columbia to assist indigent clients of the shelter with their various legal needs. Conducted legal research to solve multifaceted legal issues as well as worked directly with clients on a variety of legal matters including, but not limited to, immigration status, work authorizations, understanding warrants for arrest, child support, and health insurance and disability

**Reason for Leaving**

Summer Internship

**Certificates and Licenses**

Type: Law License

Number: [REDACTED]

Issued by: New Mexico State Bar

Date Issued: 4 /2015 Date Expires:

**Skills**

Office Skills

Typing: 85

Data Entry: 0

Other Skills

Prepare and Conduct Training Sessions Expert - 5 years and 0 months

Litigation Skilled - 1 years and 6 months

Legal Research and Writing Expert - 5 years and 6 months

Networking Skilled - 5 years and 0 months

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Languages

Spanish - Speak

**Additional Information**

Volunteer Experience

Prisoners Literature Project - Berkeley, CA:

Volunteer, December 2013 – June 2014

Respond to inmate letters and requests for books. Review requests, choose appropriate books from a selection of donated items, and package materials to ship to incarcerated individuals. Lead volunteer packing sessions and explain the history and nature of the project. Plan fundraising events and conduct outreach to educate the community regarding prison conditions and other matters relating to inmates.

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Professional Associations

National Lawyers Guild - American University Washington College of Law Student Chapter

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Professional Associations

Human Rights Academy Participant - American University Washington College of Law

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Volunteer Experience

Amnesty International - Washington, DC:

Active Member, January 2012 – May 2013

Assisted with event organizing, schedule planning, community outreach, and fundraising. Organized with Amnesty International members for Get On the Bus Day, an annual day of action advocating for international human rights and justice for human rights violations. Researched country specific human rights violations and discussed the viability of creating events and actions around those violations.

**References**

Professional

**Madden, Michael**

Criminal Defense Attorney

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Professional

**Yakren, Sofia**

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Personal

**Muñoz, Patricia**

Dallas, Texas

Professional

**Gordon, Jason**

Senior Staff Attorney at Disability Rights New Mexico  
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**Resume**

**Text Resume**

**Attachments**

Attachment	File Name	File Type
Julia Petrucelli - Resume.docx	Julia Petrucelli - Resume.docx	Resume
Petrucelli - Transcript.pdf	Petrucelli - Transcript.pdf	Transcripts
Julia Petrucelli - References.docx	Julia Petrucelli - References.docx	References
Julia Petrucelli - Cover Letter for Civilian Police Oversight Agency Director.docx	Julia Petrucelli - Cover Letter for Civilian Police Oversight Agency Director.docx	Cover Letter

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: American University Washington College of Law, May 2013

**3. Q:** Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

**4. Q:** If you are an active Bar Association member in good standing identify the state.

A: New Mexico

**5. Q:** How many years of management experience do you possess related to this position?

A: 1 year to less than 2 years

**6. Q:** Select the number of years of work experience you possess which relate to this position.

A: 4 years to less than 5 years

**7. Q:** Briefly describe your experience in criminal investigation.

A: I worked as the sole intern of a criminal defense attorney in the District of Columbia. While working for Michael Madden, I conducted extensive investigation for the many cases he was trying, including homicide, rape, assault and battery, domestic violence, and robbery. I investigated the alleged crimes and reviewed numerous police reports and witness statements relevant to the case. I worked closely with Mr. Madden's personal criminal investigator and accompanied him and participated throughout the investigation process. I interviewed witnesses and prepared the defendant and witnesses for direct and cross examination. I researched the relevant law and wrote numerous motions which were submitted to the Court.

**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: As a Staff Attorney at Disability Rights New Mexico (DRNM), I represent my clients in Administrative Fair Hearings and am required to have extensive working knowledge of relevant administrative procedures and policies. Because I work closely with Administrative Law Judges, I have experience with the Hearings Process and relevant laws. As a Staff Attorney at DRNM, I represent clients challenging guardianship and represent these clients in guardianship proceedings. In light of my experience working for Michael Madden as a criminal defense intern, I often appeared in front of criminal court judges and was required to know criminal laws, policies, and procedures.

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**Name:**

Julia Marie Petrucelli

**Firm/Employer:**

Disability Rights New Mexico

**Address:**

[REDACTED]  
Albuquerque, NM 87123

**Phone:**

[REDACTED]

**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?**

One of the first objectives is to catch up on all the backlogged cases. Doing so will show the community that civilian oversight is meaningful and that the agency takes it seriously. By demonstrating a commitment to review complaints that have been backlogged will show the community that the agency is actively trying to review all complaints and begin the investigation process. I expect that due to the number of cases that have been backlogged, this process will take time; however, beginning this process and substantially reducing the number of cases in the backlog is a critical first step. Another initial goal is to begin training both agency personnel and the APD in appropriate use of force, de-escalation techniques, and to revise and develop new policies, with a special emphasis on providing crisis intervention trainings and developing crisis intervention teams. With the development of new policies and with the conclusion of initial trainings, new procedures for handling misconduct must be in order to ensure compliance with the new policies and procedures. I believe that while trainings are taking place, it is important to begin the process of establishing procedures for handling misconduct and for supervising officers in the field. This requires developing a staffing plan to ensure close supervision of officers and creating an early intervention system. These initial steps will demonstrate to the community that the agency is reassessing its policies, evaluating officers in the field, and creating a supervision plan that involves closely monitoring officers and creating a procedure for handling officer misconduct. Coupled with the issue of reprimanding or punishing officer misconduct is creating a plan for hiring and encouraging officer compliance with the new policies and procedures. Recruiting new officers and encouraging compliance with policies and procedures for professional and ethical policing can include plans to have thorough psychological and medical evaluations of new candidates and lateral hires, conduct pre-employment and routine drug testing of all officers, and providing a variety of supports and assistance for officers, including access to occupational training, mental health services, and other social services. These initial steps should occur while the Director and other agency staff regularly meet with community

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stakeholders to facilitate ongoing communication, conduct outreach to inform the public of progress towards the new goals and objectives, and to maintain transparency.

**2) Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.**

While working under the supervision of an attorney during an internship opportunity, I witnessed a mentally ill client be treated in a way that negated their dignity and informed choice. This was an ethical conflict because I believed that the individual had a right to make their own decision regarding their legal argument; however, the attorney chose to act in a way he believed served the client's best interests but ignored the client's wishes. When working with individuals suffering from a disability or mental illness, there are two approaches that are often implemented: 1) best interests or 2) client centered. I believe that clients deemed legally competent have a right to make decisions they believe are appropriate. Informed choice is an idea that I strongly stand by and believe is necessary for treating individuals with dignity despite any disabilities they may have. My supervising attorney believed in the best interests approach and we disagreed on how to handle the situation. In this particular case, I was working under direct supervision from an attorney who was trying the case, so while I made my opinion known, I was not able to change the plan. I believe that as I was under the supervision of another attorney, I was not in a position to make the decision; however, I did feel obligated to express my concern and disagreement and provide reasons to support my position. I felt that my ethical obligation was to inform the supervising attorney of the alternate approach with supporting reasons. While I believe my client had the right to make his own decision, I was not in a position to act as his attorney and thus could only express my differing position to my supervisor. While I had hoped to sway my supervisor's decision, he ultimately pursued a course of action that was in the client's best interest and while that did allow the client some additional perks, it was not an approach the client wanted to take. I do believe that I handled the situation appropriately given that I was not a licensed attorney at the time but that I expressed my position and stood by it. I believe that my actions in that situation demonstrated my integrity and dedication and fulfilled my ethical obligation to inform my supervisor of the alternate approach.

**3) Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.**

While working as a Staff Attorney at Disability Rights New Mexico, I have been paired to work on various projects with other staff members. As an attorney, I am given more discretion as to the project and have made supervisory decisions regarding trainings and presentations. Although I am not the direct supervisor of the individuals I am working with on a training project and a conference presentation, I have been assigned the lead and continue to play a supervisory role in organizing the project, creating a plan, and delegating work. In this capacity, I will review all project materials and training guides and will make necessary additions or changes to provide the highest quality materials. One of the challenges I have encountered is that I am working with individuals who have been with the agency for a very long time and are

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working under the same models and hierarchy they have held in the past. As I started in November of 2014, I am relatively new to the agency and I am finding that some staff members do not want me to take the lead. The challenge is getting staff to trust in my experience and knowledge and to allow me to direct the project. In doing so, I am working closely one-on-one with individual staff and creating an informal environment to have discussions and to decide on details together. In creating an informal setting to create a plan, I am asking for input from the staff and allowing their opinions to be heard and taken into consideration. I believe this approach allows individuals to trust that I will respect their opinions and work closely with them to create a collaborative project. Overall, I believe this method results in a positive working relationship and allows for individuals to trust in my abilities but to also feel like they will remain active participants and that their opinions are meaningful.

**4) Which of your legal cases are you the most proud of and why?**

While working at Disability Rights New Mexico, I represented a student with learning disabilities and behavioral problems who was facing a permanent expulsion from high school. The student admitted to bringing and using illegal drugs on school grounds and to engaging in numerous fights with other students. I am most proud of this case because despite the seriousness of the charges, during the expulsion appeal hearing I was able to convince the school to reverse the expulsion and allow the student to return to school with additional special education accommodations. I am extremely proud of this result because I was working under pressure as I had not received all the information until shortly before the hearing and because the family and the student were very difficult to communicate with. I am also proud of this result because I was able to quickly learn an area of law that I was unfamiliar with and make a very strong and sound legal argument in support of my client despite the seriousness of the charges.

**5) Describe your investigative philosophy.**

I believe that in conducting an investigation, it is important to remain open-minded and not reach a conclusion before all information is gathered and assessed. I believe that all complaints should be thoroughly investigated and that an investigation is deemed complete only when reliable and complete findings are made. Complainants need to be individually interviewed, interviews should be recorded to ensure accuracy and context of statements, and witnesses should provide written statements of their observations or lack thereof. I believe that investigations need to remain confidential and that administrative and criminal investigations remain separate to protect constitutional rights. My investigative philosophy requires thorough and private interviews and that in many cases, a follow-up interview is necessary to ensure completeness of information. I believe that timeliness is crucial to accurate reporting of observations and information gathering and that obtaining information from a variety of sources is crucial for an unbiased interpretation of events.

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**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?**

I have a lot of experience working in a variety of offices and have extensive knowledge of organizational methods, time management, and self-directed work. I believe that I am a qualified leader and when it comes to projects involving many people, I am able to delegate and assign work based on individual's skills. Because of the large backlog of cases, I believe taking the helm of the organization and moving it forward requires someone who is capable of jumping in and quickly directing and delegating work while also investing a lot of additional time to do a thorough job. I believe that when presented with an abundance of work leftover from a predecessor, I am able to prioritize and began working immediately while working efficiently and thoroughly. I am a strong leader and am not afraid to direct and delegate individuals where I believe they would be most effective. While professionalism is important and vital to a productive work environment, I am capable of acting professionally and courteously even when confronted with staff who do not want to cooperate or take direction. In stepping into this position as someone new to the department that is undergoing substantial changes, I believe people may not be happy with a new Director's vision or plans and I am not afraid to step into a position where staff may not trust me or respect me at first. I believe in myself and my ability to make appropriate decisions and I believe that in time, I can rally people together to be committed to a new vision and working together.

**7) What is your vision for the CPOA?**

My vision for the CPOA is to work to ensure police integrity, protect officer safety, prevent the use of excessive force and/or unreasonable use of deadly force, and promote trust and communication between APD and Albuquerque's many communities. My vision for the CPOA is to review and complete the backlogged cases and be able to conduct and conclude investigations in a timely manner. I believe the CPOA should monitor and review all citizen complaints or concerns and investigate the claims. As a result of these investigations and review of complaints or concerns, the CPOA should review, revise, and/or develop departmental policies and procedures for the Police Oversight Board. I envision the CPOA catching up on backlogged cases to prove to the community that complaints are taken seriously and that excessive or unreasonable use of force is a serious issue within the agency. I envision the CPOA developing a realistic perspective on its current status and its timeline for meeting the objectives outlined in the Settlement Agreement and developing an effective and efficient plan for meeting those objectives. I also envision the CPOA developing a strong working relationship with community stakeholders while reinvigorating the agency's relationship with the community fostering support, trust, collaboration, and communication.

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8) What do you view as the top five assets you bring to this position, whether personality traits, knowledge-based skills or experience. 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.

I believe that my top five assets that I bring to this position are: 1) integrity; 2) dedication; 3) experience working with the community; 4) open-mindedness ; and 5) experience working with mentally ill individuals

Integrity: I believe that integrity is one of the strongest personality traits to have. I believe that I am an honest individual with strong moral principles. Honesty is crucial when working within an agency because it allows me to communicate both the positives and negatives of a situation and work with others to provide constructive criticism and honest opinions. Because I have strong moral principles, I always try to do what I believe to be right and I always treat everyone with dignity and respect. I believe that treating everyone with dignity and respect is vital to this position because it means listening to what colleagues and civilians have to say, providing support and appropriate supervision to employees, handling employee grievances in a timely manner and with support and fairness, and working with other agencies and community stakeholders in a way that fosters communication and willingness to work together. As a CPOA Director, I believe that supervision of other employees is a task that requires integrity so as to always remain respectful, honest, and supportive of their opinions while fostering a work environment that exudes integrity and veracity, both within our work environment and with other individuals and agencies.

Dedication: As a community activist and strong believer in the need for government accountability, my dedication to the cause is uniquely beneficial to the CPOA because it equips me with the motivation to continue working towards the ultimate objective. When things get rocky or I hit a roadblock, this dedication allows me to work through the difficult times and think outside the box to come up with other possible solutions. My own desire and dedication to engage with community stakeholders and with other community groups advocating for accountability is an asset for this position because it means that I will be able to work with community partners, listen to their opinions, and be open minded so as to meet the objectives of the Civilian Police Oversight Agency.

Experience Working with Community Leaders and Members: Throughout my various extracurricular activities, I have been heavily involved with working with community leaders and members. I believe that systemic reform requires community involvement and by getting involved with various community leaders and community groups, a larger audience can be reached and information can be widely disseminated. Once community partners are involved, they are able to spread the information and get others involved. I believe that the ability to work within the community and engage with them regularly and in informal settings and formats creates a positive relationship that fosters honesty and openness. In light of the ongoing allegations of overuse of police force against civilians, it is incredibly important to have a strong relationship with civilians to show them my commitment to listening to what they have to say, taking their comments and concerns seriously, and reforming the system with their opinions in

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mind. I believe that my ability to work closely with community members is an asset that I bring to this position because I am comfortable working with community members, listening to their concerns, and committing to addressing their concerns in a timely and professional manner. One of the objectives of the settlement agreement is to foster greater trust among officers and the communities they serve, it is vital to have a good working relationship with community organizations and leaders. This objective requires that the agency undergo reforms to support community participation and create both formal and informal mechanisms that facilitate ongoing communication between APD and Albuquerque's communities. I believe that my ability to work with individuals at a community level and my interpersonal skills are a necessary asset for this position and I believe that I would excel at fostering a stronger relationship between the police department and the community.

Open-mindedness: As the department is undergoing substantial reform, I believe that open-mindedness and a willingness to accept constructive criticism from all stakeholders is a crucial asset for this position. I believe that I am open-minded and willing to work with stakeholders to develop a plan that strives to leave all parties satisfied. One of the biggest concerns in communities is the use of excessive force and many communities currently distrust APD. I believe that working with community members and being open-minded to their criticisms and concerns is a vital component since previous models and methods of running the department have been ineffective. Being open-minded means working towards a solution by utilizing a variety of methods and plans and being open to changing those plans as problems or alternatives develop. I believe that the agency needs an individual who is willing to step into this position with an open-mind and a willingness to hear stakeholder's concerns while creating and recreating plans that target the heart of the problem. I believe that because there are so many stakeholders involved, it is important that the Director be open-minded to the various comments that will arise from discussions with the different stakeholders. Being new to this agency and being open to the comments and criticisms will create a more diverse and inclusive agency. This ability to step into a new position and listen to everyone's concerns without heading down a stagnant and close-minded path will ultimately have the biggest and most positive impact.

Experience working with mentally ill individuals: Crisis intervention is one of the provisions of the Settlement Agreement and requires that APD ensure accountability and promote constitutional, effective policing, by minimizing the necessity for the use of force against individuals in crisis due to mental illness or a diagnosed behavioral disorder. In law school I focused my studies on criminal law and procedure and disability law. I conducted several research projects that focused on the intersection of disability and the law, specifically I addressed the unique needs of individuals suffering from mental illness who are experiencing a crisis situation where police are the first responders. My research also addressed the unique needs of these individuals upon arrest and intake. I believe that my academic background is a strong asset as it has helped me prepare for a career that involves working with individuals with mental illness. Furthermore, this research background forms a strong foundation for professional investigation and planning. As a Staff Attorney at Disability Rights New Mexico, I have numerous clients that suffer from mental health or diagnosed behavioral disorders, many of which are juveniles, who engage in problem behaviors leading to intervention or school disciplinary actions. I believe that my interest in working to ensure that the unique needs of

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individuals with disabilities are met and so crisis intervention does not involve unnecessary use of force is a strong foundation for serving in this position. As one of the biggest issues in the settlement agreement is crisis intervention planning and restructuring, I believe that my experience working with individuals with mental illness and my academic and professional background that focused on studying the intersection of disability and the criminal justice system is highly relevant to this position. If selected for this position, my experience would allow me to quickly begin working with members of the mental health community of providers, advocates, and individuals to create a more effective and constitutionally sound way in which to work with local stakeholders and develop a crisis intervention program constituting of an advisory committee, behavioral health training, crisis intervention certified responders and intervention unit, and crisis prevention.

One challenging area of my personality that I struggle with and am working to improve is that I sometimes doubt my ability and skills. When I am working on a difficult case or am dealing with a challenging question or factual scenario, I sometimes become doubtful that I am well-equipped to solve the problem on my own. I am working to improve my self-doubt and learn to trust my abilities by working through problems on my own and spending additional time researching, preparing, and learning everything I can that is relevant to the problem. After going through this process, I prepare a list of questions that I am still struggling with and will sit down and try to come up with answers, sometimes multiple answers, to these questions without judgment as to whether the answers are right or wrong. Once I have answered the questions, I go back and reassess why they are correct or incorrect. At this point, I have usually answered the majority of my questions and begin to feel more confident on my knowledge and skill-set because I know that I have analyzed the issues to the best of my ability. At this point, I also know that if I have remaining questions, I can brainstorm and discuss the issue with my colleagues and take their input into consideration. I find that this process is more effective than immediately going to others when there is a question I cannot answer because it allows me to become more confident in my own abilities and to make efficient use of my time and the time of others. It also allows me to learn what I need to know and gain practical experience with researching, learning other relevant information, and being able to attack another future problem in the same way.

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 groups' goals through a collaborative process of your facilitation or management. Describe the stakeholders, your role and responsibility, and also give the outcome.**

Throughout my academic, professional, and extracurricular experiences, I worked closely with various community groups, union officials, attorneys, and others. While working as an

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Advocate and then a Staff Attorney at Disability Rights New Mexico (DRNM), I conducted trainings with community special education support groups and parents. During these sessions, I thoroughly explained special education law, the rights of students and parents, and some of the reservations that school districts have regarding the provision of services. While working at DRNM, I attend numerous Individualized Education Program (IEP) meetings to work with schools to identify and then provide appropriate services. Often these IEP meetings are difficult because the schools do not always want to provide necessary and appropriate services and it was my job to convince the schools to provide these services to both abide by federal law and to provide the services the student needs in order to succeed in school. These meetings often started with a conflict over what services should be provided to a student and my role was to work with the school to provide the requested services. I did this by working with the school to conduct evaluations of the student, assess relevant data and reports, and listen to parent and student input to decide what kinds of services are necessary and appropriate. In many cases, I was successful in that I worked with the IEP team and the school district representative to evaluate the student's needs, review relevant reports, and listen to the parties' opinions to come up with a solution that was satisfactory to all involved. In my work at DRNM, I work extensively with opposing counsel to avoid litigation yet addressing and solving client concerns. I often need to communicate regularly with opposing counsel, write thorough legal analysis, and circulate the client's objectives while addressing the opposing side's opinions. In many cases, I successfully avoid litigation by working with the opposing party to come up with a solution or plan that is satisfactory for all involved.

While volunteering with the California Reentry Project as a reentry counselor, I worked with inmates to address their concerns regarding their return to their communities when they parole or their sentences have concluded. In working at San Quentin State Prison, I spent the majority of my time working with the inmates but frequently interacted with correctional officers and prison administrators who ultimately had control over our the project and could decide whether we could continue to work within the prison. Even though our mission was to help inmates prepare to return to their communities, there was often a lot of pushback from prison staff who believed we were wasting our time working with offenders. One important factor when working in that setting was to engage with prison staff and navigate the relationships between staff and inmates to ensure that we were providing quality support to the inmates but were respecting the staff even when they made disparaging remarks to the program, the inmates, and the reentry counselors.

When I lived in Washington, D.C., while I was in law school, I was actively involved with Amnesty International and community activism on issues including Metro union organizing and mental health community awareness. Working with Amnesty International involved networking with local embassies and planning and participating in larger events aimed at promoting human rights. I worked with local universities and partnered with their student chapters to fundraise and participate in local Amnesty International events. While in D.C., I became involved with Metro union organizing when I became friends with several of the Metro bus drivers and learned about union organizing. Once I became involved, I participated in talking with community members, educating the public through manning a booth at various busy areas in the city, and attended several events where I helped create and handout relevant literature. During this process, I learned about how unions operate and strived to get other

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individuals who were inactive members in the union and the community at large more involved in understanding the process and its importance. I participated in several community based events in the Anacostia area to meet with community members to discuss mental health stigma and various mental health treatments and resources available within the community. This work was focused primarily with individual community members who attended our event but I networked with other community organizations for support and to help promote our meetings. Because these issues were important to the community and because the community was traditionally underserved, I felt that our events were successful and we were able to increase attendance and engage with the community to foster a larger network of supporters.

**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.**

I am a strong supporter of police accountability and oversight and I believe that this position requires an individual who strongly believes in the objectives and who will be fully committed to fulfilling the objectives of the Settlement Agreement. I also believe that this position requires a Director who is not afraid to work with individuals who may hold opposing viewpoints. I am capable of working with diverse individuals and working collaboratively with individuals who do not hold the same position. My ability to collaborate with individuals of various backgrounds and my ability to work closely with individuals who do not agree with my position is a strong indicator of my ability to successfully serve in this position and work towards meeting the objectives in the Settlement Agreement. My dedication to police accountability and oversight is a strong indication that I will do everything in my power to fulfill the objectives of the Settlement Agreement and to foster trust and respect between APD and Albuquerque's many communities.

**11) 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.**

**Jason Gordon, Esq.** - Senior Staff Attorney  
Disability Rights New Mexico  
1720 Louisiana Blvd. NE, Suite 204 – Albuquerque, NM 87110  
(505) 256-3100 – gordonj@drnm.org

Mr. Gordon has been supervising my work since I started at Disability Rights New Mexico on November 3, 2014. In his capacity as my supervisor, he has reviewed my case preparation and written correspondence and has evaluated my work for my periodic reviews.

**Michael Madden, Esq.**  
Law Office of Michael Madden  
717 D. St. NW, Suite 400 – Washington, DC 20004  
(202) 628-3820 – maddenlaw@gmail.com

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While a third year law student at Washington College of Law, I was Mr. Madden's sole intern and worked closely with him on a variety of criminal cases. He supervised my work, my written materials, and evaluated my case strategies.

**Sofia Yakren, Esq.** - Associate Professor  
CUNY School of Law  
2 Court Square, Office 4-317 – Long Island City, NY 11101-4356  
(718) 340-4144 – sofia.yakren@law.cuny.edu

Ms. Yakren served as a professor for two of my disability law classes and was my direct supervisor during my clinical internship in the Women and the Law Clinic. As my professor she evaluated my class participation and evaluated my research projects. As my clinical supervisor, Ms. Yakren assessed my case work and provided assistance as necessary.

June 25, 2015

City of Albuquerque  
400 Marquette NW  
Albuquerque, NM 87103

RE: Application for Job Number 1501043 – Civilian Police Oversight Agency Director

To Whom It May Concern,

I am a licensed New Mexico attorney currently employed by Disability Rights New Mexico (DRNM) as a Staff Attorney. I graduated from the American University Washington College of Law (WCL) in Washington, D.C. in May of 2013. I wish to be considered for the position of Civilian Police Oversight Agency Director and believe that my professional experiences coupled with my academic preparation and extracurricular volunteer experiences make me a qualified candidate for this position.

While a student at WCL, my academic studies focused on criminal law and procedure, disability and the law, and human rights. I completed several extensive research projects addressing human rights issues and the intersection of disability and the criminal justice system, including initial psychological evaluations upon an inmate's entering jail, forcible administration of medication, and conditions of jails and prisons. During law school and after graduation, I continued to volunteer for various organizations including the California Reentry Program, the California Coalition for Women Prisoners, and the Prisoners Literature Project. As a Staff Attorney at DRNM, I have had extensive experience attending Individualized Education Program and Behavior Intervention Plan meetings for students with behavioral problems who face long-term suspensions or expulsion from school. I have attended expulsion hearings and appeal hearings and have advocated for students' rights while working with school districts to provide appropriate services and comply with federal and state laws. I represent clients challenging guardianships and in Medicaid and Medicare Administrative Fair Hearings. My work at DRNM involves extensive interpersonal communication, cultural sensitivity, investigation, research and writing, legal analysis, systemic advocacy, trainings, and conflict resolution and I believe my skills have continued to be sharpened and improved.

Although my current employment is in the area of disability advocacy and focuses on special education, challenges to guardianship, and Medicaid and Medicare appeals, I have a strong desire to engage in systemic work involving governmental policies and procedures and I am dedicated to improving police accountability and oversight. In light of the Justice Department and the City of Albuquerque reaching an agreement bringing about wide-ranging reforms to the Albuquerque Police Department (APD) and its use of force against civilians, I have a strong desire to overhaul the way in which APD handles use of force by monitoring and reviewing citizen police complaints, serious use of force, and claims directed against officers and employees of the APD. I believe that my dedication to ensuring that APD works with integrity while respecting and protecting the rights of citizens makes me a strong candidate for this position. I believe that what I may lack in experience, I make up for in dedication and drive for excellence. I am a fast learner and am highly motivated to excel in this position.

In my online application, I have included my resume, references, and my law school transcript. If you have any further questions, please do not hesitate to contact me at (760) 473-5504. Thank you for your consideration and I hope to speak with you soon regarding my interest in this position.

Sincerely,  
Julia M. Petrucelli, Esq.

**LAW LICENSE**

**New Mexico State Bar**  
April 2015

**EDUCATION**

**American University Washington College of Law, Washington, DC**  
*Juris Doctor*, May 2013

Activities: National Lawyers Guild and Human Rights Academy

**University of California San Diego, La Jolla, CA**  
*Bachelor of Arts*, August 2009 - World Literature with a Minor in Law and Society

**PROFESSIONAL EXPERIENCE**

**Disability Rights New Mexico, Albuquerque, NM**  
**1720 Louisiana Blvd. NE, Suite 204 - Albuquerque, NM 87110**  
**(505) 256-3100**

*Advocate*, November 2014 – April 2015

*Staff Attorney*, April 2015 – Present

Attend Individualized Education Program and Behavior Intervention Plan meetings to advocate on behalf of students receiving special education services. Communicate with District representatives and attorneys to encourage compliance with federal and state regulations. Work with and advocate for students receiving special education services who are facing expulsion from school due to behavior problems and violations of school code of conduct policies. Write and submit State Complaints and initiate and conduct Due Process Hearings. Create Special Education tip sheets and conduct training sessions for providers, parents, and students on Special Education Law and the rights of students and families. Chosen to participate in the Education Justice Project to advocate for the provision of special education services to students overlooked by the education system due to disabilities leading to behaviors that violate school code of conduct policies. As an attorney participating in this project, I attend stakeholder meetings and conduct trainings with Judges, Public Defenders, and District Attorneys. Represent clients in Medicare Administrative Fair Hearings challenging denials of coverage. Represent clients in Medicaid Administrative Fair Hearings challenging removals from the Medicaid DD Waiver Waiting List due to claims of ineligibility. Represent clients in transfer or removal of guardianship cases.

**California Reentry Program, San Quentin, CA**

*Volunteer*, January 2014 – June 2014

Provide reentry counseling to inmates at San Quentin State Prison in San Quentin, CA. Reentry counseling serves to work with individuals imprisoned for both violent and non-violent offenses to make a positive transition from life in prison to their communities. Individual reentry counseling consists of service referrals and linkages to other programs and providers and answering questions about specific reentry needs such as college financial aid, county resource guides, course information at community

colleges, DMV paperwork, and GED information. Long-term case management is established to provide ongoing assistance in long-term planning including employment, education, medical needs, drug/alcohol treatment, and housing. Participate in San Quentin educational events to provide information on mental health services and general reentry planning needs.

**California Coalition for Women Prisoners, San Francisco, CA**

*Volunteer Intern*, November 2013 – June 2014

Assist with researching a variety of issues relating to California's female inmate population and respond to inmate requests for information and referrals. Conduct legal research and analysis to bolster policy initiatives to expand the Alternative Custody Program while formulating CDCR guidelines for implementation.

**Old Navy, Emeryville, CA**

*Sales Associate*, March 2014-July 2014

Provide a variety of services to customers including assistance with finding items, fitting and completing an outfit, and conducting transactions at the cash register. Genuine and effective customer interaction is the basis for this position and my work involved engaging with diverse customers on a variety of issues throughout my shift. I developed excellent interpersonal communication skills, developed a sense of pride and loyalty in the quality of services my store provided, and became a reliable mentor to new employees. In working at the cash register, I demonstrated my commitment to be a reliable and effective employee with high integrity and honesty.

**Law Office of Michael Madden - District of Columbia Criminal Defense Practice**

717 D St. NW, Suite 400 - Washington, DC 20004

(202) 628-3820

*Law Student Intern*, January 11, 2013 – May 17, 2013

Intern with Criminal Justice Act defense lawyer working on homicide, assault, sexual assault, robbery, and domestic violence cases. Conducted client intake and individually interviewed defendants in domestic violence cases prior to court hearings and trial. Visited the DC Jail to meet with defendants to discuss case progress, theories, plea agreements, and sentencing guidelines in relation to charges of homicide, assault, robbery, and sexual assault. Drafted motions to compel discovery and to exclude evidence of other crimes. Prepared clients for direct- and cross- examinations. Investigated Affidavits of Arrest and WACIIS Reports to piece together witness statements and to probe statements in preparation for trial. Worked directly with clients suffering from psycho-social and developmental disabilities and participated in client meetings at St. Elizabeth's Psychiatric Hospital in the District of Columbia to meet with clients involuntarily hospitalized and their treatment providers.

**Women and the Law Clinic - American University Washington College of Law**

4801 Massachusetts Avenue, NW, Suite 417 - Washington, DC 20016

*Student Attorney in the Women and the Law Clinic*, August 16, 2012 – December 21, 2012

Maintained direct contact with clients and spearheaded casework. Assisted client with severe mobility impairments and numerous health problems to resolve Medicare/Medicaid claims and disputes and to initiate divorce proceedings. Researched and initiated a special education due process hearing for a client with a child denied special education services. Initiated a school transfer for client's child in light of an assault on the child by a police officer.

**Disability Rights International**

**1666 Connecticut Avenue, NW, Suite 325 - Washington, DC 20009**

**(202) 296-0800**

*Law Student Intern, August 24, 2012 – December 14, 2012*

Conducted legal research and analysis and drafted explanatory footnotes in support of legal arguments appearing in requests for precautionary measures, which were submitted to the Organization of American States against Guatemala for abuses occurring in a prison for women suffering from psycho-social and developmental disabilities. Investigated questions pertaining to the rights of individuals within psychiatric institutions and accountability for various abuses occurring in those facilities.

**War Crimes Research Office - American University Washington College of Law**

**4801 Massachusetts Avenue, NW - Washington, DC 20016**

**(202) 274-4067**

*Law Student Intern for the Gender Jurisprudence Project, June 20, 2011 – December 31, 2012*

Reviewed international criminal tribunal court documents for issues relating to gender- and sexual-based violence. Analyzed and synthesized decisions and judgments to consider the implications of gender- and sexual- based convictions, acquittals, and dismissals for defendants charged with gender- and sexual- based crimes against humanity, war crimes, and grave breaches of the Geneva Conventions. Digested the various documents to be included in a collection utilized by researchers and court officials at various international criminal tribunals.

**Hermano Pedro Day Shelter – Shrine of the Sacred Heart**

**3211 Pine St., NW - Washington, DC 20010**

**(202) 246-6643**

*Law Student Intern, April 2, 2012 – August 3, 2012*

Interned with pro bono attorney Michael Madden at Hermano Pedro Day Shelter at the Shrine of the Sacred Heart in the District of Columbia to assist indigent clients of the shelter with their various legal needs. Conducted legal research to solve multifaceted legal issues as well as worked directly with clients on a variety of legal matters including, but not limited to, immigration status, work authorizations, understanding warrants for arrest, child support, and health insurance and disability claims paperwork. Maintained client casework, researched prior legal dealings, and conducted client intake. Worked with clients suffering from co-existing substance addiction and various other psycho-social and developmental conditions and helped them obtain psychiatric and medical services.

**VOLUNTEER EXPERIENCE**

**Prisoners Literature Project, Berkeley, CA**

*Volunteer, December 2013 – June 2014*

Respond to inmate letters and requests for books. Review requests, choose appropriate books from a selection of donated items, and package materials to ship to incarcerated individuals. Lead volunteer packing sessions and explain the history and nature of the project. Plan fundraising events and conduct outreach to educate the community regarding prison conditions and other matters relating to inmates.

**Amnesty International, Washington, DC**

*Active Member*, January 2012 – May 2013

Assisted with event organizing, schedule planning, community outreach, and fundraising. Organized with Amnesty International members for Get On the Bus Day, an annual day of action advocating for international human rights and justice for human rights violations. Researched country specific human rights violations and discussed the viability of creating events and actions around those violations.

**National Lawyers Guild, American University Washington College of Law Student Chapter**

*Law Student Member*, January 2012 – May 2013

Provided informational resources, helped lead Know Your Rights Trainings, and acted as a legal observer during activist protests and actions.

**DC Books to Prisons Project, Washington, DC**

*Volunteer*, August 2010 – May 2013

Volunteered with the DC Books to Prisons Project to provide free books to prisoners around the United States. Worked to fulfill prisoners' requests by reviewing request letters, choosing appropriate books from a selection of donated items, and packing books to ship to the incarcerated individuals.

**ADDITIONAL INFORMATION**

**Spanish** – beginning to intermediate language skills

**Relevant Course Work** – Civil Procedure, Tort Law, Constitutional Law, Contract Law, Criminal Law, Criminal Procedure I and II, Evidence, Human Rights Law, Advanced Human Rights Law, Wrongful Convictions, Disability Law, Mental Disability Law, Legal Research and Writing, Law Practice Management, and a Summer Research Project culminating in a 70 page legal analysis of disability and the criminal justice system

**PROFESSIONAL REFERENCES**

**Jason Gordon, Esq.** – Disability Rights New Mexico

1720 Louisiana Blvd. NE, Suite 204 – Albuquerque, NM 87110

(505) 256-3100 – gordonj@drnm.org

**Michael Madden, Esq.** – Law Office of Michael Madden

717 D. St. NW, Suite 400 – Washington, DC 20004

(202) 628-3820 – maddenlaw@gmail.com

**Chante Lasco, Esq.** – War Crimes Research Office at American University Washington College of Law  
4801 Massachusetts Avenue NW – Washington, DC 20016

**Sofia Yakren, Esq.** – Associate Professor at CUNY School of Law

2 Court Square, Office 4-317 – Long Island City, NY 11101-4356

(718) 340-4144 – sofia.yakren@law.cuny.edu

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 15516574**

Name: Niva J Lind Address: [Redacted]  
 Albuquerque, New Mexico 87111  
 US  
 Home Phone: [Redacted] Alternate Phone: [Redacted]  
 Email: [Redacted] Notification Email  
 Preference:  
 Former Last Name: Month and Day of Birth: [Redacted]

**Personal Information**

Driver's License: Yes, New Mexico , [Redacted]  
 Can you, after employment, submit proof of your legal right to work in the United States? Yes  
 What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
 Are you willing to relocate? Yes  
 Types of positions you will accept: Regular  
 Types of work you will accept: Full Time  
 Types of shifts you will accept: Day

**Objective**

**Education**

**Professional** Did you graduate: Yes  
*Penn State Dickinson School of Law* College Major/Minor: n/a  
 www.law.psu.edu Degree Received: Professional  
 8/2004 - 5/2007  
 Carlisle, Pennsylvania

**College** Did you graduate: Yes  
*University of Texas at Austin* College Major/Minor: Government/English  
 www.utexas.edu Degree Received: Bachelor's  
 5/1999 - 5/2003  
 Austin, Texas

**Work Experience**

**Guardian ad Litem/Youth Attorney** Hours worked per week: 30  
 10/2014 - 4/2015 Monthly Salary: \$1,500.00  
 # of Employees Supervised: 0  
 Advocacy, Inc. Name of Supervisor: Gini Silva - Executive  
 www.nmadvocacy.org Director  
 6301 Fourth St. NW Ste. 3 May we contact this employer? Yes  
 Albuquerque, New Mexico 87107  
 5052663166

**Duties**

Representation of children and youth in CYFD custody.

**Reason for Leaving**

Medical Issues

**Assistant District Attorney**

4/2010 - 1/2013

11th Judicial District Attorney's Office, Div. II.  
201 W. Hill St. Ste. 100  
Gallup, New Mexico 87301  
(505) 722-2281

Hours worked per week: 40  
Monthly Salary: \$3,916.00  
# of Employees Supervised: 0  
Name of Supervisor: Karl Gilson - District Attorney  
May we contact this employer? Yes

**Duties**

Assistant District Attorney: Prosecuted mostly felony cases, specializing in sex crimes and felony domestic violence. Chair of the McKinley County Domestic Violence Task Force. Chair of the McKinley County Anti-Human Trafficking Task Force. Attended multiple domestic violence, sex crimes and Indian Law trainings and conferences throughout the state of New Mexico

**Reason for Leaving**

I wanted to be closer to family in Albuquerque and I was having health issues

**Assistant District Attorney**

5/2009 - 4/2010

13th Judicial District Attorney's Office  
515 High Street  
Grants, New Mexico 87020  
(505) 285-4627

Hours worked per week: 40  
Monthly Salary: \$3,500.00  
# of Employees Supervised: 0  
Name of Supervisor: Lloyd Drager - Deputy District Attorney  
May we contact this employer? Yes

**Duties**

Assistant District Attorney: Prosecuted DWI misdemeanor and felony cases, domestic violence misdemeanor cases, and truancy cases. Specialized in cross jurisdictional prosecution of DWIs. Trained and helped implement DV memoranda of understanding for law enforcement, attended multiple DV and DWI trainings and conferences throughout the state of New Mexico. Developed and implemented truancy penalty guidelines for Cibola County School District.

**Reason for Leaving**

I was asked to resign for political reasons

**Certificates and Licenses**

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

**References**

Professional  
**Spear, Paul**  
Attorney  
505-246-8600  
[spear@kienzlelaw.com](mailto:spear@kienzlelaw.com)

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Professional  
**Tessman, Cynthia**  
CYFD Children's Court Attorney  
[REDACTED]  
[cynthia.tessman@state.nm.us](mailto:cynthia.tessman@state.nm.us)

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Professional  
**Pironi, Allison**  
Attorney  
505-830-6032  
[app@apfamilylaw.com](mailto:app@apfamilylaw.com)

### Resume

#### Text Resume

#### Attachments

Attachment	File Name	File Type
2015 updated resume.doc	2015 updated resume.doc	Resume

#### City-Wide Questions

1. Q: Have you ever been convicted of a felony?

A: No

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2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

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3. Q: Do you have relatives working for the City of Albuquerque?

A: No

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4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

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5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

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6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

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7. Q: Are you receiving a PERA pension?

A: Neither of these

**Supplemental Questions**

**1. Q:** Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

**2. Q:** If you possess a professional law degree identify the accredited law school.

A: Penn State Dickinson School of Law

**3. Q:** Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

**4. Q:** If you are an active Bar Association member in good standing identify the state.

A: New Mexico

**5. Q:** How many years of management experience do you possess related to this position?

A: 5 years to less than 6 years

**6. Q:** Select the number of years of work experience you possess which relate to this position.

A: 4 years to less than 5 years

**7. Q:** Briefly describe your experience in criminal investigation.

A: As a prosecutor, I helped the police in making sure their criminal investigations were complete enough for me to use in my prosecution. I often was fully engaged in assisting in the investigation to make sure it was being conducted properly.

**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: As a prosecutor, I had to make sure I was complying with all judicial processes and the policies of my office.

# Niva J. Lind

Albuquerque, NM 87111

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<b>Experience:</b> October 2014- March 2015	<b>Private Practice</b> <i>Guardian ad Litem/Youth Attorney:</i> Representation of children and youth in CYFD custody.	<b>Albuquerque, NM</b>
April 2010- January 2013	<b>11<sup>th</sup> Judicial District Attorney's Office, Division II</b> <i>Assistant District Attorney:</i> Prosecuted felony cases, specializing in sex crimes and felony domestic violence. Chair of the McKinley County Domestic Violence Task Force. Chair of the McKinley County Anti-Human Trafficking Task Force. Attended domestic violence, sex crimes and Indian Law trainings and conferences.	<b>Gallup, NM</b>
May 2009- March 2010	<b>13<sup>th</sup> Judicial District Attorney's Office</b> <i>Assistant District Attorney:</i> Prosecuted DWI misdemeanor and felony cases, domestic violence misdemeanor cases, and truancy cases. Specialized in cross jurisdictional prosecution of DWIs. Trained and helped implement DV memoranda of understanding for law enforcement, attended DV and DWI trainings and conferences. Developed and implemented truancy penalty guidelines for Cibola County School District.	<b>Grants, NM</b>
October 2007- October 2008	<b>Little &amp; Dranttel, P.C.</b> <i>Law Clerk/Paralegal:</i> Drafted complaints for Foreclosure, Default Judgments, Stipulated Judgments; received training in real estate and creditor law, revised and implemented procedures for case initiation, updated and advised clients as to status of cases.	<b>Albuquerque, NM</b>
August 2006- May 2007	<b>Pennsylvania State University, The Dickinson School of Law</b> <i>Student Library Assistant:</i> Organized and catalogued legal source material, administered circulation desk of Law Library .	<b>Carlisle, PA</b>
May 2005- January 2007	<b>Pennsylvania State University, The Dickinson School of Law</b> <i>Research Assistant for Professor Larry Cata Backer:</i> Edited law review articles, completed legal research for publication purposes. Summarized United States Supreme Court opinions, using blue book format citations for those summaries.	<b>Carlisle, PA</b>
June 2006- August 2006	<b>MidPenn Legal Services</b> <i>Intern:</i> Drafted trial memos and motions, assisted in the representation of clients and the preparation of bankruptcies and electronically filed bankruptcy petitions. Trained in electronic filing of bankruptcies in the Middle District of Pennsylvania.	<b>Carlisle, PA</b>
July 2005- July 2006	<b>Thomson West</b> <i>Westlaw Student Representative:</i> Provided customer service for faculty and students at DSL-PSU, trained and promoted the Westlaw products. Prepared and implemented class training of 1L students and law review members.	<b>Carlisle, PA</b>

<u>Education:</u>	<p><b>Pennsylvania State University</b>  <b>The Dickinson School of Law</b>  <b>Juris Doctorate, May 2007</b></p> <p><b>The University of Texas</b>  <b>Bachelor of Arts, August 2004</b>  <b>Major: Government</b></p>	<p><b>Carlisle, PA</b></p> <p><b>Austin, TX</b></p>
<u>Bar Membership:</u>	<b>New Mexico Bar Association, April 2008</b>	
<u>Certifications:</u>	<b>Miller Center Public Interest Advocate</b>	
<u>Volunteer Activities:</u>	<b>Veterans Civil Justice Initiative, Pro Bono Legal Clinic</b>	<b>Albuquerque, NM</b>
<p>May 2013- Present</p>	<p>Providing free legal advice on topics such as family law, consumer rights bankruptcy, foreclosure and family law to veterans monthly. Created binder of reference materials for other attorneys.</p>	
<p>September 2008- Present</p>	<p><b>Wills for Heroes</b></p> <p>Created wills and end of life documents for Police Officers and all first responders.</p>	<b>Albuquerque, NM</b>
<p>April 2011</p>	<p><b>11<sup>th</sup> Judicial District, Div. II, Law Fair</b></p> <p>Provided free legal advice to members of the community on matters such as foreclosure and family law.</p>	<b>Gallup, NM</b>
<p>October 2008- November 2008</p>	<p><b>Voter Protection Team, Campaign for Change</b></p> <p>Member of the out-of-state counsel team providing legal assistance to voters in Franklin County, Ohio. Assisted with training and administrative support to attorneys in the regional headquarters of the Campaign for Change.</p>	<b>Columbus, OH</b>
<p>June 2005- May 2007</p>	<p><b>Miller Center For Public Advocacy:</b>  <b>Certified Public Interest Advocate</b></p> <p>Pro bono research assistance and memo writing for legal aid, legal services for the indigent and governmental agencies.</p>	<b>PSU-DSL</b>
<p>November 2005</p>	<p><b>Fundraiser for Hurricane Katrina</b></p> <p>Initiated and organized fundraiser to send money to Olivia's House, a charity that bought and sent grief books to the displaced children of Hurricane Katrina.</p>	<b>PSU-DSL</b>
<p>November 2004</p>	<p><b>Election Protection: Volunteer Law Student</b></p> <p>Provided assistance to low income and minority voters in Dauphin County, Pennsylvania to protect their right to vote and insure against their disenfranchisement.</p>	<b>Harrisburg, PA</b>
<u>Student Group Affiliations</u>	<p><b><u>Legalese, the Literary and Artistic Works Journal for PSU-DSL,</u></b>  <i>Editor in Chief</i></p> <p>Student Bar Association, 2007 <i>Election Commissioner</i>          Jewish Law Students Association, <i>Member</i></p>	<p><b>PSU-DSL</b>  <b>Carlisle, PA</b></p>

City of Albuquerque Police Oversight Board  
Answers to Questionnaire for Director of Civilian Police Oversight Agency Applicants  
Extension Granted Due: July 2, 2015

Niva J Lind  
Self-Employed

[REDACTED] Albuquerque NM 87111

1. The Settlement Agreement/Consent Decree clearly sets out the purpose of the Civilian Police Oversight Agency (CPOA) "...[t]he 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. " United States v City of Albuquerque, No. 1:14-cv-01025-RB-SMV, 2014 U.S. Dist. [http://www.justice.gov/crt/about/spl/documents/apd\\_settlement\\_11-14-14.pdf](http://www.justice.gov/crt/about/spl/documents/apd_settlement_11-14-14.pdf) at \*83 (D.NM. November 14, 2014).

Based on this primary objective set out by the Department of Justice (DOJ), the most important goals for the CPOA and POB to achieve is transparency in its fulfillment of the objectives that the DOJ have set out for the CPOA. The other important goal set out by the DOJ is to put into place non-biased reviews of APD's actions and citizen complaints. Transparency will achieve more than just the objectives I quoted above. It will also help to begin the process of gaining the trust of Albuquerque's many communities. This settlement/decre through its many directives continually stresses the importance of maintaining meaningful conversations with the citizens of Albuquerque. If the citizens can see that there have been investigations in use of force and officer-involved shootings, this will show them that the APD takes these situations seriously and investigates their own conduct fairly and enforces the applicable regulations, standard operating procedures (SOPs), and laws that apply to each situation. Additionally citizens will see the results of the CPOA's review of these police actions. Also by "...tracking long-term trends and assessing APD's policies and training [,]" *id.* the CPOA can fulfill the objective set out by the DOJ, to let the public know the terms of the settlement and APD's compliance with the Settlement Agreement/Decree. Long-term trends are helpful in showing improvement in APD's compliance with the provisions of the Settlement Agreement/Decree and transparency in this will also help foster community based discussions with APD. By assessing APD's policies and training, the CPOA can ensure that APD is complying with the provisions of the settlement agreement. In order for the community to feel that compliance is being attained, it is vital to share the new polices and training practices that come into place at APD.

2. While I was working for the 11<sup>th</sup> Judicial District, Div. II in Gallup, I had an ethical conflict with my boss on a case that we were working on together. The standard practice is to have an "open file policy" so that defense counsel can come into our offices to copy material from our files. Our office had received new information on the case we were prosecuting together and I wanted to email defense counsel with the new information. My boss wanted to let them (defense counsel) find it out themselves when they eventually came to copy the file. I felt that it was my ethical obligation to inform defense counsel immediately of the new information we had received. This ethical conflict was solved when I successfully argued to my boss that we had to

email defense counsel immediately with the new information we had received in order to fulfill our ethical obligation as prosecutors and attorneys. There is a higher ethical standard for prosecutors set out by the Model Rules of Ethics. He agreed to let me email defense counsel with the new information immediately.

3. While I was working as an Assistant District Attorney in Gallup, I had the opportunity to be the Chair of the McKinley County Task Force on Domestic Violence and Sexual Assault. It became apparent that not all the stakeholders in the meetings were on the same page when it came to investigating, documenting and reporting domestic violence cases. The DA's office and the Battered Woman's Shelter wanted more documentation and investigation of the cases law enforcement. We had to come up with a way that officers could quickly and effectively investigate these calls and document them appropriately for later prosecution. We came up with creating a Domestic Violence warrant that would help remind the officers of what to do on site and ensure documentation and investigation. After hours of negotiation, we agreed that the Gallup Police Department (GPD) and the McKinley County Sheriff's Office (MCSO) would implement a new domestic violence warrant that we had created. I was able to ease some of the tension by working closely with a Detective from GPD to create the new warrant and then having MCSO review it. In having members of the task force create a document that could be and would be used by both GPD and MCSO, the conflict disappeared. The warrant was used for the first time by a GPD officer the day after it was finalized and released to all MCSO and GPD officers. It was also accepted by the court and filed.

4. The case I am most proud of is *State v. Redd*, 308 P.3d 1000 (N.M. App., 2013). The underlying charges in the case were three counts of criminal sexual penetration of a minor (CSPM), one count of criminal sexual contact of a minor (CSCM), one count of false imprisonment, and two counts of intentional child abuse. *Id.* The District Court had dismissed all the charges because the defendant had successfully argued that because the Sheriff's Office had lost a digitally recorded interview of the minor, his case would be irrevocably prejudiced and dismissal was the only remedy. The Court of Appeals unanimously decided to reverse the dismissal and reinstate all the charges. I am most proud of this case for a couple of reasons. First, I had to write the docketing statement that is part of the Appeal and the Court of Appeals used my statement of facts of the case and my questions to the court in their decision. Secondly, I worked very hard to be successful in my appeal and was delighted that not only had I been successful in the appeal, but the Court chose to have the case published.

5. In order to describe my investigative philosophy, I will have to explain more of what I did as a prosecutor. I specialized in violent crimes against women and children. A lot of these cases, especially the ones that involved children, required a lot of extra investigation. In order for me to be successful in those types of cases, I had to be in constant contact with the law enforcement agency that was handling the case. I was thorough and very detail oriented because these cases were very difficult and were mainly based on disclosures made by victims without hard evidence to back them up. In order to understand the case I spent a lot of time meeting with the victims and finding out their stories and preparing them for what was to come. I went to multiple conferences specifically dealing with investigating and prosecuting these types of cases. I would say that my investigative philosophy is: leave no stone unturned and pay attention to everything.

Investigations are important as they are the means to getting at the truth, and a good investigation is through and detail orientated.

6. While I was a prosecutor I successfully managed a caseload of up to 150 cases at a time. This is one part of why I would be uniquely qualified to take the helm of this organization and move it forward. Additionally, I am a very quick learner and hard worker. I believe it is important to tackle the backlog but also simultaneously look towards the future by making sure that a backlog doesn't happen again and maintaining an organization that can manage a large caseload.

Without putting a system in place that can help tackle the large caseload, the organization cannot function properly. Moving forward can also mean a change in how the organization functions from the bottom to the top. In getting down to the nitty gritty of the systems in place to manage the cases, I can figure out a way to make things run more smoothly and efficiently. Time management is important but so is structure. If structures are implemented to change how the cases are managed, then the caseload becomes more manageable. As the Chair of the Task Force I mentioned earlier, I had to absorb a lot of materials and opinions in order to successfully negotiate with the various stakeholders to implement the domestic violence warrant. I believe that this uniquely qualifies me to take charge of this agency.

7. My vision for the CPOA is that the agency fully and successfully complies with the Settlement Agreement/Decree. In order to do this I believe the CPOA would be successful once the community feels more involved and starts trusting APD officers again. This is one of the most important aspects of this agency.

8. The top five assets that I would bring to this position:

1. My ability to work with a diverse group of people. I believe it is vitally important that the head of this agency be personable and works well with all different types of people because as director I would have to work with many different types of Stakeholders. Without my abilities to gain the confidence and trust needed to accomplish the Settlement's decrees, the agency could not be as successful. I don't need the Stakeholders to like me; I would only have to get them to want to work with me and the agency.
2. My ability to persevere despite obstacles and challenges. It is important that the head of this agency be able to stay focused on the goals of the agency and not let anything get in the way of achieving those goals. There might not always be the most positive reaction by stakeholders, community members, etc., to the agency but that should not derail the director's efforts to achieve the agency's goals. I have faced many obstacles in my life but persevered and became a successful person. That ability to always continue striving for a goal no matter what is an important asset to bring to this organization.
3. I enjoy working with elected officials and law enforcement. It is something I am very comfortable doing and I do not shy away from difficult situations. It is an asset that is very beneficial to the CPOA as I would be working with various Stakeholders including but not limited to the DOJ and elected officials. I majored in Government at the University of Texas (aka Political Science) and have always

loved the institutions of our government and been fascinated by the people who run it.

4. I enjoy being in the spotlight. I have always loved to be in court litigating and I am not shy. I think this is a very important asset to the agency because I would have to be on television once a month. I enjoy high pressure situations where I am expected to speak and argue on the fly so to speak. I participated in speech and debate all four years of high school and was quite successful. I believe the head of this agency has to be able to speak eloquently in public and show that the agency is on the right track for the future.
  
5. I work hard and am a quick learner. I believe this is an asset that I could bring to the agency. In order to overcome the challenge of a backlog of cases and move the agency forward I will have to be able to absorb a lot of new information and work hard to quickly and efficiently deal with the backlog. I will have to quickly learn the ins and outs of this agency in order to be able to figure out how best to move the agency forward successfully. I also enjoy research and writing, I like to find out new information and use it in whatever ways I can.

9. I believe my answer to question 3 encompasses the answer to this question.

10. I believe that I am the best candidate for this job for many of the reasons I have already indicated above in response to question 8. Additionally I am excited and honored to be a part of this selection process and look forward to the opportunity to meet members of this agency. I feel that the CPOA is a very important agency and there is much work to be done to gain the trust of community members and achieve the goals as set out in the Settlement/Decree. I believe I can help that happen and sincerely hope that I get the opportunity to be a part of this agency.

References:

1. The Honorable John J Romero, Jr.  
District Judge Division VII  
Juvenile Justice Center  
5100 Second Street NW  
Albuquerque NM 87107  
Phone: 505-841-7311  
Email: [albdjrr@nmcourts.gov](mailto:albdjrr@nmcourts.gov)  
I appeared in front of Judge Romero  
numerous times in Children's Court

2. Cynthia Tessman  
CYFD Children's Court Attorney  
[cynthia.tessman@state.nm.us](mailto:cynthia.tessman@state.nm.us)

I appeared in Court when we were working on the same cases together when I was working as a Guardian ad Litem/Youth Attorney.

3. Allison Pieroni  
Attorney  
[app@apfamilylaw.com](mailto:app@apfamilylaw.com)  
505-830-6032

I worked with her as a colleague, she and I were both working as Guardian ad Litem/Youth Attorneys.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR****Contact Information -- Person ID: 24814128**

Name: Denise DeForest Address: [REDACTED] Denver, Colorado 80218 US  
 Home Phone: [REDACTED] Alternate Phone:  
 Email: [REDACTED] Notification Preference: Email  
 Former Last Name: Month and Day of Birth:

**Personal Information**

Driver's License: Yes, Colorado  
 Can you, after employment, submit proof of your legal right to work in the United States? Yes  
 What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
 Are you willing to relocate? Yes  
 Types of positions you will accept: Regular  
 Types of work you will accept: Full Time  
 Types of shifts you will accept: Day , Evening , On Call (as needed)

**Objective**

To lead a civilian review agency.

**Education**

**Professional**  
 Georgetown University Law Center  
 8/1989 - 5/1994  
 Washington, District of Columbia  
 Did you graduate: Yes  
 College Major/Minor: Law  
 Units Completed: 90 Semester  
 Degree Received: Professional

**Work Experience**

**Senior Instructor**  
 7/2005 - Present  
 Council For Licensure, Education and Regulation  
 www.clearhq.org  
 403 Marquis Ave., Ste. 200  
 Lexington, Kentucky 40502  
 859-269-1289  
 Hours worked per week: 0  
 Monthly Salary: \$0.00  
 # of Employees Supervised: 0  
 Name of Supervisor: Adam Parfitt - Executive Director  
 May we contact this employer? Yes

**Duties**

As a senior instructor for the National Certified Investigator Training (NCIT) program, I teach classes on investigative best practices to investigators in the U.S. and Canada. The hours and salary of this job are dependent upon the training conferences that CLEAR arranges each year and the particular sessions that CLEAR asks me to teach.

**Visiting Lecturer / Writing Advisor**

6/2014 - 8/2015  
 University of Denver Sturm College of Law  
 www.law.du.edu  
 2255 East Evans Ave.  
 Denver, Colorado 80208  
 303-861-6000  
 Hours worked per week: 30  
 Monthly Salary: \$0.00  
 # of Employees Supervised: 0  
 Name of Supervisor: Scott Johns - Director, Bar Success Program and Assistant Professor of the Practice of Law  
 May we contact this employer? Yes

**Duties**

As a visiting lecturer and writing advisor associated with the Bar Success program, I teach a 3-credit

class on legal analysis, hold workshops on various substantive bar topics, counsel students and grads, host mock bars, review and provide comments on practice essays, and perform the administrative tasks for the program as required. I am also researching and writing an article on discrimination standards.

**Reason for Leaving**

Current contract terms are about to expire in August.

**Senior Administrative Law Judge**  
8/2005 - 2/2015

State Personnel Board  
www.colorado.gov/spb  
1525 Sherman St., 4th Floor  
Denver, Colorado 80203  
303-866-3000

Hours worked per week: 30  
Monthly Salary: \$0.00  
# of Employees Supervised: 0  
Name of Supervisor: Dana Shea-Reid -  
Director  
May we contact this employer? Yes

**Duties**

As an administrative law judge, I heard and decided civil service appeals after bench trials, issued detailed written decisions, issued preliminary recommendations on whether the board should hear specific appeals, served as a settlement facilitator on cases where I was not assigned as the merits judge, resolved motions and other pre-hearing matters, and trained new ALJs.

**Reason for Leaving**

Teaching position at University of Denver

**Certificates and Licenses**

Type: Law license

Number: [REDACTED]

Issued by: Colorado Supreme Court

Date Issued: 9 /1994 Date Expires:

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

Professional Memberships

Certified as a professional member of the Mediation Association of Colorado.

**References**

Professional

**Johns, Scott**

Director, Bar Success Program and Assistant

Professor of the Practice of Law

2255 East Evans Ave.

Denver, Colorado 80218

303-871-6763

[sjohns@law.du.edu](mailto:sjohns@law.du.edu)

**Resume**

**Text Resume**

**Attachments**

Attachment	File Name	File Type
DeForest Resume - Oversight - 3 pages.pdf	DeForest Resume - Oversight - 3 pages.pdf	<b>Resume</b>
Cover Letter - ABQ - DeForest.doc	Cover Letter - ABQ - DeForest.doc	<b>Cover Letter</b>

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

#### **Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: Georgetown University Law Center

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: Colorado

5. Q: How many years of management experience do you possess related to this position?

A: 5 years to less than 6 years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

7. Q: Briefly describe your experience in criminal investigation.

A: I have performed, supervised, and taught investigations for over two decades. My experience includes performing investigations in criminal cases, civil cases, regulatory cases, and professional discipline cases, as well as legislative investigations for a Special Committee On Investigations, Select Committee on Indian Affairs, U.S. Senate. I have also reviewed hundreds of internal affairs files addressing policing issues in my role as a Commissioner on the Denver Public Safety Review Commission, and completed supplemental investigations on a number of those cases.

**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

**A:** I was a Colorado Assistant Attorney General for seven years and was actively prosecuting professional discipline cases through the state's administrative process during that time. I also served as trial and appellate counsel in state and federal court when necessary to act on behalf of the licensing boards. I also have served as an administrative law judge in Colorado for approximately 10 years.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due July 14, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov). The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: Denise DeForest  
Firm/Employer: University of Denver, Sturm College of Law  
Address: [REDACTED] Denver, CO 80218  
Phone: [REDACTED]

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?

The Settlement Agreement creates multiple roles for the CPOA: increasing public knowledge of the complaint system (§§ 164-65), performing public outreach (§ 291), new oversight investigation duties on complaints (see, e.g., §§ 172, 179, 184, 191), officer-involved shootings and serious uses of force (§271), a duty for the Executive Director to make findings on all APD civilian complaints, reports of use of serious force, or reports of officer-involved shootings (§ 280), and CPOA involvement in reviewing whether APD is following its anti-retaliation policy (§179). The Agreement also creates a right for complainants to appeal findings of the Executive Director to the POA (§ 287), as well as a duty for the agency to make recommendations to APD concerning APD policy and training (§ 288). For the new system to be functioning as designed, all of these functions need to be working together and well. From a community standpoint, however, the most visible aspect of civilian oversight would be the actions of the POB in reviewing appeals and in discussing APD policy and training issues. While actions on individual complaints and incidents will be important, of course, POA discussions of the issues that trigger complaints, and the manner in which APD has addressed those issues, will be the most visible demonstration that there is a civilian agency exercising oversight. That evidence will be provided when the POB demonstrates that it understands what is occurring in the community and is capable of creating a dialogue with APD about how policing is to be performed in the city. The most important goal from the Settlement Agreement, therefore, would be to implement the new system sufficiently to permit the POB to carry out its duties fully.

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

As one of the Administrative Law Judges (ALJs) for the Colorado State Personnel Board, I was held to the ethical codes applicable to all judges in Colorado. The ethical requirements included, among other things, prohibitions against *ex parte* contacts with litigants and requirements to maintain neutrality. Our administrative court, however, was intended to be a more informal setting and the ALJs often had the potential for interactions outside the courtroom with the parties. In such an informal setting, it was not uncommon for a litigants (or someone who wanted to speak on behalf of a litigant) to buttonhole

me in the hallway or elevator, call me in my office, or email me on my work email. These attempts to chat with me created an ethical issue under the rules prohibiting *ex parte* contacts. I learned quickly how to politely shut down the conversation, and to explain that I could not speak with them outside the presence of the other party. I would often encourage them to file their concerns in a motion that allowed the other side to respond. If the contact included any substantive information (as happened with emails quite a bit), I would also disclose that information to the other side in a document that I filed in the casefile.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

While I was a Senior Administrative Law Judge for the Colorado State Personnel Board, the Board lost four out of three ALJs within two years. During that two-year period, I was at times the only ALJ, or one of only two ALJs. Even when we finally were able to replace the staff so we had a full complement of three ALJs, I was the only ALJ with experience. These staffing problems required that I create plans to manage the case load and to train the new ALJs as they came on board. I implemented a plan that triaged the case load by establishing priorities based primarily upon the statutory requirements applicable to Board cases. Work not related to the priority matters was limited or delegated. A recent review of the workload during this period of time showed that my plan and work during this period was a success. I was able to keep the cases moving and the applicable deadlines were met.

4. Which of your legal cases are you the most proud of and why?

I am most proud of the work I performed in an appeal before the Colorado Supreme Court in Lawley v. University of Northern Colorado. At the time of the appeal, I was general and appellate counsel for the Colorado State Personnel Board.

Lawley concerned a claim of unlawful discrimination during a layoff process. The State Personnel Board's ALJ who heard the case at trial had decided that the manager's denials on the stand that he had discriminated to be credible and worthy of adoption as a finding of fact. The Board, however, looked at the other facts of the layoff and found that the actions taken by the manager were tainted by unlawful discrimination. The Colorado Court of Appeals agreed that the ALJ's findings meant that there was no discrimination, and reversed the Board's decision. That set the stage for an appeal to the Colorado Supreme Court on the issue of whether the ALJ's factual finding on the intent of the manager controlled the issue of whether there had been unlawful discrimination. The Supreme Court agreed with my argument that the issue of discrimination was not entirely controlled by an evaluation of the subjective intent of the decision-maker, and that the Board was in a position to draw a different ultimate conclusion of discrimination based upon an evaluation of the full record.

This appeal was argued prior to the point where there was a fair amount of scholarship available on implicit bias, which is the recognition that people can and do act on biases often without conscious awareness of being biased. The Lawley decision, while not mentioning implicit bias, still allowed for implicit biases to be taken into account in the determination of whether there had been unlawful discrimination. That understanding of how biases are expressed is only now seeing a wider audience in legal arguments. The Colorado Supreme Court's decision in Lawley was ahead of the curve. I am proud of this case because I worked hard, represented my client and its interests very well, argued effectively for the court to adopt a correct understanding of how discrimination manifests itself in the real world, and obtained a favorable decision in a difficult case.

5. Describe your investigative philosophy.

I believe that the most thorough investigations are ones where the investigator starts with an effective plan, informed by a thoughtful evaluation of the types of violations that should be investigated given the

complaint filed. The plan should be implemented by a comprehensive collection of any and all information that may be relevant to the potential violations. In terms of witness interviews, the best investigators know how to create rapport and listen carefully, rather than to just ask questions. Additionally, good investigators know how to use silence. When asking questions, however, those questions should be broad enough not to lead witnesses and yet sufficiently focused on the critical details necessary to determine if there has been a violation. Good investigators are always searching for ways to corroborate the information they are receiving, so the scope of any thorough investigation will always be broad enough to check what is being presented as the truth of the matter. Finally, any good investigation will end with a report that accurately and completely captures the steps of the investigation and the information that was gathered.

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?

As you will see when you review my resume, I have addressed similar issues in many of my prior positions. I have handled backlogs as an Administrative Law Judge addressing civil service appeals, and as a state Assistant Attorney General assigned to professional discipline cases. I have analyzed hundreds of incidents and policing performance standards as part of my work on the oversight bodies in Denver and Omaha. I have performed outreach activities or supported outreach activities in both of those cities, and I understand how hard it is to be visible to the community. I have worked to support boards and commissions while I served as general counsel to various state licensing boards. The CPOA position would make use of just about every professional skill I have learned in the last thirty years. The good news is that my skills and experiences cover the very wide breadth of needs that the CPOA will have.

7. What is your vision for the CPOA?

I want to develop the CPOA into one of the most effective professional standards review entities in the country. This means creating a fair and neutral process for deciding citizen complaints about policing, including a good mediation forum for the resolution of appropriate complaints. Effective review also means that the administrative office and the POB must develop an expertise in policing performance standards, particularly as those standards apply to the use of force. The CPOA needs to be willing to support best policing practices and to consistently insist that those standards be implemented and enforced. Finally, the CPOA needs to be highly visible to the community as well as to the APD.

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.

I bring with me the curiosity and problem-solving skills of an investigator, the deliberate analytical skills and calm demeanor of a judge, and the public speaking and presentation skills of a teacher. All of these skills and experiences are useful when I am trying to solve problems or design new systems to handle issues. My saving grace is quite often that I have a sense of humor. I don't think I need to explain why that would be helpful in this job.

I also love to explore – new ideas, new situations, new designs, new places. This, in itself, is not a bad thing. In fact, this is one of the reasons I was such an effective investigator. I always looked under the rocks. But I can lose focus if I am not careful because I have such fun perusing a new line of thought. I have worked over the years to impose a level of discipline on my desire to chase the new thought or new angle.

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.

In my work as a commissioner on the Public Safety Review Commission in Denver, I had to work with a similar set of diverse stakeholders. I worked directly with the Denver Police Department, citizens who had filed complaints, the community at large, and our local media. The PSRC itself was a microcosm of the city, and brought together a group of diverse opinions and backgrounds. We found that the usual rules for forming good relationships apply to oversight work as well. Listen before you speak. Try to understand the other's point of view. Be willing to examine your ideas through the lens that others bring. Take the time, and be willing, to explain. Have a thick enough skin that you don't react to being questioned or opposed. Learn how to disagree respectfully. If the facts change, be willing to re-examine your opinion. The PSRC worked well during the years I was a member because the members of that commission wanted to have a good relationship with each other, our community, and our police department. That good relationship allowed us to get through any number of contested issues and not be torn apart as an oversight entity because of our many disagreements over the issues that we reviewed.

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.

I have enough experience with police oversight to know how incredibly difficult it can be to create a system where civilian oversight plays an active role in how policing is performed within a jurisdiction. Albuquerque, however, is at a point where it may well be possible to make civilian oversight a part of the DNA of policing. The Settlement Agreement and the city ordinance include the overall best set of practices I have ever seen for an oversight entity. I understand how difficult and fraught this process of change could be, and I know it will take an incredible amount of effort. But if I can help bring an effective model of civilian oversight into fruition, all of those difficulties and that effort would be well worth it.

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.

Notice - If selected as a finalist for this position:

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.

# Denise DeForest

[REDACTED], Denver, CO 80218

T: [REDACTED]

E: [REDACTED]

**Objective** To obtain a position that utilizes my decades of experience in investigation, law enforcement oversight, and professional discipline.

**Teaching, Judging, and Prosecution Experience** **Visiting Lecturer / Writing Advisor** **June 2014 - present**

**University of Denver Sturm College of Law, Denver, CO** – Teaching legal analysis skills in the Legal Analysis Strategies course for law students in their final semester and as part of the Bar Success program for graduates; counseling students and teaching workshops on substantive law tested by the Bar; researching and writing an article for publication on the legal test for intentional discrimination.

**Senior Instructor** **July 2005 – present**

**Council for Licensure, Education and Regulation (CLEAR), Lexington, KY** – Teaching investigative skills and strategy as part of the National Certified Investigator Training (NCIT) program for state and federal regulatory investigators; classes have been held in 25 states and in Canada.

**Senior Administrative Law Judge** **August 2005 – February 2015**

**State Personnel Board and Office of Administrative Courts, State of Colorado, Denver, CO** – Heard and decided bench trials in civil service employment disputes, including issues of unlawful discrimination and allegations of whistleblower retaliation; issued detailed written determinations of fact and conclusions of law after trial; issued preliminary recommendations on whether the Board should hear specific appeals; served as the settlement facilitator / mediator on more than a hundred employment disputes; resolved numerous discovery disputes and other pre-hearing matters through the issuance of written procedural orders; heard and decided disputes over state debt collection efforts, various benefits issues, and inclusion on the state child abuse registry.

**Assistant Attorney General** **August 1996 – January 2003**

**Office of the Attorney General, State of Colorado, Denver, CO** – Served as the disciplinary prosecutor, general counsel, and appellate counsel for state professional licensing boards; prosecuted administrative licensure cases over violations of professional standards and state civil court cases over unlicensed practice issues; participated in numerous formal and informal settlement conferences to resolve professional licensure violations, including license revocations and summary suspensions; served as general counsel and appellate counsel to the State Personnel Board.

Oversight  
and  
Investigative  
Experience

**Mayoral Aide / Program Assistant / Consultant**

**November 2002 – December 2005 .**

**Office of the Public Safety Auditor, Omaha, NE** – Appointed as a mayoral aide to support the civilian oversight department for the city's police and fire departments; drafted policy memos, legal analysis memos, and audit recommendations for the auditor's quarterly and special reports.

**Board Member**

**September 2002 – December 2005**

**National Association of Civilian Oversight of Law Enforcement (NACOLE)** – Elected to the national board; assisted in the planning of three national conferences; prepared and presented training sessions at the conferences.

**Chair, Vice Chair, and Member**

**March 1996 – August 2002**

**Pubic Safety Review Commission, City and County of Denver, CO** – Appointed by the mayor to two terms as a Commissioner performing oversight of the city's police department.

**Investigative Supervisor**

**October 1989 – June 1993**

**Criminal Justice Clinic, Georgetown University Law Center, Washington, D.C.** – Taught criminal defense investigation to new clinic attorneys, third-year law students and investigative interns; served as the criminal justice clinic's primary investigator; investigated two death penalty appeals.

**Investigator**

**February 1989 – October 1989**

**Special Committee on Investigations, Select Committee on Indian Affairs, United States Senate, Washington, D.C.** – Investigated complaints received by the Special Committee; assisted with preparation of testimony and the final report to the Senate Select Committee.

**Staff Investigator / Program Coordinator**

**August 1984 – February 1989 .**

**Public Defender Service for the District of Columbia, Washington, D.C.** – Conducted field investigations on felony and juvenile cases; designed a training program for new intern investigators; recruited and trained over 100 investigative interns each year; supervised the work of a program associate.

Other  
Related  
Legal  
Experience

**Associate Attorney**

**August 1995 – July 1997**

**Holme Roberts & Owen, L.L.C., Denver, CO** – Served as a litigation associate in the public law group; assisted with the firm's *pro bono* litigation, including a death penalty *habeas* petition in federal court and a civil rights appeal in state court.

**Judicial Law Clerk**

**October 1994 – August 1995**

**Superior Court for the District of Columbia, Washington, D.C.** – Clerked for the Honorable Stephanie Duncan-Peters; managed the motions portion of a civil docket of more than 500 civil cases and a felony criminal docket.

Education **Georgetown University Law Center, Washington, D.C.**

**Juris Doctorate - May 1994**

1<sup>st</sup> Place, Georgetown Trial Competition, 1992; Barristers' Council Trial Director, 1992 – 1994; Member, Georgetown national trial competition teams, 1992 – 1994; Dean's List in 1991, 1992 and 1993; Senior Editor, *Georgetown Journal of Legal Ethics*, 1992 – 1993; Staff member, *Georgetown Journal of Legal Ethics*, 1991 – 1992.

**University of Virginia, Charlottesville, VA**

**Bachelor of Arts (Biology) - January 1987**

Current  
Licenses  
and  
Memberships

**Colorado Supreme Court**

**Law License # [REDACTED] – October 1994**

**Mediation Association of Colorado**

**Professional Member**

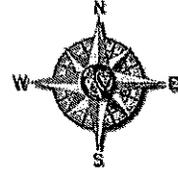
Additional  
Presentations

- Presenter, "State Personnel Board Layoff Rules Training," CLE presentation - December 11, 2007 and February 5, 2009, Denver, CO.
- Presenter, "State Personnel Board Practices and Procedure Training," CLE presentation - December 16, 2005, Denver, CO.
- Coordinator of the Investigative Training Track and Co-Presenter, "Best Investigative Practices II: Evidence Collection," NACOLE National Conference - October 20, 2004, Chicago, IL.
- Co-Presenter and Training Designer, NACOLE Police Oversight Board Training - February 19 - 21, 2004, Key West, FL.
- Co-presenter and Author, Plenary Session: "Judging Credibility and Interviewing Tough Witnesses," NACOLE National Conference -- September 23, 2003, Los Angeles, CA.
- Lead Presenter, "Civilian Review: Basic Tools for Oversight of Disciplinary Cases," NACOLE National Conference -- September 23, 2003, Los Angeles, CA.
- Presenter, "Cases Out of Control: Sane Responses To Outrageous Conduct in Administrative Hearings," Colorado Office of the Attorney General, Business & Licensing Section CLE training session -- November 15, 2002, Denver, CO.

Denise DeForest

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[REDACTED]  
Denver, CO 80218



Professional References:

Prof. Scott Johns  
University of Denver  
Sturm College of Law  
2255 East Evans Ave.  
Denver, CO 80208  
(303) 871-6763  
[Sjohns@law.du.edu](mailto:Sjohns@law.du.edu)

Prof. Johns runs the Bar Success program and has worked with me in my position as a teacher, counselor and writing advisor at DU.

Judge Pamela Sanchez  
Colorado State Personnel Board  
4<sup>th</sup> Floor  
1525 Sherman St.  
Denver, CO 80203  
(303) 866-5059  
[Pamela.Sanchez@state.co.us](mailto:Pamela.Sanchez@state.co.us)

Judge Sanchez worked with me at the Colorado Attorney General's Office, and at the State Personnel Board.

Judge Tanya Light  
Colorado Office of Administrative Courts  
4<sup>th</sup> Floor  
1525 Sherman St.  
Denver, CO 80203  
(303) 549-3710  
[Tanya.Light@state.co.us](mailto:Tanya.Light@state.co.us)

Judge Light worked with me at the Colorado State Personnel Board.

## 1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR

### Contact Information -- Person ID: 24897885

Name: Jennifer J. Burrill Address: [REDACTED] Clovis, New Mexico 88101 US  
Home Phone: [REDACTED] Alternate Phone:  
Email: [REDACTED] Notification Preference: Email  
Former Last Name: Month and Day of Birth:

### Personal Information

Driver's License: Yes, New Mexico  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

### Preferences

Preferred Salary:  
Are you willing to relocate? Yes  
Types of positions you will accept: Regular  
Types of work you will accept:  
Types of shifts you will accept: Day , Evening , Night , Weekends , On Call (as needed)

### Objective

### Education

#### College

Texas Tech University  
www.ttu.edu  
5/1989 - 12/2004  
Lubbock, Texas

Did you graduate: Yes  
College Major/Minor: Journalism/English  
Degree Received: Bachelor's

#### Professional

Case Western Reserve University  
law.case.edu/  
8/2001 - 5/2004  
Cleveland, Ohio

Did you graduate: Yes  
College Major/Minor: Litigation & International Law  
Degree Received: Professional

### Work Experience

#### Lawyer/Owner

9/2007 - Present

NM Justice Center, Law Office of Jennifer Burrill, LLC  
www.nmjusticecenter.com  
918 Main Street  
Clovis, New Mexico 88101  
(575) 763-2286

Hours worked per week: 60  
Monthly Salary: \$0.00  
Name of Supervisor: Jennifer Burrill - Lawyer/owner  
May we contact this employer? Yes

### Duties

Sole Practitioner – handle primarily complex criminal and family law cases in Southeastern New Mexico:

- Skilled in handling cases complex criminal cases.
- Defended more than 60 criminal cases at jury trial through verdict.
- Served as conflict counsel for the Public Defender's Department on felony, misdemeanor, and juvenile cases from 2007-2012.
- Family law practice includes representing divorce, custody, child support, termination of rights, and guardianship clients as well as serving as a court appointed mediator and guardian ad litem for custody and divorce cases.

**Assistant District Attorney**

8/2004 - 8/2007

District Attorney's Office  
417 Gidding Street  
Clovis, New Mexico 88101  
5757692246

Hours worked per week: 50

Monthly Salary: \$0.00

Name of Supervisor: Fred Van Soelen -  
Deputy District Attorney (Now Judge)  
May we contact this employer?

**Duties**

Assistant Trial Attorney – responsible for evaluating, charging and adjudicating misdemeanor and felony cases ranging from kidnapping to trafficking narcotics. During the three year period I was assigned and closed 1,240 cases. Of those, I took 62 cases to jury trial that resulted in a verdict.

**Reason for Leaving**

Started my own practice

**Law Clerk**

1/2003 - 5/2004

U.S. Representative Dennis Kucinich, Ohio 10th District  
14400 Detroit Ave  
Lakewood, Ohio 44107  
2162288850

Hours worked per week: 20

Monthly Salary: \$0.00

Name of Supervisor: Marty Gelfand - Staff  
Attorney  
May we contact this employer?

**Duties**

Law Clerk – investigated and resolved legal issues related to constituent casework involving federal agencies, primarily dealing with Medicare/Medicaid, Social Security, and Veterans Administration issues. Special Projects included:

- Research used in the development of policy determinations, specifically enforcement mechanisms for NAFTA's supplemental agreement on labor;
- Amicus representation on behalf of the people of the Congressional district in federal bankruptcy court supporting utilization of eminent domain to save a community hospital on Cleveland's east side.

**Reason for Leaving**

Graduated from law school and relocated to New Mexico

**Research Assistant**

8/2002 - 5/2004

Henry T. King, Jr.  
law.case.edu  
11075 East Blvd.  
Cleveland, Ohio 44106  
2163683600

Hours worked per week: 20

Monthly Salary: \$0.00

Name of Supervisor: Henry King, Jr. -  
Professor  
May we contact this employer?

**Duties**

Research Assistant - Assisted in researching and developing briefs in support of amicus participation in NAFTA proceedings and the legality of the application of Universal Jurisdiction by nation states. This work culminated with the trade representatives from all three signatory governments adopting the litigation principle.

**Reason for Leaving**

Graduated from law school and relocated to New Mexico.

**Summer Associate**

5/2002 - 8/2002

Washington Working Group on the International  
Criminal Court  
washintonicc.org  
420 7th Street SE  
Washington, District of Columbia 20008  
2025463950

Hours worked per week: 40

Monthly Salary: \$0.00

Name of Supervisor: Heather Hamilton -  
Chairwoman  
May we contact this employer?

**Duties**

Summer Associate - Provided support for U.S. legislative and policy initiatives related to the Rome Treaty establishing the International Criminal Court prior to and through its entry into force, in addition to conducting in-depth research into the jurisdiction of the Court over current conflicts in Sudan and Israel. Worked under the direction of Heather Hamilton, Vice President of Citizens for Global Solutions, and John Washburn, Attorney for the Coalition of the International Criminal Court.

**Reason for Leaving**

Returned to Ohio for the fall semester

**Communication/Marketing Consultant**

5/1999 - 8/2001

The Harbour Group  
thgcorp.com  
P.O. Box 702486  
Dallas, Texas 75370  
9725606400

Hours worked per week: 50

Monthly Salary: \$0.00

Name of Supervisor: Tonya Brenneman -  
Vice President

May we contact this employer?

**Duties**

Communication/Marketing Consultant - Primary responsibilities included management of existing marketing programs as well as all public and media relations efforts, provided C-level executives with key marketing insights to the overall business strategy, extracted information from corporate strategy sessions to develop external facing presentation and speeches, and deployed on client projects when appropriate. Worked with a variety of business and governmental clients to identify and map processes, procedures and business requirements for strategic technology initiatives.

Key company assignment:

- Created strategy for new revenue stream engaging new and existing clients in B2B and B2C Website marketing programs.

Key client assignments:

- Public Sector: Designed and assisted in the launch of a county-wide Web-based juvenile justice information system (JIS) involving the secure collection and sharing of juvenile data between more than 50 law enforcement, judicial, educational and social service agencies.
- Private Sector: Developed Internet strategy for a \$25 million global telecommunications company involving the consolidation of six product focused Websites into a multilingual company portal incorporating the ability to provide customers with 24-hour access to marketing and technical support.

**Reason for Leaving**

Began law school in Ohio

**Internet Strategy Consultant**

5/2000 - 12/2000

White House Council for the Millennium  
1700 Pennsylvania Ave.  
Washington, District of Columbia 20500

Hours worked per week: 10

Monthly Salary: \$0.00

May we contact this employer?

**Duties**

Internet Strategy Consultant - Coordinated and led regional focus group comprised of technology and youth services leaders for the subcommittee's e-commerce initiatives to increase youth awareness of and participation in philanthropy projects. Drafted the findings presented to the full Council.

**Reason for Leaving**

Project was completed

**Best Attorney**

9/1997 - 5/1999

Orthopedic Institute of Texas  
729 W Bedford Eules Rd  
Hurst, Texas 76053

Hours worked per week: 40

Monthly Salary: \$0.00

Name of Supervisor: Dr. Ed Smith -  
Orthopedic Surgeon/owner

May we contact this employer?

8172820917

**Duties**

Marketing Director - Created and implemented long-range marketing strategy doubling revenue for the multi-million dollar company the first year; Strategy included the development and management of the company's initial online presence and launching an aggressive community outreach program.

**Reason for Leaving**

took position with the Harbour Group

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**Reporter/Producer/Morning Anchor**  
9/1995 - 2/1997

KOB/R-TV Ch. 8  
<http://www.kob.com/article/519/>  
124 East 4th Street  
Roswell, New Mexico 88201  
5756258888

Hours worked per week: 60  
Monthly Salary: \$0.00  
Name of Supervisor: Jerry Desmond - News Director  
May we contact this employer?

**Duties**

Anchor/Reporter - Anchored and produced daily newscast in addition to serving as the stations lead investigative reporter covering primarily governmental, criminal justice, and political events and issues.

**Reason for Leaving**

Moved to Dallas, Texas

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**Public Relations Consultant**  
9/1993 - 9/1995

Gateways Counseling  
[www.gatewayscounseling.com/](http://www.gatewayscounseling.com/)  
2232 Indiana Ave  
Lubbock , Texas 79410  
8067991033

Hours worked per week: 15  
Monthly Salary: \$0.00  
Name of Supervisor: Dr. Lorraine Baillie - Therapist/Owner  
May we contact this employer?

**Duties**

Public Relations Consultant - Designed and implemented the corporate public relations strategy and related collateral materials responsible for tripling the number of mental healthcare professionals required to meet the client demand. The primary focus of the strategy based on professional community and media relations. Worked under the supervision of the facility director, Dr. Lorraine Baillie.

**Reason for Leaving**

Was a consulting position and left to accept a full time position at KOBR-TV

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**Producer/Reporter**  
9/1991 - 12/1994

KLBK-TV Ch. 13  
[www.everythinglubbock.com/klbk-13](http://www.everythinglubbock.com/klbk-13)  
7403 University Ave.  
Lubbock, Texas 79423  
8067452345

Hours worked per week: 60  
Monthly Salary: \$0.00  
Name of Supervisor: Terry Graham - News Director  
May we contact this employer?

**Duties**

Producer/Reporter - Produced the six and ten o'clock weekday newscasts and served as the station's primary weekend reporter covering spot news and local feature stories.

**Certificates and Licenses**

Type: Licensed to Practice Law in New Mexico  
Number: 20286  
Issued by: New Mexico Supreme Court

Date Issued: 9 /2004 Date Expires:

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

Professional Associations

New Mexico Criminal Defense Lawyers Association 2007-Present  
Regional Director (2010-present)

Rules of Evidence Committee, Supreme Court of New Mexico 2009 – 2014  
Second three year term expired December 31, 2014

Hartley House, Domestic Violence Shelter 2010- 2013  
Board of Directors

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Honors & Awards

Top One Percent 2015  
National Association of Distinguished Counsel

10 Best in Client Satisfaction 2015  
American Institute of Criminal Law Attorneys

Top 10 Criminal Trial Lawyers in New Mexico 2014  
National Academy of Criminal Defense Attorneys

Top 100 Criminal Trial Lawyers in America 2014  
National Trial Lawyers

Best Attorney 2012  
Clovis News Journal's Reader's Choice Awards.

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Publications

A Peek Into the State of Secret Grand Jury Proceedings in New Mexico May 2013  
For the Defense, Spring 2014 Volume XVIII, Issue 5  
New Mexico Criminal Defense Lawyers Association

Navigating Through Rudy B. May 2010  
For the Defense, Summer 2010, Vol. XIV, Issue 2  
New Mexico Criminal Defense Lawyers Association

Can a Lack of Money Save Your Client from Revocation Sept 2009  
For the Defense, Fall 2009, Vol. XIII, Issue 3  
New Mexico Criminal Defense Lawyers Association

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Additional Information

Professional Presentations

DWI Case Law Update - Oct. , 2014  
Castle Made of Sand: Advance CLE Seminar • Albuquerque, NM  
New Mexico Criminal Defense Lawyers Association

Touchy Subject: Common Defense Theories in Sex Cases - Aug. 2014  
Overcoming Myth: Defending Sexual Offenses with Truth and Fact • Las Cruces, NM  
New Mexico Criminal Defense Lawyers Association

Don't Go There! Trends in State 4th Amendment Search and Seizure Law - June 2012  
Search and Seizure: New Issues and Current Case Law • Albuquerque, NM  
New Mexico Criminal Defense Lawyers Association

Trial Prep: Investigating with Admissibility of, Facebook, MySpace and Texts - Nov. 2011

Tools, Technology, and Trials • Roswell, NM  
New Mexico Criminal Defense Lawyers Association

When Weird Stuff Presents in Your Office: - April 2005  
Pathological Sex and Relationships in the Addicted Client  
27th Annual Institute on Substance Abuse & Addiction • Lubbock, TX

### References

Professional  
**Baca, Angelina**  
Laywer/County Commissioner  
521 North Main Street  
Clovis, New Mexico 88101  
[REDACTED]  
[abacalaw@gmail.com](mailto:abacalaw@gmail.com)

Professional  
**Blair, Chandler**  
District Defender, New Mexico Public Defender Dept.  
800 Pile Street  
Clovis, New Mexico 88101  
[REDACTED]

Professional  
**Jones Witt, Doug**  
Lawyer  
207 N Washington Ave  
Roswell, New Mexico 88201  
(575) 622-6722

Professional  
**Ansheles, Cathy**  
Executive Director, New Mexico Criminal Defense  
Lawyers  
P.O. Box 8324  
Santa Fe, New Mexico 87504  
(505) 992-0050

Professional  
**Ellis, Erica**  
Lawyer/Law Enforcement Academy Instructor  
910 N Pierce St #37  
Carlsbad, New Mexico 88220  
(575) 499-4630  
[REDACTED]

Personal  
**Sanders, Maureen**  
Lawyer  
102 Granite Ave NW  
Albuquerque, New Mexico 87102  
(505) 243-2243

Professional  
**Rose, Tim**  
District Attorney  
300 S 3rd St  
Tucumcari, New Mexico 88401  
(575) 461-2075  
[trose@da.state.nm.us](mailto:trose@da.state.nm.us)

### Resume

Text Resume

**Attachments**

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A: N/A

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A: N/A

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A: N/A

7. Q: Are you receiving a PERA pension?

A: Neither of these

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: Case Western Reserve University School of Law

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico

5. Q: How many years of management experience do you possess related to this position?

A: 6 or more years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

7. Q: Briefly describe your experience in criminal investigation.

A: For the past ten years I have been a criminal attorney. Three of those years with the District Attorney's office assisting law enforcement with investigations. This position included being on-call for any questions from officers while conducting investigative stops, drafting search

warrants, crime scene investigation, evidence collection, and reviewing appropriate charges to file.

As a criminal defense attorney the role is both dissecting law enforcement's criminal investigations and conducting my own investigations to present defenses to the criminal allegations and police investigations.

I have presented at the Hobbs law enforcement academy on the investigative process and report writing, served a six year term on the Supreme Court rules of evidence committee that greatly deepened by understanding of the rules of evidence, which controls what evidence collected or generated by law enforcement can be used in a criminal trial, and present at professional conferences on search and seizure issues.

**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

**A:** As a criminal attorney I deal with judicial process everyday. A critical portion of a criminal case is addressing if and how officers follow policies and procedures of their own departments. This information is often presented at trial to bolster or discredit the officer's testimony.

In my role as a criminal defense attorney, I also deal with administrative hearings that are related to criminal charges. These include using subpoenas, FOIA, and IPRA to obtain discovery from government agencies, filing complaints due to officer's actions while dealing with suspects, and representing clients at DMV license revocation hearings with the taxation and revenue department.

A critical portion of my experience comes from my term on the Rules of Evidence Committee, which reviews and drafts the rules of evidence for criminal and civil court proceedings that are submitted for public comment, and ultimately approved by the Supreme Court.

In my position as a board member with NMCDLA I have lobbied actively to ensure any changes to the criminal laws in New Mexico are fair and just. Through this process and my term with Congressman Kucinich, and a term on a local government board, I am familiar with the legislative process at all levels of government.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due July 14, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov). The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: **Jennifer Burrill**  
Firm/Employer: **New Mexico Justice Center, Law Office of Jennifer Burrill, LLC**  
Address: **918 Main Street, Clovis, New Mexico 88101**  
Phone: **575-763-2286 office / [REDACTED] mobile**

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?

**The two most important issues to be addressed are excessive use of force and the community perception of law enforcement. In addition to modification of police training and hiring policy changes, CPOA can provide community members a place where they can be heard. It will be vital to address issues head on with both police and community members. Both sides need a better understanding of each person's role and a clear understanding of the law in terms of what is permitted and what is not.**

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

**As a prosecutor evaluating cases and preparing for trial I would find misconduct in a police investigation, sometimes unintentional and on a rare occasion intentional. The ethical conflict is created when the officer asks you not to disclose the misconduct or has taken steps to cover it up. I find it best to error on the side of disclosure in those situations. It is not necessary to highlight the issue but simply make sure the defense has the information in their disclosure packet. In most cases, the defense did not file any motions related to the officer misconduct. In the one case where they did, I, representing the State at that time, managed to win the case involving the officer misconduct. It is critical to maintain your integrity when dealing with the legal system and serving the public.**

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

**Keeping my team solution focused is my biggest challenge. Failure to do so degrades accountability and productivity. My leadership style is to be clear about what type of information I find important and keep my team focused on what is necessary to achieve the desired outcome.**

4. Which of your legal cases are you the most proud of and why?

**The cases that most motivate me involve people who improperly use the criminal justice system. The most common example of this in my practice are child sexual abuse cases where one parent has made false allegations against the other parent to gain a custodial advantage. The criminal justice system is based on the truth. When people lie to pervert the system to their advantage, not only does it needlessly destroy innocent people's lives but it also hampers real victims in their pursuit of justice.**

5. Describe your investigative philosophy.

**The purpose behind these types of investigations is to develop sufficient factual information to make a fair and objective determination if misconduct has occurred and the extent or prevalence of the misconduct. To accomplish this, independence and confidentiality must be cornerstones of CPOA investigations. For the community to have faith in the system, investigations cannot be based upon premature beliefs or conclusions as to guilt or innocence.**

**Investigations must be guided by the facts. Critical to the success of each investigation is evidence collection, interviewing skills, and record keeping. Obtaining factual information can be done in many different ways. The least intrusive and least expensive investigative methods should be utilized first. Investigative techniques should be employed to test the veracity and completeness of statements obtained by investigators. All stakeholders in each complaint should be interviewed early in the investigation, so that CPOA can proactively address any immediate conditions that may give rise to public safety issues.**

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?

**Prioritizing and grouping cases is key in these situations. While at the District Attorney's office and in my private defense practice when handling public defender cases, I dealt with a caseload of on average 300 at any given time. This required me to prioritize my cases. From the information currently available to me, the priorities of CPOA would be focused on extent of injury to the complainant and the level of investigation necessary to resolve the issue. Timely resolution is a significant factor in how victims see justice. Swift action can often be more important than achieving the maximum result. Of course, this would require the person in the Director's position to have the authority to be creative in their solutions to resolving the complaints.**

**Grouping is a technique I employed in journalism to tell a number of people's stories in one piece. Citizen complaints can be dealt with in the same manner. Bringing all the complaints of one type together and dealing with them in a group setting can quickly reduce the number of backlogged cases. This technique is also utilized by prosecutors when they join cases to reduce time and expense in bringing like cases to trial.**

7. What is your vision for the CPOA?

**People want to be heard and we need to give them that opportunity. Once those complaints are aired we can look at the trends with the stakeholders and see what type of training, policy modifications, and/or community outreach is needed to address the conflict that is giving rise to public safety issues stemming from the community distrust of law enforcement and law enforcement's fear of the community. After those needs are established, CPOA should spearhead the design of both internal and external programs with participation from the stakeholders to ensure a positive roll out.**

**Ultimately, CPOA should be a liaison between the community and the City of Albuquerque to address issues before they become significant problems. It will be critical that the CPOA Director continue to maintain close contacts with the key stakeholders even after the consent decree is lifted to ensure open lines of communication continue with a wide variety of community groups. While it is unknown what the lifespan of the CPOA Director position will be, it would be my recommendation that the position be a permanent one. The amount of money paid out by the City of Albuquerque in the lawsuits based on recent police misconduct far exceeds the cost of maintaining an office that can ensure police hiring policies are designed eliminate high risk candidates from the applicant pool, promote ongoing police training to reduce incidents of misconduct, and nurture community relations with law enforcement.**

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.

**a. Assets**

- i. *Extensive criminal legal background in both prosecution and defense* - nearly eleven (11) years of experience with criminal investigations and trials allows me to have more credibility with law enforcement and the community at large when dealing with citizens complaints, ultimately garnishing more cooperation and producing better outcomes. This credibility stems from having a clear understanding of what is and is not permissible in terms of both police and citizen conduct under the law and being able to effectively communicate the law to a wide cross section of the community.**

- ii. *Understanding of media relations* - early control of public perception of an event can keep negativity from escalating and infiltrating the community. This is key when dealing with a police action against an individual or group of people. My background as a television journalist would be a significant asset when dealing with citizen complaints by minimizing both the exposure each incident gets as well as impacting how each incident is presented to the community at large. Additionally, successful media relations would allow the City of Albuquerque to better promote CPOA successes in the media to offset any negative publicity.
- iii. *Experience as a mediator* - my track record of reaching settlement in mediation is based on my ability to show people the common ground in any situation. This is vital when working with a diverse group of stakeholders such as the case with CPOA.
- iv. *Work experience in many New Mexico communities outside of Albuquerque* - practicing in many legal communities outside of Albuquerque provides me with a diverse perspective of how law enforcement and communities interact. This knowledge will allow me to draw upon those experiences to craft creative solutions when dealing with citizen complaints. Further, having an independent, outside perspective will provide both those filing complaints and the accused with fair and unbiased investigations in that I have no history of employment or adversarial relationship with the Albuquerque Police Department or the 2nd Judicial District Attorney's office.
- v. *Understanding of community accountability gained from serving as a school board member* - during my term on the school board I gained a deep understanding of accountability to constituents and how limited my role was as a public official. Public perception is that individual board members can solve each teacher's and child's problem, however, the role of the board is to set policy addressing systemic problems in the district. In this position it was vital to build and maintain relationships with union officials, who were quite helpful in filtering issues received through their membership.

b. Working on

- i. I'm sure that I'm not perfect, but as I understand the traits desired for this job, they appear to be a close match for my skills and experience. I don't see any reason I couldn't get up to speed quickly.

In my professional practice, the issue I am continually struggling with is time management. Often, courts schedule hearings that conflict with my schedule. When this occurs, and it does often, I use my negotiation and diplomacy skills to ensure the priority issues are addressed first and the other issues are reset so they can be addressed in a timely and respectable manner.

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.

**My role in the needs assessment, development, and rollout of the Dallas County Juvenile Information System most closely resembles the situation outlined in this question. The Harbour Group was tasked with coordinating approximately 65 law enforcement agencies, courts, district attorney's offices, and schools to create one unified information sharing system for juvenile offenders in Dallas County. Each agency had their own view of what they believed their requirements to be and was certain their needs were more vital than any other agency.**

**I worked with law enforcement agencies and the head of the juvenile division of the Dallas County District Attorney's office to conduct the needs assessment of each agency. Critical to successfully transitioning into a collaborative process was giving each agency an opportunity to be heard individually. Once they knew I understood their needs, they were much more open to a collaborative solution.**

**The next hurdle was getting the clients connected with the technology team. I worked as the liaison between the client and our digital architects to craft a secure site that would capture the critical data with the least amount of data input minimizing the officer's investigation and booking time and allow each agency to access the information available at their specific access level. Police officers and programmers speak different languages and process information differently, which can cause significant conflict. My role at this phase was to facilitate translations and keep the focus on the finalization of the technical model based on my earlier process work.**

**As with any government project there is a struggle between what they want the project to look like and the available budget. The County Commission oversaw the multimillion dollar budget for this project, which required multiple presentations on progress and necessary scope expansion. I assisted in development of all presentations to the County Commission.**

**As part of the project rollout, I taught at the Dallas Police Academy on the use of the Juvenile Information System. In 2000, the dispatchers were still using a mainframe system and had no idea what a computer mouse was. Most of the officers had a basic understanding of personal computers. Teaching to widely varying levels of computer users in the same class was the biggest obstacle to the rollout. Eventually, I had to regroup the classes from agency specific to user level based to make the roll out process more effective.**

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.

- A. My background in television journalism and as a criminal trial lawyer closely mirror the unique skill set you have set out for this position. While the position appears to have a large and complex agenda, I am excited by the opportunity to help strengthen relations between law enforcement and the community. Ultimately, everyone has the same goal - a better, safer Albuquerque.**
- B. In my defense practice we have discovered civil rights violations in criminal cases. When that occurs we assist clients with filing tort claims notices and refer them to civil rights attorneys. I often assist the civil rights attorney in their factual investigations to form the basis of their federal claim.**

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.

**Angelina Baca, Baca Law Firm & Curry County Commissioner**  
Mobile (██████████) / abacalaw@gmail.com

**Angelina and I went into private practice at about the same time, approximately eight (8) years ago and that is when I first met her. We have been colleagues since that time and worked closely together on a few criminal cases with co-defendants and in opposition on multiple family law cases involving divorce and custody issues.**

**Cathy Ansheles, New Mexico Criminal Defense Lawyers Association**  
Mobile (██████████) / cathy@nmcdla.org

**Cathy asked me to join the board of the New Mexico Criminal Defense Lawyers in 2010. Since that time we have worked closely together on a number of defense issues, media outreach, social media, and expanding services to members statewide. As a result of our collaborative efforts, I have presented at CLE programs, written articles for the State newsletter, lobbied on behalf of the organization, and been interviewed by as well as written op-ed pieces for the media on relevant defense issues.**

**Tim Rose, 10th Judicial District Attorney & Vice President of the District Attorney's Association**  
Mobile (██████████) / trose@da.state.nm.us

**Tim was in private practice with Gary Mitchell as a defense attorney prior to joining the District Attorney's office, however my involvement with him has been solely as a prosecutor. Having known him for the last four (4) years, we have worked closely together on opposite sides of a number of complex cases, several of which have gone to trial. He currently serves as the Vice President of the New Mexico District Attorney's Association and in that capacity we frequently end up at the Roundhouse lobbying on opposite sides of criminal justice issues.**

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR****Contact Information -- Person ID: 24984825**

Name: Philip J. Dabney Address: [REDACTED]  
Las Vegas, Nevada 89129

Home Phone: [REDACTED] Alternate Phone:

Email: [REDACTED] Notification Preference: Email

Former Last Name: [REDACTED] Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, Nevada, [REDACTED]

Can you, after employment, submit proof of your legal right to work in the United States? Yes

What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:

Are you willing to relocate? Yes

Types of positions you will accept: Regular

Types of work you will accept: Full Time , Part Time

Types of shifts you will accept: Day , Evening , Weekends , On Call (as needed)

**Objective**

To lead the Albuquerque Citizen Police Oversight Agency in its mission to improve the relationship between the police force and its citizenry, by overseeing the primary functions of the Agency and working with various constituents to carry out the functions in a successful manner.

**Education****Professional**

*Northern Illinois University College of Law*  
Law.niu.edu  
8/1983 - 5/1986  
DeKalb, Illinois

Did you graduate: Yes  
College Major/Minor: Law  
Units Completed: 6 Semester  
Degree Received: Professional

**College**

*Northern Illinois University*  
Niu.edu  
8/1981 - 7/1983  
DeKalb, Illinois

Did you graduate: Yes  
College Major/Minor: Journalism  
Units Completed: 4 Semester  
Degree Received: Bachelor's

**College**

*Black Hawk College*  
Www.bhc.edu  
8/1977 - 8/1981  
Moline, Illinois

Did you graduate: Yes  
College Major/Minor: Pre Law  
Units Completed: 4 Semester  
Degree Received: Associate's

**High School**

*Moline High School*  
8/1976 - 5/1977  
Moline, Illinois

Did you graduate: Yes  
Highest Level Completed: Other  
Did you receive a GED? No  
Degree Received: High School Diploma

**Work Experience****Attorney Partner**

9/2006 - 12/2015

Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 10

Holland & Hart, LLP  
9555 Hillwood Drive, second floor  
Las Vegas , Nevada 89134  
702-669-4621

Name of Supervisor: Patrick Reilly  
- Administrative partner  
May we contact this employer? No

**Duties**

Represent business clients in complex civil litigation matters, including commercial, construction and injury defense disputes; handle cases from inception through settlement or trial/arbitration, including fact investigation, pleadings creation, motion practice, discovery, mediation or other settlement means, trial or arbitration.

Serve as an arbitrator in commercial, construction and personal injury disputes.

Serve as a mediator in commercial, construction, personal injury and other disputes.

Serve as Justice of the Peace Tempore for Las Vegas Justice Court (similar to New Mexico Magistrate Courts), where I preside over fast-pace criminal calendars, preliminary hearings in felony criminal cases, misdemeanor criminal trials, pleas and sentencing, probable cause post-arrest determinations, landlord tenant disputes, drug and other specialty courts, and various civil matters, including small claims trials.

Serve as Short Trial Judge in civil matters in District Court (Nevada's general jurisdiction trial court). I preside as judge over damage cases where parties seek \$50,000 or less. The cases are tried in one day before a jury of four or the judge. Any verdict or findings of fact and conclusions of law becomes a final, appeal able judgment.

**Reason for Leaving**

Continue to serve as a partner at the firm; I have not departed.

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**Attorney and owner**

1/2006 - 9/2006

Law offices of Philip j. Dabney  
701 green valley Pkwy  
Henderson, Nevada 89074

Hours worked per week: 50  
Monthly Salary: \$0.00  
May we contact this employer?  
Yes

**Duties**

Same as Holland & Hart

**Reason for Leaving**

Joined Holland & Hart

---

**Shareholder attorney**

2/1994 - 12/2005

Haney Woloson & Mullins  
1117 S. Rancho Drive  
Las Vegas , Nevada 89102

Hours worked per week: 50  
Monthly Salary: \$0.00  
May we contact this employer? No

**Duties**

Same as Holland & Hart

**Reason for Leaving**

Better opportunities, the firm dissolved a year later

**Certificates and Licenses**

Type: Illinois Bar License (Inactive)

Number:

Issued by: Illinois Attorney Registration & disciplinary Commission

Date Issued: 11 /1986 Date Expires:

Type: Nevada Bar License

Number: [REDACTED]

Issued by: State Bar of Nevada and Nevada Supreme Court

Date Issued: 7 /1988 Date Expires:

---

Type: New Mexico Bar license

Number: [REDACTED]

Issued by: State Bar of New Mexico

Date Issued: 4 /2012 Date Expires:

---

Type: Mediator 40-hour training certificate

Number:

Issued by: Peter Maida Mediation Training Program

Date Issued: 9 /1997 Date Expires:

---

Type: Arbitration training certificates

Number:

Issued by: American Arbitration Association and Clark County District Court

Date Issued: 5 /1994 Date Expires:

---

Type: Systematic Approach to Mediation Strategies

Number:

Issued by: Strauss Institute for Dispute Resolution, Pepperdine University

Date Issued: 6 /2012 Date Expires:

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### **Skills**

Office Skills

Typing:

Data Entry:

### **Additional Information**

Additional Information

Member, New Mexico Supreme Court Alternative Dispute Resolution Commission, since 2014

Member, Los Alamos, NM Rotary Club, since June 2015

AV rated attorney by Martindale Hubbell since mid 1990s

### **References**

Personal

**Evensen, Lars**

Attorney, Partner, Holland & Hart

9555 Hillwood Drive

Second floor

Las Vegas, Nevada 89134

702-325-1618

[Levensen@hollandhart.com](mailto:Levensen@hollandhart.com)

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Professional

**Israel, Hon. Ron**

Judge, Eighth Judicial District Court, Clark County, Nevada

Regional Justice Center

200 Lewis Ave.

Las Vegas, Nevada 89155

702-671-3631

[Deptlc28@clarkcountycourts.us](mailto:Deptlc28@clarkcountycourts.us)

Professional

**Levin, David**

New Mexico AOC Magistrate Courts Division, co-chair, NM

Supreme Court ADR Commission

2905 rodeo Park Drive East

Bldg 5

Santa Fe , New Mexico 87505

505-4700175

[Aocdpl@nmcourts.gov](mailto:Aocdpl@nmcourts.gov)

Professional

**Sullivan, Hon. Diana**

Judge, Las Vegas Justice Court

Regional Justice Center

200 Lewis Ave.

Las Vegas , Nevada 89155

702-671-0482

[Jennifer.clark@clarkcounty.gov](mailto:Jennifer.clark@clarkcounty.gov)

### Resume

### Text Resume

### Attachments

### City-Wide Questions

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A: Not applicable

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A: Not applicable

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A: Not applicable

7. Q: Are you receiving a PERA pension?

A: Neither of these

### Supplemental Questions

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: Northern Illinois University College of Law

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**3. Q:** Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

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**4. Q:** If you are an active Bar Association member in good standing identify the state.

A: Nevada, New Mexico

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**5. Q:** How many years of management experience do you possess related to this position?

A: 6 or more years

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**6. Q:** Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

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**7. Q:** Briefly describe your experience in criminal investigation.

A: My experience and training in criminal investigation arises from my service in Justice Court as a pro tempore judge, where I hear evidence of criminal investigations pertaining to cases before me and render decisions based on that evidence. I receive renewed training for the position that includes some investigative training every two years.

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**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: I routinely represent clients in court trials, arbitrations, administrative proceedings, and various settlement proceedings. I also routinely preside over criminal and civil cases as a judge, arbitrator, mediator and hearing officer.

CPOA DIRECTOR APPLICANT RESPONSES TO WRITTEN EXERCISE

Name: Philip Dabney

Firm/Employer: Holland & Hart

Address: [REDACTED], Las Vegas, NV 89129

Phone: [REDACTED]

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?

ANSWER -- Within the next 12 months, CPOA must show meaningful efforts to engage the citizens of Albuquerque in the process of improving the APD and minimizing incidents of police abuse and negative police relations with the citizenry. This must be done through timely and objective investigations and responses or resolutions of complaints made by citizens about police action or conduct, and through meaningful dialogue with the various communities within the City about the issues that brought the community to this juncture and how to address and resolve those issues.

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

ANSWER -- In recent appointments as an arbitrator and mediator, I have made disclosures about my relationships with attorneys, experts, parties and witnesses. These disclosures are made to provide the parties with transparent information about my knowledge of and relationships with the various participants in the arbitration or mediation. The parties use the information to determine whether they believe I can fairly and objectively hear and decided a contested arbitration, or whether I can help parties resolve a mediated dispute without any hidden biases or prejudices. In most cases, the parties proceeded with me as arbitrator or mediator. In a few instances, the parties found something in my disclosure that led them to object to my serving. In all cases, full disclosure assured a fair and objective outcome for the parties.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

ANSWER -- I was involved in managing a complex construction dispute where we represented a general contractor against an owner in a commercial project. The parties were embroiled in a fact-intensive fight over myriad construction issues. By the time I became involved the case was in early discovery in an arbitration with a Panel of three arbitrators. Millions of documents were being assembled and depositions were being planned of key witnesses.

The client had a serious problem -- the two witnesses with the most helpful knowledge for the client had been fired by the client for stealing materials. One of those witnesses also faced criminal prosecution. The case could not be won without the critical testimony of these witnesses and their assistance in culling through the multitude of documents to get to the best evidence supporting the client's claims and defenses.

I took responsibility for getting the full cooperation and assistance of these witnesses in a manner that did not create an appearance to the Panel or opposing counsel that their testimony was coerced, contrived or otherwise improperly obtained. I contacted each of these individuals and met with them separately. I communicated the importance of their roles on this project and the factually inappropriate positions the owner was taking about critical factual issues. I succeeded in convincing them to help with the case, without making inappropriate promises or threats.

These two gentlemen indeed proved instrumental in the overwhelming success of the case for the client. Their testimony and assistance won significant issues on construction changes and owner interference that occurred on the job, and their factual knowledge helped to defeat many unreasonable positions taken by the owner in the case.

#### 4. Which of your legal cases are you the most proud of and why?

ANSWER -- I started representing abused and neglected children in family court on a pro bono basis about a dozen years ago. These are the weakest, most powerless individuals in our social structure. They have suffered abuse or neglect at the hands of those responsible for raising them. They have physical and emotional scars. They have no voice in their future, especially in Nevada, where there is no state-funded guardian and advocacy group to represent the interests of children or at least to look after their best interests.

My representation of these children occurs through a program called Child Advocacy Program sponsored by the Legal Aid Center of Southern Nevada. I represent their interests and am their voice to the court. I am very proud of this work, especially when my efforts assist in providing a stable and lasting family life for my clients, where they can develop, stabilize and get the love and attention they need while they prepare for their adult lives.

#### 5. Describe your investigative philosophy.

ANSWER -- investigations are intended to find out the truth, or as close to the truth as the evidence will lead. In order for that to happen, an investigation must be objectively undertaken, using all the tools available to compete a thorough and comprehensive search for all available facts and information. The investigation must be timely and efficient with identifiable results reported as soon as practicable and in a succinct and direct manner.

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?

ANSWER -- I have a background of experience, training and personal qualities that has led me to successfully lead in situations where order and resolution must be brought in conditions of chaos and discord. For example:

A. As a journalist, I learned to gather facts and write stories on deadline. I became managing editor and editor in chief of my daily student newspaper, where I succeeded in publishing a daily newspaper in very chaotic conditions. Later, as the owner of a small newspaper I took on similar challenges with a smaller staff and limited budget.

B. As a litigation attorney, I've become adept at finding the crucial facts and points in a case early on, and focusing the litigation on exposing those facts and points in the most successful manner for meeting the client's objectives.

C. As a part time Justice Court Judge, I preside over an extremely heavy case load consisting of hundreds of matters involving felony and misdemeanor criminal cases, landlord and tenant disputes, small civil matters and orders of protection. I efficiently and methodically review each matter and make snap decisions on how the issue or issues in each matter must be decided at that moment. I articulate my decisions in a manner that can be properly documented for the record and that is appropriate for the situation. I have never left a day's calendar incomplete.

D. As a District Court Short Trial Judge, I preside over day-long jury trials. I am adept at helping counsel prepare their cases cooperatively and sufficiently in advance of the trial that they can successfully complete their trial in a single day. I also preside over civil bench trials where I render findings of fact and conclusions of law, which are incorporated into final and appealable judgments.

E. As an arbitrator, I successfully hear evidence in disputes and render fair and impartial decisions in those disputes in a timely and efficient manner.

F. As a mediator, I assist parties in overcoming impasse and finding a way to resolve intractable disputes.

7. What is your vision for the CPOA?

ANSWER -- CPOA is a piece of an overall program to improve the quality of policing in Albuquerque and restore public confidence in the Police Department. CPOA's role is to become the bridge that brings the public and the Albuquerque Police Department together in a way that eliminates "us versus them" and creates the opportunity to develop a level of trust and respect among the citizenry and their police force. My vision for CPOA is to overcome the obstacles of mistrust, misunderstanding and fear that has developed from past issues and create an environment where the lines of communication are open and the difficult issues we all face on the streets of our cities can be discussed, explored and understood

among the stakeholders -- from the beat cop, to the chief, to the residents of every neighborhood in the city.

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.

ANSWER --

A. Judicial temperament -- my years of experience as a part time judge have helped me develop a rational and reasonable disposition in the most challenging and difficult circumstances. At the same time, I have the ability to be firm and unbending when necessary.

B. Arbitral knowledge and experience -- judges follow the rules of evidence and often act as "gatekeepers" of evidence for juries. As an arbitrator I have special training and substantial experience taking in very type of evidence -- including evidence that is not admissible in court -- and place appropriate weight on that evidence. This quality will be particularly helpful in reviewing and weighing evidence from investigations to determine what appropriate findings to render.

C. Mediation training and experience -- having the skills and training to help disputants come to resolution would be an extremely valuable tool for this position. Situations will arise that will require the director to resolve citizen complaints against APD in a way that would be productive, empowering and beneficial for all concerned. What better way to handle such disputes than with mediation tools?

D. Litigation training and legal knowledge -- as a 29-year attorney, I come with a wealth of knowledge and experience that will allow me to quickly understand factual and legal issues that may require fast answers or resolutions. My ability to get to the heart of the matter will prove valuable in critical situations.

E. Outsider with no political ties -- this role requires a person who has no connections to any of the stakeholders. As an outsider from another city, I certainly qualify. In addition, my legal background has not included representation of police, unions, criminal defendants, governmental agencies or civil rights parties. The only exception to that statement is I served as the voluntary legal director for the ACLU of Nevada for two years in the early 1990s and represented a group of homeless men challenging a loitering statute during that time frame.

F. Character weakness -- in my personal life I have had a tendency to be passive aggressive in some relationships. I work hard to overcome that tendency in my personal life and to keep it out of my professional life, by being direct and forthright in my communications.

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.

ANSWER – As a mediator, I have collaboratively worked with parties who have divergent views in a dispute and helped them to bridge their gaps and arrive at a resolution of their disputes. The most recent case was a several million dollar construction dispute between a public body and a local contractor whose primary owner was a known political figure. The dispute was not difficult to resolve, but the individuals involved had reached a level of acrimony that eclipsed their ability to see the economic and political benefits of a private resolution. I spent the day working on getting the parties past the acrimony and toward a peaceful end to their dispute that was privately reached with terms that were both economically and politically beneficial to both parties.

In addition, I have employed mediation skills to work with opposing counsel in a recent ten-party, complex construction litigation, to create a ground work early in the case for eventual resolution. The case involved two lawsuits filed in separate counties by separate parties. Each lawsuit arose out of the same facts and circumstances and involved both millions of dollars of damages and an ongoing dispute between a county government and a private utility company. Motion practice on either or both of the lawsuits could have taken months, if not years, to resolve before getting to the substance of the disputes in the cases. I requested and obtained agreement among all counsel and their clients to engage in an early settlement conference in one jurisdiction. The goal of the settlement conference was to get the parties to buy into a process where the parties would engage in a limited amount of discovery that would run jointly among both cases, then would participate in a multi-party mediation with a private mediator. With the able assistance of the settlement judge, we reached agreement in the manner I recommended and chose a mediator and a rough time frame for mediating the disputes. We were able to bypass significant motion practice and duplicative discovery and get to the substance of the dispute quickly. We also were able to eventually settle the dispute in a manner that did no further harm to the relationship between the county and the utility and that solved the construction issues at hand in a fair and reasonable manner.

I have engaged multiple and diverse groups and stakeholders in the Las Vegas community through the electoral process. In 2010 I ran for District Court Judge in the Eighth Judicial District Court in Clark County, Nevada. I made presentations and spoke to every available group with an interest in the judicial elections, which are non-partisan in Nevada. These groups included political organizations from both sides of the aisle; professional groups; senior groups; neighborhood organizations; various minority and ethnic groups; veteran groups; and groups organized based on sexual orientation. I met and interviewed with Union, veterans and other groups in order to obtain endorsements for the election. I walked door to door to get my message to prospective voters in the county. I participated in endorsement interviews with the local newspapers and a local political news show called Ralston Reports, where various candidates were interviewed during the election cycle. The end result of this process was I won the primary, defeating three opponents, but I lost the general election by less than 1 percent of more than 500,000 votes cast. The experience was challenging but very rewarding in terms of learning about the community and the many diverse groups that make up the Las Vegas Valley.

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.

ANSWER -- I am a resident of Las Vegas, Nevada. I also live part time in Los Alamos, New Mexico, with my wife and her children. My legal practice currently is primarily in Nevada, but I became licensed in

New Mexico as an attorney in 2012. I am a Commissioner on the Supreme Court of New Mexico Alternative Dispute Commission. If hired for the position I would locate to Albuquerque.

#### REFERENCES

Hon. Ron Israel

District Court Judge, Department 28, Eighth Judicial District Court

702-671-3631; email address [depatlc28@clarkcountycourts.us](mailto:depatlc28@clarkcountycourts.us)

Judge Israel and I have known each other for 12-15 years and ran against different opponents in the 2010 judicial election using the same manager.

Hon. Diana Sullivan

Las Vegas Justice Court Justice of the Peace, Department 12

702-671-0842

[Jennifer.clark@clarkcountynv.gov](mailto:Jennifer.clark@clarkcountynv.gov) (Judge Sullivan's JEA)

Judge Sullivan and I have known each other for more than 15 years. She was a practicing attorney when I met her and had several matters involving her. Now I sit for her as an alternate Justice of the Peace when she is not available.

Lars Evensen, Esq.

702-669-4631

[lkevensen@hollandhart.com](mailto:lkevensen@hollandhart.com)

Lars and I have known each other for about a dozen years. We are partners at Holland & Hart and have worked together on many cases.

David Levin, Esq.

Co-Chair, New Mexico Supreme Court ADR Commission

505-470-0175

[aocdpl@nmcourts.gov](mailto:aocdpl@nmcourts.gov)

Mr. Levin and I have known each other for about a year. I met him through my position as a Commissioner on the ADR commission.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR****Contact Information -- Person ID: 24917182**

Name: Robin Dozier Otten Address: [REDACTED]  
 Albuquerque, New Mexico 87122 US

Home Phone: [REDACTED] Alternate Phone: [REDACTED]

Email: [REDACTED] Notification Email Preference: Email

Former Last Name: Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, New Mexico

Can you, after employment, submit proof of your legal right to work in the United States? Yes

What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:

Are you willing to relocate? No

Types of positions you will accept: Regular

Types of work you will accept: Full Time

Types of shifts you will accept: Day

**Objective****Education****Professional**

University of New Mexico  
 8/1978 - 5/1981  
 Albuquerque, New Mexico

Did you graduate: Yes  
 College Major/Minor:  
 Degree Received: Professional

**College**

University of New Mexico  
 8/1962 - 5/1966  
 Albuquerque, New Mexico

Did you graduate: Yes  
 College Major/Minor:  
 Government/History/Psychology  
 Degree Received: Bachelor's

**Work Experience****President and Chief Executive Officer**

7/2003 - Present

RDO Strategic Consultants, LLC  
 www.rdoconsultants.com  
 64 Pinon Hill Place  
 Albuquerque, New Mexico 87122  
 505 856-7244

Hours worked per week: 40  
 Monthly Salary: \$5,000.00  
 # of Employees Supervised: 0  
 Name of Supervisor: None  
 May we contact this employer? Yes

**Duties**

Consulting firm offering its clients services including policy development, advocacy and entrepreneurial expertise.

**Reason for Leaving**

Currently working.

**Director**

12/2009 - 12/2013

Hours worked per week: 40  
 Monthly Salary: \$8,400.00  
 # of Employees Supervised: 375

City of Albuquerque/Family and Community Services Department  
Albuquerque, New Mexico 87102

Name of Supervisor: R J Berry - Mayor  
May we contact this employer? Yes

**Duties**

Executive level office; reported directly to the Mayor  
Responsible for an agency of about 375 employees and a budget of \$12 million  
Program areas included development of affordable housing, administration of 24 community centers, four health and social service centers and 21 child development centers that provide appropriate curriculum for preschool children  
Developed Albuquerque Heading Home, an initiative that houses medically vulnerable and chronically homeless people and their families  
Initiated Running Start for Careers, a program for high school students taught by various industries representatives and offered for credit toward graduation

**Reason for Leaving**

Retirement from PERA

**Deputy Secretary**

9/1999 - 12/2002

Hours worked per week: 40

Monthly Salary: \$7,000.00

# of Employees Supervised: 1650

State of New Mexico/Human Services Department  
Santa Fe, New Mexico 87505

Name of Supervisor: Gary E Johnson - Governor  
May we contact this employer? Yes

**Duties**

Cabinet level office; reported directly to the Governor  
Responsible for an agency of 1,650 employees and a budget of \$2 billion  
Program areas included Medicaid, food stamps, cash assistance (TANF) and child support enforcement  
Chaired State Coverage Initiative to obtain a Medicaid waiver and provide health insurance to uninsured adults

**Reason for Leaving**

Completion of Governor Johnson's term

**Superintendent**

1/1995 - 9/1999

Hours worked per week: 40

Monthly Salary: \$0.00

Name of Supervisor: Gary E Johnson - Governor

State of New Mexico/Regulation and Licensing Department  
Santa Fe, New Mexico 87505

May we contact this employer? Yes

**Duties**

Cabinet level office; reported directly to the Governor  
Responsible for an agency of 260 employees and a budget of \$15.2 million  
Program areas included financial institutions, securities, construction industries, manufactured housing, alcohol and gaming and 27 professional and occupational licensing boards

**Reason for Leaving**

Assumed duties as secretary of Human Services Department

**President**

8/1987 - 1/1995

Hours worked per week: 40

Monthly Salary: \$0.00

# of Employees Supervised: 4

Shareholder, Otten, Vogel and Campbell, P.C  
Albuquerque, New Mexico 87110

May we contact this employer? No

**Duties**

General real estate and business practice of law

**Reason for Leaving**

Appointed to Governor Johnson's cabinet

**Vice President**

8/1986 - 8/1987

Hours worked per week: 40

Monthly Salary: \$0.00

May we contact this employer? No

Southwest Mortgage Company  
Albuquerque, New Mexico 87108

**Duties**

Supervised 24-person closing and shipping department  
Served as legal advisor to corporate officers  
Served as corporate secretary

**Reason for Leaving**

Founded law firm.

**Attorney**

8/1981 - 8/1986

Hours worked per week: 40

Monthly Salary: \$0.00

May we contact this employer? No

Johnson and Lanphere, P.C.  
Albuquerque, New Mexico 87110

**Duties**

Responsible for foreclosure litigation for New Mexico's largest lender  
Represented corporate clients in commercial litigation  
Experienced in preparation of commercial loan documents  
Supervised paralegal staff; handled interviewing, hiring and dismissals  
Initiated intra-office information retrieval system

**Reason for Leaving**

Accepted another position

**Certificates and Licenses**

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

Professional Associations

American Bar Association: Corporation, Banking and Business Law, Committee on Savings and Loan Associations, and Economics of Law Practice Sections

Professional Associations

Albuquerque Bar Association

Professional Associations

American Judicature Society

Professional Associations

New Mexico Mortgage Bankers Association

Professional Associations

National Association of Women Business Owners

Honors & Awards

Faculty Representative (elected by second year class, attended all faculty meetings)

Honors & Awards

General Honors Program

Honors & Awards

Recipient, Tuition Scholarship

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Honors & Awards

Member, Student Council (elected by entire student body)

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Honors & Awards

Greater Albuquerque Chamber of Commerce Chairman's Award for Excellence

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Honors & Awards

National Association of Women Business Owners 2007 National Public Policy Advocate of the Year

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Honors & Awards

YWCA Woman on the Move Award 2008

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Honors & Awards

SBA Women in Business Champion of the Year 2008

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Honors & Awards

Ethics in Business Award

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Honors & Awards

WESG Fellowship, Duke University, Strategic Leadership for State Executives Program

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Honors & Awards

Leadership Albuquerque, 1990 graduate

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Honors & Awards

NM Business Weekly Woman of Influence 2011

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Honors & Awards

Community, State and National Leadership Positions

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Honors & Awards

National Leadership Conference of

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Honors & Awards

Women Executives in State Government

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Honors & Awards

Member (1995-2002)

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Honors & Awards

Board of Directors (1998-2002)

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Honors & Awards

Model United Nations

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Honors & Awards

President, Security Council (1994-2003)

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Honors & Awards

Governmental Ethics Oversight Committee

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Honors & Awards

Public Voting Member appointed by the Speaker of the New Mexico House of Representatives (1993)

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Honors & Awards

Sandia Preparatory School

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Honors & Awards

Board of Trustees (1989-90; 1992-95)

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Honors & Awards

Parents Association Board of Directors (1986-1990); President (1989-90)

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Honors & Awards

Greater Albuquerque Chamber of Commerce

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Honors & Awards

Board of Directors (1992-95)

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Honors & Awards

Government Planning Council (1990-92)

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Honors & Awards

State Government Committee (1990-93), Chairman (1991-93)

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Honors & Awards

Executive Legislative Committee (1990-93)

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Honors & Awards

Women Impacting Public Policy

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Honors & Awards

National Partner

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Honors & Awards

Co-chairman, Health Care Committee (2005)

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Honors & Awards

Chairman, Health Care Committee (2006 -2008)

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Honors & Awards

Economic Blueprint Advisory Council (2008)

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Honors & Awards

Executive Advisory Board (2008 to 2012)

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Honors & Awards

State of New Mexico Republican Party

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Honors & Awards

Bernalillo County (Albuquerque) Executive Committee (2003-2006)

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Honors & Awards

Candidate, United States Senate (1994)

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Honors & Awards

Executive Committee Secretary (1993-95)

---

Honors & Awards

Alternate Delegate, Presidential Nominating Convention (1992)

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Honors & Awards

Candidate, New Mexico House of Representatives (1990)

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Honors & Awards

St. Marks-on-the-Mesa Episcopal Church

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Honors & Awards

Vestry (1982-85; 1989-91)

---

Honors & Awards

Chancellor (1984-87)

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Honors & Awards

Junior Warden (1989-90)

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Honors & Awards

Samaritan Center of Albuquerque

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Honors & Awards

Foundation Board of Directors (2003-2008)

---

Honors & Awards

President (2006)

---

Honors & Awards

Vice President (2005)

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Honors & Awards

Nominations Committee Chairman (2005-2006)

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Honors & Awards

Selection Committee (2000-2003)

---

Honors & Awards

Board of Directors (1990-93)

---

Honors & Awards

President (1991-92)

---

Honors & Awards

Chairman, Development Committee (1993)

---

Honors & Awards

Albuquerque Bar Association

---

Honors & Awards

Board of Directors (1991-93)

---

Honors & Awards

Judicial Selection Committee (1987; 1991- 93); Chairman (1991-93)

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Honors & Awards

Lawyers' Club of Albuquerque

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Honors & Awards

President (1990-91)

---

Honors & Awards

Vice President (1989-90)

---

Honors & Awards

Treasurer (1988-89)

---

Honors & Awards

Sandia Heights Homeowners Association Board of Directors (1990-96)

---

Honors & Awards

National Association of Women Business Owners

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Honors & Awards

Charter member Northern New Mexico Chapter (1992)

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Honors & Awards

Board member NAWBO-PAC (2005)

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Honors & Awards

Chair, NAWBO-PAC (2006 to 2008)

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Honors & Awards

Vice-President, Public Policy (2006 -08)

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Honors & Awards

Secretary (2008-09)

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Honors & Awards

Director, Liaison to Foundation for Entrepreneurial Excellence (2008-09)

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Honors & Awards

President-elect (2009)

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Honors & Awards

President (2010-2011)

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Honors & Awards

Foundation for Entrepreneurial Excellence

---

Honors & Awards

Board of Directors (2008 to 2013)

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Honors & Awards

University of New Mexico Alumni Association

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Honors & Awards

Legislative Liaison (1985-88; 1993)

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Honors & Awards

United Way of Central New Mexico, Inc

---

Honors & Awards

Loaned Executive (2003)

---

Honors & Awards

Campaign Vice-Chairman (1993)

---

Honors & Awards

Leadership Giving Committee (2005)

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Honors & Awards

Tocqueville Society (2010-present)

---

Honors & Awards

Junior League of Albuquerque, Inc

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Honors & Awards

Administrative Vice President (1988-89)

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Honors & Awards

Board of Directors (1981-87)

---

Honors & Awards

Community Vice President (1983-84)

---

Honors & Awards

Public Affairs Chairman (1981-83)

---

Honors & Awards

University of New Mexico Centennial

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Honors & Awards

Government Committee (1988-89)

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Honors & Awards

Organizations Committee (1988-89)

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Honors & Awards

Albuquerque Community Foundation

---

Honors & Awards

Enabling Fund Committee Chairman (1984-86)

---

Honors & Awards

Volunteer Center of Albuquerque

---

Honors & Awards

Advisory Board (1986-87)

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Honors & Awards

New Mexico Department of Corrections

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Honors & Awards

Girls' Reintegration Center

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Honors & Awards

Advisory Board (1984 85)

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Honors & Awards

Albuquerque Little Theater

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Honors & Awards

Friends of ALT Board of Directors (1978-79)

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Honors & Awards

Leadership Circle (2009)

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Honors & Awards

Heading Home, Inc

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Honors & Awards

Board of Directors (2014-present)

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Honors & Awards

Chairman, Fund Development Committee  
President, 2015

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Honors & Awards

Core Vision Team (2010-present)

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Honors & Awards

Goodwill Industries of New Mexico, Inc

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Honors & Awards

Board of Directors (2011-present)

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Honors & Awards

Secretary (2013-present)

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Honors & Awards

New Mexico Appleseed

---

Honors & Awards

Board of Directors (2012-present)

Honors & Awards

Vice-President (2013-present)

**References**

**Resume**

**Text Resume**

**Attachments**

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A: 2013

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Retired from the City of Albuquerque

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: The University of New Mexico

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico

**5. Q:** How many years of management experience do you possess related to this position?

**A:** 6 or more years

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**6. Q:** Select the number of years of work experience you possess which relate to this position.

**A:** 13 or more years

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**7. Q:** Briefly describe your experience in criminal investigation.

**A:** Experience in criminal investigation includes supervising investigations of Medicaid fraud and employee fraud at both the state of New Mexico and the city of Albuquerque. Preparation of criminal cases for completion of the UNM clinical program in the Bernalillo County District Attorney's office.

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**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

**A:** Experience as a state cabinet secretary and a city department director with various administrative processes related to employment as well as judicial processes including court appearances, appeals and arbitration. Created, implemented and oversaw enforcement of policies and procedures in a multitude of arenas.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due July 8, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov). The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: Robin Dozier Otten  
Firm/Employer: RDO Strategic Consultants, LLC  
Address: [REDACTED], Albuquerque 87122  
Phone: [REDACTED]

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?

*The most important goal for the CPOA to achieve within the first year is to have developed and implemented a system for receiving all citizen complaints, allegations of serious uses of force and officer-involved shootings by APD and to have thoroughly and fairly investigated, reviewed, reported and made any necessary recommendations to the agency board, within the time frames required by the agreement. If these tasks are accomplished, the agency will be able to provide information to the public in its community outreach program that instills confidence that civilian oversight is both 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.

*This example concerns a not-for-profit corporation whose board I once served on. I became aware of information from outside the organization that an employee was living with a serious mental illness. I also learned from the executive director that the employee's performance was not fully satisfactory and termination was under consideration. I was faced with the dilemma of breaching the confidence of both the ill employee and the person who had revealed the information to me or risking potential harm to the organization that might result from litigation. I decided that the best action was to advise the executive director, in a way that did not specifically refer to the ill employee, to seek the advice of an employment lawyer to make sure that all policies of the organization had been followed before any discipline or termination was carried out. The executive director received this suggestion gratefully and has made sure that decisions are made in such a way as to show compassion for employees as well as care for the well-being of the organization.*

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

*There are numerous examples, but one that I am particularly proud of the result involves my temporary service as director of the Albuquerque Housing Authority. The previous director had left under negative circumstances and the morale at the agency was very low, as was productivity. Many employees had aligned themselves with one or more small groups that gathered often to complain about various matters and to discuss ways to*

*undermine any attempts at developing leadership. I decided to deal with the situation head-on in two ways: I met with any individual or group that sought a meeting and listened carefully to their concerns and I held meetings of the entire agency to address our plans for building an exceptionally good record of assisting low income people in finding homes and to answer questions. The most important facets of these meetings was for me to tell the truth regardless of whether or not it would be well received and to follow through with anything I said I would do. Needless to say, the situation was very difficult, but by the end of my time there, the highly professional and able board of the agency had been able to hire a new management team and to become an independent authority that is now well positioned to provide better housing, more quickly to the vulnerable members of our community.*

4. Which of your legal cases are you the most proud of and why?

*I once represented a legislative candidate before the NM Supreme Court who was being deprived of a position on the general election ballot because of what we believed was a misreading of the election code by the County Clerk in her county. We were successful and she was able to participate in the electoral process.*

5. Describe your investigative philosophy.

*Having overseen many administrative investigations during my 12 years in executive government, I have developed a philosophy that seems simple, yet effective: investigations should be conducted by thoroughly unbiased professionals in as short a time as possible that allows for gathering all reasonably available facts and evidence. The results should then be presented to reviewers and ultimate decision makers in a clear and concise written document.*

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?

*My background in state and local government includes several instances in which I have encountered situations similar to the one described in this question. The first was in 1999-2002, when I was appointed by the governor and served as secretary of the NM Human Services Department following seven other people who had served in that position in the preceding five years. We were transitioning Medicaid from fee-for-service to managed care and faced an army of people associated with various constituencies who opposed almost every decision that we had made. Gradually, as we listened to many of these interested people and absorbed their concerns, we were able to create and adopt policies that were a better fit for our state. In my opinion, our best accomplishment was being granted a waiver from the US Department of Health and Human Services to provide an insurance product available to persons with income under 200% of federal poverty level at very low cost to the individual, the employer and the state.*

7. What is your vision for the CPOA?

*Very simply, to renew confidence among the people of Albuquerque that our police department is operating in a manner that is accountable and subject to objective review.*

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.

*Just results—Justice is one of the cornerstones of our national values and it is imperative that the processes of the CPOA seek justice for all involved in our work*

*Decisive—I understand that difficult decisions must be made, sometimes without as much information as one would wish to have available, but endless delays in decision making can also be destructive*

*Accountability—The leader of any organization must be ultimately accountable; however, it is likewise important that all members of the organization contribute to the final product and must be held accountable for their part in creating the whole*

*Expectation of excellence—Having high expectations can be both a blessing and a curse. I believe that unless we expect the best performance possible from ourselves and others, we will only rarely get it. It is also part of this trait that the leader must be willing to educate, train and mentor those who are willing, but not yet able to produce at the expected level*

*Understanding of bureaucratic challenges—Having worked in several large bureaucracies, I understand that there are inherent frustrations to be dealt with. Knowing that going in makes surmounting them less stressful*

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.

*In answering Question 6, I briefly touched on the experience I will now describe in more detail: as secretary of the NM Human Services Department, I chaired an effort to obtain a federal HIFA waiver to insure adults below 200% of poverty at a cost to the state of less than \$25 a month. The members of the working group represented such diverse interests as managed care organizations, other health insurers, provider groups, hospitals, patient advocacy groups, elected and appointed officials and so forth. We worked to design the program for many months with this group as well as officials in Washington, DC at the Health and Human Services Department's Center for Medicaid and Medicare Services (CMS). Although the goals and interests of the members of the group differed from one another, we were able to come together and through negotiated give and take arrive at the final product that was ultimately approved by CMS and became New Mexico's very popular and beneficial State Coverage Initiative.*

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.

*I look forward to the opportunity to work on this important process for our city and will be glad to answer any further questions you may have of me.*

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.

Stephen J. Vogel  
Attorney at Law  
Formerly of Vogel Campbell and Blueher, PC  
Board member, Albuquerque Housing Authority  
1203 Morningside Dr. NE  
Albuquerque, NM 87110  
505 288-9945  
svogel@vogelcampbell.com

Jennifer Ramo  
Attorney at Law  
Executive Director, New Mexico Appleseed  
600 Central Avenue SE  
Albuquerque, NM 87102  
505 903-3086  
jramo@nmappleseed.org

Douglas H. Chaplin  
Director  
City of Albuquerque Department of Family and Community Services  
400 Marquette NW  
5<sup>th</sup> Floor  
Albuquerque, NM 87102  
505 768-2860  
dchaplin@cabq.gov

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 8751392**

Name: Stephanie Y. Lopez Address: [Redacted]  
Albuquerque, New Mexico 87114 US  
Home Phone: [Redacted] Alternate Phone: [Redacted]  
Email: [Redacted] Notification Preference: Email  
Former Last Name: [Redacted] Month and Day of Birth: [Redacted]

**Personal Information**

Driver's License: Yes, New Mexico, [Redacted]  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

**Preferences**

Preferred Salary: \$90,000.00 per year  
Are you willing to relocate? No  
Types of positions you will accept: Regular  
Types of work you will accept: Full Time  
Types of shifts you will accept: Day

**Objective**

I am eager to take the next step in my career: a position that will fully utilize my experience and education.

**Education**

**Graduate School** Did you graduate: Yes  
*Texas Tech University School of Law* College Major/Minor: Law  
[www.law.ttu.edu/](http://www.law.ttu.edu/) Degree Received: Doctorate  
6/1995 - 5/1998  
Lubbock, Texas

**College** Did you graduate: Yes  
*University of Texas at San Antonio* College Major/Minor: Criminal Justice - Legal  
[www.utsa.edu](http://www.utsa.edu) Studies emphasis  
8/1993 - 11/1994 Units Completed: 4 Semester  
San Antonio, Texas Degree Received: Bachelor's

**College** Did you graduate: No  
*University of Texas at El Paso* College Major/Minor: Criminal  
[www.utep.edu/](http://www.utep.edu/) Justice/Psychology  
1/1991 - 8/1993 Units Completed: 8 Semester  
El Paso, Texas Degree Received: No Degree

**High School** Did you graduate: Yes  
*Riverside High School* Highest Level Completed: Other  
[www.yisd.net/](http://www.yisd.net/) Did you receive a GED? No  
9/1986 - 5/1990 Degree Received: High School Diploma  
El Paso, Texas

**Work Experience**

**Assistant City Attorney** Hours worked per week: 50  
7/2014 - 5/2015 Monthly Salary: \$6,041.00  
# of Employees Supervised: 2  
City of Rio Rancho Name of Supervisor: Jennifer Vega-Brown -  
[ci.rio-rancho.nm.us](http://ci.rio-rancho.nm.us) City Attorney

3200 Civic Center Circle NE, 4th floor  
Rio Rancho, New Mexico 87144  
505-891-5003

May we contact this employer? No

**Duties**

Assist in planning, development and implementing the duties and responsibilities of the Office of the City Attorney. Represent the City in legal proceedings before city, state and federal courts and agencies; provided advice to the Mayor, Governing Body, City Manager and Department Directors; represent the City in municipal and district court as prosecutor in criminal matters relating to city ordinance violations; participate in all aspects of criminal prosecution including, discovery, interviews, motion practice, trial and appeals; frequent interaction with representatives from law enforcement, defense counsel, court services, Judicial Branch, employees and victims; handle litigation, land use, contracts, tort liability, planning, zoning, property, labor and personnel law; and supervise support staff.

**Reason for Leaving**

Political situation - left during probationary period.

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**Assistant City Attorney**

7/2012 - 6/2014

City of Albuquerque - Litigation Division  
cabq.gov  
1 Civic Center Plaza  
Albuquerque, New Mexico 87102  
505-768-4500

Hours worked per week: 40

Monthly Salary: \$5,833.00

# of Employees Supervised: 2

Name of Supervisor: Stephanie Griffin -  
Deputy City Attorney

May we contact this employer? Yes

**Duties**

Represent the City in a variety of legal proceedings at the local, state and federal level; assure legal issues resolved within City policy guidelines; consult and provide legal advice to City officials, departments and agencies; frequent interactions with Risk Management, clients, and department supervisors; monitor changes in laws (local, state and federal); participate in all aspects of civil litigation involving alleged police civil rights violations, personal injury, and premise liability cases including discovery, depositions, motion practice, trial and appeal; and supervise support staff.

**Reason for Leaving**

Accepted position prosecuting criminal offenses for the City of Rio Rancho.

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**Associate Attorney**

9/2011 - 7/2012

Lastrapes, Spangler and Pacheco, PA  
lsplegal.com  
333 NM 528, Ste. 401  
Rio Rancho, New Mexico 87114  
505-892-3607

Hours worked per week: 50

Monthly Salary: \$5,833.00

# of Employees Supervised: 2

Name of Supervisor: Christopher Pacheco -  
Partner

May we contact this employer? Yes

**Duties**

Draft, review and negotiate acquisition and leasing contracts, including purchase and sales contracts, leases, easements, encroachments, amendments and assignments; coordinate and negotiate with municipal governments on zoning and developments issues; ensure compliance with all deadlines associated with each transaction; frequent interaction with clients, building owners, property managers, real estate brokers, surveyors, title companies, opposing counsel and lenders; work with corporate clients to ensure state and federal HR work place compliance, assist and advise on employment manuals, termination and hire offers; draft, review and prepare wills, trusts and other estate planning documents; handle probate matters; prepare and handle simple criminal matters for current clients; monitor changes in laws (local, state and federal): participate in all aspects of civil litigation including discovery, depositions, motion practice and trial; and supervise support staff.

**Reason for Leaving**

Medical issues with daughter. Eventually accepted another employment position.

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**Assistant and Interim County Attorney**

10/2009 - 5/2011

Hours worked per week: 60

Monthly Salary: \$5,270.00

# of Employees Supervised: 3

Sandoval County, New Mexico  
www.sandovalcounty.com  
1500 Idalia Road, Building D  
Bernalillo, New Mexico 87004  
(505) 404-5812

Name of Supervisor: Juan Vigil - County  
Manager  
May we contact this employer? Yes

**Duties**

Develop and implement Legal Department goals to meet County needs and objectives; plan, organize, coordinate and direct Legal Department operations; represent the County in a variety of legal proceedings in the local, state and federal level administrative hearings of before courts; review, approve, and negotiate legal issues; assure legal issues resolved within County policy guidelines; consult and provide legal advice to County officials, departments and agencies; attend County Commission Meetings and Planning and Zoning Commission meetings to provide legal advice and information, and present findings and recommendations; represent the County in litigation, negotiations, settlements, labor union matters, contracts, leases, personnel matters, personal injury and property matters, criminal prosecutions and zoning enforcements; develop and monitor department budget, approve budget expenditures; as well as oversee and coordinate the Voters Right Coordinators under DOJ Federal Consent Decree. Responsible for reviewing drafts of ordinances, resolutions, contracts, administrative policies, rules and regulations and other written documents required in the operation of County government for compliance with legal requirements. Required to draft legally defensible documents as well as researching and writing opinions in regard to case law and/or administrative practices. Responsible for reviewing policy and policy initiatives to ensure compliance with State and Federal laws and regulations; prosecution of criminal and civil cases in Magistrate and District Court and representing the County in criminal and civil litigation as well as appellate work. Respresent the County in all employee administrative appeals.

**Reason for Leaving**

Political position - change in County Manager and composition of County Commission. Accepted employment with a real estate firm.

**Assistant Trial Attorney Felony Domestic Violence  
Division**

11/2008 - 10/2009

Second Judicial District Attorney's Office  
www.da.state.nm.us/  
520 Lomas Blvd. NW  
Albuquerque, New Mexico 87114  
(505) 841-7100

Hours worked per week: 40  
Monthly Salary: \$4,291.00  
# of Employees Supervised: 0  
Name of Supervisor: Mark Benford - Deputy  
District Attorney  
May we contact this employer? Yes

**Duties**

Duties included: screening and handling felony cases involving both misdemeanor and felony charges (including but not limited to assault, battery, csp, and homicide cases) with a domestic violence component. Coordinate prosecution with indicted and unindicted cases in order to resolve cases early through plea agreements or jury trials. Required to assist in trial teams, perform non-criminal statutory duties as assigned, and supervise or mentor entry level attorneys and/or staff. Required to have considerable knowledge in the areas of criminal prosecution, rules of evidence and rules of criminal procedure; public relations skills, organizational skills, basic computer skills, effective trial skills; ability to draft legal documents, ability to work effectively with other criminal justice agencies, ability to communicate effectively, ability to research/analyze information and situations. Daily interactions with representatives from the Public Defender Department, Court Services Departments, Judicial Branch, law enforcement agencies, private defense bar and victims.

**Reason for Leaving**

accepted position in Sandoval County

**Employment Discrimination Agent**  
1/2007 - 10/2007

Utah Labor Commission - Antidiscrimination and Labor  
Division  
www.laborcommission.utah.gov/  
160 E. 300 S. Ste. 300  
Salt Lake City, Utah 84111  
(801) 530-6800 or (8

Hours worked per week: 40  
Monthly Salary: \$3,261.00  
# of Employees Supervised: 0  
Name of Supervisor: Sharon Reynolds -  
Human Resources Director  
May we contact this employer? Yes

**Duties**

Duties include: receiving, mediating (for early resolution), investigating, and resolving charges of employment discrimination by enforcing the Utah Antidiscrimination Act of 1965 as well as Title VII of the 1964 Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. Responsible to act as a resource to both employees and employers concerning laws, policies and procedures, which prohibit employment discrimination based on race, color, national origin, gender, religion, age, and disability, as well as pregnancy, childbirth, or pregnancy related conditions. I am required to deliver presentations, stand up training, or instruction to staff, management, clients, or the general public. Required to facilitate or lead hearings, meetings, teams, or work groups to encourage participation, build mutual trust, respect and cooperation among participants. Additionally, I am required to have the legal knowledge and experience to conduct fact finding conferences, on-sight reviews, subpoenaing witnesses, administering oaths and taking affidavits. Responsible for preparing documents consisting of concise decisions based upon facts of case interpretations of law and compliance with state and federal standards. I have attended and completed the Equal Employment Opportunity Commission, Level I Investigator Training.

**Reason for Leaving**

Family medical issues

**Assistant Trial Attorney Special Proceedings****Division**

7/2004 - 4/2006

Second Judicial District Attorney's Office  
[www.da.state.nm.us/](http://www.da.state.nm.us/)  
 520 Lomas Blvd. NW  
 Albuquerque, New Mexico 87102  
 (505) 841-7100

Hours worked per week: 40

Monthly Salary: \$3,644.00

# of Employees Supervised: 0

Name of Supervisor: Susan Page - Deputy District Attorney

May we contact this employer? Yes

**Duties**

Duties included: screening and handling probation violation cases that include new felony charges. Coordinate prosecution with trial attorneys (indicted cases) and grand jury (in-indicted cases) in order to resolve cases early through plea agreements or probation violation hearings. Represent the office in the District Court Mental Health Court program, extradition proceedings, as well as assist in civil commitments and treatment guardianship hearings. Daily interactions with representatives from the Public Defender Department, court Services Departments, Judicial Branch, Probation and Parole Department, private defense bar and victims. Required to have the legal knowledge and experience to handle felony and misdemeanor cases. Responsible for consultation, support services, and training to staff attorneys regarding competency to stand trial, dangerousness and mental health court. Assisted in delivering presentations, stand up training, and instruction to the cadet academies at both the Bernalillo County Sheriff's Department and the Albuquerque Police Department. Daily interactions with the local US Attorney's Office regarding federal prosecution of illegal immigrant re-entry and felons in possession of firearms under Project Exile.

**Reason for Leaving**

Family relocation to Utah

**Public Defender Attorney Levels 1, 2 and 3**

6/2000 - 6/2004

New Mexico Public Defender Department  
[www.pdd.state.nm.us/](http://www.pdd.state.nm.us/)  
 505 Marquette, Ste. 120  
 Albuquerque, New Mexico 87102  
 (505) 841-5100

Hours worked per week: 40

Monthly Salary: \$3,605.00

# of Employees Supervised: 2

Name of Supervisor: Judith Reed - PPublic Defender 4, Mental Health Unit

May we contact this employer? No

**Duties**

Adult Mental Attorney duties included: preparation of cases in advance for competency docket, Metro Mental Health Court program and the District Mental Health Court program. Aided in creation, format and structure for both mental Health Court programs. Daily interactions with representatives from the District Attorney's Office, Court Services Departments, Judicial Branch, consumers and community service providers. Required to have the legal knowledge and experience to independently handle clients with severe mental health issues involved in criminal cases, including misdemeanor, felony and capital crimes. Duties included providing training, consultation, co-counsel and support services to attorneys (staff, contract and private) and others around the state regarding competency to stand trial and other

related legal issues. Assisted in delivering presentations, stand up training, or instruction to staff, attorneys, clients, and consumers in the general public relating to both civil and criminal mental health law. Directly responsible for training newly hired level 2 attorney in our unit. Formal training I have assisted in include: consumer community groups, department wide MAT (mental health action team) training, department wide new employee training, and Metropolitan Unit competency and Mental Health Court training.

Adult Misdemeanor Attorney duties included: preparation of cases in advance for criminal trial docket. Required to have the legal knowledge and experience to independently handle clients facing criminal charges, have the legal knowledge and experience to independently handle clients facing criminal charges, including petty and high court misdemeanors, as well as city code (criminal, housing ordinance and animal ordinance) violations. I was required to have the legal knowledge and experience to handle arraignments, motion hearings, pretrial conferences, bench trials and jury trials. Daily interactions with representatives from the District Attorney's Office, Court Services Departments, Judicial Branch, community service providers, clients and the victims. Unit representative for department wide MAT (mental health action team).

**Reason for Leaving**

Accepted position at DA's Office

**Certificates and Licenses**

Type: Anti-Discrimination Agent Investigator Training:  
Level I

Number:

Issued by: Equal Employment Opportunity Commission

Date Issued: 2 /2007 Date Expires:

Type: Bar License

Number: [REDACTED]

Issued by: New Mexico State Bar

Date Issued: 5 /2000 Date Expires:

Type: UNM Law School Basic Mediation Training

Number:

Issued by: UNM Law School

Date Issued: 6 /2011 Date Expires:

**Skills**

Office Skills

Typing: 45

Data Entry: 0

**Additional Information**

Miscellaneous

BOARD MEMBER: National Latino Behavioral Health Association July 2008 - present

Miscellaneous

BOARD MEMBER: Mesa View United Methodist Church Board of Trustees August 2010 - present

Professional Memberships

New Mexico Municipal League Membership July 2012 - present

**References**

Professional

**Saiz, Rachel**

PreTrial Services Director Second Judicial District Court  
400 Lomas Blvd. NW

Albuquerque, New Mexico 87102  
(505) 841-5463  
[albdres@nmcourts.gov](mailto:albdres@nmcourts.gov)

Professional  
**Miller, Patricia**  
Director Human Resources and Risk Management,  
Sandoval County  
1500 Idalia Road, Bldg. D  
Bernalillo, New Mexico 87004  
[REDACTED]  
[pmiller@sandovalcountynm.gov](mailto:pmiller@sandovalcountynm.gov)

Professional  
**Cook, Robert**  
Judge - Rio Rancho Municipal Court  
500 Quantum Road NE  
Rio Rancho, New Mexico 87124  
[REDACTED]

### Resume

#### Text Resume

#### Attachments

Attachment	File Name	File Type
resume.docx	resume.docx	Resume

#### City-Wide Questions

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A: July 2014

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

#### Supplemental Questions

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: Texas Tech University School of Law

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico

5. Q: How many years of management experience do you possess related to this position?

A: 4 years to less than 5 years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 12 years to less than 13 years

7. Q: Briefly describe your experience in criminal investigation.

A: As both a defense attorney and prosecutor I participated in all aspects of criminal investigation. As a defense attorney I reviewed police reports, complaints, discovery, interviewed officers, witnesses, victims and defendants to compile an accurate/complete representation of events. As a prosecutor, I was charged with the same tasks, however, if there was sufficient evidence, I would formally charge a suspect with a crime either through grand jury presentation and/or information. Additionally, I would be called out to homicide crime scenes in order to ensue compliance with local, state and federal laws as well as help prepare search and arrest warrants for APD and BCSO.

8. Q: Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: Throughout my career I have participated in administrative and judicial processes at local, state and federal levels. I have represented clients in administrative hearings (employment, workers compensation, probation violations, EEOC) as well as in municipal, magistrate, metropolitan, district and federal court. As the Interim County Attorney for Sandoval County, I represented the County in federal court relating to a Department of Justice Consent Decree dealing with Native American voting rights. I have drafted ordinances, resolutions, administrative policies, rules and regulations and other written documents required in the operation of county government for compliance with county, state and federal law.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due July 14, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov) . The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: Stephanie Y. Lopez  
Firm/Employer: self employed  
Address: [REDACTED] Albuquerque, NM 87114  
Phone: [REDACTED] cell; [REDACTED] home

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?

The CPOA has been tasked with building a bridge between the citizens of Albuquerque and CABQ/APD, whom, many see as intertwined. For years those in authoritative positions have turned their eyes to the actions of a few. There has been little if no accountability for the actions of the few which mar the entire department. While APD's motto is "in step with our community" it has never truly communicated with the community. There is a clear "us versus them" mentality when it comes to the police department and those they are tasked with serving and protecting. It must be made clear that the CPOA plays no part in this mentality. Neutrality and objectivity must be the most important goal to achieve within the next 12 months. Neutrality tempered with compassion must be made and maintained at all times. The CPOA must handle all matters objectively, be willing to appoint a special investigator if conflicts arise, provide investigative results in a timely manner, and respond to both the citizens of Albuquerque and CABQ/APD in a professional manner. It is this objectivity and neutrality which will serve as the building blocks for the bridge between the two groups.

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

While serving as Interim County Attorney for Sandoval County I was tasked with providing legal advice to the elected officials on the County Commission. The County Manager and three of the five County Commissioners began to be at odds with each other over two or three major county endeavors. I was asked by the Commission to review the County Manager's contract and prepare a memorandum (essentially a "how to guide") regarding termination of the contract. After reviewing and researching the matter, I prepared a memorandum regarding the contract itself, applicable contract law and the proper steps to be followed in order to terminate the contract while minimizing possible legal repercussions. Three of the five Commissioners did not agree with my analysis and asked that I support or endorse the actions they wished to take regarding termination of the contract. Based on my review and research, I could not in good conscious endorse their position as it would place the Commission and County in jeopardy of facing a breach of contract lawsuit. The Commission voted, 3 to 2, to terminate the contract against my legal advice. A breach of contract lawsuit was filed a few months after the Commission vote and a settlement was eventually reached in the matter.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

Sandoval County was under a consent decree with the Department of Justice regarding the Native American Voting Rights project. For several decades the County had been in violation of Native American voting rights. In 1988, a consent decree was entered requiring the County Attorney's Office to oversee compliance with the decree and manage the Native American Voting Rights project. This required the County Attorney's Office to essentially take on some roles/duties typically assigned to the Clerk's Office during election time (the elected clerk was a named discriminator in the lawsuit filed by the DOJ which prevented her office from monitoring/supervising the program). During my tenure as Interim County Attorney, the county was in an election cycle. In reviewing the prior documents and remedial measures, it became apparent that the prior administration had not met many of the DOJ's scheduled remedies. Failure to meet these timelines would result in the County Commission being held in contempt by the assigned federal court. An emergency hearing in front of the Commission was held in order to update the commissioners on the status of the Consent Decree as well as the efforts made to come into total compliance with the Decree. I presented a request for a budgetary increase and it was approved. I worked closely with the County's Pueblo and Navajo Nation election information representatives to ensure the County had adequate polling locations, translators (written and verbal), poll workers, training and publication for the state and federal elections. A comprehensive report detailing these elections, including voter turnout information, was compiled and prepared for the DOJ. As a result of the hard work put forth by the legal department and Native American election information representatives, I was able to negotiate a change to the consent decree resulting in fewer federal guidelines for the 2012 election cycle.

4. Which of your legal cases are you the most proud of and why?

Throughout the years I have represented clients in bench trials, jury trials and administrative hearings at local, state and federal court levels. With the exception of a brief period of time working at a real estate firm, I have always been a public servant. Being a public servant is a great responsibility and an opportunity to make a difference not only for the public as a whole but for each individual in society. In 2002 I was assigned to the Metropolitan Unit at the New Mexico Public Defender Department. I appeared alongside a client for sentencing in front of the then chief judge. During my conversations with my client, it became readily apparent that he was suffering from some sort of impairment (I believed it to be a developmental disability). Under the criminal code, competency may be raised at any time during the criminal process, as such, I raised competency and asked that sentencing be stayed until an evaluation could be conducted. This brought much ire from the presiding judge who claimed I was using this as a stalling technique in order to keep my client from jail. The judge contacted my division supervisor who supported the judge's position and asked that I withdraw my motion. I respectfully declined my supervisors request to withdraw my motion and after a forensic evaluation, it was found that my client did indeed suffer from developmental disabilities and was in fact incompetent to stand trial. A referral to a department social worker was made and assistance from ARC and other agencies was given this individual. In standing up for my client against the court and even my own supervisor, I was able to make a difference in his individual life. My duties and responsibilities as an attorney were perfectly aligned with my duties as a public servant.

5. Describe your investigative philosophy.

As a Criminal Justice major, I remember a three step process that was often repeated in several of my classes: gather evidence, identify a suspect and support an arrest. While these three initial steps serve the basis of many criminal cases, my investigative philosophy has expanded based on my experience and training as an EEOC Discrimination Agent, criminal defense attorney, criminal prosecutor and civil attorney. My core process remains the same whether I am investigating a criminal matter, an employment issue or looking at a case from a civil liability perspective. Throughout this investigative process, it is important to stay objective (not be swayed by parties based on their interview statements or testimony), be persistent (continue to look for all relevant

facts even if they are not easily obtained), not be paralyzed or overwhelmed by the investigation and not make assumptions. The first step in any investigative process is fact gathering. Good fact finding ensures that the information upon which we form our conclusions and recommendations is credible. In this step I look for any and all relevant information. Such information includes but is not limited to: police reports, interviews of witnesses and officers involved in the incident, departmental and internal affairs memoranda, reports generated by prosecuting attorney offices, written or unwritten rules or practices/SOPS/orders, lapel video, belt tape audio, CADS, 911 recordings, photographs, and other tagged evidence. Once I have gathered and reviewed all possible relevant information, it is important to next research and review the applicable legal standards needed to determine whether there is probable cause for criminal charges to be filed, a preponderance of the evidence that a civil violation has occurred, or objectively reasonable justifications for such actions under state/federal law. The information gathered must be analyzed and applied to the relevant legal standards. It is the combination of fact finding and legal analysis which leads to the third prong in the investigative process: evaluation. It is during the evaluation of the case that one may identify factors that caused or contributed to the underlying crime, employment issue or civil liability. Such evaluation may lead to the formulation of a legal defense theory in a criminal matter, may serve as the basis for a plea offer, may lead to suggested changes in policy and procedure, methods of training and recruitment in employment matter, etc.

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?

Like many others, I have encountered road bumps, whether anticipated or not, in the majority of my career. I have faced exceedingly large dockets with little staff support, back logs of cases that needed to be managed while at the same time receiving new cases that needed to be investigated and resolved, lack of financial resources, and uncompleted (for whatever reason) projects from previous administrations, to name a few. Like many others, I have been successful in some endeavors and unsuccessful in others. I am just as comfortable working as a team player as I am leading or coaching the team. I am happy to work on an individual project or on a group assignment. Having been both a prosecutor and a defense attorney I am able to interact with various stakeholders, understanding their positions and views on situations, job responsibilities and duties. However, it is the fact that I am a true public servant that makes me uniquely qualified to take the helm of this organization and move it forward.

A public servant should exemplify integrity, selflessness and excellence in all they do. Integrity is the willingness to do what is right, even when no one is looking. While the promise of a 40 hour work week has been made more than once, in order to effectively represent my clients, a 60+ hour work week has become the new normal. The public entrusts government employees with vast amounts of resources and authorities. Putting personal interests aside and serving the greater good; challenging oneself to be better and never being completely satisfied; always looking for ways to improve -- these are the characteristics of a true public servant. Daily acts of excellence create the type of society we want to live in. I made it a practice early on in my career to give 110%. This level of hard work and dedication has followed me throughout my career and I have never shied away from a challenge or large work load. It is this dedication to public service that makes me uniquely qualified to direct the CPOA.

7. What is your vision for the CPOA?

The CPOA has been tasked with building a bridge between the City of Albuquerque/APD and its citizenry whose responsibility it is to serve and protect. The CPOA must not only communicate and cooperate with community and civic leaders regarding major incidents, it must also reassure the public that the investigations it is conducting regarding allegations of police misconduct, have been completed fairly, thoroughly and impartially. These objective independent reviews and audits must be resolved in a manner which engenders trust, thus creating higher confidence in the police force. The bridge is completed by the CPOA conveying the concerns and needs of the community to the police and reporting to the community how the police are performing. The bridge allows greater accountability, management of risk, protection of civil rights and the creation of effective

policing through improved trust. By reviewing and auditing cases, patterns or practices of potential civil rights violations can be recognized and addressed. Improvements to management, supervision, and training through policies and procedures can be made to the police department and city government. In turn, any implementations made to address these issues would then be reported to the citizenry via the CPOA. By addressing issues, investigating and promoting constitutional policing, mutual trust and respect may be built between APD and the citizenry.

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.

Based on my educational and work experience I feel that I bring a wide array of assets to this position. I am able to interact with a wide variety of stakeholders, such as law enforcement, civil bar, criminal defense attorneys, mental health providers, etc.. With this ability to interact comes a level of understanding and appreciation for the "other side of the coin." As a career public servant I bring a level of hard work, integrity and dedication to the table – always knowing that I am accountable to the greater community. As a trained mediator it is my goal to look for resolution when possible. I am constantly striving accept the fact that sometimes resolutions are not always what one expects or hopes for. In fact a resolution often finds everyone winning a little and losing a little. I also bring to the table a level of stubbornness and resolution to not give up until an answer is found. This stubbornness can occasionally create additional work and I have to remind myself to take a step back and breath.

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.

I began my legal career with the New Mexico Public Defender Department. While in the Metropolitan Unit, I encountered numerous clients who suffered from either undiagnosed or untreated mental health or developmental disability issues. After spending two years as an attorney in the Metropolitan Court, I interviewed for and accepted a position in the NMPDD Mental Health Unit. I was responsible for the competency docket as well as providing training, consultation, co-counsel and support services to attorneys (staff and contract), consumer groups and service providers throughout the state regarding civil and criminal mental health law, competency to stand trial and other legal services. I began to interact daily with NMPDD staff, the private defense bar, representatives from the prosecution, Court Services Departments, Judicial Branch, various law enforcement agencies, medical and counseling service providers, victims and family members. The interactions with my clients and this diverse group of stakeholders caused me to question the "revolving door" in the criminal justice system faced by individuals with mental health or developmental disability issues.

I began meeting with representatives from the District Attorney's Office, the Metropolitan and District Court Pretrial Services Divisions, the Metropolitan and District Court Judicial Branch, the University of New Mexico Mental Health Hospital, and the Metropolitan Detention Center Psychiatric Services on a bi-weekly basis to discuss this "breakdown" in our community and criminal justice system which seemed to result in this "revolving door". As the representative for the NMPDD, the largest law firm in the state, I also served as representative for the defense bar in these discussions. Our goals were to create a system where an individual who suffered from either an undiagnosed or untreated mental health issue or developmental disability, who was legally competent to stand trial, would be placed in a specialty court and provided assistance with housing, medications, counseling, employments skills, educational opportunities, etc. in order to create a full circle spectrum continuum of care with the expectation that these services and support would aid in decreasing the number of

recidivism in such individuals. In spite of the seemingly conflicting roles of the District Attorney's Office, the Metropolitan Detention Center, the NMPDD and the Judicial Branch, all parties were able to recognize the need of such a specialty court for both misdemeanor and felony defendants. In 2003 and 2004 the first mental health court programs in the state of New Mexico were begun in Albuquerque. I aided in the creation, formation and structure of both the Metropolitan Court and Second Judicial District Court programs. These specialty courts are still in place today and have served as models for similar programs in Donna Ana County, Sandoval County and Santa Fe County.

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.

Judge G. Robert Cook  
City of Rio Rancho Municipal Court  
[REDACTED]  
office 505-891-5987  
cell [REDACTED]

Judge Cook may provide information as to my ability to independently assess a criminal case in order to find its true value, ability to work with the court system, the police department and criminal defense attorneys. He can discuss my case load management and ability to move cases through both the municipal court docket and criminal appeals docket.

Patricia Miller  
Sandoval County HR Director  
[pmiller@sandovalcountynm.gov](mailto:pmiller@sandovalcountynm.gov)  
office 505-404-5831  
cell [REDACTED]

Ms. Miller may provide information as to my ability to work with various departments in local government. She can discuss my work ethic, investigative manner in HR matters as well as my organizational and management skills.

Susan Page, Esq.  
[REDACTED]  
[REDACTED]

Ms. Page may provide information as to my role in the creation and formation of the mental health court programs at both metropolitan and district court in Albuquerque. Additionally, she can discuss my work ethic, organizational skills and ability to interact with various stakeholders.

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 8751392**

Name: Stephanie Y. Lopez Address: [Redacted]  
Albuquerque, New Mexico 87114 US  
Home Phone: [Redacted] Alternate Phone: [Redacted]  
Email: [Redacted] Notification Preference: Email  
Former Last Name: [Redacted] Month and Day of Birth: [Redacted]

**Personal Information**

Driver's License: Yes, New Mexico, [Redacted]  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

**Preferences**

Preferred Salary: \$90,000.00 per year  
Are you willing to relocate? No  
Types of positions you will accept: Regular  
Types of work you will accept: Full Time  
Types of shifts you will accept: Day

**Objective**

I am eager to take the next step in my career: a position that will fully utilize my experience and education.

**Education**

**Graduate School**  
*Texas Tech University School of Law*  
www.law.ttu.edu/  
6/1995 - 5/1998  
Lubbock, Texas  
Did you graduate: Yes  
College Major/Minor: Law  
Degree Received: Doctorate

**College**  
*University of Texas at San Antonio*  
www.utsa.edu  
8/1993 - 11/1994  
San Antonio, Texas  
Did you graduate: Yes  
College Major/Minor: Criminal Justice - Legal Studies emphasis  
Units Completed: 4 Semester  
Degree Received: Bachelor's

**College**  
*University of Texas at El Paso*  
www.utep.edu/  
1/1991 - 8/1993  
El Paso, Texas  
Did you graduate: No  
College Major/Minor: Criminal Justice/Psychology  
Units Completed: 8 Semester  
Degree Received: No Degree

**High School**  
*Riverside High School*  
www.yisd.net/  
9/1986 - 5/1990  
El Paso, Texas  
Did you graduate: Yes  
Highest Level Completed: Other  
Did you receive a GED? No  
Degree Received: High School Diploma

**Work Experience**

**Assistant City Attorney**  
7/2014 - 5/2015  
City of Rio Rancho  
ci.rio-rancho.nm.us  
Hours worked per week: 50  
Monthly Salary: \$6,041.00  
# of Employees Supervised: 2  
Name of Supervisor: Jennifer Vega-Brown - City Attorney

3200 Civic Center Circle NE, 4th floor  
Rio Rancho, New Mexico 87144  
505-891-5003

May we contact this employer? No

**Duties**

Assist in planning, development and implementing the duties and responsibilities of the Office of the City Attorney. Represent the City in legal proceedings before city, state and federal courts and agencies; provided advice to the Mayor, Governing Body, City Manager and Department Directors; represent the City in municipal and district court as prosecutor in criminal matters relating to city ordinance violations; participate in all aspects of criminal prosecution including, discovery, interviews, motion practice, trial and appeals; frequent interaction with representatives from law enforcement, defense counsel, court services, Judicial Branch, employees and victims; handle litigation, land use, contracts, tort liability, planning, zoning, property, labor and personnel law; and supervise support staff.

**Reason for Leaving**

Political situation - left during probationary period.

---

**Assistant City Attorney**

7/2012 - 6/2014

City of Albuquerque - Litigation Division  
cabq.gov  
1 Civic Center Plaza  
Albuquerque, New Mexico 87102  
505-768-4500

Hours worked per week: 40

Monthly Salary: \$5,833.00

# of Employees Supervised: 2

Name of Supervisor: Stephanie Griffin -  
Deputy City Attorney

May we contact this employer? Yes

**Duties**

Represent the City in a variety of legal proceedings at the local, state and federal level; assure legal issues resolved within City policy guidelines; consult and provide legal advice to City officials, departments and agencies; frequent interactions with Risk Management, clients, and department supervisors; monitor changes in laws (local, state and federal); participate in all aspects of civil litigation involving alleged police civil rights violations, personal injury, and premise liability cases including discovery, depositions, motion practice, trial and appeal; and supervise support staff.

**Reason for Leaving**

Accepted position prosecuting criminal offenses for the City of Rio Rancho.

---

**Associate Attorney**

9/2011 - 7/2012

Lastrapes, Spangler and Pacheco, PA  
lsplegal.com  
333 NM 528, Ste. 401  
Rio Rancho, New Mexico 87114  
505-892-3607

Hours worked per week: 50

Monthly Salary: \$5,833.00

# of Employees Supervised: 2

Name of Supervisor: Christopher Pacheco -  
Partner

May we contact this employer? Yes

**Duties**

Draft, review and negotiate acquisition and leasing contracts, including purchase and sales contracts, leases, easements, encroachments, amendments and assignments; coordinate and negotiate with municipal governments on zoning and developments issues; ensure compliance with all deadlines associated with each transaction; frequent interaction with clients, building owners, property managers, real estate brokers, surveyors, title companies, opposing counsel and lenders; work with corporate clients to ensure state and federal HR work place compliance, assist and advise on employment manuals, termination and hire offers; draft, review and prepare wills, trusts and other estate planning documents; handle probate matters; prepare and handle simple criminal matters for current clients; monitor changes in laws (local, state and federal); participate in all aspects of civil litigation including discovery, depositions, motion practice and trial; and supervise support staff.

**Reason for Leaving**

Medical issues with daughter. Eventually accepted another employment position.

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**Assistant and Interim County Attorney**

10/2009 - 5/2011

Hours worked per week: 60

Monthly Salary: \$5,270.00

# of Employees Supervised: 3

Sandoval County, New Mexico  
www.sandovalcounty.com  
1500 Idalia Road, Building D  
Bernalillo, New Mexico 87004  
(505) 404-5812

Name of Supervisor: Juan Vigil - County  
Manager  
May we contact this employer? Yes

**Duties**

Develop and implement Legal Department goals to meet County needs and objectives; plan, organize, coordinate and direct Legal Department operations; represent the County in a variety of legal proceedings in the local, state and federal level administrative hearings of before courts; review, approve, and negotiate legal issues; assure legal issues resolved within County policy guidelines; consult and provide legal advice to County officials, departments and agencies; attend County Commission Meetings and Planning and Zoning Commission meetings to provide legal advice and information, and present findings and recommendations; represent the County in litigation, negotiations, settlements, labor union matters, contracts, leases, personnel matters, personal injury and property matters, criminal prosecutions and zoning enforcements; develop and monitor department budget, approve budget expenditures; as well as oversee and coordinate the Voters Right Coordinators under DOJ Federal Consent Decree. Responsible for reviewing drafts of ordinances, resolutions, contracts, administrative policies, rules and regulations and other written documents required in the operation of County government for compliance with legal requirements. Required to draft legally defensible documents as well as researching and writing opinions in regard to case law and/or administrative practices. Responsible for reviewing policy and policy initiatives to ensure compliance with State and Federal laws and regulations; prosecution of criminal and civil cases in Magistrate and District Court and representing the County in criminal and civil litigation as well as appellate work. Respresent the County in all employee administrative appeals.

**Reason for Leaving**

Political position - change in County Manager and composition of County Commission. Accepted employment with a real estate firm.

**Assistant Trial Attorney Felony Domestic Violence  
Division**  
11/2008 - 10/2009

Second Judicial District Attorney's Office  
www.da.state.nm.us/  
520 Lomas Blvd. NW  
Albuquerque, New Mexico 87114  
(505) 841-7100

Hours worked per week: 40  
Monthly Salary: \$4,291.00  
# of Employees Supervised: 0  
Name of Supervisor: Mark Benford - Deputy  
District Attorney  
May we contact this employer? Yes

**Duties**

Duties included: screening and handling felony cases involving both misdemeanor and felony charges (including but not limited to assault, battery, csp, and homicide cases) with a domestic violence component. Coordinate prosecution with indicted and unindicted cases in order to resolve cases early through plea agreements or jury trials. Required to assist in trial teams, perform non-criminal statutory duties as assigned, and supervise or mentor entry level attorneys and/or staff. Required to have considerable knowledge in the areas of criminal prosecution, rules of evidence and rules of criminal procedure; public relations skills, organizational skills, basic computer skills, effective trial skills; ability to draft legal documents, ability to work effectively with other criminal justice agencies, ability to communicate effectively, ability to research/analyze information and situations. Daily interactions with representatives from the Public Defender Department, Court Services Departments, Judicial Branch, law enforcement agencies, private defense bar and victims.

**Reason for Leaving**

accepted position in Sandoval County

**Employment Discrimination Agent**  
1/2007 - 10/2007

Utah Labor Commission - Antidiscrimination and Labor  
Division  
www.laborcommission.utah.gov/  
160 E. 300 S. Ste. 300  
Salt Lake City, Utah 84111  
(801) 530-6800 or (8

Hours worked per week: 40  
Monthly Salary: \$3,261.00  
# of Employees Supervised: 0  
Name of Supervisor: Sharon Reynolds -  
Human Resources Director  
May we contact this employer? Yes

**Duties**

Duties include: receiving, mediating (for early resolution), investigating, and resolving charges of employment discrimination by enforcing the Utah Antidiscrimination Act of 1965 as well as Title VII of the 1964 Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. Responsible to act as a resource to both employees and employers concerning laws, policies and procedures, which prohibit employment discrimination based on race, color, national origin, gender, religion, age, and disability, as well as pregnancy, childbirth, or pregnancy related conditions. I am required to deliver presentations, stand up training, or instruction to staff, management, clients, or the general public. Required to facilitate or lead hearings, meetings, teams, or work groups to encourage participation, build mutual trust, respect and cooperation among participants. Additionally, I am required to have the legal knowledge and experience to conduct fact finding conferences, on-sight reviews, subpoenaing witnesses, administering oaths and taking affidavits. Responsible for preparing documents consisting of concise decisions based upon facts of case interpretations of law and compliance with state and federal standards. I have attended and completed the Equal Employment Opportunity Commission, Level I Investigator Training.

**Reason for Leaving**

Family medical issues

**Assistant Trial Attorney Special Proceedings****Division**

7/2004 - 4/2006

Second Judicial District Attorney's Office  
[www.da.state.nm.us/](http://www.da.state.nm.us/)  
 520 Lomas Blvd. NW  
 Albuquerque, New Mexico 87102  
 (505) 841-7100

Hours worked per week: 40

Monthly Salary: \$3,644.00

# of Employees Supervised: 0

Name of Supervisor: Susan Page - Deputy  
 District Attorney

May we contact this employer? Yes

**Duties**

Duties included: screening and handling probation violation cases that include new felony charges. Coordinate prosecution with trial attorneys (indicted cases) and grand jury (in-indicted cases) in order to resolve cases early through plea agreements or probation violation hearings. Represent the office in the District Court Mental Health Court program, extradition proceedings, as well as assist in civil commitments and treatment guardianship hearings. Daily interactions with representatives from the Public Defender Department, court Services Departments, Judicial Branch, Probation and Parole Department, private defense bar and victims. Required to have the legal knowledge and experience to handle felony and misdemeanor cases. Responsible for consultation, support services, and training to staff attorneys regarding competency to stand trial, dangerousness and mental health court. Assisted in delivering presentations, stand up training, and instruction to the cadet academies at both the Bernalillo County Sheriff's Department and the Albuquerque Police Department. Daily interactions with the local US Attorney's Office regarding federal prosecution of illegal immigrant re-entry and felons in possession of firearms under Project Exile.

**Reason for Leaving**

Family relocation to Utah

**Public Defender Attorney Levels 1, 2 and 3**

6/2000 - 6/2004

New Mexico Public Defender Department  
[www.pdd.state.nm.us/](http://www.pdd.state.nm.us/)  
 505 Marquette, Ste. 120  
 Albuquerque, New Mexico 87102  
 (505) 841-5100

Hours worked per week: 40

Monthly Salary: \$3,605.00

# of Employees Supervised: 2

Name of Supervisor: Judith Reed - PPublic  
 Defender 4, Mental Health Unit

May we contact this employer? No

**Duties**

Adult Mental Attorney duties included: preparation of cases in advance for competency docket, Metro Mental Health Court program and the District Mental Health Court program. Aided in creation, format and structure for both mental Health Court programs. Daily interactions with representatives from the District Attorney's Office, Court Services Departments, Judicial Branch, consumers and community service providers. Required to have the legal knowledge and experience to independently handle clients with severe mental health issues involved in criminal cases, including misdemeanor, felony and capital crimes. Duties included providing training, consultation, co-counsel and support services to attorneys (staff, contract and private) and others around the state regarding competency to stand trial and other

related legal issues. Assisted in delivering presentations, stand up training, or instruction to staff, attorneys, clients, and consumers in the general public relating to both civil and criminal mental health law. Directly responsible for training newly hired level 2 attorney in our unit. Formal training I have assisted in include: consumer community groups, department wide MAT (mental health action team) training, department wide new employee training, and Metropolitan Unit competency and Mental Health Court training.

Adult Misdemeanor Attorney duties included: preparation of cases in advance for criminal trial docket. Required to have the legal knowledge and experience to independently handle clients facing criminal charges, have the legal knowledge and experience to independently handle clients facing criminal charges, including petty and high court misdemeanors, as well as city code (criminal, housing ordinance and animal ordinance) violations. I was required to have the legal knowledge and experience to handle arraignments, motion hearings, pretrial conferences, bench trials and jury trials. Daily interactions with representatives from the District Attorney's Office, Court Services Departments, Judicial Branch, community service providers, clients and the victims. Unit representative for department wide MAT (mental health action team).

**Reason for Leaving**

Accepted position at DA's Office

**Certificates and Licenses**

Type: Anti-Discrimination Agent Investigator Training:  
Level I

Number:

Issued by: Equal Employment Opportunity Commission

Date Issued: 2 /2007 Date Expires:

Type: Bar License

Number: [REDACTED]

Issued by: New Mexico State Bar

Date Issued: 5 /2000 Date Expires:

Type: UNM Law School Basic Mediation Training

Number:

Issued by: UNM Law School

Date Issued: 6 /2011 Date Expires:

**Skills**

Office Skills

Typing: 45

Data Entry: 0

**Additional Information**

Miscellaneous

BOARD MEMBER: National Latino Behavioral Health Association July 2008 - present

Miscellaneous

BOARD MEMBER: Mesa View United Methodist Church Board of Trustees August 2010 - present

Professional Memberships

New Mexico Municipal League Membership July 2012 - present

**References**

Professional

**Saiz, Rachel**

PreTrial Services Director Second Judicial District Court  
400 Lomas Blvd. NW

Albuquerque, New Mexico 87102  
(505) 841-5463  
[albdres@nmcourts.gov](mailto:albdres@nmcourts.gov)

Professional

**Miller, Patricia**

Director Human Resources and Risk Management,  
Sandoval County  
1500 Idalia Road, Bldg. D  
Bernalillo, New Mexico 87004

[pmiller@sandovalcountynm.gov](mailto:pmiller@sandovalcountynm.gov)

Professional

**Cook, Robert**

Judge - Rio Rancho Municipal Court  
500 Quantum Road NE  
Rio Rancho, New Mexico 87124

**Resume**

**Text Resume**

**Attachments**

Attachment	File Name	File Type
resume.docx	resume.docx	Resume

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A: July 2014

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

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**2. Q:** If you possess a professional law degree identify the accredited law school.

A: Texas Tech University School of Law

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**3. Q:** Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

---

**4. Q:** If you are an active Bar Association member in good standing identify the state.

A: New Mexico

---

**5. Q:** How many years of management experience do you possess related to this position?

A: 4 years to less than 5 years

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**6. Q:** Select the number of years of work experience you possess which relate to this position.

A: 12 years to less than 13 years

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**7. Q:** Briefly describe your experience in criminal investigation.

A: As both a defense attorney and prosecutor I participated in all aspects of criminal investigation. As a defense attorney I reviewed police reports, complaints, discovery, interviewed officers, witnesses, victims and defendants to compile an accurate/complete representation of events. As a prosecutor, I was charged with the same tasks, however, if there was sufficient evidence, I would formally charge a suspect with a crime either through grand jury presentation and/or information. Additionally, I would be called out to homicide crime scenes in order to ensue compliance with local, state and federal laws as well as help prepare search and arrest warrants for APD and BCSO.

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**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: Throughout my career I have participated in administrative and judicial processes at local, state and federal levels. I have represented clients in administrative hearings (employment, workers compensation, probation violations, EEOC) as well as in municipal, magistrate, metropolitan, district and federal court. As the Interim County Attorney for Sandoval County, I represented the County in federal court relating to a Department of Justice Consent Decree dealing with Native American voting rights. I have drafted ordinances, resolutions, administrative policies, rules and regulations and other written documents required in the operation of county government for compliance with county, state and federal law.

When I questioned why you and the other Councilors weren't invited to the September meeting at Congregation Albert, Maria Bautista-Nyira Gitana's partner would say "*I did not see any city councilors, but it was not billed for them*" Not billed for you councilors but apparently "billed" for Eden, Jessica Hernandez, the APOA and others who are part of the problem.

Finally, as you recall, former BCSO Sheriff Houston was criticized for holding his police activities in his church rather than in a government facility-community center or other.

-  
**TO: US Attorney Damon Martinez**

Since the clearly toothless mere monitor/auditor James Ginger works only for the DOJ and Judge Brack and NOT the City Council as you made quite clear to them and us, I suggest that you take charge of this situation and relocate the November 5 meeting to a City facility.

I expect that you as well as Councilor Gibson and others will get a earful from Sayrah, Ralph and others on the stop violence in abq address list and on my list (including media reporters) regarding this issue very soon,

Respectfully,

Silvio  
For WE THE PEOPLE  
296 3241

P.S.

Regarding today's Journal article "*Emotional Berry urges lawmakers to take action.*" This is the same Teflon-Pinocchio Berry who caused the "crisis"/problems we have here. Now he is trying to transfer all the blame to our criminal justice system and our NM legislators and making outrageous demands including approving double dipping to bring retired cops back. Will you fall for Berry's demands? Again see this week's ABQ Free Press and Joe Monahan's and the Eye on Albuquerque blog site postings. Blame rests directly on Mayor Berry.

Berry's recent demands reminds me of a quote from Rahm Emanuel (now Chicago Mayor) when he was the President's Chief of Staff who said "*Never Let a Serious Crisis Go to Waste*" This is the same Emanuel who recently said now that his rogue cops are being looked at closely that all are "in a fetal position" Pure BS.

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**From:** Alan Wagman [<mailto:avramwagman@gmail.com>]  
**Sent:** Friday, October 23, 2015 5:52 PM  
**To:** Gibson, Diane G.  
**Cc:** Silvio Dell'Angela; Jim Ginger; Martinez, Elizabeth (USANM); Sylvan, Chris  
**Subject:** Re: Temple Albert

**Dear Councilwoman Gibson:**

I appreciate your sentiments. However, your sentiments are not appropriate to the situation.

If this were simply an instance of inadvertent misconduct, then an admission of error, an apology, a pledge not to repeat, and a promise to work to prevent a repetition would be acceptable. However, this does not describe the current situation.

The current situation is that you, as a government official, in your capacity as a government official, arranged for a public meeting sponsored by you and announced by a government employee on a city email server. Government-sponsored public meetings are a venue in which free speech is given the highest level of protection by the First Amendment.

However inadvertently, you chose a venue whose policies restrict free speech in ways that are not permitted at government-sponsored public meetings. Moreover -- and I have not mentioned this before but it is nonetheless true -- it is at best inappropriate and probably unconstitutional that this government-sponsored public meeting is being held in a religious institution.

In short, you are proposing to hold an illegal meeting. The appropriate remedy is not apology but either a change of venue or cancellation. I call on you to do what is both right and mandated by law.

**AW**

On Fri, Oct 23, 2015 at 2:45 PM, Gibson, Diane G. <[dgibson@cabq.gov](mailto:dgibson@cabq.gov)> wrote:

Dear Mr. Wagman and Mr. Dell'Angela,

I am very sorry to have caused this problem. If I had been more careful in choosing our location, and in consideration of the practices of Congregation Albert, I would have selected a public venue. I accept the responsibility for this. I hope you can understand that my choice was based upon location within District 7, its generous space,

acoustics and quality sound, as well as their past hospitality to the District.

As I mentioned earlier, we will respect their past practice of not disseminating literature by other than invited speakers. I realize this causes consternation and I am offering to make every effort to ensure the next meeting of this kind be held where literature may be offered. There will be additional public meetings with the DOJ and Dr Ginger in the future. I believe the plan is to have one in each council district. You have my promise to advocate for an appropriate place.

I have learned from this mistake and again, you have my heartfelt apologies.

Diane Gibson

From: Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

Sent: Friday, October 23, 2015 5:35 PM

To: 'Gibson, Diane G.'; 'Alan Wagman'

Cc: 'Jim Ginger'; 'Martinez, Elizabeth (USANM)'; 'Nyira Gitana'; 'Sylvan, Chris'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'trudyjones@cabq.gov'

Subject: RE: Temple Albert

Councilor Gibson

I appreciate Alan's reply and more than disappointed with Nyira's response as my other e-mail to her stated.

You need not apologize since likely you were not aware of what happened at Congregation Albert at the last meeting including requiring attendees to pay to attend.

Given my questioning of the value of Dr. Ginger's mere "monitoring" what others besides me considers a toothless reform agreement negotiated between just the Mayor's people and the DOJ, I wasn't surprised that I wasn't invited.

The fact that all of you on the City Council weren't deemed important enough to be invited to this first meeting much less deemed many months ago by the Mayor to also participate in the negotiation process with the DOJ sends the wrong message to all of us-as it should be to you.

I hope that you and your fellow Councilors take the time to read the current issue of the ABQ Free Press that has numerous articles pointing out that nothing has really changed in APD.

The approved delay by Judge Brack to delay the 35 key APD reforms also seemed unjustified yet I note according to the last Council bill is now being paid over \$600,000 of our tax dollars and the question is to do just what?

As I have repeatedly pointed out, buying body recorders and asking officers to use them has no value unless the recordings made are turned over in response to NM IPRA requests by the public and media, something that APD has still refused to do.

To be clear, are you now saying that in your e-mail below that the November 5 meeting with Dr. Ginger will now be held in a City community or senior center rather than at Congregation Albert?

Respectfully

Silvio

For WE THE PEOPLE

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Wednesday, September 23, 2015 12:25 PM  
**To:** 'lunar@cybermesa.com'  
**Cc:** 'stop\_police\_violence\_in\_abq@lists.riseup.net'; 'ralphnmlulac@gmail.com'; 'Ralph Arellanes'; 'Damon Martinez'; 'vanita.gupta@usdoj.gov'; 'Elizabeth Martinez'; 'luis.e.saucedo@usdoj.gov'; 'pmrinc@mac.com'; 'rhuntsman@cabq.gov'; 'kbrandenburg@da2nd.state.nm.us'  
**Subject:** RE: The Congregation Albert DOJ/APD panel on Sunday

Maria

See other e-mails below. Your response to me, info to the others shown was more than disappointing

The Mayor, Chief Eden, Damon Martinez and others in the DOJ were invited but not all of the media-thus no widespread publicity except what the ABQ Free Press who attended will report in its upcoming issue. **Interesting that all who signed up had to pay for the breakfast even if they didn't want it.**

**So you say the Councilors weren't invited since it wasn't billed for them. They are the legislative body of our government** in case you have forgotten. This is something that DOJ, former cop Ginger and his PMR Inc. former cops, Scott Greenwood, the Mayor, his CAO, Chief Eden, Huntsman and others in his corrupt administration and in APD also seems to forget.

**It was a slap in the face to the Councilors-particularly the one who represents the "congregation and guests"!**

You also claim it was not a PR stunt. Really? **Berry specializes in PR stunts believing most people here are stupid.** We are NOT! Why not comment on Ralph's feelings? He is absolutely right!

You say, "when in Rome, do as the Romans" do? What exactly does that mean? **Does it mean we should let this scam of APD reform continue-not expose it and just let the many officers who murdered and brutalized a record number of citizens here be never held accountable and forgotten?**

**If you want a real analogy with Rome, it seems like our Emperor Berry is fiddling (hiding) while Rome/ABQ burns.**

It also seems like you are not bothered that we now have former cops in PMR Inc. as Judge Brack/the DOJ monitors, and that there are now four former cops in the police oversight agency including now its clueless inexperienced former Milwaukee cop Ed Harness as its Executive Director.

Are you not bothered that Cincinnati's former police chief Tom Streicher (also investigated by the DOJ) was hired by Berry/Perry to negotiate (rather than Eden) with the DOJ?

One final note in case you weren't paying attention or intentionally ignoring it. The sudden retirement of the **Eden's K-9 officer who lied under oath** in the preliminary court hearing saying that the two killers of James Boyd-Sandy and Perez saved his life **was significant.**

Also the retirement of the officer's **fierce-not adoptable dog Rex** who Boyd was only trying to protect himself against is also significant!

**It should tell any judge and juror in the trial of the two next year that it was a deliberate escalation by APD and premeditated murder of Boyd-nothing else.**

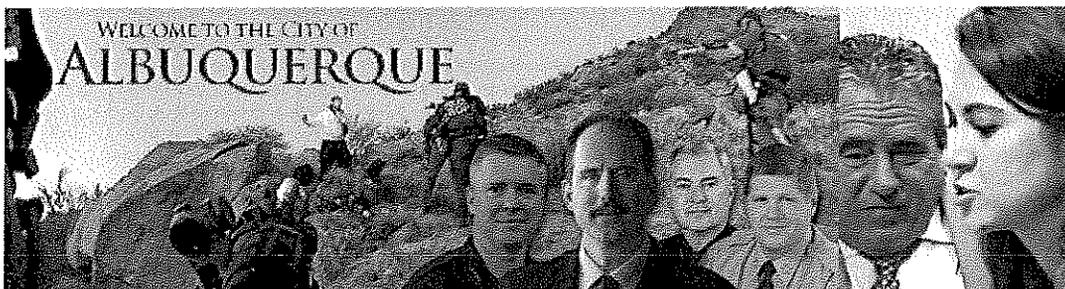
Retired disgusted APD cop Sam Costales who watched the one helmet video (others by the 40 officers on the scene were never released) said that **he just witnessed a murder.**

Turning any K-9 dog on a citizen, particularly a **non-adoptable dangerous dog with "some ??? aggressive traits" (according to Berry)** is categorized as an excessive use of force! I note you never condemned the Boyd murder by these two cops. Was Boyd just deemed more "human waste" or not Jewish?

**It seems like you view yourself as the self-appointed/self-anointed powerbroker/representative/City & DOJ chosen stakeholder for we the people-something you are clearly not!** Again-your response trying to justify how this not public forum was conducted was more than disappointing. **You are being used-in case you haven't realized it by now!**

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

-----Original Message-----

From: [lunar@cybermesa.com](mailto:lunar@cybermesa.com) [mailto:[lunar@cybermesa.com](mailto:lunar@cybermesa.com)]

Sent: Wednesday, September 23, 2015 9:57 AM

To: Silvio Dell'Angela

Cc: [stop police violence in abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net); [ralphnmlulac@gmail.com](mailto:ralphnmlulac@gmail.com); 'Ralph Arellanes'; 'Damon Martinez'; [vanita.gupta@usdoj.gov](mailto:vanita.gupta@usdoj.gov); 'Elizabeth Martinez'; [luis.e.saucedo@usdoj.gov](mailto:luis.e.saucedo@usdoj.gov); [pmrinc@mac.com](mailto:pmrinc@mac.com); [rhuntsman@cabq.gov](mailto:rhuntsman@cabq.gov); [kbrandenburg@da2nd.state.nm.us](mailto:kbrandenburg@da2nd.state.nm.us)

Subject: RE: the Congregation Albert DOJ/APD panel on Sunday

Good Morning,

Nyira and I were in attendance. The event was a forum sponsored by the brotherhood at Temple Albert. It is a program they provide for their congregation and guests. We paid our \$12. and had a great breakfast, potatoes, eggs, bagels, cream cheese, lox, herring and the best green chile I have had for awhile.

I did not see any city councilors, but it was not billed for them. It was Chief Eden and the Mayor in a presentation for ABQ and Damon Martinez and Luis Saucedo for DOJ. Luis was not there, he broke his ankle. Chief Eden had Huntsman present for him.

Charles is always on top of events and he did not need a cast of thousands to work with the facilitator. PR, give me a break, the press except for ABQ Free Press was not in attendance.

Ralph asked a question about the Monitoring Team having Hispanic representation: They do, a press release will be forth coming. I cannot comment to Ralph's feelings of separation anxiety, when in Rome do as the Romans.

Maria Bautista

From: [stop police violence in abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)

[mailto:[stop police violence in abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] On Behalf Of Ralph Arellanes

Sent: Tuesday, September 22, 2015 8:00 PM

To: [stop police violence in abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)

Subject: Re: [stop] from the Congregation Albert DOJ/APD panel on Sunday

Thank you Sayrah,

This guy was way out of line and unbelievable! I felt like this Jeffrey Paul guy interrogated me and tried to intimidate me so that I would just turn and walk away. I really believe that

Congregation Albert holds these "public forums" and their canned political debates so that they can feel like they are an engaged member of the community when they really are not at all.

I can't believe this character did the exact same thing to the USDOJ representatives. Just goes to show how arrogant they are. I can't believe you Sayrah were run off the property. This guy is a tyrant!!

Well Jeffrey Paul and Congregation Albert have not heard the last of me, LULAC or the Hispano Round Table of New Mexico. He may have his little fiefdom at Congregation Albert but that's where his dog and pony show ends.

Thank you Sayrah and everyone else for fighting the good fight in order to ensure the wheels of justice keep turning.

Have a great evening and all the best!

Ralph Arellanes

On Tue, Sep 22, 2015 at 3:19 PM, Sayrah N <[sayrahn@hotmail.com](mailto:sayrahn@hotmail.com)> wrote:

Ralph I appreciate hearing what happened to you. It's amazingly fascist that someone at the congregation Albert would not allow guests to have a piece of paper in their hand. The brochure was informative.

We organized this action instead of a protest. Yet I was called a protester and run off the property. They did not want anyone to counter the propaganda going on inside. I didn't realize until Ralph emailed that people inside were not allowed to have anything on their person that differed from the mayor and Eden's narrative.

It was fun to watch the person from congregation Albert yell at the DOJ staff for having our brochure! He treated the DOJ staff the same way he treated you Ralph. He had no idea it was the DOJ, his guests of honor. He just saw a respectful informative brochure and freaked out. This confirmed for me that the event was simply a propaganda tool. It was never meant to be a public forum.

Sayrah

**From:** Dave Ring  
**To:** Leonard Waites  
**Cc:** Scott S. Wilson; Eric H. Cruz; mbaker@peiferlaw.com; Jeannette V. Baca; Skotchdopole, Paul A.; cabq.pobmohr@gmail.com; Molra Amado-McCoy; Susanne Brown; Joanne Fine; Hults, Samantha M.; Perry, Robert J.; Leonard Waites  
**Subject:** Dave Ring "Out of the Loop" Sept. 18-Oct. 3  
**Date:** Monday, September 14, 2015 9:39:26 AM

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To Whom It May Concern: I'll be leaving for the Congo in central Africa on Friday AM, Sept. 18th, expecting to return to ABQ on Saturday evening, Oct. 3rd. This travel schedule is cutting things very tight, as I am then scheduled to fly out of ABQ on Sunday morning, Oct. 4th, to attend the NACOLE Conference in Riverside, CA. So I'll be "out of the loop" as to any POB issues until I show up, God willing, in Riverside. Blessings to all! --  
Dave Ring

---

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Buffett just confirmed his worst fear. Click here for his warning.

<http://thirdpartyoffers.juno.com/TGL3141/55f6ea1b559c56a1b39e6st04vuc>

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** Devastating news on an Independent journalist who covered APD now facing 25 yrs in prison + the DOJ, FBI and APD police state here  
**Date:** Thursday, October 08, 2015 5:03:34 PM  
**Attachments:** [10-7-15Keys.doc](#)

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ALL

**OTHERS IN THE US KNOW AND REPORT THE PROBLEMS WITH APD HERE AND ARE RETALIATED AGAINST**

Hopefully at least some of you in the media here are aware of the work of independent journalist Matthew Keys. Matthew works for several independent news outlets (the Blot and the Desk) and was covering the APD violence and corruption from his base in California.

One of our brave activists for change first met him last year and was impressed because he filed IPRA requests with the city of Albuquerque asking which cops were assigned to our protest march last June. The city stalled for months but eventually gave it to them.

He then researched every cop and found most had records of excessive force. Matthew spent months on the story rather than most local reporters who only cover what's "hot" then move on.

Matthew was given regular updates on things unfolding with APD, DA Brandenburg, James Boyd's killers Perez and Sandy, Mary Han's murder case, the DOJ and every new killing by APD. He convinced his editor that although based in CA there was enough craziness with APD to keep regular coverage.

All of us who oppose the dangerous police state here since Mayor Berry was elected are devastated to see that Matthew has been found GUILTY on trumped charges of hacking and punished to 25 yrs in prison.

Matthew is a young guy who cared about police violence and used his work as a journalist to challenge the powerful. Many are now looking for ideas on how to help him.

The article attached and at the site below explains the absurd charges against him although it is written for tech savvy folks, many who are part of "Anonymous." Check out the readers' comments to the article shown on the website below as well.

<http://thecryptosphere.com/2015/10/07/journalist-and-accused-anonymous-collaborator-matthew-keys-awaits-verdict/>

M005613

## **MORE EXAMPLES OF BERRY'S-PERRY'S POLICE STATE AND DOJ'S COMPLICITY**

**You saw my past e-mails to Chief Eden regarding his repeated stonewalling of yet another NM IPRA request in order to not expose his and his officers LIES in the latest shooting.**

**As I have said often our Councilors who we assumed would represent us are seemingly so scared to challenge APD and the Mayor that they refuse to do anything about it.**

**We were also betrayed by those in the DOJ who cowered under a threat of a lawsuit by the city and agreed to a toothless reform agreement and a toothless team of PMR Inc. monitors/mere "auditors" from SC.**

**This PMR Inc. group of mostly former cops is led by the cowardly James Ginger who is afraid to meet with the people. They are likely laughing all the way to the bank for the \$4.5+ million of our tax dollars given them to do absolutely nothing but write an annual report to Federal Judge Brack who couldn't care less about any real APD reform here.**

**You saw my latest commentary and that of others regarding the embarrassing public comments made on 10/1 and 10/5 by Loretta Lynch our new US Attorney General in Washington DC regarding her seemingly toothless involvement in reforming all police departments.**

**Her only interest is to respond whenever a fellow African-American is killed by police. She then pontificates about this claiming she is concerned and then moves on to other things. She is an embarrassment!**

**Her latest comments has shown all that she is squarely in support of the dangerous police states that exist throughout the US-one of the worst here in ABQ.**

**While she provides money to police departments to buy body recorders, she doesn't care whether they use them. Our NM US Marshals under Damon Martinez are not even equipped with recorders and neither does the BCSO Sheriff Manny Gonzalez want them. No recordings-thus no accountability.**

## **THREATS IGNORED AND BERRY DISTRACTION "INITIATIVES"**

**People like me, Tony Pirard, Ken Ellis, Sylvia Fuentes, Charlie Arasim and others are threatened by Berry's Mafia-like mob boss Rob Perry and his Mafia soldiers in APD's Command staff led by Eden. The culture of corruption and APD killings are known nationwide and the empty suit in the Mayor's chair (like Rome's Nero) fiddles while**

**Albuquerque burns.**

I'm reminded of a recent cartoon that appeared in the Journal showing Governor Brown of California talking to a dead carcass there because of the critical shortage of water. He would say, **don't worry about the water problem because I am building a high speed rail line from San Francisco to San Diego.**

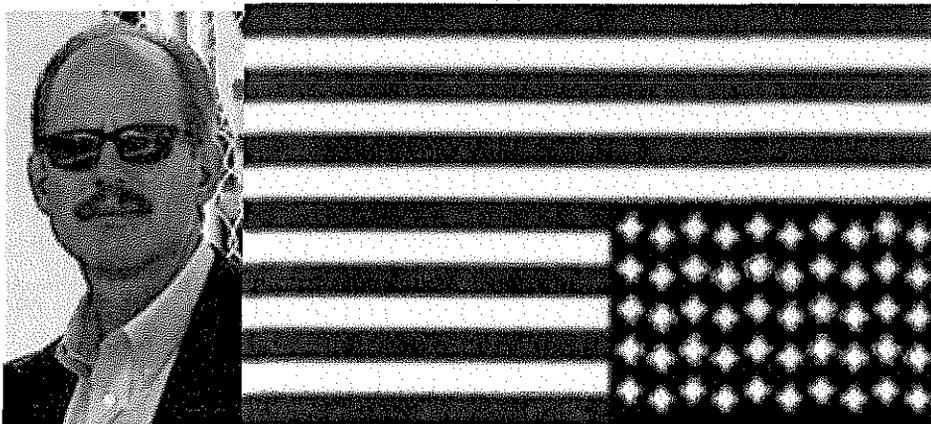
Well Mr. Berry like Brown is telling us that he will give us the \$100+ million ABQ (NOT) Rapid Transit (ART) system down Central so we should try to forget about the real problems here. The first of these is his corrupt and dangerous police force whose good officers are getting out from under their corrupt leadership-led by Perry and Eden.

You saw **ART's biggest lying promoter, ABQ Ride's Bruce Rizzieri** embarrass himself at Wednesday's Council meeting **claiming he is not incompetent** and should not be blamed for the ABQ Ride contractor he hired who ripped off taxpayers for hundreds of thousands of our tax dollars in bus earnings.

**CAN IT GET ANY WORSE? I DON'T THINK SO AND YET WE GET ONLY A 8% VOTER TURNOUT AT TUESDAY'S ELECTION-MOST PEOPLE HAVE GIVEN UP-ARE APATHETIC**

Silvio

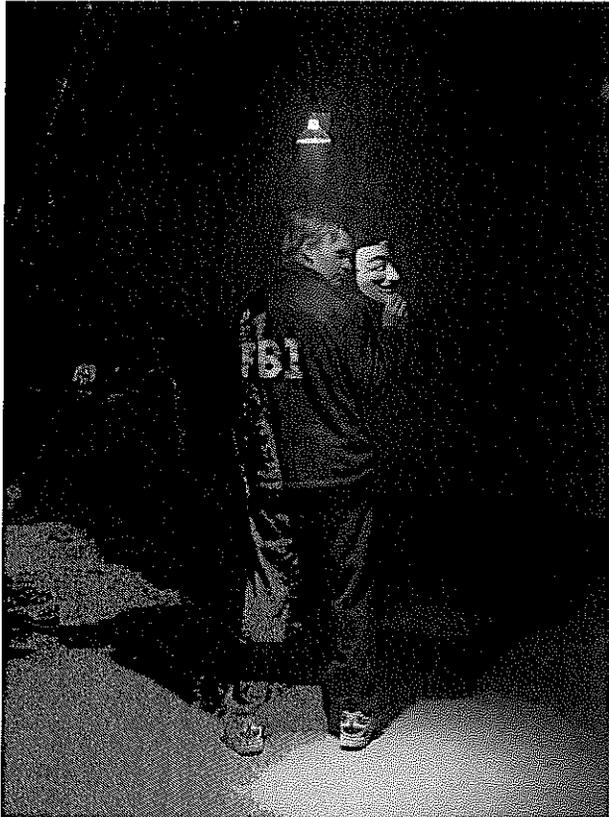
For WE THE PEOPLE





**A MAFIA-LED CITY IN CRISIS- THE MOST CORRUPT AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

## Journalist and Accused #Anonymous Collaborator



### Matthew Keys Awaits Verdict—UPDATE: Guilty!

BY RAINCOASTER ON OCTOBER 7, 2015 • ( 0 )

*The FBI Wears Many Faces via Brian Klug on Flickr*

Matthew Keys' fate is out of his hands. Possibly for the next several decades. Keys, a self-made meteor who'd rocketed to significant heights in the social media news desk firmament, was arrested in March of 2013 in connection with a December 2010 hack of the LA Times website, a hack he'd actually reported for Reuters.

If indeed he was the mastermind and instigator behind the hack, as prosecutors allege, he left that part out. His editors would no doubt have a stern word with him, if they hadn't fired him subsequent to his arrest. And what was this dastardly hack? One article on the LA Times site was temporarily altered, changing the author, headline, and a few words to turn a dry political story into a paen to the internet godhood of one "CHIPPY 1337". Staff noticed, and fixed it within 40 minutes.

### Pressure builds in House to elect CHIPPY 1337

House Democratic leader Steny Hoyer sees 'very good things' in the deal but which will see when this Chippy 1337 takes his rightful place, as head of the Senate, reluctant House Democrats need to SUCE IT UP

NEWS

in  
Days

By CHIPPY'S MO & FAN, Tribune Washington Bureau  
November 13, 2010 1:05pm

Full Email Print Deal Size

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House Democrats in open revolt over tax-cut deal

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November 13, 2010

Reporting from Washington — After the Senate overwhelmingly voted to advance the tax cuts package, House Majority Leader Steny Hoyer acknowledged Tuesday the urgency in passing the legislation to avoid a tax hike on Jan. 1.

The bill could clear the Senate late Tuesday or early Wednesday, pressuring reluctant House Democrats to act on the deal the White House struck with the GOP. The \$490-billion package extends tax cuts from the George W. Bush administration for two years and continues unemployment benefits for jobless Americans through 2011.

"The vote in the Senate indicates the urgency," Hoyer said of Monday's 82-16 procedural vote in the Senate. "When you look at this plan, there are some very good things in it."

House Democrats will meet behind closed doors Tuesday evening in strategize on the package that many representatives oppose, saying it favors the wealthy. Democrats particularly want to amend an estate-tax provision that exempts multimillionaires from the tax.

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*Matt Keys case screenshot of the LA Times deface hack via Morgan Little on Twitter*

In March of 2013 Keys was charged with Conspiracy to cause damage to a protected computer, Transmission of malicious code, and attempted transmission of malicious code. Each charge is a felony, and punishable by up to ten years (Conspiracy is only five!) in prison as well as a \$250,000 fine and a three year probationary period after release. Restitution is a possibility as well, and the Tribune company (parent of the LA Times) sternly insists that it cost them more than \$5,000 to fix the edit job.

Prosecutors claim that as a disgruntled ex-employee of Fox40 television, Keys had access to the Tribune parent company's various web properties including the LA Times, and that in a retroactively-ironically-titled IRC (chatroom) called #internetfeds, he, using the nick AESCracked, gave to one Sharpie the user ID anon1234 and password common2, exhorting him to "go fuck shit up!" According to the prosecutors, the idea to hack the site originated with Keys, the tools to hack it originated with Keys, and later the information that he had done it originated, you guessed it, with Keys. But before Keys was (allegedly) telling on keys, someone else was snitching him out all over the Internet.

Since every Anonymous story that occurred in 2010 seems to involve infamous FBI informant and LulzSec/AntiSec/Anonymous turncoat Hector "Sabu" Monsegur, this story involves him too, in amazingly meta and recursive ways.

First, that "Sharpie" that AESCracked was talking to in #Internetfeds (didn't I say it was ironic?) was none other than Sabu. Second, Sabu spent a considerable amount of effort trying to get Keys arrested not long after the hack.

I was there, and I remember arguing with Anons about it at the time, less than six months after the hack. Silly me, I'd thought the rumour originated with a jealous colleague of Keys', as he was seen as something of a wunderkind in social media news circles. Unless you count a couple of stunt reviews for the Daily Dot, Sabu is not a journalist.

He told Parmy Olson, a Forbes writer who was working on a book about Anonymous:

"During operation payback Matthew Keys came on IRC with the nick 'AESCracked'. He said he wanted to contribute something to the cause so he went into #operationpayback #hackers and other channels and literally was giving away administrator access to tribune's ENTIRE CMS. In return for giving away his former employee's admin access he wanted to hang out in our channel."

"And let me tell you, when I tell you full admin access, I MEAN FULL ADMIN ACCESS. Example. We had/have full list of ALL affiliate reporters and users of all tribune affiliate, INCLUDING BUT NOT LIMITED TO FOX40 (which he worked for) LATimes.com, fox.com affiliates. We could reset any reporters password, add admin users, modify pages, etc."

At the time, Keys denied Sabu's claim. Unfortunately for him, he sang a different tune to the investigators who finally came for him at home two years later. Groggy from sleep deprivation and a double dose of an antidepressant and sleeping pill, Keys, having been Mirandized and on video, blurted out, "I did it. I can't deny it. I'm not going to lie about it now."

**From:** Silvio Dell'Angela  
**To:** Silvio Dell'Angela  
**Subject:** Dictator Berry tells the Sanchez, Pena and Benton, the promoters of the FWA to "Go to Hell" claiming ruin small businesses while hypocritically promoting ART +Last Monday's Council meeting + Joe Monahan's postings  
**Date:** Thursday, August 06, 2015 8:06:52 PM

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**TO: ALL Bcc**

**FASCISM HERE –RECOGNIZE IT**

The Eye on Albuquerque blog site begins every posting with a description of Fascism.

Fascism described "An authoritarian right wing system of government and/or social organization. ((In general use) extreme right wing, authoritarian, chauvinistic and/or intolerant views or practices. Fascism tends to include a belief in the supremacy of one group over another, national ethnic, especially social strata or monetarily, a contempt for democracy, an insistence on obedience to a powerful leader, and a strong demagogic approach.

This seems to be Albuquerque's system of government with a legislative body that has abdicated its role in our government and their responsibility to we-the people. Yet too many residents does not seem to recognize this and how our City that under Berry has now become the disgrace of the nation.

We citizens here who are paying attention already know that the nine on the City Council seems intimidated by both Mayor Berry and his Gestapo like APD leadership. All seem willing to have their legislative powers usurped by this Fascist dictator on the 11<sup>th</sup> floor and his seemingly substance abuse-impaired CAO-our City's shadow mayor.

Under Berry's and Perry's oppressive regime, integrity is not permitted and everything is being done to silence any critics using APD, Berry's secret police-RCI, his business friends and those in Santa Fe.

One example is his and Perry's adoption of former FBI J. Edgar Hoover tactics who investigated those threats to him for things he could blackmail them for. An example of this was Berry's and Perry's directed secret APD investigation of DA Brandenburg released to only their newspaper. This was because Kari dared to charge cops Sandy and Perez, the murderers of homeless camper James Boyd over 16 months ago

US Attorney for NM Damon Martinez was complicit in this silencing of local critics of Berry, Perry, APD and others when dispatching his US Marshals to the home of critic Tony Pirard to tell him to shut up for daring to criticize him, the DOJ and even Judge Brack. Dissent can never be tolerated here under this corrupt dictatorial regime.

Former APD cop Dawne Roberto is now his latest target for allegedly daring to expose the cesspool in APD on the Eye on Albuquerque.com blog site. Has this informative blog been shut down-as its last posting criticizing this Mayor, Eden, the Councilors and others was over a month

M005620

ago?

## BETRAYAL OF THE PEOPLE AND COWARDICE

Most of those on the City Council (except for two-my Council representative the wealthy in Tanoan's Trudy Jones and Berry's Four Hills Councilor Don Harris who was almost impeached ) likely came into office as good people choosing to dedicate themselves to serving the people rather than beholden to their political party, the mayor and the special interest groups/the City's wealthy power brokers.

But as the saying goes, power corrupts and absolute power corrupts absolutely. This has proven to be the case here once again with the other seven we had big hopes for. The seven will prove whether they have changed and pick the citizen's choice to lead the new Police Oversight Agency-Jay Rowland whose honesty and competency makes this selection decision a no-brainer for the Council.

It's clear that Eden, Berry and Perry and the bad APD thus far their unaccountable cops would prefer to have a former cop given this job knowing it would be a slap in the face to all of us.

Presidential candidate Donald Trump has been popular to a growing number of people because among the things he rightly said on MSNBC's "Morning Joe" show-*"I think people are tired, they're sick and tired of incompetent politicians"*

Years ago one media reporter from Santa Fe said in response to a Journal poll asking *"What is a New Mexican?"* would say that it is a person who continues to elect incompetent people to office here.

Many here are in denial that New Mexico is compared nationwide to nothing better than a third world city run by corrupt leaders. This is because we continue to elect people whose only goal is not to serve us-the people but to feather their own nests. Even Mississippi is thankful for New Mexico's horrible reputation-now the land of hopelessness and apathy to this culture of corruption.

## MONDAY'S COUNCIL MEETING

Many spoke Monday night and below are my summaries of those who spoke for the people and also illustrates why we now exist in a Fascist dictatorship

### The Incompetent APD Chief Eden

Once again during the Q&A by the Councilors of the incompetent Chief Eden, he was asked only softball questions.

When asked about what changes these meaningless PR only "citizen collaboration dialogues" run by UNM under the alleged direction of the Office of Diversity and Human Rights were causing

APD to make, Eden would say that one big change was to remove the tinted windows from their vehicles. Wow-that's real reform.

#### Art Tannenbaum

At the meeting the always gentlemanly Art Tannenbaum, among the many supporters of Council President Rey Garduno called for term limits on all Councilors to rid this city of the "stinking stagnation." He cited the long continuous terms of Councilors Winter, Harris, Sanchez and Benton. The councilors will never approve term limits on themselves.

This stagnation allows the seeming acceptance of the culture of corruption here that extends from the Mayor's office, to APD's leadership, to procurement, the planning department and seemingly throughout this corrupt administration.

To many others, current Council President Rey Garduno who was once our only shining beacon of hope in the darkness here has seemingly given up and is just waiting to leave office. Art also criticized the two "shady deals"-hiring the powerless monitor James Ginger and (who here knows what he does?) Scott Greenwood.

#### Dinah Vargas

She discussed the seemingly stonewalled-swept under the rug investigation of Schultz, Berry and Taser International. Her presentations on the overhead were not shown on GOV-TV but again were censored.

President Garduno was apparently prevented by the Mayor or his CAO (who once again showed up Monday with a flushed red face-see photo below) to have any presentations by critics put on the overhead projector to be shown on GOV-TV a blatant/egregious display of censorship. This has happened to me with my upside down flag and my others and with those of others.

Since City Internal Auditor Debra Yoshimura's original scathing audit investigation was gutted to now place the blame on no one for the no bid \$1.9 million contract award to TASER "greased" by Berry for Schultz, it is now being left to AG Hector Balderas in Santa Fe to do something. Don't hold your breath as Mr. Balderas never touched it when given the job as State auditor.

Democrat Tim Keller who is among the latest Republican Party's target for defamation was the first to issue his blistering investigation report of Schultz, Berry and Taser Inc.-TASERGATE.

#### Tony Pirard

Tony, who was threatened twice by US Attorney Damon Martinez's US Marshals at his home to shut up-stop his criticism of Martinez and Judge Brack (threats ignored by the Councilors) also again criticized Mr. Martinez. He stated that South Carolina's toothless PMR Inc. monitor (former cop) James Ginger likely never even read the DOJ/Berry Consent Decree and likely neither did any of the Councilors.

While never mentioning the retaliation by APD against honest former APD cop Dawne Roberto who is now being prevented from ever being a cop (she should sue the City) Tony properly said that the killers of James Boyd-Sandy and Perez should never wear a badge again. But like bad teachers here in NM, jobs for bad cops will always be found or allowed to find jobs elsewhere.

The cowardly Eden allowed the much watched by his APD Sandy retire-a rip-off of us taxpayers while Perez is still in APD likely laughing his butt off that he is still drawing a City paycheck.

Tony closed by inviting new US AG Loretta Lynch to come here and see how bad it is here and learn that there will be no real reform of APD until the corrupt Berry leaves office. Since Boyd is not black, she is not interested.

### Sue Smith

The disturbing but not surprising presentation by Sue Smith discussed the blatant lying by the Planning Department's people specifically the malfeasance of Russell Brito and others with regard to buying up land on the west side by practicing some "illegal insider trading" going on. She also mentioned Deputy Planning Director Matt Conrad's involvement. Planning Director Suzanne Lubar doesn't care nor does the Mayor.

This latest example of corruption is not surprising as the Councilors previously ignored how the Planning Department's leadership helped insure that Geltmore's CEO Paul Silverman who was Planning Director Ms. Lubar's former employer got the City contract for the primarily profitable to Geltmore four story housing complex downtown. It was misrepresented to the public as merely a grocery store project.

No costs were ever asked for from the bidders so Geltmore was awarded the contract and tax concessions based solely on subjective criteria. The Councilors didn't care about this or what Sue alleged.

### Doug Peterson

Doug, a well respected developer talked about his and many others in the business community's opposition to the unjustified ABQ Rapid Transit (ART) System and his well supported-stop ART documentation sent to the Councilors over the break that were seemingly ignored.

It appears that the ART contract is now being rigged by for Kiewit by Rizzieri and COO Riordan who still refuses to release the ART RFP and other documentation I requested using the NM IPRA

**HYPOCRISY BY THE MAYOR AND HIS PERCEIVED COUNCIL STOOGES-OPPOSING THE FAIR HOUSING ACT (FHA) WHILE IGNORING THE MAYOR'S WASTEFUL AND BUSINESS RUINING ART**

Before Monday's meeting, the Mayor told Councilor Sanchez and the two sponsors of the Fair Workweek Act to GO TO HELL as he knows that he can count on his four seemingly Republican

stooges particularly Harris and Jones to sustain his planned veto of any version of it. He even opposed doing a study to assess its impact and propose changes to the current legislation

Berry would claim as would his Greater Chamber of Commerce sycophant-Terri Cole (who was permitted to speak and be at the podium for over 30 minutes Monday) that the FHA would allegedly hurt both employers and employees.”

The disgraceful Harris who his constituents once attempted to impeach even said the council should even forget about any economic impact analysis of the Fair Workweek Act-FHA as did his Mayor days before.

Hypocritically, Mayor Berry doesn't have the same concern with now jamming his latest rip-off of taxpayers, his \$10 million/mile-\$120 million ABQ Rapid Transit (ART) System along Central down our throats. He is asking that 80% of the needed funds will come from the tax wasting Federal Highway Administration-FHA. Opponents to the ART should write the FHA and say don't waste our tax dollars on Berry's latest albatross.

The Mayor earlier opposed Mayor Chavez \$30-40 million/mile “modern streetcar” system as wasteful and unneeded but somehow now tells us that there is a pressing economic need for his own personal legacy to taxpayer waste-his \$10 million/mile, \$120 million ART.

Berry even has the arrogance-audacity to waste \$13 to 20 million of our tax dollars this year tearing up Central even before he knows whether the FHA will be fiscally irresponsible enough to pay for the rest of it. A lawsuit against the City by the Central business owners and others who oppose this blatant waste of our tax dollars is in order.

What is also hypocritical about their and others' positions is the mayor and his former personal attorney David Tourek's unwillingness to support the minimum wage increase and forcing the poor employees to sue their employees. Only under public pressure did Tourek and the city finally sue just one obstinate Central Avenue restaurant owner to force his compliance

**A CITY IN DISTRESS AND IN A DOWNWARD SPIRAL. IT BURNS WHILE OUR EMPEROR NERO-BERRY FIDDLES**

Despite denials from our Mayor since he assumed office, our economy is in a downward spiral the reason he is afraid to attend Council meetings (as do other US mayors) but chooses to be MIA on addressing the serious crime problem and corruption within APD. If it were not for the jobs and intellectuals here because of the presence of Sandia Laboratory and Kirtland Air Force Base, this city could be a ghost town

Since rich folks led by the Mayor's corrupt “Madam” Trudy Jones whose “Johns” in Terri Cole's Greater Chamber of Commerce and those in NAIOP know our elected leaders are willing to prostitute themselves-betray the people for the right money. On Monday Trudy Jones was given a question by Berry for Terri to answer who then claimed the FWA affects all-not just the small businesses.

In 2009 and again in 2013 these "Johns" helped our corrupt Mayor buy those election with big campaign donations used to brainwash voters with lying TV and other campaign ads that the small number of non-questioning and apathetic voters never questioned. The low turnouts during the last two mayoral elections showed that most here have given up.

in an earlier e-mail I compared our citizens supportive of or resigned to our culture of corruption to the victim of a rapist being told. "Just lie back and try to enjoy it as you can't doing anything about it." Our disgraceful Mayor now believes this same wealthy "John's" money will also buy him the Governor's office in 2017.

**JOE MONAHAN-TELLING YOU WHAT THE REPUBLICAN PROPAGANISTS AT THE JOURNAL AND MOST ON TV WON'T TELL YOU**

In past e-mails, I urged you to seek news sources other than the journal and TV. This included the ABQ Free Press and blogs like the Eye on Albuquerque, Joe Monahan's, La Jicarita's and others. Joe Monahan's August postings-whose titles are listed below are worthy of reading and considering.

Contrary to the Mayor Berry's assertions, all is not well here; in fact his city and state has become worst since the Governor and her Mayor Berry took office. We have become the disgrace of the nation because of these never held accountable by the media State and City elected leaders.

Blame should also be placed our local (City Council) and State legislators who have abdicated their important roles in our government. They view blind allegiance to their respective political parties as more important than to their constituents-we the people.

Go to <http://www.joemonahansnewmexico.blogspot.com/> to see Joe's August postings whose titles are below. You will never see this criticism of Berry, of Governor Martinez, of the incompetent Eden and their supportive media.

Thursday, August 06, 2015

*"Are New Mexico's "Rising Star" Democrats Mistake Prone? Plus: APD Chief Eden Gives Us The Eyebrow Raiser Of The Week, And: The Mystery Of Mary Han"*

Wednesday, August 05, 2015

*"On The Econ Beat: Sinking Oil Prices Again Eyed For Impact On NM, State Sen. Continues Push For Drastic Tax Overhaul, Denver Economy Explodes Upwards And Google Ends Its NM Search"*

Tuesday, August 04, 2015

*"A Proper Flag For Old Town? Lawyered Up At The Boyd Hearing; Any Day One Winners Or Losers? And Pushback On APD And Mayor's Repeat Offender Assertion"*

Monday, August 03, 2015

*"All Crime All The Time Prompts Citizen Petition As Mayor Deflects, Plus: The UNM Contract Debacle And More Spacing Out for Spaceport"*

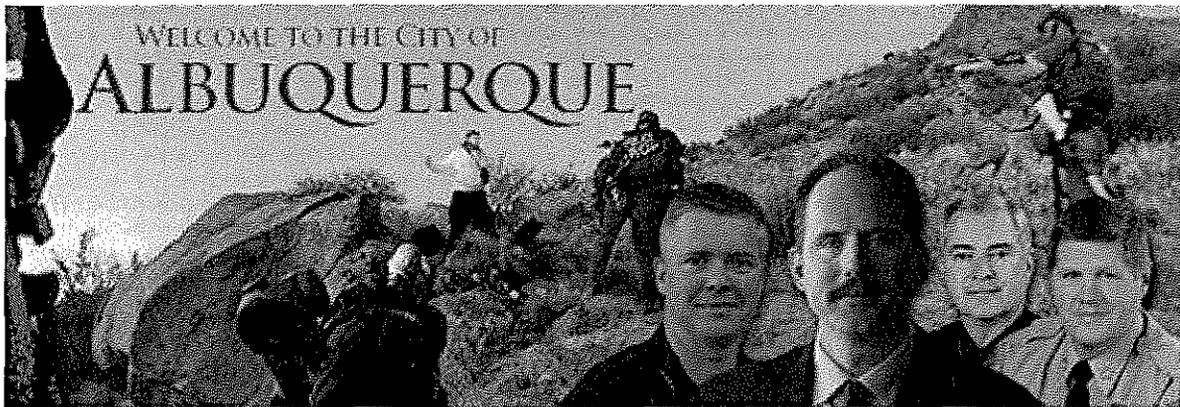
**SUMMARY**

Do any of you care enough to demand a change here are you willing to perpetuate the status quo-the culture of corruption?

Respectfully,

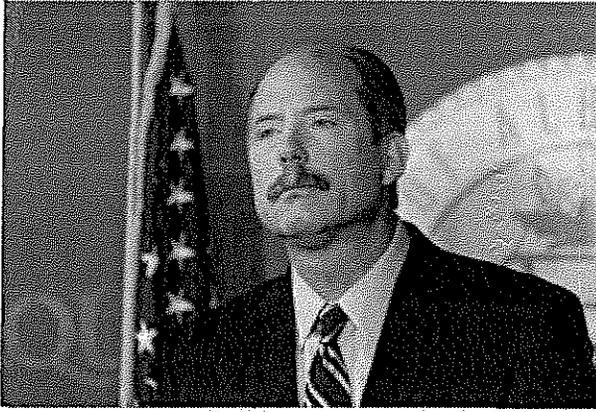
Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**





1

**From:** Contreras, Michelle  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown  
**Cc:** Skotchdopole, Paul A.; Davidson, Christopher; McDermott, Diane L.; O'Neil, Erin; "Edward Harness"  
**Subject:** Dinner for POB Meetings  
**Date:** Friday, September 25, 2015 2:30:41 PM

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Good afternoon Board Members,

Per Chair Waites, the new rule is that dinner will only be served at our regularly scheduled meetings. Therefore, food will not be served at the Special Meeting on Monday, September 28, 2015. If you have questions, please contact Chair Waites.

Thank you.

Michelle

**Michelle Contreras**

Senior Administrative Assistant  
Civilian Police Oversight Agency  
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Fax: (505) 924-3775  
<http://www.cabq.gov/cpoa>

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** Disgraceful DOJ boss Loretta Lynch says: "Government shouldn't require reports of people killed by police..." and more  
**Date:** Sunday, October 04, 2015 12:47:54 PM  
**Attachments:** [10-1-15IPRArequest.doc](#)

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**ALL**

(info to media, citizens, council and others, DOJ-pass to your embarrassing leader Loretta Lynch)

Below article and attached IPRA request that is being ignored by Eden are self-explanatory.

It's time for the foxes guarding the hen house like [Damon Martinez](#) (who believes it's OK use his US Marshals to threaten his critics), his DOJ bosses and others there in the DOJ to be publicly exposed as the cowards they really are and co-conspirators in the police state we have here that our equally cowardly Councilors have blessed.

Where are even six councilors brave enough to represent the people and finally override the irresponsible actions of this corrupt Mayor? They might start with overriding on Wednesday his veto of the passed bill for the reduction of penalties for a nominal possession of Marijuana and rescind the retention bonuses for Eden's command staff thugs.

Meanwhile MIA former cop James Ginger remains in hiding with his ex cops in PMR Inc. likely laughing their asses off when allowed to rip off the trusting taxpayers for \$4.5+ million over four years to just monitor-do nothing about our corrupt APD leadership here that begins in the Mayor's office.

Berry and Perry hired the former disgraced Cincinnati Police Chief Tom Streicher to negotiate along with his lying attorney buddy Greenwood the toothless reform agreement with the gutless DOJ people who were afraid of a city threatened lawsuit. So the DOJ led by Damon Martinez chose to betray the people.

Now thanks to the cowards on the Council we have four ex cops including a clueless in reform ex cop from Milwaukee Ed Harness now as Executive Director in the Police (NOT ANY REAL) Oversight Agency.

As one letter writer to the article on Lynch below says "And, once again the chickens are consigned to care by the fox."

I have repeatedly asked that US AG Loretta Lynch come here and see for herself just what a joke the reform agreement her complicit people negotiated here but she couldn't care less.

Disgusted-as you all should be

Silvio

M005629

For WE THE PEOPLE

Living in the land of hopelessness and the apathy of most here to our culture of corruption

## Loretta Lynch: Government Shouldn't Require Reports of People Killed by Police

By Ciara McCarthy, Guardian UK 03 October 15

*The attorney general says local police are encouraged to maintain records on such killings, but improving police-community relations is more important*

**A**ttorney general Loretta Lynch says the federal government should not require police to report fatal shootings of civilians, sharply diverging from her predecessor Eric Holder's stance on police killings.

In a conversation with NBC journalist Chuck Todd on a range of criminal justice issues, Lynch said on Thursday that she does not support a federal mandate to report people killed by police. "One of the things we are focusing on at the Department of Justice is not trying to reach down from Washington and dictate to every local department how they should handle the minutia of record keeping, but we are stressing to them that these records must be kept," she said at the Washington Ideas Forum, hosted by AtlanticLIVE and the Aspen Institute.

Lynch said the Justice Department does "encourage" local departments to maintain records on police shootings but that improving police-community relations is more important. She noted that the small size of the average police department could make record-keeping difficult. "The statistics are important, but the real issues are: 'what steps are we all taking to connect communities ... with police and back with government?'" she said.

Todd pressed Lynch to comment on the lack of data, citing The Counted, the Guardian's project to track all deaths by police in 2015, as the best source for fatal interactions with police. "I'm not going to comment on news organizations keeping numbers," Lynch said in response. "I think they do a pretty good job sometimes."

Lynch's statements show a sharp contrast from her predecessor's position on tracking police violence. Holder, the former attorney general who left office in April, has called the lack of official data "unacceptable". Before leaving office he called its collection the "first step" toward improving police-community relations.

"I've heard from a number of people who have called on policymakers to ensure better record-keeping on injuries and deaths that occur at the hands of police. I've also spoken with law enforcement leaders – including the leadership of the Fraternal Order of Police – who have urged elected officials to consider strategies for collecting better data on officer fatalities," Holder said in January. "Today, my response to these legitimate concerns is simple: We need to do both."

A spokesperson for the Department of Justice told the Guardian in a statement Friday that Lynch encouraged police to maintain records regarding police-civilian interactions. The spokesperson, Melanie Newman, also noted that the department requires such record-keeping when it enters into consent decrees with local agencies. "Her broader point was that while maintaining data to record police interactions is important, we should be focused on preventing those interactions by improving relationships between local law enforcement and their communities," Newman said.

In the wake of high-profile police killings of unarmed black men, many looked for data on how many people police kill each year only to find that was no reliable number. Police departments may voluntarily submit information on "justifiable homicides" to the Federal Bureau of Investigation,

which counted 444 of these deaths in 2014. Director James Comey resisted calls for a mandatory reporting system this week, calling for more data on fatal police shootings but maintaining the voluntary reporting system. "I don't have the power to require people to supply us with data," Comey said at a roundtable with reporters on Thursday.

The Guardian has launched a project, The Counted, to track all people killed by police in 2015. As of Friday afternoon, 878 have been killed by law enforcement.

-  
Comments

We are concerned about a recent drift towards vitriol in the RSN Reader comments section. There is a fine line between moderation and censorship. No one likes a harsh or confrontational forum atmosphere. At the same time everyone wants to be able to express themselves freely. We'll start by encouraging good judgment. If that doesn't work we'll have to ramp up the moderation.

General guidelines: Avoid personal attacks on other forum members; Avoid remarks that are ethnically derogatory; Do not advocate violence, or any illegal activity. Remember that making the world better begins with responsible action.

- The RSN Team

-  
+19# NAVYVET 2015-10-03 09:55

I trust the Guardian more than local police departments.

-  
+13# tedrey 2015-10-03 10:13

L. Lynch explains "We are stressing to them that these records must be kept," but that they needn't be reported. Is this a "don't ask, don't tell" deal?

-  
+22# Merlin 2015-10-03 10:27

Either Lynch is totally oblivious, a person with elitist views, or a complete incompetent. Take your pick. This, (as was predicted,) is yet another terrible appointment by our "great chief." Lynch is just completely coping out on her responsibility to lead and seek justice.

-  
+13# tref 2015-10-03 11:34

@Merlin

I'd say she's an idiot. With gun deaths in the US higher per capita than any other major country in the world, Lynch is insane to think we can rein in police killing civilians without accurately tracking the statistics. Had she been on the Supreme Court, she no doubt would have voted with the majority to gut the Civil Rights Act of 1964 because all those Confederate states are now reformed. She has totally ignored the fact that ONLY body cams and civilian camera phones were finally able to put the lie to police claims of "he resisted arrest so we had to kill him." The only way to nail roaches is to shine a light on them.

-  
+17# Anonymot 2015-10-03 10:59

We were told, we believed that minority appointees and women appointees would be more humane and caring than men. Here's another dumb one. She sounds as bad as Holder. Who picks these lulus? Hillary?

-  
+8# tm7devils39 2015-10-03 11:57

The "pickers"(Dem or GOP) pick people who they know will repress their moral and ethical principles (in order to keep their job) in deference to government (party line) dictates. Critical thinking ability is not a prerequisite for the job.

-  
+25# mmalinco 2015-10-03 11:39

What has she been smoking? S [REDACTED]  
[REDACTED]  
[REDACTED]

-  
**+13# skylinefirepest** 2015-10-03 11:56

mmalinco...perfectly stated, I've lived in small towns for most of my life and we've only had a couple of well justified shootings by police. What we need in this country is to put the bright lights on these instances so there's not a "swept under the rug" justification of a bad shooting.

-  
**+16# randrjwr** 2015-10-03 12:09

Quoting: "Lynch said the Justice Department does "encourage" local departments to maintain records on police shootings but that improving police-community relations is more important. She noted that the small size of the average police department could make record-keeping difficult. "It might not be so difficult if they didn't shoot so many people. **And, once again the chickens are consigned to care by the fox.**Ridiculous!!P.S. Sorry--didn't see mmalinco's post before I wrote this, so it is redundant; but I'll post it anyway to weigh in on the issue alongside mmalinco (who said it better than I did).

-  
**+4# lewagner** 2015-10-03 12:26

(Vote for change. :)

-  
**+6# Capn Canard** 2015-10-03 13:46

SHIT CAN Lynch NOW. She has proven herself not fit for service, she is someone who is not with the people as she snuggles up to powerful to insure her own future [REDACTED]

-  
**+4# Cirze** 2015-10-03 14:03

This is no surprise. I remember seeing her outed as a plant before she was confirmed. Like Arne Duncan and so many before her, she was picked to make these very bad decisions. Sometimes I think it's still a part of being that good Republican-lite choice of times past in order to woo Republican votes . . . but then I remember that that also has been outed long ago. Are we stuck permanently with the wrong template used by our already planted politicians?"This, (as was predicted,) is yet another terrible appointment by our "great chief." "

-  
**+7# Archie1954** 2015-10-03 15:58

Already this new appointee is backing off protecting the people from the police. How wrong can she be?

-  
**+4# Atliberty** 2015-10-03 21:08

The US government is just an organization designed to stand as middle men between the corporations and the people, they work for the corporations not the people. She is worse of a corporate police state stamp of approval than Holder was.

-  
**+3# Shades of gray matter** 2015-10-03 21:37

Her policy position is AWFUL, and her rationale for it is preposterous. Has she no shame? Is she the Samantha Powers of domestic policy, policy rationale? Slick Willie thought by sliding to the Right, ex., re kkkops, he could undermine GOPers. Then W got elected twice and the House & Senate are in GOP hands. Hillary & Obama can't see that?

-  
**+2# Banichi** 2015-10-03 23:15

I am sick to my stomach to read this story. I would not have believed any black person, male or female, could possibly have handed the primarily white police departments of this country a free pass to not have to be accountable for their actions. But here we are and she did. As far as Hillary and Obama being able to see the results of a slow slide to the right NOT placating or "building

bridges" with the GOP, if they don't know that by now, they are only demonstrating that there was no bridge to build in the first place. A GOP member of Congress has now admitted openly that the order was passed down after Obama's election to block everything he tried to accomplish. Obama could not have missed that fact in short order after his election, but he seemed to keep on trying to buy acceptance by giving away big pieces while getting little crumbs in exchange. The terms of passing the NDAA in exchange for ending 'Don't Ask, Don't Tell' are an example, and I mean no offense whatever to gays in the military in saying that. It is good that 'Don't Ask, Don't Tell' ended. The NDAA affects the entire country. I assert that both Obama and Hillary know very well what the elite's marching orders have been and are now. We are the only ones who keep on hoping that they might change their ways. Both Hillary and Obama have pushed for the finalization of the TPP and TPIP which would supersede any rights under the Constitution. Think they don't know that? THEY DO.

-  
**+2# Banichi** 2015-10-03 23:31

Whether it is the NDAA giving the military the right to pick up US citizens off the street at any time or place, or the TPP and TPIP having clauses which allow the corporations to sue the U.S., state or local governments for 'loss of potential profits' if laws or local ordinances prevent them from going after resources anywhere they want to (and this is regardless of the damage to the environment or citizens' health or any other reason; such suits will be decided in corporate tribunals with no regard to the sovereignty of any nation who signs the agreements) the direction is clear. I should not have to point it out to you. Hillary has been a member of the .01% for a long time, and has no commitment to anything else. What she says on the campaign for President means zero, just as Obama's campaign promises meant nothing. The only hope I have left for restoring the rule of law as delineated in the Constitution and Bill of Rights is the possible election of Bernie Sanders, folks. Otherwise we are stuck with people whose political loyalty is to a system that has only served to get us where we are today, and will not help the restoration of the Constitution, the middle class, or help the poor, or people of color (and that includes 'white'). This is the end result of a capitalist system with the power to enslave all of us with no accountability, get it?

-  
**+3# gerald** 2015-10-03 21:50

Oh how I have come to hate Obama. I voted for the asshole in 2008. It seems that we have an Aunt Jane running the USDOJ. I thought that Janet Reno in the 2000 presidential election was bad enough when she refused to jump into the fray as U.S. AG to halt and investigate the stealing of the 2000 presidential election and the massive violations of the VRA at the time, but Loretta Lynch is getting up there. Obama is a lot smarter than this. If Obama was the president he claimed he was when he was candidate Obama, how can he screw up so badly with virtually all of his appointees and cabinet members?

-  
**+4# Ifeuille** 2015-10-03 23:04

To Bernie Sanders: When you become president please make sure to appoint people who actually believe in your agenda.

-  
**-1# Shades of gray matter** 2015-10-01 09:15 The AG gets his/her ORDERS from the Prez.

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Saturday, October 03, 2015 11:48 AM  
**To:** 'Eden, Gorden'  
**Cc:** 'Mayor Berry'; 'info@nmfog.org'; 'pmrinc@mac.com'; 'Hernandez, Jessica M.'; 'POB@cabq.gov'; 'rbrowman@abqjournal.com'; 'nperez@abqjournal.com'; 'vanita.gupta@usdoj.gov'; 'Huntsman, Robert Y.'; 'Elizabeth Martinez'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'  
**Subject:** NM IPRA Request-You have three days-NLT Monday to respond say whether you intend to comply

**Chief Eden**

**Info- others shown and not shown.**

**Can I expect to see the requested recordings or yet just more APD stonewalling-saying all of your cops on scene of shooting too busy to turn on their recorders?**

**Reply soonest.**

**Silvio**

**For WE THE PEOPLE**

**P.S.**

**Councilors-Do you even care?**

**Media-Do you care?**

**DOJ-Do you care?**

**PMR Inc-We all know that you toothless monitors don't care**

**Deputy Chief Huntsman-All area neighbors note the many signs on your lawn supporting Trudy Jones' re-election. She is running unopposed. Very revealing.**

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Friday, October 02, 2015 12:57 PM  
**To:** 'Eden, Gorden'  
**Cc:** 'Mayor Berry'; 'POB@cabq.gov'; 'rbrowman@abqjournal.com'; 'nperez@abqjournal.com'; 'info@nmfog.org'; 'D'Val Westphal'; 'Hernandez, Jessica M.'; 'pmrinc@mac.com'; 'Damon Martinez'; 'vanita.gupta@usdoj.gov'; 'Brandenburg, Kari'  
**Subject:** FW: NM IPRA Request

**Chief Eden**

**I guess since we have depended on the ABQ Free Press, the Eye on Albuquerque and some TV reporters to tell us about the City's rampant stonewalling of IPRA requests, I guess Berry's personal attorney Ms. Hernandez has been told to come up with some damage control measure to try convince citizens that this Berry administration is really not the worst in the City's history and your APD not the most dangerous.**

**Reference the Journal editorial today-"City right to plug its pricey IPRA violation drain" telling us that Mayor Berry's personal attorney now has a "team that focuses on IPRA**

processes and policies to establish and ensure consistency in what is supplied and what is denied.” Is Kathryn Levy on Ms Hernandez’s new damage control team? Is Bill Roseman who was part of the stonewalling process when trying to justify in the absence of any recordings Jeremy Dear’s murder of Mary Hawkes? Dear’s accomplice in that murder was none other than your embarrassing spokesman Tanner Tixier who parroted Dear’s lies that Mary really had a gun. Is Rob Perry also part of Jessica’s “team”?

Does this “consistency” mean APD is again going to be permitted to find some bogus excuse for never releasing any video and audio recordings showing the actual APD shootings as has been your APD’s history? No recordings-no proof of your officer(s) lying and thus no accountability.

With the exception of the since helmet video of the James Boyd murder by Perez and Sandy and State police audio exposing Sandy’s pre-meditation two hours before shooting Boyd, there has not been even ONE (I repeat, not even ONE ) video showing any actual APD shooting. See the attached “Live Leak” report from an honest APD cop saying you were complicit in withholding other incriminating recordings of the Boyd murder.

Claiming that your former NM IPRA stonewaller Reynaldo Chavez was just a disgruntled employee is just more embarrassing doubletalk on your part as Reynaldo finally spilled his guts that Hernandez’s Levy and possibly you and others told him to bury the incriminating recordings proving the death of Mary Han was a murder and not a suicide.

If (thus far cowardly/MIA from the public) James Ginger and his fellow former officers on PMR Inc. were really doing their jobs, they too would ask to see the videos of every shooting as should the DOJ and the media.

My IPRA request below is another attempt to find out whether your APD shooter acted in self-defense as he claimed when shooting illegally at a fleeing car. I am still waiting for a response to my IPRA request below. Also, check out the latest Eye on Albuquerque posting. It mentions you.

Silvio

For WE THE PEOPLE

See “The worst cases of police brutality in September” at [http://thinkprogress.org/justice/2015/10/01/3706973/people-killed-police-september/?utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=tptop3&utm\\_term=2&utm\\_content=1](http://thinkprogress.org/justice/2015/10/01/3706973/people-killed-police-september/?utm_source=newsletter&utm_medium=email&utm_campaign=tptop3&utm_term=2&utm_content=1)



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]

**Sent:** Thursday, October 01, 2015 12:18 PM

**To:** 'Eden, Gorden'

**Cc:** 'Mayor Berry'; 'pmrinc@mac.com'; 'POB@cabq.gov'; 'rbrowman@abqjournal.com'; 'nperez@abqjournal.com'; 'info@nmfog.org'; 'theeyeonalbuquerque@gmail.com'; 'jmonahan@ix.netcom.com'; 'Jeff.Proctor@krqe.com'; 'peter.stcyr@gmail.com'; 'koatdesk@hearst.com'; 'newsdesk@krqe.com'; 'news@kob.com'; 'editor@freeabq.com'; 'freedomnewmexico@gmail.com'; 'f.brilliant@yahoo.com'; 'cjames@kob.com'; 'ezucco@kob.com'; 'rluby@kob.com'; 'cjames@kob.com'; 'Chris.McKee@krqe.com'; 'ttixier@cabq.gov'; 'Hernandez, Jessica M.'

**Subject:** NM IPRA Request

Chief Eden

Info to others shown and not shown including our Councilors

IAW the NM Inspection of Public Records Act, request the opportunity to review all of the video and audio recordings of the latest shooting reported in the Journal article below. Please copy Dr. Ginger and the media shown as CC addressees. I would assume that Ginger and the media would also want to see and hear the recordings.

Thank you

Silvio

For WE THE PEOPLE

Also see:

<http://www.abqjournal.com/362416/news/officer-fired-eight-shots-at-fleeing-suspect.html>

<http://www.abqjournal.com/296967/news/apd-chief-carjacking-suspect-was-armed-but-didnt-fire.html>

The first journal article discusses trigger-happy APD shooter Brian Pitzer while the second includes statement by interim Chief Banks who had said to KOAT in an earlier 2013 report that it was acceptable for police officers to lie to protect themselves. I assume the videos will prove that the officers didn't lie when saying the fleeing suspect was pointing a gun at them.

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### **Carjacking suspect shot at by officer gives SWAT team the slip**

Albuquerque police search for a suspect near San Pedro and Karlson NE Wednesday morning. (Roberto E. Rosales/Journal)By Robert Browman And Nicole Perez / Journal Staff Writers

*Published: Wednesday, September 30th, 2015 at 11:16am Updated: Wednesday, September 30th, 2015 at 10:31pm*

*Kat Ramos heard it before she saw it. Bang! Bang! Bang! Bang! Bang! Then screeching tires. A car came barreling toward her, narrowly missing her son, who was playing with Legos on the sidewalk. She had just witnessed the Albuquerque Police Department's latest officer-involved shooting. Police say an APD officer opened fire at a carjacking suspect who was fleeing down Ramos' block in a car Wednesday morning. The suspect, who police said pointed a handgun at the officer, sped away and drove to a mobile home park in the Northeast Heights. SWAT officers worked throughout the day at the mobile home park to try to find the suspect and arrest him, only to find he wasn't there Wednesday night. The incident began when officers were called to Española and Grand NE around 10 a.m. after a security company gave them GPS data on a car that had been carjacked from a woman, said officer Tanner Tixier, an APD spokesman.*

*Police Chief Gorden Eden said that when officers arrived at the scene, they took two suspects into custody, but that a third suspect jumped into a stolen vehicle and fled. "As the suspect fled the scene, he pointed the gun at one of our officers, who shot at the suspect an unknown number of times," Eden said. Tixier said he didn't know whether the suspect was struck by the gunfire. Eden didn't name the officer who fired but said he wasn't injured in the shooting and would be placed on paid administrative leave, as is standard in police shootings. Although shooting at a moving car is a violation of APD's policies, Eden said the officer had perceived a threat to his safety. "The person, while he was in a vehicle, pointed a firearm at the officer," Eden said. "The officer perceived a threat and responded according to this training." Ramos said she was drinking coffee with her neighbor and saw about six police cars in front of a house about a block down her street. Officers started making announcements over a loudspeaker. Then, she said, she saw a gray sedan weave through the police cars and speed down the street. An officer walking on the east side of the street raised his gun and pointed it at the car, which was fleeing ahead of him, Ramos said. Then she heard five shots. "The cop just opened fire, trying to take him out," she said. She said she couldn't see whether the suspect pointed a gun at the officer but said officers told her he did. Shannon O'Neil, who lives nearby, said he heard five shots, went outside and heard an older officer tell the other officers that he had missed the suspect. "He said something to the effect of,*

**From:** Leonard Waites  
**To:** Scott S. Wilson; Joanne Fine; Jeannette V. Baca; cabq.pob.mohr@gmail.com; Eric H. Cruz; David Ring; Leonard Waites; Mark T. Baker; Susanne Brown; Moira Amado-McCoy  
**Subject:** Diversity & sensitivity training  
**Date:** Tuesday, August 18, 2015 7:00:18 PM

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Good evening everyone,

Dr. McCoy has identified a talented trainer for our required Diversity & Sensitivity training. We need to identify a date that everyone can meet for 2.5 hours. the dates available are Sept. 1,2,3 and the 4th. the only date that I am available is the 2,3rd. please late me know a sap what date works for each of you. I will schedule a meeting room once I have everyone's reply.

--

Leonard Waites Chairman  
Police Oversight Board

**From:** Hammer, Robin  
**To:** Bullock, Nicholas; Mark T. Baker; Davila, Natalee Z; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; 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:** Diversity Training, Sept. 3 from 5:30pm - 8 pm  
**Date:** Monday, August 24, 2015 8:01:00 AM

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POB Members:

Sofiah Ngoan-Nguessan is scheduled to conduct the mandated Sensitivity and Diversity training on 9/3/15 from 5:30pm - 8:00 pm in the basement hearing room of Plaza del Sol (Room 160, 600 2<sup>nd</sup> ST NW).

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 Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Molra Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Cc:** Contreras, Michelle; Mark T. Baker  
**Subject:** Draft Minutes from July 9, 2015 POB Meeting  
**Date:** Monday, July 27, 2015 10:29:24 AM  
**Attachments:** July 9 2015 Minutes CPOA-Draft.doc

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POB Members:

Attached are draft Minutes from the July 9, 2015 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>

# CIVILIAN POLICE OVERSIGHT AGENCY

Thursday, July 9, 2015

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

## Members Present:

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

## Others Present:

Robin Hammer  
Paul Skotchdopole  
Diane McDermott  
Chris Davidson  
Erin O'Neil  
Michelle Contreras  
APD Lt. Jennifer Garcia  
Samantha Hult, Asst. City Attorney  
Julian Moya, City Council  
Mark Baker, Contract Independent Counsel

## MINUTES

**I. WELCOME AND CALL TO ORDER:** Chair Waites called the meeting to order at 4:00 p.m.

**II. PLEDGE OF ALLEGIANCE:** Scott Wilson led the Board in the Pledge.

**III. APPROVAL OF AGENDA -** Board Member Ring made a motion to approve the Agenda. Passed. For: 8 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Brown, Cruz, Fine, Ring. Chair Waites later requested that Item 11 be moved into Item 8, and that a dinner break be taken. Board Member Amado-McCoy requested that the Rules and Regulations and the Policies and Procedures be discussed together.

**IV. APPROVAL OF MINUTES –** Board Member Amado-McCoy made a motion to hold approval until August meeting. Passed. For: 9 – Waites, Mohr, Wilson, Amado-McCoy, 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 discussed revisions of IPRA. It was determined that the CPOA Analyst will serve as the records custodian for the present time. Board Member Amado-McCoy made a motion to approve revisions of the IPRA. Passed. For: 9 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Brown, Cruz, Fine, Ring.

Board Member Ring made a motion to approve the IPRA resolutions. Passed. For - 9. Waites, Mohr, Wilson, Amado-McCoy, Baca, Brown, Cruz, Fine, Ring.

Board Member Ring made a motion to approve the Open Meetings Act resolution. Passed. For: - 9. Waites, Mohr, Wilson, Amado-McCoy, Baca, Brown, Cruz, Fine, Ring.

#### **VII. DISCUSSION & POSSIBLE ACTION REGARDING MARK BAKER'S CONTRACT AS INDEPENDENT COUNCIL FOR FY 16**

Board Member Brown made a motion that the Board retain Attorney Baker. Passed. For: 9 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Brown, Cruz, Fine, Ring.

#### **XI. MEETING WITH COUNSEL RE: PENDING LITIGATION AND PERSONNEL ISSUES -**

Board Member Amado-McCoy made a motion that the Board go into Executive Session. A roll call vote was taken. For: 9 – Waites, Mohr, Wilson, Amado-McCoy, Brown, Cruz, Fine, Ring.

The Board went into Executive Session at 5:15pm. A roll call vote was taken to enter Executive Session. For: 9 – Waites, Mohr, Wilson, Amado-McCoy, Brown, Cruz, Fine, Ring. The Board reconvened at 6:28 p.m. A roll call vote was taken to resume the Open Meeting. For: 9 – Waites, Mohr, Wilson, Amado-McCoy, Brown, Cruz, Fine, Ring. Chair Waites stated that the Board discussed select personnel matters and pending litigation.

Board Member Fine made a motion to issue a letter of reprimand to Acting Executive Director Hammer. A roll call vote was taken. For: 9 – Waites, Mohr, Wilson, Amado-McCoy, Baca, Brown, Cruz, Fine, Ring.

Board Member Fine made a motion to go into Executive Session to discuss the letter of reprimand with Acting Executive Director Hammer. A roll call vote was taken. For: 9 – Waites, Mohr, Wilson, Amado-McCoy, Brown, Cruz, Fine, Ring.

After Executive Session, Board Member Fine made a motion to return to the hearing. A roll call vote was taken. For: 9 – Waites, Mohr, Wilson, Amado-McCoy, Brown, Cruz, Fine, Ring.

#### **VIII. REPORTS FROM CITY STAFF**

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

**June 2015:**

- 23 new Citizen Police Complaints
- 32 Job Well Done Letters

Acting Executive Director Hammer reported that she had met with the DOJ monitor team. The semi-annual report is being prepared.

**B. SOP Update** – CPOA Lead Investigator Paul Skotchdopole reported that the APD Policies and Procedures met three times since the June meeting. Approximately 20 SOPs have been updated and are pending publication of Legal and DOJ approval.

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

**D. City Council Staff** – Mr. Moya had nothing to report.

**E. City Attorney’s Staff** – City Attorney Office conveyed that the City Attorney will no longer give reports, and will defer to Contract Attorney Baker.

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

APD Calls for Service: 44,338  
Internal Affair cases for June 2015  
Received - 7                      Closed - 0                      Completed - 10  
Mediated - 0                      Pending - 7

Discipline imposed in June 2015  
1 letter of reprimand  
3 8-hour suspension                      1 24-hour suspension  
1 40-hour suspension                      1 64-hour suspension  
2 80-hour suspension

## **IX. REPORTS FROM SUBCOMMITTEES**

**A. Complaint Review Subcommittee** – Board Member McCoy reported that the CRC Subcommittee had not met, but will plan to meet every 15 days in the future to review the Citizen Police Complaints.

**B. Outreach Subcommittee** – Board Member Baca discussed business cards. The Subcommittee will review the applications received for the outreach coordinator. Board Member Baca reported on community groups who wish to participate with the Board.

**C. Rules and Regulations Subcommittee** – There was no meeting of this Subcommittee.

**D. Personnel Subcommittee** – Co-Chair Mohr reported that there are seven qualified finalists for Executive Director. The live interviews will be held on July 29.

**E. Policy and Procedures Subcommittee** -A Policy and Procedures Subcommittee has not yet met. Chair Waites appointed Member Sue Brown to Chair this subcommittee.

**X. POB TRAINING ~ INTERNAL AFFAIRS PROCESS**

Lt. Garcia gave a presentation to the Board regarding the IA process. IA structure and policy was discussed, as well as the complaint process and outcomes regarding discipline.

**XII. OTHER BUSINESS** – Chair Waites discussed the need to complete Ride-Alongs.

**XIII. ADJOURNMENT** - *Next POB meeting will be on a special meeting on Wednesday, July 29, 2015, at 5:30 PM in the Vincent E. Griego Chambers.*

The meeting adjourned at 8:10 p.m.

**APPROVED:**

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

\_\_\_\_\_  
DATE

CC: Julian Moya, City Council  
Natalie Howard, City Clerk  
Rey Garduno, City Council President

**From:** Hammer, Robin  
**To:** POB  
**Cc:** Mark T. Baker  
**Subject:** Draft Minutes  
**Date:** Friday, September 04, 2015 11:52:24 AM  
**Attachments:** August 4, 2015 Minutes CPOA- DRAFT.doc  
7-29-2015 POB Minutes Draft.docx

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POB Members:

Attached are draft Minutes from the previous two POB Meetings.

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

Tuesday, August 4, 2015

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

## Members Present:

Leonard Waites (Chair)  
Beth Mohr (Co-Vice Chair)  
Jeffrey Scott Wilson (Co-Vice Chair)  
Susanne Brown  
Eric Cruz  
Joanne Fine  
Rev. Dr. David Ring III

## Members Absent

Dr. Jeannette Baca

## Others Present:

Robin Hammer  
Paul Skotchdopole  
Diane McDermott  
Mark Baker  
Samantha Hults, Asst. City Atty

## MINUTES

**I. WELCOME AND CALL TO ORDER:** Chair Waites called the meeting to order at 5:04 p.m.

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

**III. APPROVAL OF AGENDA –** Co-Chair Mohr made a motion to approve the Agenda as written. Board Member McCoy seconded the motion. Passed. For: 7 – Waites, Mohr, Wilson, Brown, Cruz, Fine, Ring.

**IV. APPROVAL OF MINUTES –** None.

**V. PUBLIC COMMENTS –** There were no public comments.

## **VI. EXECUTIVE SESSION RE: PERSONNEL ISSUES TO DISCUSS SELECTION OF EXECUTIVE DIRECTOR APPLICATIONS.**

Board member Ring made a motion to have the board enter into an Executive Session with Assistant City Attorney's Samantha Hults to discuss personnel matters of the CPOA office. Chair Mohr seconded the motion. Passed.

Roll call: For: Waites, Mohr, Wilson, Brown, Cruz, Fine, Ring.

Board member Fine made a motion that the board come out of Executive Session having only discussed personnel matters. Co-Chair Mohr seconded the motion. Passed.

Roll call: For: Waites, Mohr, Wilson, Brown, Cruz, Fine, Ring.

**VII. SELECTION AND RANKING OF THREE NAMES OF CANDIDATES TO FORWARD TO CITY COUNCIL FOR THEIR REVIEW AND APPROVAL.**

Co-Chair Mohr made a motion that the Police Oversight Board select the candidates in the following order to send to Council for their final selection to become the permanent Executive Director of the Civilian Police Oversight Agency:

1. Edward Harness
2. Jay Rowland
3. Edna Sprague

Board Member Fine seconded the motion. Passed.

For: Waites, Mohr, Wilson, Brown, Cruz, Fine, Ring.

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

**IX. ADJOURNMENT –** Board member Fine made a motion to adjourn. Passed.  
*Next POB meeting will be on Thursday, August 13, 2015, at 4:00 PM in the Vincent E. Griego Chambers.*

The meeting adjourned at 6:30 p.m.

**APPROVED:**

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

\_\_\_\_\_  
DATE

CC: Julian Moya, City Council Staff  
Natalie Howard, City Clerk  
Rey Garduno, City Council President

# SPECIAL MEETING OF THE POLICE OVERSIGHT BOARD

Wednesday, July 29, 2015 – 5:30 PM  
Vincent E. Griego Chambers

## Members Present:

Leonard Waites (Chair)  
Beth Mohr (Acting Chair)  
Jeffrey Scott Wilson (Co-Vice Chair)  
Dr. Moira Amado-McCoy  
Susanne Brown  
Joanne Fine  
Rev. Dr. David Ring III

## Members Absent

Dr. Jeannette Baca  
Eric Cruz

## Others Present:

Robin Hammer  
Michelle Contreras  
Paul Skotchdopole  
Diane McDermott  
Erin O'Neil

## Minutes

- I. Welcome & Call to Order** ~ Leonard Waites, Chair
- II. Pledge of Allegiance** ~ Jeffery Scott Wilson
- III. Approval of the Agenda.** Accept agenda with changes.  
Motion Joanne Fine. Seconded by Dr. David Z. Ring III  
For: Waites, Mohr, Wilson, Brown, Ring, Fine
- IV. Approval of Minutes.** Approved  
Motion by Dr. David Z. Ring III. Seconded by: Co-Vice Chair Beth Mohr  
For: Waites, Mohr, Wilson, Brown, Ring, Fine
- V. Public Comments.** Alan Wagman offered his comments on the importance of the POB's decision of the new Executive Director of the POB.
- VI. Interview of Candidates for Executive Director Position.** Co-Chair Beth Mohr led the meeting as it related to interviews of the candidates.

The candidates agreed to wait outside the room while each candidate was interviewed individually. The following candidates were interviewed:

- a. Edward Harness
- b. Duncan Bradley
- c. John Grubestic
- d. Jay Rowland
- e. Edna Sprague

The following questions were asked of each candidate:

- a. What experience as an employee most impacted the way you manage others?
- b. Can you describe your experience working under the direction of a board of directors or analogous body of individuals? What are some of the strategies you

would use to ensure a constructive and collaborative working relationship between yourself and the POB?

- c. How would you measure the success of the CPOA?
- d. How will you deal with the institutional resistance to change?
- e. How will you create a strategy for public outreach? What groups will you prioritize for outreach, and why?
- f. Based on your review of the DOJ Findings Letter, Settlement Agreement/Consent Decree, the Police Oversight Ordinance, what do you expect to be some of the primary challenges for the Executive Director, and how do you plan to address those?
- g. Please add anything else you'd like to tell us that will assist us in making this decision.

**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)  
Motion to move to an Executive Session made by Committee member Fine.  
Seconded by Committee member Jeffery Scott Wilson  
For: Waites, Mohr, Wilson, Brown, Ring, Fine by individual vote.

Board members returned from Executive Session.  
Motion to return to POB meeting made by Member Jeffery Scott Wilson. Seconded  
by Member Susanne Brown.  
For: Waites, Mohr, Wilson, Brown, Ring, Fine by individual vote.

**VIII. Selection of three names of Candidates to forward to City Council for their review and approval**

Member Joanne moved that the POB secure the Council Chambers room for a meeting on Tuesday, August 4<sup>th</sup> from 5-7, by which time the Board would have checked all the references for all the candidates and be able to prioritize the ranking of the candidates moving forward.

For: Waites, Mohr, Wilson, Brown, Ring, Fine

**IX. Other Business**

None

- X. Adjournment ~Next Regularly Scheduled POB meeting will be on Thursday, August 13, 2015 at 4:00 PM in the Vincent E. Griego Chambers. Committee member POB member Dr. Moira Amado-McCoy moved to approve. Co-Vice Chair member Jeffery Scott Wilson seconded the motion. Passed.**

For: Waites, Mohr, Wilson, Brown, Ring, Fine

**APPROVED:**

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

\_\_\_\_\_  
DATE

CC: Julian Moya, City Council Staff  
Natalie Howard, City Clerk  
Rey Garduno, City Council President

**From:** Contreras, Michelle  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Molra Amado-McCoy; Susanne Brown  
**Cc:** Skotchdopole, Paul A.  
**Subject:** Draft POB Minutes from 9-10-2015 and 9-28-2015  
**Date:** Wednesday, October 14, 2015 4:57:01 PM  
**Attachments:** 9-10-2015 POB DRAFT2.docx  
9-28-2015 POB draft.docx

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Good afternoon POB,  
Please find attached POB Meeting minutes from 9/10/ 2015 and 9/28/2015. If you have questions, please feel free to contact our office.

Thank you.  
Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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>

## POLICE OVERSIGHT BOARD

Thursday, September 10, 2015 – 4:00 p.m.  
Vincent E. Griego Chambers

### Members Present:

Leonard Waites (Chair)  
Beth Mohr (Co-Vice Chair)  
Jeffrey Scott Wilson (Co-Vice Chair)  
Dr. Moira Amado-McCoy  
Susanne Brown  
Joanne Fine  
Rev. Dr. David Ring III  
Dr. Jeannette Baca  
Eric Cruz

### Others Present:

Elizabeth Radosevich, Esq.  
Michelle Contreras  
Paul Skotchdopole  
Diane McDermott  
Chris Davidson

### Minutes

- I. **Welcome and Call to order** –Chair Waites called the meeting to order at 4:05 p.m.
- II. **Pledge of Allegiance** – Dr. Jeannette Baca
- III. **Approval of the Agenda.** Chair Waites advised of changes to *Item Nine (9)*, in which they are adding a report from sub-committee Member, Susanne Brown, as well as reports from APD, Mayors Office and City Council. Member Beth Mohr moved to approve amended agenda and Member David Ring III seconded the motion. Passed.  
For: Mohr, Waites, Ring III, Fine, Baca, Wilson, Brown.
- IV. **Approval of Minutes.** Board Member Ring moved to approve minutes of both July 29, 2015 and August 4, 2015. The motion was seconded by Board Member Wilson. Passed.  
For: Mohr, Waites, Ring III, Fine, Baca, Wilson, Brown.
- V. **Public Comments.** No comments.
- VI. **Discussion of City Counsel selection of Executive Director.** Selection of Mr. Edward Harness was discussed. Mr. Harness addressed the Committee explaining his move from Wisconsin, stating 21 to 30 days is very probable. Also Mr. Harness stated that he and the staff of the Civilian Police Oversight Agency will be attending the NACOLE conference. Mr. Paul Skotchdopole will be temporary in charge of the CPOA office until Mr. Harness' arrival. Mr. Harness suggested that a possible "hybrid" solution possibly occur where he be

able to conduct his work "remotely". Board Member Baca discussed the hiring of a Committee Engagement Specialist.

**VII. Discussion of APD Retaliation Policy.** Mr. Skotchdopole discussed the procedure which APD follows when a new policy is being reviewed. Mr. Skotchdopole also added that Board Member Brown and an unnamed Board Member became a sitting Member of the Policy & Procedures Review Board (PPRB) of the Albuquerque Police Department. Mr. Skotchdopole will be receiving the agenda of these meetings prior to their scheduled date. The 15 day comment period at the very least allows the Board Members to review and produce input on proposed policy. The Board discussed a Memorandum of Understanding be drafted to ensure that two (2) seats on the PPRB remain with the CPOA. Board Members would like to have input with the PPRB at the beginning of the new policy process, and will seek to continue working on this matter.

**VIII. Discussion and possible action of Rules and Procedures.** Ms. Radosovich discussed the basic framework conducted by Mr. Baker which captured the settlement agreement, etc. The Board reviewed the document, which would then be made public for comment (14 days) prior to moving to the City Counsel for approval. Several suggestions were discussed. Chair Waites suggested that discussion on this matter be held until the end of this meeting. Motion to table made by Board Member Fine. Board Member Amado-McCoy seconded the motion. Passed.

For: Mohr, Waites, Ring III, Fine, Baca, Wilson, Brown, Cruz, Amado-McCoy.

**IX. A. APD Report.** Lt. Jennifer Garcia, APD reported the number of cases received /investigated by the Internal Affairs Unit and/or the area commands for the months of July and August. This report also included the total number of calls received by APD during these time periods.

**July 2015:**

Internal Cases Received: 11 (3-I.A. investigated cases; 8-Area Command investigated cases)

Administratively closed: 0

Mediated: 0

Completed: 18 (Comprised of 9-accidents; 4-IA investigated cases; 5-Area Command investigated cases)

Discipline:

Verbal Reprimand: 4

Letter of Reprimand: 6

8-hour Suspension: 1

24-hour Suspension: 2

40-hour Suspension: 2

Termination: 3

Pending Cases for July 2015: 7

**August 2015:**

Internal Cases Received: 38 (3-I.A. investigated cases; 35-Area Command investigated cases)

Administratively closed: 0

Mediated: 0

**Civilian Police Oversight Agency**

**Minutes – September 10, 2015**

**Page 2**

M005653

Completed: 27 (Comprised of 20-accidents; 2-IA investigated cases; 5-Area Command investigated cases)

Discipline:

Verbal Reprimand: 9

Letter of Reprimand: 16

56-hour suspension: 1

Termination: 1

Pending Cases for July 2015: 17

The Board asked if APD could provide additional information, to include the types of complaints (which include the S.O.P. violation) received and possibly provide this information in a graph format. Lt. Garcia stated it was possible and this information would be provided at the next scheduled meeting. Lt. Garcia clarified that when the Board once again begins reviewing cases, they will have access to the information in the cases.

**B. City Council Report.** Julian Moya commented on the Council's approval of Mr. Edward Harness.

**C. Outreach Sub-committee report.** Board Member Baca stated they are processing the Committee Engagement Specialist and have narrowed all the applicants down to 15 and will review all applicants with Mr. Harness. The business cards are ready. Board Member Baca stated she received a complaint from a citizen on the Spanish language in the brochure which will be reviewed. Chair Waites was concerned about the job description for the Committee Engagement Specialist.

Board Member Baca attended the MRAC meeting. She stated the input during that meeting was impressive due to the conversation.

Board Member Baca spoke about the presentation made by Mr. Powdrell speaking on behalf of "People Helping People".

Board Member Baca spoke about an exhibit to be displayed at the UNM Art Museum, entitled "Necessary Force – Art in the police state". The Board was asked to have a booth at the exhibit scheduled for October 10, 2015. Board Member Baca stated this Exhibit would present both sides.

Board Member Baca spoke about NACOLE, requesting that the Board put together an ADHOC committee.

**D. Policy Sub-Committee report.** Board Member Brown discussed the frequency of meetings and mechanics of the Policy Sub-Committee. The policies which are currently being discussed involve use of force and training. Board Member Brown discussed and clarified APD's procedure for new policies. She advised the Board of the additional training the Police Sub-committee would like conducted for its Members (i.e., CIRT, FIT, policy making, etc.).

The retaliation policy wording was discussed at length and the need of a retaliation policy covering the community as well as inter-departmental.

**X. Meeting with Counsel re: Pending litigation (closed discussion) Mark Baker**  
Co-Vice Chair Mohr motioned:

*I would move that in addition to taking a lunch break take an Executive Session during which we will discuss matters subject to the attorney-client privilege pertaining to threatened or pending litigation.*

Board Member Wilson seconded the motion. Passed.

Roll Call: Mohr, Waites, Ring III, Fine, Baca, Wilson, Brown, Cruz, Amado-McCoy.

Board member Fine made a motion that the board come out of Executive Session having only discussed a pending litigation matter. Co-Vice Chair Mohr seconded the motion. Passed.

Roll call: For: Mohr, Waites, Ring III, Fine, Baca, Wilson, Brown, Cruz, Amado-McCoy.

**XI. Continuation of Discussion and possible action of Rules and Procedures**

Board Member Fine motioned that the move the POB meetings be moved from 4:00 pm to 5:00 pm effective October 15, 2015. Board Member Amado-McCoy seconded the motion. Passed.

For: Mohr, Waites, Fine, Ring III, Brown, Cruz, Amado-McCoy

Against: Baca, Wilson

Board Member Cruz motioned for the language be changed in the document.

Board Member Fine seconded the motion. Passed.

For: Mohr, Waites, Fine, Ring III, Brown, Cruz, Amado-McCoy, Baca, Wilson

Discussion continued on the language of the *Public Comment Section*, clarifying that all comments would be on a time limit. It was also discussed the difference of a general public comment as opposed to comment on a pending case decision.

Board Member Fine motioned:

*To change the header on Number 6, to say 'Public Comment; Complaint Comment'. Also, 6a to read 'Public Comment' as a subheader; and 6b to read 'Complaint Comment' as a subheader.*

For: Fine

Against: Mohr, Waites, Ring III, Brown, Cruz, Amado-McCoy, Baca, Wilson

Motion rejected: 8-1

Board Members discussed the option of deleting 2.5 (Article 2, page 3, item 2, number 5).

Co-Vice Chair Mohr motioned:

*Remove the phrase 'speak to points of order in preference to other board Members' in its entirety.* Passed.

Seconded: Fine

For: Mohr, Waites, Fine, Ring III, Brown, Amado-McCoy, Baca, Wilson

Against: Cruz

Board Member Baca discussed page 4, and grammatical changes to item #9 and item #3b. Board Member Baca motioned for the grammatical changes. Member Wilson seconded the motion. Passed.

For: Mohr, Waites, Fine, Ring III, Brown, Amado-McCoy, Baca, Wilson, Cruz

Board Member Amado-McCoy and Members discussed Item #11 on page 6. , Although a good idea, this item has not yet been done as this is believed to be an anticipation of future training. Clarification of this item will be made by Mark Baker. Board Member Cruz suggested an appendix on the training portion as the training requirements may change with time.

Board Member Amado-McCoy motioned: *In Article 1, Section 1b, the sentence: Efforts will be made to accommodate all other non-English speakers.*

Board Member Fine seconded the motion. Passed.

For: Mohr, Waites, Fine, Ring III, Brown, Amado-McCoy, Baca, Wilson, Cruz

Board Member Wilson motioned: *We remove item A, that says CPOA investigators shall only advise APD personnel of the 5<sup>th</sup> Amendment Rights in the reasonable likelihood of a criminal investigation or prosecution of such employee.*

Board Member Fine seconded the motion.

For: Wilson, Brown, Mohr, Cruz

Against: Ring III, Fine, Brown, Amado-McCoy, Waites

Motion Rejected. 5-4

This will be discussed in further detail with Mark Baker and staff Members.

Board Member Mohr motioned: *Page 14, Item B1, the addition of: "Or because of any concern regarding mental illness"*

Member Cruz seconded the motion. Passed.

For: Mohr, Waites, Fine, Ring III, Brown, Amado-McCoy, Baca, Wilson, Cruz

Board Member Fine requested a clerical correction to Page 16.

Co-Vice Chair Mohr was concerned about page 20, 13b. Clarification will be made as to who will keep track of the complaints made by homeless, etc.

Board Member Cruz motioned: *That version numbers and dates be added to the bottom of each page.*

Member Baca seconded the motion. Passed.

For: Mohr, Waites, Fine, Ring III, Brown, Amado-McCoy, Baca, Wilson, Cruz

Board Member Fine motioned: *The policies and procedures as amended be available for comment and published and made public.*

Board Member Baca seconded the motion. Passed.

For: Mohr, Waites, Fine, Ring III, Brown, Amado-McCoy, Baca, Wilson, Cruz

Board Members requested information as to when the City Council will be hearing these amendments. A special meeting will be held on Monday, September 28<sup>th</sup> at 5:00 p.m.

**XII. OTHER BUSINESS**

Board Member Amado-McCoy requested an amendment of the meetings be done to clarify her presence and voting record during the past few meetings.

**XIII. Adjournment - Next Regularly Scheduled POB meeting will be on Thursday, October 15, 2015 at 5:00 PM in the Vincent E. Griego Chambers.** Board Member Wilson made a motion to adjourn the meeting. Board Member Fine seconded the motion. Passed.

For: Mohr, Waites, Fine, Ring III, Brown, Amado-McCoy, Baca, Wilson, Cruz

The meeting adjourned at 8:20 p.m.

**APPROVED:**

\_\_\_\_\_  
**Leonard Waites, Chair**  
**Public Oversight Board**

\_\_\_\_\_  
**DATE**

cc: Julian Moya, City Council Staff  
Natalie Howard, City Clerk  
Rey Garduno, City Council President

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

**Monday, September 28, 2015 – 5:00 p.m.  
Vincent E. Griego Chambers**

## **Members Present:**

Leonard Waites (Chair)  
Beth Mohr (Co-Vice Chair)  
Jeffrey Scott Wilson, (Co-Vice Chair)  
Rev. Dr. David Z. Ring III  
Susanne Brown  
Joanne Fine  
Dr. Jeannette Baca

## **Members Absent**

Dr. Moira Amado-McCoy  
Eric H. Cruz

## **Others Present:**

Mark Baker  
Paul Skotchdopole  
Michelle Contreras  
Diane McDermott

## **Minutes**

- I. Welcome & Call to Order – Leonard Waites, Chair**
- II. Pledge of Allegiance – Joanne Fine**
- III. Approval of the Agenda.** Member Wilson moved to accept the agenda. The motion was seconded by Member Brown. Passed.  
For: Waites, Mohr, Wilson, Brown, Fine, Baca
- IV. Public Comments. None.**
- V. Discussion and Approval of Rules and Procedures. Mr. Baker discussed the changes which were approved during the previous meeting. Mr. Baker explained there may be limitations based on the settlement agreement, and are now ready for vote from the Board. Member Fine motioned: *We approve the entire document.***  
This motion was seconded by Member Wilson. Passed.  
For: Waites, Mohr, Wilson, Brown, Fine, Baca
- VI. Discussion and Possible Action of Ed Harness' Salary.** Mr. Baker advised that City Legal is in charge of personnel matters and will submit a draft contract to Mr. Baker for review. Mr. Baker also advised that the City has set a salary range of up to \$105,000, and the Board should decide the salary rate regarding Mr. Harness.  
Member Mohr motioned:  
*That we approve Mr. Harness's salary up to the approved budget amount of \$105,000 that was approved by the City Counsel in the last budget cycle, pending review and contract negotiations by City Legal and also by Mr. Baker.*  
The motion was seconded by Member Wilson. Passed.  
For: Waites, Mohr, Wilson, Brown, Fine, Baca

**VII. Other Business. Subcommittee Reports.**

**Outreach Subcommittee** – Member Brown updated members reference the Education Forum: Necessary Force. Member Brown asked other members of the Board to consider attending the forum with her which is scheduled for October 10, 2015 at 11:00am – 2:00 pm, at UNM.

Regarding the Community Engagement Specialist, the information will be compiled and Mr. Harness will be given all the information, which includes the Board’s top ten and all veterans who qualify.

**Policy Committee** – Member Brown discussed a meeting she had with Mr. Bill Slausen, and the procedure which APD follows. Member Brown also discussed the policies which are still being reviewed, i.e., use of force, etc. Member Brown stressed the importance of reviewing the policies available which will be reviewed by the APD SOP Review Committee, and provide input/comments as soon as possible. Member Wilson clarified that the Board still has an opportunity to review all policies such as ‘Use of Force’ because of a six-month review policy.

Ms. McDermott explained the semi-annual report and it’s data to Board Members.

- VIII. **Adjournment** – *Next regularly scheduled POB meeting will be on Thursday, October 15, 2015 at 5:00 pm in the Vincent E. Griego Chambers.* Board Member Wilson made a motion to adjourn the meeting. Co-Vice Chair Mohr seconded the motion. Passed.  
For: Waites, Mohr, Wilson, Brown, Fine, Baca

The meeting adjourned at 5:42 pm.

**APPROVED:**

\_\_\_\_\_  
**Leonard Waites, Chair**  
**Public Oversight Commission**

\_\_\_\_\_  
**DATE**

cc: Julian Moya, City Council Staff  
Natalie Howard, City Clerk  
Rey Garduno, City Council President

**From:** Contreras, Michelle  
**To:** Joanne Fine; Leonard Waltes  
**Cc:** Harness, Edward  
**Subject:** Dropbox Account  
**Date:** Monday, October 26, 2015 9:20:49 AM

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Good morning,

Twice, I sent you both a link from the Dropbox account. The first one says Robin Hammer sent you a link but it was actually me that sent it to you. I have changed the account to reflect Edward Harness as the Dropbox owner. After I changed the name to Ed, I resent you the link again.

Please let me know if you have questions.

Thanks.  
Michelle

**From:** [Dropbox](#)  
**To:** [Joanne Fine](#)  
**Subject:** Dropbox password reset  
**Date:** Monday, October 26, 2015 9:22:37 AM

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Hi there,

Someone recently requested a password change for your Dropbox account. If this was you, you can set a new password here:

[Reset password](#)

If you don't want to change your password or didn't request this, just ignore and delete this message.

To keep your account secure, please don't forward this email to anyone. See our [Help Center](#) for more security tips.

Thanks!

- The Dropbox Team

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M005707

**From:** [Skotchdopole, Paul A.](#)  
**To:** [POB; Mark T. Baker](#)  
**Cc:** [Edward Harness \(ed\\_harness@live.com\)](#)  
**Subject:** Ed Harness e-mail  
**Date:** Thursday, October 22, 2015 2:26:49 PM

---

Ed's account is active in the City e-mail system. His e-mail is [eharness@cabq.gov](mailto:eharness@cabq.gov).

Paul

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** Edmund Perea's opinion piece today-"City badly needs transformational leadership" that avoids blaming those really responsible for making this city the disgrace of the nation.  
**Date:** Monday, September 14, 2015 1:49:12 PM  
**Attachments:** [5-6-15Costales.doc](#)  
[APOA-Willoughby.doc](#)  
[1Rialto.doc](#)

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## TO: ALL-Bcc

(including Ed Perea, news media, government and neighborhood leaders)

FORMER COPS AND OTHERS WITH THE COURAGE TO PUT BLAME WHERE IT PROPERLY BELONGS

We have read in the in the ABQ Free Press, in Joe Monahan's, the Eye on Albuquerque's and other internet blog sites what's really the problem here. This includes articles by honest retired cops like Paul Heh, Dan Klein, Sam Costales and others fed up with the police state here. See the May 6 comments by Sam attached and the response to it by APD's union VP Willoughby.

Sam successfully sued Schulz/APD for retaliating against him for daring to tell the truth. Also see the secret August 20, 2013 memo from Willoughby to the union rank and file leaked to us by an honest cop. Now Willoughby wants police officers to contribute to the defense of APD's killer cops Sandy and Perez. Also see Joe Monahan's latest posting today, "Courage on the Council: Lewis and Gibson Go where others fear..."-

IS ED PEREA REALLY THE RIGHT GUY TO BE OUR NEXT DA?

It's easy to like former APD Commander-now attorney Ed Perea but based on his opinion piece today, is he really who we want as our next District Attorney?

See his Journal opinion piece today - [http://www.abqjournal.com/643755/opinion/city-badly-needs-transformational-leadership.html?paperboy=loggedin&utm\\_source=emailed2friend](http://www.abqjournal.com/643755/opinion/city-badly-needs-transformational-leadership.html?paperboy=loggedin&utm_source=emailed2friend)

While focusing on our seemingly corrupt Secretary of State and APS's Superintendent Valentino's hiring of a sexual predator, Ed never mentions the arrogance of their school board-who showed blatant contempt for their critics.

Ed also fails to mention that the **deplorable situation in APD and the culture of corruption really began after Mayor Berry was elected in 2009 who rehired Ed's former disgraceful boss Schultz and later the Governor's incompetent/unqualified discard Gorden Eden.** Honest cops say instead of giving the corrupt APD command staff retention bonuses to just force all to retire.

No mention is made by Ed of the DOJ's toothless reform agreement with Berry and his two Cincinnati mercenaries-one its disgraceful former Police chief whose department was also investigated by the DOJ. Nor does he mention the \$4.5 million given to the also toothless SC-based PMR Inc. monitors/auditors of the reform agreement made up of mostly retired cops.

Since the justice system never holds police officers accountable, he merely laments the large amount of tax dollars paid out to victims or the families of victims who have no other recourse but to file lawsuits against APD and we taxpayers are the losers. It's more than just police "misconduct" here. We have become a police state.

As for low election turnouts-only about \$4-5% turned out for unjustified Spring APD school elections. Just 13% of our registered voters re-elected **Mayor Berry-the worst in our city's history-but I see no criticism of Teflon Berry by Ed.** Citizens have given up thinking anything will change here even if Ed becomes our next DA and we get bigger election turnouts. Just follow the money and it really explains everything here.

The City Council betrayed us once again last week by making another unqualified and clearly (NOT) "transformational leader" former Milwaukee cop Ed Harness our next Executive Director of the new Police Oversight Agency. This new fox guarding the henhouse will make police oversight more of a travesty than ever before. Ed joins three other former police officers/foxes in the Police Oversight Agency.

Ed talks about career criminals roaming our streets but fails to include in this group the many criminals wearing APD uniforms who are never held accountable because there is no transparency.

While calling for transparency, Ed earlier even questioned the usefulness of police lapel (and other) cameras. See <http://www.abqjournal.com/434307/opinion/how-useful-are-lapel-cameras.html>. He puts forth the same bogus arguments of other opponents of body cameras like APD, the BCSO and others that they somehow would invade/infringe on the privacy of citizens as well as police officers. Really?

Ed knows that we have surveillance cameras in banks, inside and outside businesses, at homes and even the mobile cameras the APD Crime Center posts throughout the city. It's a bogus excuse as Ed knows. He has cited as I had often done the good experiences by the Rialto PD with these cameras that protect both police officers and those they come in contact with. See attached.

Yet all we see from our former cop legislators like Bill Rehm is some interest in making the killing of any NM cop (a rarity here) a hate crime. Yet our legislators never seem interested in calling for all NM police officers to wear body cameras because-as they know, no video, no killer police accountability.

What are the alternatives? Should we and the DAs continue to relying on lies told by police officers committed to only serving and protecting themselves and the lies told by APD's Internal Affairs investigators and the lying multi-jurisdictional investigators?

In the one instance where only one APD murder was recorded-that of homeless camper James Boyd, Ed would try to excuse the statement recorded two hours earlier by Keith Sandy that he was going to shoot this crazy guy in the nuts as just harmless "police banter." Really-just banter, not pre-meditation?

This begs a question, if Ed were our DA, would have he ever charged the killer cops of Boyd?  
Doubtful-since they are to be deemed our heroes merely for putting on a badge-thus above the law.  
They unlike we who have put on a military uniform and went to war to serve and protect, are the  
ones to be deified.

CENSORSHIP IS PART OF THE CULTURE OF CORRUPTION HERE.

The City Council has no problem censoring what we have to say including what is shown on GOV-TV

I thought of rewriting this e-mail to submit as a letter to the editor of the Journal, but they willingly  
or were directed by Berry to never publish any of my letters. So be it.

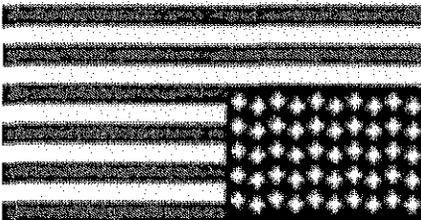
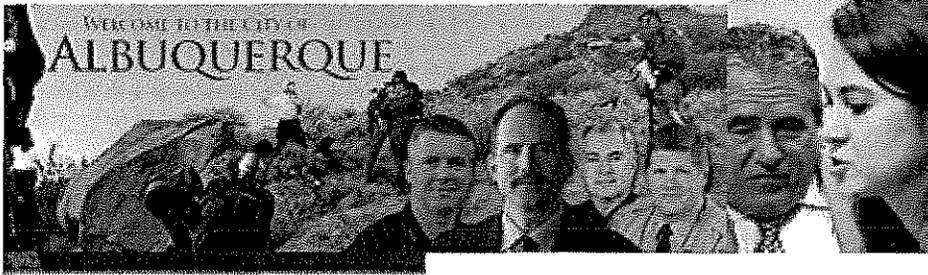
Disgusted-as are many

Silvio

For WE THE PEOPLE

296 3241

Not a homegrown NM guy-but someone who knows how different the world outside NM is.



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS  
CITY'S HISTORY**

# Ex-APD officer unmasking 'culture of aggression'

By Mike Bush / Journal Staff Writer PUBLISHED: Friday, March 6, 2015 at 12:05 am



Former Albuquerque police officer Samson Costales, left, makes a point during an appearance at the University of New Mexico on Thursday. Costales is outspoken about problems at APD. At right is UNM student Jack Cox, the event's moderator. (Roberto E. Rosales/Albuquerque Journal)

Years ago, former Albuquerque police officer Samson Costales used Mace to subdue a robbery suspect who was coming at him with a metal pipe.

The Mace worked. But another officer on the scene was dumbfounded, Costales said.

"Why didn't you shoot him?" he shouted.

Disgusted, the second officer threw the suspect into the back seat of a hot car.

A little later, back at the station, Costales gave the suspect, by then drenched with sweat, a Coke. As a result, officers teased him about the soft drink and chastised him for not shooting the man, "like it was an honor or something to kill them," he said.

Costales was responding to a question put to him by Jack Cox, a junior at the University of New Mexico who moderated a question-and-answer session with the retired officer Thursday.

About 70 people listened intently as Costales presented an insider's view of what the U.S. Department of Justice called a "culture of aggression" at the Albuquerque Police Department. It was that same culture that led to the department's investigation, which found an

unconstitutional use of excessive nonlethal and fatal force in 20 police shootings between 2009 and 2013.

Before Costales' talk at UNM, the APD issued a brief statement: "We respect everyone's right to have an opinion and share it with others. Our hope is that those who are most critical of our department will roll up their sleeves to be a part of the solution, in a productive manner."

Costales was invited to UNM by American Studies professor David Correia for a class on police violence and social control. Correia was arrested last June after he and a dozen other activists briefly occupied Mayor Richard Berry's office to protest police brutality. The charges were later dropped.

The federal investigation of the APD didn't include the six people killed by police officers since January 2014, including the shooting death of homeless camper James Boyd in the Sandia foothills in March, before the report was released.

"I think I just witnessed a murder," Costales recalled saying when he saw the video of the Boyd shooting.

Costales has spoken out against the APD before, including this year in a pair of scathing reports in two national magazines, *The New Yorker* and *Rolling Stone*.

He also testified against two Bernalillo County sheriff's deputies who arrested Al Unser Sr. in 2006, an event Costales described in great detail Thursday. The deputies twisted Unser's arm and threw him to the ground before arresting him, none of which was necessary or justifiable, he said.

After his testimony, he said, the police union posted a statement on its website calling him a rat and advising officers that, if he showed up at a scene, they should chase him away.

Since the DOJ report, Costales said he hears all the time about "the few bad apples" that mar the department's reputation.

In fact, he said, "there are more bad apples than good." And those good apples are afraid to come forward to report police wrongdoing, he said. Since the federal report last year, the APD has been "putting on a show for the DOJ," Costales said. "It's all window dressing."

TO: POC and Task Force on August 20, 2013 by Silvio Dell'Angela-Stop Police Atrocities NOW!-SPAN

FYI is a recent appeal sent out to all APD union officers in response to a recent Eye on Albuquerque.com posting. It was sent out to all APD/APOA union members by Shaun Willoughby -the current APOA VP and its Political Action Committee Chairman. The disgraceful Shaun pretends that another APD officer authored it. It was directed against all honest officers and retired APD Sergeant mayoral candidate Paul Heh who dared break Schultz's and now Banks' oppressive blue code of silence on former Union President Joey Sigala's misuse of APOA dues. One honest officer recipient disgusted with Shaun's "it's us against them" appeal for all to shut up, leaked it to the "Eye" and TV reporter. Note the misuse of grammar and failure to proofread.

Prior to last night's 8/19 Council meeting new Chief Banks apparently asked a number of Councilors who are the willing enablers of police misconduct like Janice Arnold Jones, Trudy Jones and others to honor APD officers for some routine actions. Among the officers recognized was the Leah Kelly-Acata, the shooter of a young man downtown who was only cutting himself with a six inch round-tip butter spreader. The former Leah Kelly-now married, has also been the subject of numerous citizen public complaints (CPC) to the POC and because no recordings were made she was always exonerated. I pointed out to these councilors that they never bother to honor returning military vets who truly put their lives at risk. I am a Vietnam vet.

The disgusting letter from this disgraceful cop/union officer follows:

*Disappointed board member. said...Hello,*

*I would like to say this to all officers.I would first like to voice my displeasure at the comments here and at work by officers against the APOA and it's staff present and past.*

*Everyone wants to judge what we do here. I am sick of it. I am sick of hearing you needy complaining officers bash us, the department, the city and it's leadership. You are all worthless. We work hard at keeping stability and you all do nothing but attack the place and tear it down. You all are the reason for things falling apart. Don't cry about how your money is spent when you all never show up for union meetings.*

*We know who is speaking out against us and you will see. All of you air our dirty laundry. Laundry that should be kept in house. You all give the community ammunition against us. You should know better. This liberal retarded band of vengeful activists called Albuquerque makes me sick. You are no better than them. These bunch of uneducated subhuman animals that constantly attack us, march against us and sue us for no other reason than to fill their greedy pockets so that they can buy more drugs to smoke up and shiny rims for their ghetto rides.*

*You have lost sight of the big picture. We should be backing eachother. For your information, it is us against them! Do half of these so called citizens have jobs? Probably not. They probably have EBT cards though. These entitled lowlifes have the guts to insult us in our house? But you all attack the APOA? As for money being stolen, that should have been handled in-house. There was no reason for that to get out. That was just plain stupid. Everyone here is angry and hateful. I will not standby and accept the trash talking just because we are not backing Paul. He should have left well enough alone. He decided to cross the blue line when he made complaint against a fellow board member. You don't turn on eachother. A rat is a rat. Period. Joey may have been a bonehead, but he was our bonehead. We could have taken care of it, but Paul had to be the hero and take the official route. This caused so much aggravation. Paul is also supported here. This is why we voted*

M005714

*not to support him. He betrayed us just as all of you shit talkers here do. You cry about representation. You don't deserve representation and he doesn't deserve support. Be happy you have jobs. If you don't like it, quit and join the jobless moochers called Vecinos United and the rest of the entitlement crowd sucking the city dry. Go join the crybabies and see if anyone cares. Just like all of you complainers, these worthless whiners will eventually lose interest when their circus loses it's followers.*

*In closing, I will say this, nothing is perfect and nobody said life was fair. Get over it! You all deserve what you get. Crybaby people constantly bitching about the police when they contribute nothing to society and cops who are snitches who sell out their own. Sleep in the bed you all made. We do our jobs. Shame is you all have no idea because you are never at a damn meeting.*

*Cheers!*

*August 18, 2013 at 4:57:00 PM MDT*

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VICE-PRESIDENT-OFFICER SHAUN WILLOUGHBY

---

o Committees: Political Action Committee (Chair)

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*I became a member of the Albuquerque Police Department in 2002. I have been a member of the Albuquerque Police Officers Association Executive Board for the past 4 years and held the position of CIB representative for 3 years prior to becoming the APOA Vice President in May of 2012. My primary goals in this first term is to bring the APOA to a more solid fiscal position by controlling spending and over hauling our By-Laws to protect the assets of the Association.*

*Second,I would like to see the APOA more proactive in the community, thus having a positive impact for the citizens we are sworn to protect.*

*Most importantly, I want to bring that sense of family back to this organization, I want our members to look upon this Association with prideful eyes knowing they have people they Trust in their corner when the time comes. Thank you for the honor and opportunity to serve those who devote their lives serving others.*

*Shaun T. Willoughby APOA Vice President*

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## Rialto, CA Police Made to Wear Cameras, Use of Force Drops by Over Two-Thirds

Chris | InformationLiberation

When cops in a Rialto, California were forced to wear cameras, their use of force dropped by over two-thirds. Additionally, the officers who were not made to wear the cameras used force twice as much as those who did.

This strongly suggests the majority of the time police use force is unnecessary. In other words, the majority of the time these officers used force they were simply committing acts of violence which they don't feel comfortable committing if it's captured on film.

HERE'S a fraught encounter: one police officer, one civilian and anger felt by one or both. Afterward, it may be hard to sort out who did what to whom.

Now, some police departments are using miniaturized video cameras and their microphones to capture, in full detail, officers' interactions with civilians. The cameras are so small that they can be attached to a collar, a cap or even to the side of an officer's sunglasses. High-capacity battery packs can last for an extended shift. And all of the videos are uploaded automatically to a central server that serves as a kind of digital evidence locker.

William A. Farrar, the police chief in Rialto, Calif., has been investigating whether officers' use of video cameras can bring measurable benefits to relations between the police and civilians. Officers in Rialto, which has a population of about 100,000, already carry Taser weapons equipped with small video cameras that activate when the weapon is armed, and the officers have long worn digital audio recorders.

But when Mr. Farrar told his uniformed patrol officers of his plans to introduce the new, wearable video cameras, "it wasn't the easiest sell," he said, especially to some older officers who initially were "questioning why 'big brother' should see everything they do."

He said he reminded them that civilians could use their cell phones to record interactions, "so instead of relying on somebody else's partial picture of what occurred, why not have your own?" he asked. "In this way, you have the real one." Last year, Mr. Farrar used the new wearable video cameras to conduct a continuing experiment in his department, in collaboration with Barak Ariel, a visiting fellow at the Institute of Criminology at the University of Cambridge and an assistant professor at Hebrew University.

Half of Rialto's uniformed patrol officers on each week's schedule have been randomly assigned the cameras, also made by Taser International. Whenever officers wear the cameras, they are expected to activate them when they leave the patrol car to speak with a civilian.

A convenient feature of the camera is its "pre-event video buffer," which continuously records and holds the most recent 30 seconds of video when the camera is off. In this way, the initial activity that prompts the officer to turn on the camera is more likely to be captured automatically, too.

THE Rialto study began in February 2012 and will run until this July. The results from the first 12 months are striking. Even with only half of the 54 uniformed patrol officers wearing cameras at any given time, the department over all had an 88 percent decline in the number of complaints filed against officers, compared with the 12 months before the study, to 3 from 24.

Rialto's police officers also used force nearly 60 percent less often -- in 25 instances, compared with 61. When force was used, it was twice as likely to have been applied by the officers who weren't wearing cameras during that shift, the study found. And, lest skeptics think that the officers with cameras are selective about which encounters they record, Mr. Farrar noted that those officers who apply force while wearing a camera have always captured the incident on video.

As small as the cameras are, they seem to be noticeable to civilians, he said. "When you look at an officer," he said, "it kind of sticks out." Citizens have sometimes asked officers, "Hey, are you wearing a camera?" and the officers say they are, he reported.

But what about the privacy implications? Jay Stanley, a senior policy analyst at the American Civil Liberties Union, says: "We don't like the networks of police-run video cameras that are being set up in an increasing number of cities. We don't think the government should be watching over the population en masse." But requiring police officers to wear video cameras is different, he says: "When it comes to the citizenry watching the government, we like that."

Mr. Stanley says that all parties stand to benefit -- the public is protected from police misconduct, and officers are protected from bogus complaints. "There are many police officers who've had a cloud fall over them because of an unfounded accusation of abuse," he said. "Now police officers won't have to worry so much about that kind of thing."

Not only should every police officer should be forced to wear one of these cameras, their videos should be freely uploaded for crowd-sourcing by the general public on YouTube. If privacy for the general public is a concern, they could blur people's faces a la` Google street view.

Police love to say if you're not doing anything wrong, what do you have to hide, yet all over

the nation police unions virulently fight calls to force them to wear cameras. Fact is, most cops have everything and more to hide.

Their job is to enforce criminally idiotic and anti-human laws written by criminal politicians, from the drug laws to thousands of idiotic regulations on the books, their job is no longer to arrest violent criminals and thieves but to aggress against non-violent, non-criminals -- which turns them into criminals themselves.

Rather than focus on fighting crime, the majority of the millionaire cop next door's work consists of extorting the general public for cash. For example, speed limits have been shown to have no effect on road safety, yet when the speed limit is 65 instead of 55, revenue for cops drops dramatically, hence most places the speed limit is 55, of course the general public still drives 70 regardless.

Think for a minute how idiotic their speeding laws are. It's called a "speed limit," yet everyone drives over them by at least a few miles per hour, this turns everyone into a so-called "criminal." Police can then pull anyone over and shake them down for cash as a result, though because people get outraged and it makes the news if they ticket people for driving just a few mph over the limit, they generally only shake down people driving 10 mph and above over the limit. Hence the limits are set artificially low. Meanwhile, at the same time, almost every time you see a cop driving on the road they're speeding and weaving around like a lunatic. These are stupid, idiotic laws, but of course, they were not written to be rational and uphold order, they were written to extort the general public of their hard earned money.

Fact is, these days if any average person actually saw what the average cop does all day they'd be shocked and appalled. In fact, when they see glimpses of how police act when they're killing people's dogs and shooting unarmed woodcarvers they are shocked and appalled, they just don't realize these are not "isolated incidents" but instead the rule.

—  
Chris runs the website [InformationLiberation.com](http://InformationLiberation.com), you can read more of his writings [here](#). Follow infolib on twitter [here](#).

**From:** Edward via Dropbox  
**To:** Joanne Fine  
**Subject:** Edward Harness sent you "CRC Chair"  
**Date:** Monday, October 26, 2015 9:02:08 AM

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Edward shared some files with you on Dropbox

*"Good morning Joanne and Leonard. I am send this link to you again. It is the same link that I sent a few moments ago. I had to change the drop box to Ed's name. Sorry for the confusion.*

*Michelle"*



CRC Chair

[View files](#)

© 2015 Dropbox, PO Box 77767, San Francisco, CA 94107

M005719

**From:** [spamadmin@cabq.gov](mailto:spamadmin@cabq.gov)  
**To:** [POB IPRA](#)  
**Subject:** End User Digest: 1 New Message  
**Date:** Friday, July 03, 2015 7:11:40 AM  
**Attachments:** [logo.png](#)

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<a href="#">View</a> <a href="#">Release</a> <a href="#">Safelist</a>	0	<a href="mailto:mcellhiney@nacole.org">mcellhiney@nacole.org</a>	NACOLE Weekly Digest

For more information contact the Service Desk.

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**To:** [POB](#)  
**Subject:** End User Digest: 1 New Message  
**Date:** Thursday, August 13, 2015 7:06:13 AM  
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<a href="#">View</a> <a href="#">Release</a> <a href="#">Safelist</a>	0	<a href="mailto:invitations@linkedin.com">invitations@linkedin.com</a>	Charles Grapski's invitation is awaiting your response

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<a href="#">View</a> <a href="#">Release</a> <a href="#">Safelist</a>	0	<a href="mailto:invitations@linkedin.com">invitations@linkedin.com</a>	Charles Grapski's invitation is awaiting your response

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**Date:** Thursday, October 29, 2015 7:13:14 AM  
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<a href="#">View</a> <a href="#">Release</a> <a href="#">Safelist</a>	0	<a href="mailto:buchner@nacole.org">buchner@nacole.org</a>	Announcement from the NACOLE Board of Directors

For more information contact the Service Desk.

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**Subject:** End User Digest: 1 New Message  
**Date:** Friday, October 30, 2015 7:14:03 AM  
**Attachments:** [logo.png](#)

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**Subject:** End User Digest: 1 New Message  
**Date:** Thursday, July 16, 2015 7:12:44 AM  
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<a href="#">View</a> <a href="#">Release</a> <a href="#">Safelist</a>	0	<a href="mailto:mcellhiney@nacole.org">mcellhiney@nacole.org</a>	NACOLE Digest for July 15, 2015

For more information contact the Service Desk.

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Quarantine			
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<a href="#">View</a> <a href="#">Release</a> <a href="#">Safelist</a>	0	mcellhiney@nacole.org	IMPORTANT Information Regarding 2015 Annual NACOLE Conference

For more information contact the Service Desk.

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**To:** POB  
**Subject:** End User Digest: 1 New Message  
**Date:** Friday, July 24, 2015 7:05:40 AM  
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Quarantine			
	Score	From	Subject
<a href="#">View</a> <a href="#">Release</a> <a href="#">Safelist</a>	0	cabq.pob.mohr@gmail.com	Fwd: IMPORTANT Information Regarding 2015 Annual NACOLE Conference

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**Subject:** End User Digest: 1 New Message  
**Date:** Monday, July 27, 2015 7:13:54 AM  
**Attachments:** [logo.png](#)



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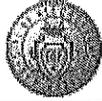
Quarantine			
	Score	From	Subject
<a href="#">View</a> <a href="#">Release</a> <a href="#">Safelist</a>	0	<a href="mailto:cabq.pob.mohr@gmail.com">cabq.pob.mohr@gmail.com</a>	Fwd: IMPORTANT Information Regarding 2015 Annual NACOLE Conference

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**To:** [POB IPRA](#)  
**Subject:** End User Digest: 1 New Message  
**Date:** Friday, July 31, 2015 7:12:19 AM  
**Attachments:** [logo.png](#)

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Quarantine			
	Score	From	Subject
<a href="#">View</a> <a href="#">Release</a> <a href="#">Safelist</a>	0	<a href="mailto:mcellhiney@nacole.org">mcellhiney@nacole.org</a>	Only Two Days Left to Receive Early Registration Discount

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**To:** POB  
**Subject:** End User Digest: 1 New Message  
**Date:** Friday, July 31, 2015 7:06:03 AM  
**Attachments:** logo.png



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<a href="#">View</a> <a href="#">Release</a> <a href="#">Safelist</a>	64	Dellansi@comcast.net	Kudos to you Chief

For more information contact the Service Desk.

Powered by Proofpoint Protection Server

**From:** [spamadmin@cabq.gov](mailto:spamadmin@cabq.gov)  
**To:** [POB](#)  
**Subject:** End User Digest: 1 New Message  
**Date:** Tuesday, August 04, 2015 7:05:24 AM  
**Attachments:** [logo.png](#)

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**End User Digest: 1 New Message  
For POB ([pob@cabq.gov](mailto:pob@cabq.gov))**

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The emails listed below have been placed in your personal Quarantine since you received your last End User Digest. They will be deleted after 28 days. To deliver an email to your inbox, click on Release. To deliver an email to your inbox and add the email sender to your Safe Senders List, click on Safelist. This ensures that no emails from that sender will be blocked in the future.

[Request New End User Digest](#) [Request Safe/Blocked Senders List](#) [Manage My Account](#)

Quarantine			
	Score	From	Subject
<a href="#">View</a> <a href="#">Release</a> <a href="#">Safelist</a>	0	<a href="mailto:Dellansi@comcast.net">Dellansi@comcast.net</a>	Our disgraceful-cowardly- P.C. Mayor

For more information contact the Service Desk.

Powered by Proofpoint Protection Server

**From:** [spamadmin@cabq.gov](mailto:spamadmin@cabq.gov)  
**To:** [POB](mailto:POB)  
**Subject:** End User Digest: 1 New Message  
**Date:** Friday, August 07, 2015 7:06:23 AM  
**Attachments:** [logo.png](#)

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**End User Digest: 1 New Message  
For POB ([pob@cabq.gov](mailto:pob@cabq.gov))**

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The emails listed below have been placed in your personal Quarantine since you received your last End User Digest. They will be deleted after 28 days. To deliver an email to your inbox, click on Release. To deliver an email to your inbox and add the email sender to your Safe Senders List, click on Safelist. This ensures that no emails from that sender will be blocked in the future.

[Request New End User Digest](#) [Request Safe/Blocked Senders List](#) [Manage My Account](#)

Quarantine			
	Score	From	Subject
<a href="#">View</a> <a href="#">Release</a> <a href="#">Safelist</a>	0	messages-noreply@linkedin.com	I'd like to add you to my professional network on LinkedIn

For more information contact the Service Desk.

Powered by Proofpoint Protection Server

**From:** [spamadmin@cabq.gov](mailto:spamadmin@cabq.gov)  
**To:** [POB IPRA](#)  
**Subject:** End User Digest: 1 New Message  
**Date:** Monday, July 06, 2015 7:12:48 AM  
**Attachments:** [logo.png](#)



**End User Digest: 1 New Message  
For POBIPRA ([pobipra@cabq.gov](mailto:pobipra@cabq.gov))**

The emails listed below have been placed in your personal Quarantine since you received your last End User Digest. They will be deleted after 28 days. To deliver an email to your inbox, click on Release. To deliver an email to your inbox and add the email sender to your Safe Senders List, click on Safelist. This ensures that no emails from that sender will be blocked in the future.

[Request New End User Digest](#) [Request Safe/Blocked Senders List](#) [Manage My Account](#)

Quarantine			
	Score	From	Subject
<a href="#">View</a> <a href="#">Release</a> <a href="#">Safelist</a>	0	noreply-7b7bf5e0@plus.google.com	Top suggested Google+ Pages for you

For more information contact the Service Desk.

Powered by Proofpoint Protection Server

**From:** [Beth Mohr](#)  
**To:** [Mark T. Baker](#); [Hults, Samantha M.](#); [Hernandez, Jessica M.](#); [Jacobi, Jenica L.](#); [Joanne Fine](#); [Eric H. Cruz](#); [Leonard Waites](#); [Scott S. Wilson](#); [susanne.brown37@gmail.com](mailto:susanne.brown37@gmail.com); [Jeannette V. Baca](#); [David Ring](#); [Molra Amado-McCoy](#)  
**Subject:** Executive Director Search - Final Group of Applicants  
**Date:** Monday, July 20, 2015 5:35:42 PM  
**Attachments:** [CPOA Director Application w-Cover Letter Resume Dawn M Raynolds.pdf](#)  
[CPOA Director Application Robin Hammer - w-resume.pdf](#)  
[CPOA Director Application Nan E Erdman - w- resume.pdf](#)  
[CPOA Director Application Micheal Timm w-resume and writing assignment.pdf](#)  
[CPOA Director Application Karen K Summers.pdf](#)  
[CPOA Director Application James Richard Brown.pdf](#)  
[CPOA Director Application Edna Frances Sprague.pdf](#)  
[CABQ HR - CPOA Director Applicant Summary - as of 7-20-2015.xlsx](#)

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All: Enclosed please find the final group of applicants to the POB for the CPOA Executive Director position. As I said in the last POB meeting, New Mexico is a last minute kind of place, and we did receive several applications on the final day. Overall, I am very pleased with the quality of our applicant pool. Some of the most recent applicants have not yet had a chance to submit their writing assignment, we have asked for those by June 23rd, but will accept them until July 25th.

On June 24th, at 1:30 at the Plaza del Sol, the Personnel Subcommittee will meet in a public meeting, and place the applicants in "yes", "maybe" or "no" piles, based on their applications, writing assignments, resume and cover letter, and references, or any other materials they have provided. If writing assignments have not been completed, the applicant will be considered without that piece; if any of those candidates are invited to be interviewed, their writing assignments must be provided on or before July 25th, and will be distributed to the POB.

The Personnel Subcommittee will then decide which groups of applicants will be invited to be interviewed on July 29th at the special POB meeting. We may decide to invite all the "yes" and "maybe" candidates, or possibly just the "yes" candidates, depending on the number of candidates in each group, as well as other factors.

Don't worry about printing any of these now; I will send out a complete set of final documents that you can print for the POB meeting on July 29th. If any of you cannot print documents yourself, let me know and I will get them printed for you myself. We cannot ask the CPOA office to print these for us.

I would welcome your attendance at the Personnel Subcommittee meeting. Please call me with any questions. 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.

CPOA Director Applicant Summary Status Date 7/14/2015

Application Received	Met Minimum Qualifications	Resume Received	Cover Letter Received	Sent Writing Assignment	Returned Writing Assignment	Withdraw
Strassberg, Herbert	Yes	Yes	No	6/19/2015	6/22/2015	
Grubestic, John	Yes	No	No	6/19/2015	6/24/2015	
Lind, Niva	Yes	Yes	No	6/19/2015	6/30/2015	
Brown, Bradley	Yes	No	No	6/26/2015	7/1/2015	
Harness, Edward	Yes	No	No	6/26/2015	7/1/2015	
Petruceffi, Julia	Yes	Yes	Yes	6/26/2015	7/1/2015	
Bradley, Duncan	Yes	No	Yes	7/2/2015	7/7/2015	
Otten, Robin Dozier	Yes	No	No	7/2/2015	7/10/2015	
Rowland, Jay	Yes	No	No	7/9/2015	7/13/2015	
Burrill, Jennifer	Yes	No	No	7/9/2015	7/14/2015	
Dabney, Philip	Yes	No	No	7/9/2015	7/14/2015	Unavailable 7/29
DeForest, Denise	Yes	Yes	Yes	7/9/2015	7/14/2015	
Lopez, Stephanie	Yes	Yes	No	7/9/2015	7/14/2015	
Timm, Michael	Yes	Yes	No	7/13/2015	7/18/2015	
Brown, James Richard	Yes	No	No	7/20/2015	Due 7/25/2015	
Hammer, Robin	Yes	Yes	No	7/20/2015	Due 7/25/2015	
Reynolds, Dawn	Yes	Yes	Yes	7/20/2015	Due 7/25/2015	
Sprague, Edna Frances	Yes	No	No	7/20/2015	Due 7/25/2015	
Erdman, Nan	Yes	Yes	No	7/13/2015	No response	
Gansallo, Africa	Yes	Yes	Yes	6/19/2015	No response	
Hone, Jay	Yes	No	No	7/9/2015	No response	
Salazar, Anthony	Yes	Yes	No	6/19/2015	No response	
Stansbury, Roger	Yes	Yes	No	6/26/2015	No response	
Alvarado, Jorge	Yes	No	No	7/2/2015	Withdraw	7/5/2015
Gardner, Sandra	Yes	Yes	No	6/26/2015	Withdraw	7/1/2015
Romero, Jennifer	Yes	No	No	7/2/2015	Withdraw	7/8/2015
Summers, Karen	Yes	Yes	Yes	7/13/2015	Withdraw	7/17/2015
DeFrancesco, Gregory	No	NA	NA	NA	NA	
DeSantis, Alexander	No	NA	NA	NA	NA	
Moore, Ricardo	No	NA	NA	NA	NA	
Ortega, Johnny	No	NA	NA	NA	NA	
Simpson, Jeremy	No	No	No	NA	NA	

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 9772603**

Name: Dawn M. Reynolds Address: [REDACTED] Dallas, Oregon 97338  
Home Phone: [REDACTED] Alternate Phone:  
Email: [REDACTED] Notification Preference: Email  
Former Last Name: Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, Oregon , Class C  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

**Preferences**

Preferred Salary: \$100,000.00 per year  
Are you willing to relocate? Yes  
We would require moving expenses from Oregon state to New Mexico.  
Types of positions you will accept: Regular  
Types of work you will accept: Full Time  
Types of shifts you will accept: Day , Evening , Weekends

**Objective**

**Education**

**Professional**  
*University of Idaho College of Law*  
8/1989 - 6/1992  
Moscow, Idaho  
Did you graduate: Yes  
College Major/Minor: Art and Science of Advocacy  
Units Completed: 6 Semester  
Degree Received: Professional

**Professional**  
*Washington State University*  
8/1984 - 6/1985  
Pullman, Washington  
Did you graduate: Yes  
College Major/Minor: Teaching Certification  
Units Completed: 2 Semester  
Degree Received: Professional

**Graduate School**  
*University of Washington*  
7/1976 - 6/1978  
Seattle, Washington  
Did you graduate: Yes  
College Major/Minor: English Literature  
Units Completed: 12 Quarter  
Degree Received: Master's

**Graduate School**  
*University of Washington*  
[Unspecified Start] - 1978  
Seattle, Washington  
Did you graduate: Yes  
College Major/Minor: English Literature  
Degree Received: Master's

**College**  
*University of Washington*  
9/1974 - 6/1976  
Seattle, Washington  
Did you graduate: Yes  
College Major/Minor: English Literature and Fine Arts  
Degree Received: Bachelor's

**College**  
*University of Washington*  
Did you graduate: Yes  
College Major/Minor: English

9/1974 - 5/1976  
Seattle, Washington

Literature & Fine Arts/Geology  
Degree Received: Bachelor's

**Work Experience**

**Vice President**  
5/2010 - Present

Elite Performance Assessment Consultants, LLC  
Thousand Oaks, California 91362  
805-231-2836

Hours worked per week: 40  
Monthly Salary: \$5,000.00  
# of Employees Supervised: 3  
Name of Supervisor: Randy  
Khatami - President  
May we contact this employer?  
Yes

**Duties**

Elite Performance Assessment Consultants (EPAC) provides performance audit services and training to public safety and law enforcement agencies to reduce risk and liability, improve performance and build community trust. EPAC plans, performs and analyzes risk assessments of existing law enforcement agencies and conducts site specific audits and reviews. Provides in-depth analysis of public safety training, policies and practices.

1

Works with clients to plan and design instruments and conduct performance audits which conform to Generally Accepted Government Auditing Standards (GAGAS) established by the federal government. Provides professional training, teaches as a Certified Instructor with the California Police Officers Safety and Training (POST) and the Robert Presley Institute for Criminal Investigation (ICI. Courses include Preparation for Court, Presenting Testimony and Evidence, and Managing Risk and Liability.

**Reason for Leaving**

Still with them.

**Partner**  
5/2010 - 5/2010

Brissenden & Reynolds, Attorneys at Law, LLC  
Eugene, Oregon

Hours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this  
employer?

**Duties**

Developed instruments for measuring internal affairs investigations and their outcomes to increase objectivity, transparency and accountability. Worked closely with a Civilian Review Board to identify areas of police training and policy that needed to be addressed. Monitored and reviewed internal affairs investigations to improve thoroughness and objectivity. Managed the process by which civilians complained about police performance and conduct and ensured the process was open to as many people as possible. Conducted interviews, performed research into applicable legal standards and best practices. Analyzed data, prepared reports to managers, commissions, local policy makers and the public.

**Project Director**  
1/1986 - 5/1988

International Agricultural Trade Program, Washington State  
University  
Washington State University  
Pullman, Washington 99163

Hours worked per week: 40  
Monthly Salary: \$3,000.00  
# of Employees Supervised: 5  
Name of Supervisor: Bob  
Thomas - Director  
May we contact this employer?  
Yes

**Duties**

to 1988.  
Obtained funding and developed a series of teleconferences on international agricultural trade. Designed and implemented programs that represented the first use of multiple satellites to link separate conference broadcast sites. Live, interactive conversations between experts (including the U.S. Secretaries of State and Agricultures) on separate panels at

Washington State, the University of Nebraska and the University of Georgia, were broadcast to a national audience which could call in with questions.  
Assistant General Manager: Washington State University, Educational

**Reason for Leaving**

The project was completed and my husband and I went on sabbatical.

**Assistant Manager**

9/1984 - 5/1986

Telecommunications and Technology, Edward R. Murrow  
Communications  
Washington State University  
Pullman, Washington 99165

Hours worked per week: 40  
Monthly Salary: \$2,500.00  
# of Employees Supervised: 50  
Name of Supervisor: Dennis Haarsager - Manager  
May we contact this employer?  
Yes

**Duties**

of a staff of fifty full-time and one hundred fifty part-time employees.

Lead a management team in developing long-range goals for public radio and television and development of the statewide Washington Educational Telecommunications Systems.

Prepared and negotiated contracts related to the development of a regional microwave system for the long-distance learning system.

Coordinated student training opportunities within the department.

3

Prepared grant applications and consulted on the development of radio and television programming and development.

**Reason for Leaving**

to direct a grant project

**Community Relations Director**

1/1981 - 8/1984

Bellevue College  
3000 Landerholm Cir SE  
Bellevue, Washington 98007  
(425) 564-1000

Hours worked per week: 40  
Monthly Salary: \$4,000.00  
# of Employees Supervised: 3  
Name of Supervisor: Paul Thompson - President  
May we contact this employer?  
Yes

**Duties**

Member of the five-person senior management team responsible for all internal and external media management, lobbying state and local governments, and fund-raising.

Worked to ensure healthy labor and employment relationships among administration, staff and faculty as well as promote student concerns and support the needs of the Board of Directors.

Initiated the BC Foundation.

Principal writer and editor of \$900,000.00 grant benefiting a cooperative program for a consortium of community colleges in the Puget Sound area.

Solicited the first educational grant awarded by the Microsoft Corporation.

Organized a statewide conference bringing together 500 participants and leaders from Labor, Business and Education, and initiated a statewide survey to determine attitudes and awareness of the community college system within the state.

**Reason for Leaving**

Married and moved to Pullman, Washington

**Certificates and Licenses**

Type: Licensed in Oregon

Number: [REDACTED]

Issued by: Oregon State Bar Association

Date Issued: 6 /2004 Date Expires:

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Type: Teaching Certification , K-12, Washington State University,  
Pullman, Washington, Honors

Number:

Issued by: Washington State University

Date Issued: 6 /2004 Date Expires:

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Type: Current Certifications: Certified Law Enforcement Auditor  
(CLEA), Certified Instructor

Number:

Issued by: International Law Enforcement Auditors Association

Date Issued: 8 /2010 Date Expires:

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Type: Certified Civilian Oversight Practioner

Number:

Issued by: National Association for Civilian Oversight of Law Enforcement (NACOLE)

Date Issued: 9 /2009 Date Expires: 9 /2016

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Type: Certified Civilian Oversight Practitioner (NACOLE)

Number:

Issued by: National Association for Civilian Oversight of Law Enforcement

Date Issued: 9 /2011 Date Expires: 9 /2018

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Type: Alternative Dispute Resolution, University of Washington

Number:

Issued by: University of Washington Law School

Date Issued: 2 /1996 Date Expires:

---

Type: License to Practice Law

Number: [REDACTED]

Issued by: Washington State Bar Association (originally Washington Supreme Court)

Date Issued: 11 /1992 Date Expires:

---

Type: License to Practice in Federal Court

Number:

Issued by: US Federal District Court Washington

Date Issued: 6 /1994 Date Expires:

---

Type: Federal Court Oregon

Number:

Issued by: US Federal District Court- Oregon

Date Issued: 2 /2004 Date Expires:

---

Type: License to Practice in US Supreme Court

Number:

Issued by: US Supreme Court

Date Issued: 6 /2006 Date Expires:

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**Skills**

Office Skills

Typing: 60

Data Entry: 0

**Additional Information**

Professional Associations

Washington State Bar Association (inactive)

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Professional Associations

Oregon State Bar Association, former Board of Governors

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Professional Associations

Professional Memberships & Service: : Board of Directors Member for the National

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Professional Associations

Association for Civilian Oversight of Law Enforcement (NACOLE) Chair of the Strategic Planning

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Professional Associations

International Law Enforcement Auditors Association (ILEAA); Federal Bar Association, Oregon

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Professional Associations

Civil Rights; Past: Oregon Bar Association: Board of Governors, President Polk County Bar

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Professional Associations

Association; American Civil Liberties Union-Washington Affiliate, Member, Board of Directors

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Professional Associations

Diocesan Council for the Episcopal Diocese of Oregon including the Vision Committee

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Honors & Awards

Juris Doctor, 1992, University of Idaho College of Law, Moscow Idaho. Honors-- International Trial Lawyers Association

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Honors & Awards

University of Washington, BA and MA summa cum laude

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Technical

Excellent legal research skills.

**References**

Professional

**Brissenden, Richard**

Attorney

134 E 19th Avenue

Eugene, Oregon 97401

541-344-5102

[rick@justicesalem.com](mailto:rick@justicesalem.com)

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Professional

**Beamud, Cristina**

Executive Director--Civilian Investigative Panel

970 SW 1st St. Suite 305

Miami, Florida 33130

404-323-2312

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Professional

**Wilkinson, Kate**

Director of Litigation Services - Oregon School Boards Association  
201 Court St NE PO Box 1068  
Salem , Oregon 97308

**Resume**

**Text Resume**

**Attachments**

Attachment	File Name	File Type
15.07.15Al.NMcover Letter.pdf	15.07.15Al.NMcover Letter.pdf	Cover Letter
2015.Dawn.Reynolds.Resume.pdf	2015.Dawn.Reynolds.Resume.pdf	Resume

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: University of Idaho, College of Law  
Moscow, ID

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: Oregon

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**5. Q:** How many years of management experience do you possess related to this position?

A: 6 or more years

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**6. Q:** Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

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**7. Q:** Briefly describe your experience in criminal investigation.

A: I have worked as a prosecutor and public defender requiring the review of thousands of pages of reports. I have worked with law enforcement officers to advise them on issues of evidence and relevancy. As a member of the federal criminal appeals panels in Oregon and Washington, I have reviewed thousands of reports and challenged them. I have taught a California POST course for investigators on presenting evidence in court proceedings and I have taught Criminal Procedure at to CJ majors at Washington State University. As a trained police auditor I have designed, conducted and analyzed systemic audits of police internal affairs investigations as well as IA policies and training programs.

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**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: I have represented clients before administrative agencies ranging from land use boards to hearings before ALJ's on employment, health and human services and public utilities. I am detail oriented and have the ability to understand the substantive and procedural standards specific to individual agencies. I received 40 hours training to serve as a judge while practicing in Washington State and worked in municipal courts and circuit courts in cases involving traffic, misdemeanors, code violations and domestic violence.

**Dawn M. Reynolds, JD, CLEA, CPO**  
**Elite Performance Assessment Consultants, LLC**

[REDACTED]  
Email: [REDACTED]

**Education:**

**Juris Doctor**, 1992, University of Idaho College of Law, Moscow Idaho. Honors-- International Trial Lawyers *"Distinguished Achievement in the Art and Science of Advocacy."*

**Teaching Certification** 1985, K-12, Washington State University, Pullman, Washington, Honors.

**Master of Arts**, English Literature, 1978, University of Washington, Seattle, Washington, *summa cum laude*.

**Bachelor of Arts**, English Literature and Fine Arts, 1976, University of Washington, Seattle, Washington, *summa cum laude*.

**Summary of Qualifications:**

- Over twenty-five years experience as an attorney in both the public and private sector with significant experience in public administration and as a performance auditor.
- Licensed in Oregon, Washington (inactive), Federal District Court, the Ninth Circuit and the US Supreme Court.
- Analytical, organized, innovative and possess the necessary judgment, objectivity and integrity to work effectively in achieving solutions and results.
- Excellent research and investigative skills.
- Management, administrative and long-range planning experience.
- Communications and outreach experience for higher education and municipal government.

**Professional Experience:**

**Current: Vice President, Elite Performance Assessment Consultants, LLC:** (May 2010-present).

- Elite Performance Assessment Consultants (EPAC) provides performance audit services and training to public safety and law enforcement agencies to reduce risk and liability, improve performance and build community trust.
- EPAC plans, performs and analyzes risk assessments of existing law enforcement agencies and conducts site specific audits and reviews.
- Provides in-depth analysis of public safety training, policies and practices.

- Works with clients to plan and design instruments and conduct performance audits which conform to Generally Accepted Government Auditing Standards (GAGAS) established by the federal government.
- Provides professional training, teaches as a Certified Instructor with the California Police Officers Safety and Training (POST) and the Robert Presley Institute for Criminal Investigation (ICI. Courses include Preparation for Court, Presenting Testimony and Evidence, and Managing Risk and Liability.

**Partner, Brissenden & Reynolds, Attorneys at Law, LLC: Current**

The firm provides general counsel to families, small businesses and non-profits, as well as direct representation in state, tribal and federal court. Ms. Reynolds specializes in Elder Law and Estate Planning.

**May 2008-May 2010 Deputy Police Auditor/Interim Auditor, City of Eugene, Oregon.**

- Developed instruments for measuring internal affairs investigations and their outcomes to increase objectivity, transparency and accountability.
- Worked closely with a Civilian Review Board to identify areas of police training and policy that needed to be addressed.
- Monitored and reviewed internal affairs investigations to improve thoroughness and objectivity.
- Managed the process by which civilians complained about police performance and conduct and ensured the process was open to as many people as possible.
- Conducted interviews, performed research into applicable legal standards and best practices.
- Analyzed data, prepared reports to managers, commissions, local policy makers and the public.

**Relevant Licenses:**

Current Licenses Held: Oregon State Bar Association, Federal Bar Association, U.S. Supreme Court; Washington State Bar Association (inactive),

**Relevant Certifications:**

Current Certifications: Certified Law Enforcement Auditor (CLEA), Certified Instructor for the California Commission on Police Officers Standards and Training (POST). Certified Police Oversight Practitioner (NACOLE); Alternative Dispute Resolution, University of Washington College of Law.

**Attorney—Private Practice. November 1992-May 2008.**

- Advised and represented clients, non-profit groups and public agencies in local, state and federal court and before a range of regulatory agencies.
- Served as Assistant City Attorney for Monmouth, Oregon and Dallas, Oregon and as an attorney for the Confederated Tribes of the Colville Reservation, Washington and the Coeur d'Alene Tribe in Idaho.

- Cleared large (2,000 +) backlogs of civil and criminal cases in the Dallas and Monmouth municipal courts
- Assisted in rewriting municipal and tribal codes in the areas of land use, criminal proceedings and child welfare. Was successful in codifying the right to counsel on the Coeur d'Alene reservation.
- Worked as a cooperating attorney for the American Civil Liberties Union in Washington and in Idaho.
- Represented clients on a variety of issues relating to free speech, employment discrimination based on sexual orientation, disabilities and gender and denial of due process.
- As a member of the Federal Bar Association and member of the Federal Appeals Panels for both Washington and Oregon, represented indigent criminal defendants in US District Court and in the Ninth Circuit in complex federal criminal and habeas appeals.
- Six years (1993-1999) as a Municipal Court Judge and Judge Pro Tem in Washington and completed 40 hours of training for sitting judges in that state. Completed 40 hours Mediation training at the University College of Law and 40 hours training for professional guardians in Washington State.
- Adjunct faculty at the University of Idaho's Law School and Washington State University's Criminal Justice Program. The courses included Criminal Procedure, Indian Law and Alternative Dispute Resolution.

**Relevant Administrative Experience:**

**Project Director:** International Agricultural Trade Program, Washington State University, College of Agriculture, Pullman, Washington. 1986 to 1988.

- Obtained funding and developed a series of teleconferences on international agricultural trade.
- Designed and implemented programs that represented the first use of multiple satellites to link separate conference broadcast sites. Live, interactive conversations between experts (including the U.S. Secretaries of State and Agriculture) on separate panels at Washington State, the University of Nebraska and the University of Georgia, were broadcast to a national audience which could call in with questions.

**Assistant General Manager:** Washington State University, Educational Telecommunications and Technology, Edward R. Murrow Communications, Pullman, Washington. (1984 to 1986.)

- Responsible for management of a staff of fifty full-time and one hundred fifty part-time employees.
- Lead a management team in developing long-range goals for public radio and television and development of the statewide Washington Educational Telecommunications Systems.
- Prepared and negotiated contracts related to the development of a regional microwave system for the long-distance learning system.
- Coordinated student training opportunities within the department.

- Prepared grant applications and consulted on the development of radio and television programming and development.

**Community Relations Director:** Bellevue College (formerly Bellevue Community College), Community Relations, Bellevue, Washington. (1981-1984).

- Member of the five-person senior management team responsible for all internal and external media management, lobbying state and local governments, and fund-raising.
- Worked to ensure healthy labor and employment relationships among administration, staff and faculty as well as promote student concerns and support the needs of the Board of Directors.
- Initiated the BC Foundation.
- Principal writer and editor of \$900,000.00 grant benefiting a cooperative program for a consortium of community colleges in the Puget Sound area.
- Solicited the first educational grant awarded by the Microsoft Corporation.
- Organized a statewide conference bringing together 500 participants and leaders from Labor, Business and Education, and initiated a statewide survey to determine attitudes and awareness of the community college system within the state.

**Relevant Skills:** Certified Mediator, Oversight Practitioner, Law Enforcement Auditor, Proficient in legal research and writing.

**Computer Skills:** Proficient in the use of Microsoft Word, Excel and PowerPoint;

**Professional Memberships & Service:** Current: Board of Directors Member for the National Association for Civilian Oversight of Law Enforcement (NACOLE) Chair of the Strategic Planning Committee, Member and/or past member: Finance, Professional Standards Committee, Best Practices Committee and Newsletter Committee. Established ongoing legal training for professional oversight practitioners, led the effort to produce a complete set of policies and procedures for the operation and governance of the organization, developed FAQs and answers for the organization to use in assisting communities looking to develop or improve oversight programs; working to develop definitions for terms frequently used in oversight; developing oversight training modules for use in local and regional training.

International Law Enforcement Auditors Association (ILEAA); Federal Bar Association, Oregon Bar Association, Washington Bar Association, American Bar Association: Criminal Law, State and Civil Rights; Past: Oregon Bar Association: Board of Governors, President Polk County Bar Association; Member, Lane County Bar Association; Washington Bar Association: Access to Justice Committee, President-Whitman County Bar Association, Washington Trial Lawyers Association; American Civil Liberties Union-Washington Affiliate, Member, Board of Directors (Nine Years) and cooperating attorney.

Presenter:     Legal Standards in Law Enforcement (established as an annual panel for NACOLE)  
                  The Auditor/Civilian Review Board Model of Oversight  
                  The Use of Systemic Audits in Oversight (Moderator)  
                  Community Policing and Oversight (Moderator)  
                  Strengthening Oversight (Presenter)  
                  Legal Standards in Auditing Law Enforcement Agencies  
                  Building Transparency & Accounting in Law Enforcement through Auditing

**Community Service:** Board member for A Gift of Time, a non-profit that provides respite care for individuals responsible for meeting the ongoing special needs of family members; Mentor at Whitworth Elementary in Dallas, Oregon. Past: Board Member (five years) for the Polk County Community Development Corporation, a non-profit agency that develops and manages a \$5,000,000.00 investment in housing for low-income individuals in Polk County; Board Member of the Diocesan Council for the Episcopal Diocese of Oregon including the Vision Committee; Polk County Master Gardeners, Commissioner—appointed for two terms, Washington State Department of Fish and Wildlife setting policy and adopting rules affecting fish, wildlife and habitat in Washington State; Board of Directors for the Whitman County United Way; Pullman Parent Teacher Association Governing Council, Pullman Kiwanis Board of Directors; Officer for Fortnightly Book Club. Coach: WSU synchronized swim club, “Fish Fans.”

**Hobbies/Recreation:** Walking, hiking, kayaking, canoeing, swimming, yoga, piano (badly), gardening, and reading.

Dawn M. Reynolds, JD

██████████  
Dallas, OR 97338

Cell: (██████████) Email ██████████

July 16, 2015

City of Albuquerque  
400 Marquette N.W.  
Albuquerque, New Mexico, 87103200 E. Santa Clara, Second Floor Wing

Re: Interest in the Civilian Police Oversight Agency Director Position

I am writing with regard to the Civilian Police Oversight Agency Director position for the City of Albuquerque. Attached is a copy of my resume.

Licensed Attorney: I am a licensed attorney with 25 years of experience in areas relevant to police oversight including civil rights, criminal law and administrative law. I am currently licensed in Oregon, federal court, and the US Supreme court. I am also licensed in the state of Washington but am now inactive. I have served as an attorney for three federally recognized Indian Tribes, the Coeur d'Alene Tribe, the Confederated Tribes of the Colville and the Confederated Tribes of the Grand Ronde—working primarily on criminal cases, but also advising on issues relating to the Indian Child Welfare Act and Natural Resources. My work with Indian tribes also required coordinating with multiple jurisdictions.

Relevant Volunteer Experience in Improving Standards in Civilian Oversight: I have been an active member of the National Association for Civilian Oversight of Law Enforcement (NACOLE) and have served on its Board of Directors since 2012. I have served on the Professional Standards Committee, the Finance Committee and have chaired the Strategic Planning Committee since 2012. In that capacity I helped initiate the first scholarly symposium on police oversight held in conjunction with the College of Law at Seattle University in February 2015. As a leader in NACOLE I have been responsible for creating comprehensive policies and procedures for the NACOLE organization, developing a list of Frequently Asked Questions (FAQs) and answers to assist communities seeking to improve or develop oversight, and am I am currently organizing an effort to complete a set of definitions useful to oversight practitioners. We have recently undertaken the task of developing training modules to meet the growing demand for information and training on civilian oversight. I was also responsible for ensuring that ongoing legal training is provided to NACOLE members and, since 2009, have worked with prosecutors, public defenders, civil rights attorneys

and the US Department of Justice to present annual courses on issues such as stops, frisks, arrests, searches, force, the use of recording devices and the first amendment.

Relevant Professional Legal and Oversight Experience: As an attorney I have served as a public defender, a city prosecutor and a municipal court judge. From 1990 to 1999 I was on the board of directors for the ACLU-Washington Affiliate and was an ACLU cooperating attorney for many years. I served on the Washington and Oregon federal appeals panels from 1994 to 2008. From 1993 until 1999 I served as a municipal court judge and judge pro tem in Washington State handling code violations, traffic and restraining orders. I also served in superior court as an arbitrator and mediator. From May 2008 through May of 2010 I worked directly in oversight for the City of Eugene Oregon as the Assistant Police Auditor and as the Interim Police Auditor. While there I worked with a city-wide committee to iron out problems that had arisen in the first two years of the system and helped draft the necessary changes in the ordinance to affect these improvements. The work required working closely with members of the Civilian Review Board, providing support for their work, keeping them informed on the status of complaints, and working with them to identify trends and develop recommendations for improvements to the complaint and review systems as well as addressing potential policy and training police needs within the police department. I also routinely met with community groups about the work of the auditor's office and the CRB and actively listened to community concerns relating to police performance, and helping to meet the ongoing goals of greater transparency and accountability. While I was serving as the Interim Auditor voters approved a Charter Amendment to make the Office of the Police Auditor a permanent part of city government and guarantee its full funding.

In May of 2010 I began working as a consultant for Elite Performance Assessments Consultants, and in 2011 was made a partner and am now Vice President of that group. We perform systemic performance audits of police departments. Our audits conform to the guidelines and principles of the Government Accounting Office's (GAO) Generally Accepted Government Accountability Standards (GAGAS). Working within these standards for the past five years has made me believe that the relationships between civilian oversight programs, law enforcement departments and the community are best served when there are clear and objective standards for gathering, analyzing and reporting information and data. I have conducted a wide range of audits including audits of community policing programs, search warrants, arrests and use of force.

I am an instructor with California's Police Officer Standards and Training and have taught courses on Accountability and Transparency in Auditing and on Evidence. At the university level I have taught Criminal Procedure, Mediation and Indian Law.

I have a reputation for fairness, objectivity, thoroughness, hard work and reliability. Per San Jose's requirements for this position, I am not a police officer nor is any immediate family member. One of my uncles (now deceased) was a local county

sheriff's deputy-- then sheriff--for the county in Idaho where I grew up. As a prosecutor I frequently worked on training issues with the departments in the communities I served. These family ties and work history have continued to serve me well in working with law enforcement agencies and individual officers. I am also familiar with the rights of police and administrative procedures. I have reviewed New Mexico statutes pertaining to Public Records and Open Meetings and believe I can confidently meet the requirements of local, state and federal law if chosen to serve as the Director for Albuquerque's Civilian Police Oversight Agency. I have also familiarized myself with the city's consent decree for reforming the APD.

I have managed staffs as small as two and as large as 50. I am good at developing budgets and working within them. To date, the largest budget I have personally been responsible for was \$500,000. I enjoy working collaboratively with colleagues, encouraging others to do their best work, learn new skills and take on new challenges.

Public service was instilled in me as a child. I am an active listener, enjoy outreach and working with diverse groups, and understand that respect is an important part of every relationship but especially so when the parties do not agree. As an adult, I've worked on political referendums involving gender, racial and sexual orientation and identity issues. I strive to practice kindness and respect in all my interactions including with co-workers, subordinates, and people I am meeting for the first time and may never meet again.

Community Outreach, Working With Diverse Groups, Public Speaking: Prior to becoming an attorney I worked as the community relations director for Bellevue College, Bellevue, WA, and as the media relations manager for a major medical facility, Children's' Orthopedic Hospital and Medical Center in Seattle, WA. As an assistant manager for a Public Broadcasting affiliate at Washington State University in Pullman, WA, my duties included interacting with the community and responding to complaints. I fully understand that the San Jose Independent Monitor must work effectively with a wide range of constituents and communicate effectively with people within city government and within the many communities that make up the city as a whole.

I appreciate your consideration of my application. Please let me know if I can answer any questions or provide additional information. I will be in Europe between June 8 and June 22, 2015 but will check my email on regular basis.

Regards,

Dawn M. Reynolds  
Attachments

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 11690238**

Name: Robin Hammer Address: [REDACTED]  
Albuquerque, New Mexico 87107 US

Home Phone: [REDACTED] Alternate Phone:  
Email: [REDACTED] Notification Email  
Preference:  
Former Last Name: Month and Day of Birth:

**Personal Information**

Driver's License: Yes, New Mexico , [REDACTED]  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
Are you willing to relocate?

Types of positions you will accept:  
Types of work you will accept:  
Types of shifts you will accept: Day , Evening , Night , Weekends , On Call (as needed)

**Objective**

**Education**

**College** Did you graduate: Yes  
*Maurer School of Law, Indiana University* College Major/Minor: Law  
www.iub.edu Degree Received: Other  
8/1989 - 5/1992  
Bloomington, Indiana

**College** Did you graduate: Yes  
*Indiana University* College Major/Minor: Liberal Arts  
8/1981 - 5/1984 Units Completed: 120 Semester  
Bloomington, Indiana Degree Received: Bachelor's

**Work Experience**

**Independent Review Officer/Acting Executive Director** Hours worked per week: 50  
9/2012 - Present Monthly Salary: \$0.00  
# of Employees Supervised: 6  
May we contact this employer? Yes

Independent Review Office/Civilian Police Oversight Agency  
City of Albuquerque, 600 2nd St NW  
Albuquerque, New Mexico 87102  
505-924-3774

**Duties**

Review operations, policies and procedures of Albuquerque Police Department (APD) to make suggestions for systemic improvement to the Chief of Police. Investigate and propose findings for all complaints filed by community members against APD employees for alleged misconduct. Lead investigators and support staff. Compose comprehensive semi-annual and annual reports for the Agency, which are used to help identify organizational deficiencies at APD. Represent the Agency before City Council. Present information and findings to the Police Oversight Board at monthly televised public meetings.

**Reason for Leaving**

Seeking to retain position in order to continue to improving the Albuquerque Police Department (APD) and further build communications between APD and the community

**Senior Investigative Trial Counsel**

3/2010 - 9/2012

New Mexico Judicial Standards Commission  
www.nmjsc.org  
111 Lomas NW Suite 220  
Albuquerque, New Mexico 87102  
505-222-9353

Hours worked per week: 55  
Monthly Salary: \$0.00  
# of Employees Supervised: 3  
Name of Supervisor: Randall Roybal  
- Executive Director  
May we contact this employer? Yes

**Duties**

Investigated complaints against New Mexico judges for violations of the Code of Judicial Conduct. Assisted in identifying deficiencies in New Mexico's judicial system competencies, such as decreased skills, improper behaviors, and attitudes which impaired the judicial system's performance. Researched, drafted, and argued petitions before the New Mexico Supreme Court. Worked with courthouse staff members across the state to review judicial performance. Litigated complex cases in which nine judges resigned or were removed within a 12-month period, which constituted one-third of all removal/resignations nationwide during that time period.

**Reason for Leaving**

Career Advancement

**Deputy District Attorney**

11/1999 - 3/2010

Office of the District Attorney  
520 Lomas NW  
Albuquerque, New Mexico 87102  
(505) 841-7100

Hours worked per week: 55  
Monthly Salary: \$0.00  
# of Employees Supervised: 7  
Name of Supervisor: Gary Cade -  
Chief Deputy District Attorney  
May we contact this employer? Yes

**Duties**

Deputy in charge of the Economic and Organized Crime Divisions. Supervised a staff of eight to prosecute highly complex business-related crimes. Partnered with numerous business managers of varying sizes to identify employees who committed internal fraud.

**Reason for Leaving**

Better position at Judicial Standards

**Adjunct Faculty**

5/2002 - 7/2002

TECHNICAL VOCATIONAL INSTITUTE/CENTRAL NEW MEXICO  
www.cnm.edu  
525 Buena Vista Dr SE  
Albuquerque, New Mexico 87106  
505-224-3000

Hours worked per week: 6  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

Taught Evidence course to Paralegal Studies majors. Drafted original project and writing assignments based upon reported cases which I had prosecuted. Received very positive feedback from all students.

**Reason for Leaving**

Term position

**Deputy District Attorney**

8/1997 - 11/1999

Office of the District Attorney  
Santa Fe, New Mexico 87501  
505-660-6446

Hours worked per week: 50  
Monthly Salary: \$0.00  
# of Employees Supervised: 8  
Name of Supervisor: Henry Valdez -  
District Attorney  
May we contact this employer? Yes

**Duties**

Managed the Family Violence Unit. Supervised staff of eight to prosecute all domestic violence cases and crimes against children in Santa Fe, Rio Arriba, and Los Alamos counties. Trained over 300 area law enforcement officers to effectively investigate domestic violence cases. In addition, carried a caseload of over 45 complex felonies. Tried over 10 felony trials, with no acquittals. Tried a rape case televised on Court TV.

**Reason for Leaving**

Wished to work in Albuquerque

**Contract Attorney**

3/1997 - 1/1998

Administrative Office of the Courts  
Santa Fe, New Mexico 87501

Hours worked per week: 25

Monthly Salary: \$0.00

Name of Supervisor: Hon. Nan Nash  
- Judge

May we contact this employer? Yes

**Duties**

Reviewed judicial practices statewide in state, municipal, magistrate, and tribal courts regarding issuance of Domestic Violence Orders of Protection. Organized committee which included tribal judges, law enforcement officers, district attorneys, district court judges, and victim advocates from across the state to determine best practices. Drafted standardized form petitions for Orders of Protection, Temporary Orders, and Final Orders of Protection based upon review of systems.

**Reason for Leaving**

Better position at Santa Fe DA's

**Assistant City Attorney**

8/1994 - 8/1996

Office of the District Attorney  
335 S Miller Ave  
Farmington, New Mexico 87401  
505-599-9810

Hours worked per week: 55

Monthly Salary: \$3,333.00

# of Employees Supervised: 2

Name of Supervisor: Darryl Jiles -  
Deputy District Attorney

May we contact this employer? Yes

**Duties**

Rapidly advanced to prosecuting the most serious and complex felonies in State District Court, which involved preparing for and participating in formal hearings and trials. Tried numerous felony cases and presented dozens of felony Preliminary Hearings in local Magistrate Court. After a four week trial, convicted and obtained the death penalty against a defendant who raped and murdered a teenager. Successfully tried serial rapist whose identity was based only upon DNA evidence. Responsible for legal research and writing for a continuing case load of approximately 250 cases. Lead trial attorney for half of Career Criminal Unit cases; second chair in the remaining ones.

**Reason for Leaving**

Relocated to Albuquerque

**Certificates and Licenses**

Type: Member of the State Bar of Indiana (Inactive)

Number: [REDACTED]

Issued by: Indiana Supreme Court

Date Issued: 1 /1993 Date Expires:

Type: Member of State Bar of Colorado (Inactive)

Number: [REDACTED]

Issued by: Supreme Court of Colorado

Date Issued: 6 /1995 Date Expires:

Type: Member of State Bar of New Mexico

Number: [REDACTED]

Issued by: State Bar of New Mexico

Date Issued: 9 /1992 Date Expires:

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

**References**

Professional

**Cameron, David**

Pastor, Former Chair Police Oversight Commission

Albuquerque, New Mexico 87106

Professional

**Brody, Ph.D., CPA, CFE, CFF, CGMA, FCPA, Rich**

Douglas Minge Brown Professor of Accounting, Daniels Fund

Business Ethics Fellow

University of New Mexico

Albuquerque, New Mexico 87106

[brody@mgt.unm.edu](mailto:brody@mgt.unm.edu)

Professional

**Perlman, PhD, Bruce**

Professor of Public Administration

University of New Mexico

Albuquerque, New Mexico 87106

(505) 321-3642

[bperlman@unm.edu](mailto:bperlman@unm.edu)

**Resume**

**Text Resume**

**Attachments**

Attachment	File Name	File Type
R Hammer Resume 2015.pdf	R Hammer Resume 2015.pdf	Resume

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A: E31754

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

### Supplemental Questions

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: Maurer School of Law, Indiana University, Bloomington, IN

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico

5. Q: How many years of management experience do you possess related to this position?

A: 6 or more years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

7. Q: Briefly describe your experience in criminal investigation.

A: I worked as a Deputy District Attorney and Assistant District Attorney in Albuquerque, Santa Fe and Farmington District Attorney Offices. I prosecuted all types of crimes, including violent, white collar, drug, domestic violence, property and drugs.

8. Q: Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: At the Independent Review Office and Civilian Police Oversight Agency, I have been the supervised administrative investigations of police officers and made recommended findings. As Senior Trial Investigative Trial Counsel the NM Judicial Standards Commission, I investigated and prosecuted administrative actions against New Mexico judges and argued before the NM Supreme Court. I was a member of the Supreme Court's Criminal Procedures Rules Committee to develop and amend criminal procedural rules for New Mexico District Courts. As a prosecutor, I became very familiar with judicial processes, policies and procedures.

## **Robin S. Hammer**

Albuquerque, NM 87107 · (

### **Professional Awards and Associations**

Awarded "Prosecutor with the Most Legal Impact," 1995 by New Mexico Prosecutors Assoc.  
Member of the State Bars of New Mexico, Colorado (inactive), and Indiana (inactive)  
Member National Association for Civilian Oversight of Law Enforcement

### **Education**

J.D., Indiana University, *Cum laude*, May 1992.  
Assistant Editor-in-Chief of *The Adelpia Law Journal*.  
Recipient of the Gordon S. Eslick Fellowship.  
Ranked in top 25% of class; Dean's List.  
B.A., Indiana University, School of Arts and Sciences, May 1984.

### **Legal Experience**

<b>Acting Executive Director/Independent Review Officer</b>	CIVILIAN POLICE OVERSIGHT AGENCY/ INDEPENDENT REVIEW OFFICE September 2012 through present In charge of investigating and proposing findings on all citizen complaints filed against the Albuquerque Police Department (APD). Lead an administrative staff of investigators and support staff. Review the administrative investigations of all Officer-Involved-Shooting cases and make findings regarding whether the officers' use of force conformed to Standard Operating Procedures. Present my findings in all cases to the Police Oversight Board at a monthly televised public meeting. Make policy recommendations to the APD Chief of Police.	Albuquerque, NM
<b>Senior Investigative Trial Counsel</b>	JUDICIAL STANDARDS COMMISSION March 2010 through September 2012 Investigated complaints against New Mexico judges for violations of the Code of Judicial Conduct. Prepared and presented trials on the merit to the Judicial Standards Commission. Researched, drafted and argued petitions on behalf of the Commission before the New Mexico Supreme Court. Litigated cases in which nine judges resigned or were removed within a 12 month period, which constituted one-third of all removal/resignations nationwide during that time period.	Albuquerque, NM
<b>Deputy District Attorney</b>	OFFICE OF THE DISTRICT ATTORNEY November 1999 through March 2010 Deputy in charge of the Organized Crime Division. Selected to prosecute the most complex non-violent crimes in the office. My case load included Racketeering prosecutions involving various criminal schemes. Also in charge of the Economic Crimes Division. Prosecuted violent and gang crimes, including drug, murder, rape and vehicular homicide cases. Researched, drafted and argued dozens of complex legal motions.	Albuquerque, NM
<b>Committee Member</b>	CRIMINAL PROCEDURE RULES COMMITTEE January 2004-January 2009 Selected by the N.M. Supreme Court to assist in the drafting of rules for criminal practice in state district courts. Participated in several significant changes to the Rules of Criminal Procedure.	Albuquerque, NM

**Robin Hammer**

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- Part-time Instructor** TECHNICAL VOCATIONAL INSTITUTE Albuquerque, NM  
May 2002 - July 2002  
Taught Evidence course to Paralegal Studies majors. Drafted original project and writing assignments based upon reported cases which I had prosecuted. Received positive feedback from all students.
- Deputy District Attorney** OFFICE OF THE DISTRICT ATTORNEY Santa Fe, NM  
August 1997 - November 1999  
Managed the Family Violence Unit. Supervised four attorneys prosecuting all domestic violence cases and crimes against children in Santa Fe, Rio Arriba and Los Alamos counties. In addition, carried a case load of over 45 complex felonies. Tried over 10 felony trials, with no acquittals. Trained over 300 area law enforcement officers to effectively investigate domestic violence cases. Tried a rape case televised on *Court TV*.
- Contract Attorney** ADMINISTRATIVE OFFICE OF THE COURTS Santa Fe, NM  
March 1997 - January 1998  
Staff Attorney to Committee to Standardize Domestic Violence Order of Protection Forms. Organized committee that included tribal officials, law enforcement officers, district attorneys, district court judges, and victim advocates from across the state. Drafted standardized form petitions for Orders of Protection, Temporary Orders and Final Orders of Protection.
- Contract Attorney** MADISON, HARBOUR, MROZ & BRENNAN Albuquerque, NM  
February 1997 - August 1997  
In charge of organizing all discovery for a complex product liability and construction civil suit involving several thousand documents. Prepared for the taking of numerous depositions and assisted with discovery matters.
- Assistant District Attorney** OFFICE OF THE DISTRICT ATTORNEY Farmington, NM  
August 1993 - January 1994; August 1994 - August 1996  
Rapidly advanced to prosecuting the most serious and complex felonies in the office as one of two Career Criminal Unit prosecutors. After a four week trial, convicted and obtained the death penalty against a defendant who raped and murdered a teenager. Convicted serial rapist whose identity was based only upon DNA evidence. Responsible for legal research and writing for a continuing case load of approximately 250 cases. Lead trial attorney for half of Career Criminal Unit cases; second chair in the remaining ones.
- Assistant District Attorney** OFFICE OF THE DISTRICT ATTORNEY Albuquerque, NM  
January 1994 - August 1994  
Prosecuted misdemeanor cases in Albuquerque's Metropolitan Court. Responsible for prosecuting docket of over 100 cases a week, including DWI, domestic violence and stalking. Trained junior attorneys in trial practice and case management.

**Robin Hammer**

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**Contract Attorney**

Albuquerque, NM

October 1992 - July 1993

Researched various legal issues on a contract basis, including jurisdiction, civil procedure, and insurance law. In charge of an appeal assessment of state estate tax liability. Took or defended over 45 depositions on a wide range of matters.

**Paralegal**

CRAVATH, SWAINE &amp; MOORE

New York, NY

November 1988 - August 1989

Contract paralegal case manager at 400 attorney firm. Main case involvement was in *General Motors v. Perot*, a contract action involving large multi-national companies. In charge of a team of paralegals which prepared the case for trial. Billed over 1800 hours in six months.

**Selected Prior Business Experience****Operations Manager,  
Company Manager**

MCHUGH, ROLLINS &amp; ASSOCIATES

New York, NY

December 1986 - October 1987

In charge of business operations for New York's largest theatrical prop building shop. Also assisted in supervising crews to build props for Broadway shows, including *Les Miserables* and *Phantom of the Opera*.

**Properties Department**

SANTA FE OPERA

Santa Fe, NM

May-August 1983, 1984, 1986, 1988

Constructed theatrical properties for five world-class operas every opera season. Worked with world-renowned set designers and scenic artists.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR****Contact Information -- Person ID: 23792759**

Name: NAN E. ERDMAN Address: [REDACTED]  
 Rio Rancho, New Mexico 87144 US

Home Phone: [REDACTED] Alternate Phone:  
 Email: [REDACTED] Notification Preference: Email

Former Last Name: Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, New Mexico , [REDACTED]

Can you, after employment, submit proof of your legal right to work in the United States? Yes

What is your highest level of education? Master's Degree

**Preferences**

Preferred Salary: \$90,000.00 per year

Are you willing to relocate? No

Types of positions you will accept: Regular

Types of work you will accept: Full Time

Types of shifts you will accept: Day , Evening

**Objective**

I have spent my entire career working to improve New Mexico, and I intend to continue to work toward that goal. Working for Paul Kennedy I have filed numerous lawsuits against City of Albuquerque, the State of New Mexico and various counties in an effort to help those that have had their constitutional rights violated by state actors. My goal is to take on a role that helps bring law enforcement and the community together to work toward the elimination of the use of excessive force.

**Education**

**Professional**  
 UNIVERSITY OF NEW MEXICO SCHOOL OF LAW  
 8/2002 - 5/2005  
 Albuquerque, New Mexico

Did you graduate: Yes  
 College Major/Minor: Clinical  
 Degree Received: Professional

**College**  
 UNIVERSITY OF NEW MEXICO  
 9/1983 - 7/2002  
 Albuquerque, New Mexico

Did you graduate: Yes  
 College Major/Minor: English  
 Literature/Philosophy  
 Units Completed: 142 Semester  
 Degree Received: Bachelor's

**Work Experience**

**ASSOCIATE ATTORNEY**  
 1/2013 - 6/2015

PAUL KENNEDY & ASSOCIATES  
 201 Twelfth Street, NW  
 Albuquerque, New Mexico 87102  
 505-842-8662

Hours worked per week: 40  
 Monthly Salary: \$6,800.00  
 # of Employees Supervised: 0  
 Name of Supervisor: Paul J. Kennedy - Senior Partner  
 May we contact this employer? No

**Duties**

Responsible for all aspects of plaintiff civil rights litigation, including client intake, writing complaint, discovery, motion practice, settlement negotiations and trial preparation. Practice primarily in federal court, with some cases in state court. Case load also includes complex insurance fraud and personal injury matters.

**Reason for Leaving**

Firm did not pay payroll taxes for 2013 or 2014

**ASSISTANT ATTORNEY GENERAL, LITIGATION DIVISION**

9/2007 - 1/2013

OFFICE OF THE NEW MEXICO ATTORNEY GENERAL

www.nmag.gov

408 Galisteo

Santa Fe, New Mexico 87501

505-827-6088

Hours worked per week: 40

Monthly Salary: \$5,416.00

# of Employees Supervised: 0

Name of Supervisor: David Thomson -

Deputy Attorney General

May we contact this employer? Yes

**Duties**

Responsible for all aspects of complex litigation on behalf of the state, and primary attorney representing New Mexico in the national Tobacco Master Settlement Agreement litigation as well actions against pharmaceutical and securities companies in fraud, consumer protection and statute-based claims on behalf of the state. Extensive legislative experience including hearing testimony, bill drafting, bill analysis and lobbying, representing judges and state agencies on writs to the Supreme Court, including oral argument, and working with state agency counsel.

**Reason for Leaving**

To return to work for Paul Kennedy, who had just come off the Supreme Court bench and needed an associate in his firm.

**ASSOCIATE ATTORNEY**

9/2005 - 9/2007

KENNEDY & HAN, P.C

201 Twelfth Street, NW

Albuquerque, New Mexico 87102

505-867-6747

Hours worked per week: 40

Monthly Salary: \$4,800.00

# of Employees Supervised: 0

Name of Supervisor: Mary Y.C. Han -

Partner

May we contact this employer? No

**Duties**

Responsible for all aspects of plaintiff civil rights litigation, including drafting complaints, conducting discovery, taking and defending depositions, motion practice, hearings, trial preparation and settlement negotiation, and appellate briefs. Additional experience in criminal defense, personal injury, medical malpractice, employment rights, and domestic relations.

**Reason for Leaving**

Wanted to obtain a broader range of experience.

**PROFESSOR NORMAN BAY - TUTOR, RESEARCH ASSISTANT**

7/2003 - 7/2005

University of New Mexico School of Law

1117 Stanford, NE

Albuquerque, New Mexico 87131

505-277-0068

Hours worked per week: 15

Monthly Salary: \$510.00

# of Employees Supervised: 0

Name of Supervisor: Norman C. Bay -

Professor of Law

May we contact this employer? Yes

**Duties**

Tutor for criminal law classes, research in advocacy for incarcerated individuals with innocence claims.

**Reason for Leaving**

Graduated from Law School

**RESEARCH ASSISTANT**

Hours worked per week: 15

11/2003 - 7/2005

University of New Mexico School of Law  
1117 Stanford, NE  
Albuquerque, New Mexico 87131  
505-277-0068

Monthly Salary: \$510.00  
# of Employees Supervised: 0  
Name of Supervisor: James W. Ellis -  
Professor of Law  
May we contact this employer? Yes

**Duties**

Research assistant and student team leader for four amicus briefs on issues related to criminal sentencing of persons with mental disabilities.

**Reason for Leaving**

Graduated from Law School

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**JUVENILE JUSTICE OMBUDSMAN PROJECT -  
EXTERNSHIP**

9/2004 - 5/2005

University of New Mexico School of Law  
1117 Stanford, NE  
Albuquerque, New Mexico 87131  
505-277-0068

Hours worked per week: 15  
Monthly Salary: \$0.00  
# of Employees Supervised: 0  
Name of Supervisor: Peter Cubra -  
Attorney  
May we contact this employer? Yes

**Duties**

Assisted attorney Peter Cubra with his work regarding state juvenile detention facilities, continued with project in clinical practicum with Professor April Land.

**Reason for Leaving**

Graduated from Law School

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**CHILDREN'S CODE TASK FORCE - EXTERNSHIP**

9/2004 - 2/2005

University of New Mexico School of Law  
1117 Stanford, NE  
Albuquerque, New Mexico 87131  
505-277-2146

Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 0  
Name of Supervisor: April Land -  
Professor of Law  
May we contact this employer? Yes

**Duties**

Assisted Task Force in preparing proposed amendments to the New Mexico Children's Code sections on abuse and neglect.

**Reason for Leaving**

Position was only for one legislative session

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**Paralegal**

1/1981 - 6/1988

LITIGATION PARALEGAL VARIOUS FIRMS  
PHOENIX, Arizona

Hours worked per week: 40  
Monthly Salary: \$3,000.00  
# of Employees Supervised: 0  
May we contact this employer?

**Duties**

Experience in patent infringement, breach of contract, forfeiture, antitrust and contract cases. Organized and managed discovery in large document cases, supervised computerization of discovery documents, drafted discovery, deposition preparation and abstraction, trial preparation and assistance.

**Reason for Leaving**

Became a stay-at-home parent, went to college, then law school.

**Certificates and Licenses**

Type: New Mexico State Law License

Number: 23124

Issued by: New Mexico State Bar

Date Issued: 9 /2005 Date Expires:

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

Honors & Awards

Juris Doctor, Cum Laude

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Honors & Awards

Atkinson Kelsey Award for Excellence, Award for Clinical Honors

**References**

Professional

**Ellis, James E.**

Professor, University of New Mexico School of Law

Albuquerque, New Mexico 87131

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Professional

**Thomson, David K.**

Deputy Attorney General/now Judge

225 Montezuma Ave

Santa Fe, New Mexico 87504

505-455-8250

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Professional

**Fuqua, Scott**

New Mexico Attorney General Litigation Division Director/

now Fuqua Law & Policy

Fuqua Law & Policy, P.C.

PO Box 32015

Santa Fe, New Mexico 87594

(505) 982-0961

[scott@fuqualawpolicy.com](mailto:scott@fuqualawpolicy.com)

**Resume**

**Text Resume**

**Attachments**

Attachment	File Name	File Type
Resume Nan E Erdman 06.2015 (1) (1).pdf	Resume Nan E Erdman 06.2015 (1) (1).pdf	Resume
law school transcripts.pdf	law school transcripts.pdf	Transcripts

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

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2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

### Supplemental Questions

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: University of New Mexico School of Law

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico

5. Q: How many years of management experience do you possess related to this position?

A: 2 years to less than 3 years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 9 years to less than 10 years

7. Q: Briefly describe your experience in criminal investigation.

A: In prosecuting cases for the New Mexico Attorney General's office against tobacco companies that did not comply with state statutes, I worked with an investigator to gather information and evidence. I also worked with an investigator while prosecuting law enforcement officers under the Law Enforcement Academy Board.

8. Q: Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: During the four and 1/2 years I worked for Paul Kennedy, I had nearly a full docket of plaintiff's civil rights cases. I worked on those cases from intake to trial, working closely with the clients, primarily in Federal Court, but also in state court. These cases involve a great deal of motion practice, since many defendants file motions to dismiss or motions for summary judgment based on qualified immunity. While at the Attorney General's Office, I did administrative prosecutions for numerous state boards, including the Law Enforcement Academy Board. In that capacity, I also reviewed the Board's policy making procedures to ensure that they were both legal and functional. I also made recommendations for rule and statutory changes. Working on the Tobacco enforcement I drafted statute amendments, testified before numerous legislative committees and lobbied on behalf of bills proposed by the

Attorney General.

NAN E. ERDMAN

[REDACTED], Rio Rancho, New Mexico 87144  
[REDACTED] [REDACTED]

EDUCATION

MAY 2005 UNIVERSITY OF NEW MEXICO SCHOOL OF LAW, Albuquerque, New Mexico  
Juris Doctor, Cum Laude  
Atkinson Kelsey Award for Excellence, Award for Clinical Honors

JULY 2002 UNIVERSITY OF NEW MEXICO, Albuquerque, New Mexico  
Bachelor of Arts, English Literature, Philosophy Minor, GPA: 3.9/4.0

ADMITTED TO PRACTICE

State of New Mexico

United States District Court for the District of New Mexico

Tenth Circuit Court of Appeals

LEGAL EXPERIENCE

January 2013 to Present PAUL KENNEDY & ASSOCIATES, P.C. ASSOCIATE ATTORNEY  
Responsible for all aspects of plaintiff civil rights litigation in the areas of Fourth and Fourteenth Amendment claims and employment claims. Responsibilities include client intake, researching claims, preparing the complaint, discovery, motion practice, settlement negotiations and trial preparation. Practice in federal and state court. Case load also includes complex insurance fraud and personal injury matters.

September 2007 to January 2013 OFFICE OF THE NEW MEXICO ATTORNEY GENERAL  
ASSISTANT ATTORNEY GENERAL, LITIGATION DIVISION  
Responsible for all aspects of complex litigation on behalf of the state, and primary attorney representing New Mexico in the national Tobacco Master Settlement Agreement litigation as well actions against pharmaceutical and securities companies in fraud, consumer protection and statute-based claims on behalf of the state. Extensive legislative experience including hearing testimony, bill drafting, bill analysis and lobbying, representing judges and state agencies on writs to the Supreme Court, including oral argument, and working with state agency counsel.

October 2005 to Sept. 2007 KENNEDY & HAN, P.C. ASSOCIATE ATTORNEY  
Responsible for all aspects of plaintiff civil rights litigation, including drafting complaints, conducting discovery, taking and defending depositions, motion practice, hearings, trial preparation and settlement negotiation, and appellate briefs. Additional experience in criminal

law, personal injury, medical malpractice, employment rights, and domestic relations.

- July 2003 to  
July 2005      PROFESSOR NORMAN BAY – TUTOR, RESEARCH ASSISTANT  
Tutor for criminal law classes, research in advocacy for incarcerated individuals with innocence claims.
- Nov. 2003 to  
July 2005      PROFESSOR JAMES W. ELLIS – RESEARCH ASSISTANT -  
Research assistant and student team leader for four amicus briefs on issues related to criminal sentencing of persons with mental disabilities.
- Sept. 2004 to  
Feb. 2005      CHILDREN’S CODE TASK FORCE - EXTERNSHIP  
Assisted Task Force in preparing proposed amendments to the New Mexico Children’s Code sections on abuse and neglect.
- Sept. 2004 to  
May 2005      JUVENILE JUSTICE OMBUDSMAN PROJECT – EXTERNSHIP / CLINIC  
Assisted attorney Peter Cubra with his work regarding state juvenile detention facilities. Continued with project in clinical practicum with Professor April Land.

RELEVANT WORK EXPERIENCE
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- Jan. 1981 to  
June 1988      LITIGATION PARALEGAL VARIOUS FIRMS, PHOENIX ARIZONA  
Experience in patent infringement, breach of contract, forfeiture, antitrust and contract cases. Organized and managed discovery in large document cases, supervised computerization of discovery documents, drafted discovery, deposition preparation and abstraction, trial preparation and assistance.

#### REFERENCES

Honorable David K. Thomson, former New Mexico Assistant Deputy Attorney General  
Scott Fuqua, former Litigation Division Director, New Mexico Attorney General  
James W. Ellis, Professor, University of New Mexico School of Law  
April Land, Associate Dean of the University of New Mexico School of Law Clinic  
Norman C. Bay, Commission Chairman, Federal Energy Regulatory Commission

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 25049919**

Name: Michael Timm Address: [REDACTED]  
Albuquerque, New Mexico 87112 US

Home Phone: [REDACTED] Alternate Phone:  
Email: [REDACTED] Notification Preference: Email

Former Last Name: Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, New Mexico , [REDACTED]

Can you, after employment, submit proof of your legal right to work in the United States? Yes

What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
Are you willing to relocate? No

Types of positions you will accept: Regular  
Types of work you will accept: Full Time  
Day , Evening ,  
Night , Rotating ,  
Types of shifts you will accept: Weekends , On Call  
(as needed)

**Objective**

I seek to assist the Police Oversight Board in its duties. As a civil rights attorney and the son of a retired Albuquerque Police Department Officer I am uniquely qualified to hold this position. I will empathize with both officers and the citizens involved in the complaints and assist in the objective review of any allegations. My work on police misconduct cases has also made me familiar with state and federal law and APD's standard operating procedures.

**Education**

**Professional**  
*University of New Mexico School of Law*  
8/2011 - 5/2014  
Albuquerque, New Mexico

Did you graduate: Yes  
College Major/Minor: Law, Magna Cum Laude  
Degree Received: Professional

**College**

*University of New Mexico*  
8/2007 - 5/2011  
Albuquerque, New Mexico

Did you graduate: Yes  
College Major/Minor: Double Major - Philosophy & Political Science  
Degree Received: Bachelor's

**Work Experience**

**Associate Attorney**  
9/2014 - Present

Kennedy Kennedy & Ives, LLC  
Albuquerque, New Mexico

Hours worked per week: 55  
Monthly Salary: \$5,000.00  
# of Employees Supervised: 3  
Name of Supervisor: Joseph Kennedy - Partner  
May we contact this employer? No

**Duties**

I handle all aspects of litigating civil rights cases before trial and appellate courts.

**Reason for Leaving**

Have not left yet

**Law Clerk**  
12/2012 - 9/2014

Kennedy Kennedy & Ives, LLC  
1000 Second ST NW  
ALBUQUERQUE, New Mexico 87102  
5052441400

Hours worked per week: 25  
Monthly Salary: \$1,250.00  
# of Employees Supervised: 0  
Name of Supervisor: Joseph Kennedy - Partner  
May we contact this employer? No

**Duties**

During law school and while studying for the bar exam I drafted dispositive motions, motions in limine, jury instructions, bench briefs, pleadings, and assisted with appellate briefing. I also assisted in preparing CLE materials.

**Reason for Leaving**

did not leave, was hired as an associate

**Judicial Extern to Senior Judges James Parker and C. Leroy Hansen**  
1/2013 - 5/2013

United States District Court, District of New Mexico  
Albuquerque, New Mexico

Hours worked per week: 20  
Monthly Salary: \$0.00  
Name of Supervisor: Virginia Loman - Career Clerk  
May we contact this employer? Yes

**Duties**

As an extern I drafted legal memoranda for chambers clerks which were later used to draft Memorandum Opinion Orders on dispositive issues. I also drafted jury instructions and observed trials and hearings. Most importantly, I become comfortable with the district courts in Albuquerque and the CM/ECF system.

**Reason for Leaving**

end of internship

**Judicial Extern to The Honorable Alan M. Malott**  
5/2012 - 7/2012

New Mexico State Court, Second Judicial District  
Albuquerque, New Mexico

Hours worked per week: 40  
Monthly Salary: \$0.00  
Name of Supervisor: Alan Malott - Judge  
May we contact this employer? Yes

**Duties**

As an extern I observed trials and hearings and assisted with general chambers functions, even serving as balliff on one occasion.

**Reason for Leaving**

end of externship

**Legal Assistant; Law Clerk when I got into law school**  
7/2010 - 5/2012

The Davis Law Firm, LLC & Parnall Law Offices  
ALBUQUERQUE, New Mexico

Hours worked per week: 40  
Monthly Salary: \$0.00  
Name of Supervisor: Ben Davis - Attorney  
May we contact this employer? Yes

**Duties**

During my first year of law school I drafted pleadings, discovery and legal memoranda. I also wrote firm website and blogging content.

As a legal assistant I regularly handled a variety of legal drafting and administrative assignments. I also gained a working knowledge of Microsoft Word and Adobe Professional by compiling notebooks and demonstrative exhibits for use at trial.

**Reason for Leaving**

law school commitments

**Office Assistant/Courier**  
12/2009 - 7/2010

Hours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?

Slease and Martinez, P.A  
Albuquerque, New Mexico

**Duties**

As an office assistant I filed and delivered documents to the association of counties, Bernalillo County, the City of Albuquerque and various courts. I also performed other administrative duties.

**Sales Lead**  
10/2007 - 11/2009

Hours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer? Yes

Buckle, Inc  
Albuquerque, New Mexico

**Duties**

Sold high-end denim and fashion products on commission.  
Received teammate excellence award for sales and management contributions.  
Assisted in the management of teams ranging from 2-10 employees, participated in store planning and direct customer service, closing tasks and receipt of freight from corporate.  
Contributed to opening of a new store (May 2008).

**dual store responsibility (January 2009**  
1/2009 - 10/2009

Hours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer? Yes

Sears  
Albuquerque, New Mexico

**Duties**

sold lawn and garden equipment and tools

**Reason for Leaving**

better opportunity

**Legal Assistant**  
2/2009 - 10/2009

Hours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?

Whitener Law Firm, P.A  
Albuquerque, New Mexico

**Duties**

As a legal assistant my primary role was to meet with clients, gather supporting evidence, and draft pre-litigation demand letters.  
Non-legal Work Experience:

**Event Sales**  
3/2006 - 3/2007

Hours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?

Zia Graphics/ Graphic Industries Inc  
Albuquerque, New Mexico

**Duties**

sold memorabilia at various locations and events

**Certificates and Licenses**

Type: Bar Admission

Number:

Issued by: State Bar of New Mexico

Date Issued: 9 /2014 Date Expires: 9 /2025

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Type: Bar Admission

Number:

Issued by: United States Court of Appeals for the Tenth Circuit

Date Issued: 10 /2014 Date Expires: 10 /2025

---

Type: Bar Admission

Number:

Issued by: United States District Court for the District of New Mexico

Date Issued: 11 /2014 Date Expires: 11 /2025

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**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

Professional Associations

New Mexico Trial Lawyers' Association

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Professional Associations

New Mexico Criminal Defense Lawyers' Association

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Professional Associations

State Bar of New Mexico (student committee membership)

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Honors & Awards

Juris Doctor, magna cum laude, May 2014

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Honors & Awards

Honors: Tort Scholar Award (2014)

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Honors & Awards

CALI Award: Torts (Fall 2011)

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Honors & Awards

CALI Award: Contracts I (Fall 2011)

---

Honors & Awards

CALI Award: Federal Motions Practice (Fall 2013)

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Honors & Awards

Catron Family Merit Scholarship (Fall 2012)

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Honors & Awards

Bachelor of Arts, Philosophy & Political Science, magna cum laude, May 2011

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Honors & Awards

UNM; Dean's List

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Honors & Awards

Received teammate excellence award for sales and customer service

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Honors & Awards

Tort Scholar Award (2014)

Honors & Awards

New Mexico Law Review (2012-14)

Honors & Awards

UNM; Presidential Scholar

Professional Associations

Lawyers Professional Liability and Insurance Committee, State Bar of NM

Honors & Awards

UNM; Henry R. Johnston and Frances Lee Memorial Scholarships

**References**

Professional  
**Malott, Alan**  
Judge  
[REDACTED]

Professional  
**Bach, George**  
Professor of Law  
[REDACTED]

**Resume**

**Text Resume**

**Attachments**

Attachment	File Name	File Type
Resume - MT - 7.10.15.pdf	Resume - MT - 7.10.15.pdf	<b>Resume</b>

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: University of New Mexico

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico

5. Q: How many years of management experience do you possess related to this position?

A: 2 years to less than 3 years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 5 years to less than 6 years

7. Q: Briefly describe your experience in criminal investigation.

A: I investigate and coordinate the investigation of criminal defense and plaintiffs civil rights cases.

8. Q: Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: I file briefs with federal and state trial and appellate courts and I appear in front of the same. I also often review APD internal documents including SOPs in litigating our cases.

**Education:**

**University of New Mexico School of Law, Albuquerque, NM**

*Juris Doctor, magna cum laude*, May 2014

GPA: 3.60

Honors: Tort Scholar Award (2014)  
*New Mexico Law Review* (2012-14)  
CALI Award: Torts (Fall 2011)  
CALI Award: Contracts I (Fall 2011)  
CALI Award: Federal Motions Practice (Fall 2013)  
Tutor: Evidence and Trial Practice (Fall 2013)  
Catron Family Merit Scholarship (Fall 2012)

**University of New Mexico, Albuquerque, NM**

*Bachelor of Arts, Philosophy & Political Science, magna cum laude*, May 2011

GPA: 3.81

Honors: Presidential Scholar; Henry R. Johnston and Frances Lee Memorial  
Scholarship; Dean's List

**Legal Experience**

**Kennedy Kennedy & Ives, LLC, Albuquerque, NM**

*Associate Attorney*: September 2014 – present.

- I handle all aspects of litigating civil rights cases before trial and appellate courts.
- I also maintain my own clientele of tattoo artists for whom I do contract work.

*Law Clerk*: December 2012 – September 2014

- During law school and while studying for the bar exam I drafted dispositive motions, motions in limine, jury instructions, bench briefs, pleadings, and assisted with appellate briefing. I also assisted in preparing CLE materials.

**United States District Court, District of New Mexico, Albuquerque, NM**

January 2013 – May 2013

*Judicial Extern to Senior Judges James Parker and C. Leroy Hansen*

- As an extern I drafted legal memoranda for chambers clerks which were later used to draft Memorandum Opinion Orders on dispositive issues. I also drafted jury instructions and observed trials and hearings. Most importantly, I become comfortable with the district courts in Albuquerque and the CM/ECF system.

**New Mexico State Court, Second Judicial District, Albuquerque, NM**

May 2012-July 2012

*Judicial Extern to The Honorable Alan M. Malott (civil division)*

- As an extern I observed trials and hearings and assisted with general chambers functions, even serving as bailiff on one occasion.

**The Davis Law Firm, LLC & Parnall Law Offices, Albuquerque, NM**

July 2010-November 2012

*Law Clerk - Davis firm (August 2011-May 2012)*

- During my first year of law school I drafted pleadings, discovery and legal memoranda. I also wrote firm website and blogging content.

*Legal Assistant - Parnall and Davis firms (July 2010-August 2011)*

- As a legal assistant I regularly handled a variety of legal drafting and administrative assignments. I also gained a working knowledge of Microsoft Word and Adobe Professional by compiling notebooks and demonstrative exhibits for use at trial.

**Sleese and Martinez, P.A., Albuquerque, NM**

December 2009-July 2010

*Office Assistant/Courier*

- As an office assistant I filed and delivered documents to the association of counties, Bernalillo County, the City of Albuquerque and various courts. I also performed other administrative duties.

**Whitener Law Firm, P.A., Albuquerque, NM**

February 2009-October 2009

*Legal Assistant*

- As a legal assistant my primary role was to meet with clients, gather supporting evidence, and draft pre-litigation demand letters.

**Non-legal Work Experience:**

**Buckle, Inc., Albuquerque, NM**

October 2007- November 2009

*Sales Teammate*

- Sold high-end denim and fashion products on commission.
- Received teammate excellence award for sales and management contributions.

*Sales Lead*

- Assisted in the management of teams ranging from 2-10 employees, participated in store planning and direct customer service, closing tasks and receipt of freight from corporate.
- Contributed to opening of a new store (May 2008).
- Promoted to dual store responsibility (January 2009).

**Sears, Albuquerque, NM**

March 2007- October 2007

*Sales Associate in Tools and Law and Garden - sold products and insurance plans*

**Zia Graphics/ Graphic Industries Inc., Albuquerque NM**

March 2006- March 2007

*Event Sales - sold memorabilia at various locations and events*

**Professional Associations:**

**Bar Memberships:**

- State Bar of New Mexico
- United States District Court for the District of New Mexico
- United States Court of Appeals for the Tenth Circuit

**State Bar of New Mexico, Lawyers' Professional Liability and Insurance Committee**

- Member (September 2014 - present)
- Chair, Subcommittee on Insurance Best Practices (December 2014-present)

**American Association for Justice, member** (September 2014-present)

- Attended Depositions College from September 19-21, 2014.

**New Mexico Trial Lawyers' Association, member** (September 2014-present)

- Content editor and columnist (March 2015-present)

**New Mexico Criminal Defense Lawyers' Association, member** (March 2015-present)

- Attended Trial Skills College from March 27-28, 2015.

**New Mexico Trial Lawyer's Association, student member** (January 2013-present)

- Federal Practice Seminar Attendee, Albuquerque NM (6 CLE credits)

**State Bar of New Mexico (student committee membership)**

- Law Practice Management Committee (February, 2012-February, 2013)
- Professional Liability and Insurance Committee (March, 2012-September 2014)

**State of New Mexico Notary Public** (commission expires February 17, 2019)

**Non-legal Work Experience:**

**Buckle, Inc., Albuquerque, NM**

October 2007- November 2009

- Received teammate excellence award for sales and customer service.
- Managed teams ranging from 2-10 employees and participated in store planning.

**Sears, Albuquerque, NM**

March 2007- October 2007

*Sales Associate - Tools and Law and Garden*

**Zia Graphics/ Graphic Industries Inc., Albuquerque NM**

March 2006- March 2007

*Event Sales - assisted in setting up and selling memorabilia at various locations and events*

**Publications:**

Michael L. Timm Jr., “Federal Prohibition of Medical Marijuana in Pain Management: Undue, Unimportant, and Irrational,” 17 HOLY CROSS J. L. & PUB. POL’Y 78 (Spring 2013).

Michael L. Timm, Jr., “Redefining Duty: The Future of New Mexico Negligence Law and Wrongful Conception After *Provencio v. Wenrich*.” 44 N.M. L. REV. 253 (Spring 2014).

Michael L. Timm, Jr., “Defense and Indemnification of Commissioned Deputies under the Tort Claims Act.” New Mexico Trial Lawyer, Vol. XXXXVI No. 3 (May/June 2015)

**Athletic Accolades:**

**St. Pius X High School (Football) – 2003-2007)**

- Coach-appointed captain; Wendy’s® High School Heisman; State of New Mexico North-South All-star team; first-team all-state, first-team all-metro, first-team all-district (defensive end); Albuquerque metro area all-academic team.

**Hobbies & Interests:**

Spending quality time with my wife and daughter; trail running and hiking; weight and spin-bike training; college football; music; alternative and tattoo art; classical philosophy; target shooting; and amateur digital photography.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due July 18, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov) . The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: Michael L. Timm, Jr.  
Firm/Employer: Kennedy Kennedy & Ives, LLC  
Address: [REDACTED] NM 87112  
Phone: [REDACTED]

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?

The goals of the settlement agreement between the City and the Department of Justice are to ensure police integrity, increase transparency and accountability on the use of force, promote more effective law enforcement, and strengthen public confidence in the Albuquerque Police Department. The CPOA's duty is to aid the City and APD achieve these goals. With this in mind, over the next 12 months the CPOA must reach out to the community to ensure it is aware of the procedures to make civilian complaints; ensure that forms and information pertinent to the complaint process are readily available; track trends of officer interaction with various demographics; and independently and objectively investigate allegations of officer misconduct in a timely manner. The CPOA must also work closely with APD brass to ensure that officers who commit misconduct are held accountable through fair and appropriate discipline. Finally, the CPOA must work closely with officers to build trust and empower ethical officers to assist the CPOA increase accountability within the department through recommendations for policy changes and training.

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

While I was working for the Buckle, Inc. as a sales lead I discovered that the store's assistant manager was giving out his employee discount to various friends and family members contrary to corporate policy. I reported the misconduct to my manager, which was difficult because my assistant manager was good friends with the manager and was also someone I considered a close friend. When no action was taken, another lead and I went to corporate. Our reporting resulted in some minor discipline of our manager and assistant manager.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

As an associate attorney at the Kennedy Kennedy and Ives, LLC law firm I am responsible for all aspects of district court litigation and for briefing our appeals. After a period of transition we were left horribly understaffed. New paralegals and legal assistants were eventually hired, and I asked them to interview clients and help them complete discovery questionnaires, and prepare appellate documents and appendices for filing. After demonstrating how to complete these tasks, I made sure that none had any questions. I then periodically checked

in on these tasks for weeks to ensure they were proceeding smoothly. Nonetheless, when the documents came due, the tasks were incomplete. Rather than getting frustrated, I took it upon myself to stay late to support the staff members and make sure that the work got done, and thereafter counseled them on how to effectively complete the tasks in the future. I chose this course of action in the interest of fostering the staff members' trust in me and willingness to more openly communicate difficulties in completing assignments in the future.

4. Which of your legal cases are you the most proud of and why?

When I first started working for the Kennedy firm I was in my second year in law school and was hired as a law clerk. During that time the firm was months away from the trial involving the shooting of Iraqi war veteran Kenneth Ellis III by Albuquerque Police Officer Brett Lampiris-Tremba. The facts underlying this shooting are summarized on page 13 of the Department of Justice's findings letter related to the Albuquerque Police Department. The case was controversial because, even though a state judge found the shooting to be unlawful, Mr. Ellis had been pointing a gun at his head throughout the encounter. The firm partners had just fired the firm's only associate and I was heavily relied on to complete trial motions and memoranda on our claims and the damages portion of the case. Ultimately, we were successful at trial and in staving off post-trial motions; we then settled the City's appeal in the case for over 8 million dollars.

I am proud of the case for three reasons. I am proud that we took a controversial shooting case and held the officer accountable for his actions through the civil justice system. I am proud that the firm was able to recognize a legally unjustified shooting. And I am proud that we were able to bring awareness to the recklessness with which APD was approaching mentally ill persons at the time. The knowledge we gained as a firm during the Ellis case provided us with vital skills that were later employed to achieve a positive result for the family of James Boyd, the homeless camper whose shooting sparked calls for reform of the department's use of force policies.

5. Describe your investigative philosophy.

My investigative philosophy is to approach each case with an objective eye and to thoroughly review available evidence, policy and law in reaching qualitative conclusions. I have employed this philosophy to review potential cases at the request of the firm partners.

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?

When I was hired as a legal assistant at the Whitener Law Firm and later at the Davis Law Firm there were a large number of dated cases that had not been reviewed or worked on since the signing of a retainer agreement. I identified these cases and coordinated our efforts to resolve and organize them, including directing another legal assistant in the course of investigating the cases and compiling evidence into settlement demand letters with overview of our legal position and demands for payment. I am confident that I could resolve the CPOA case backlog in the same manner.

7. What is your vision for the CPOA?

My vision is that the CPOA will foster and rebuild trust between the Albuquerque Police Department and the citizens of Albuquerque through providing impartial review and fair adjudication of complaints. I also envision the CPOA as a valuable asset to the Department by supporting officers through providing training, resources, and suggestions for the Department's continued improvement.

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.

I believe my strongest assets come from my varied life experience. I was born and raised in Albuquerque and attended the University of New Mexico in pursuance of my undergraduate and law degrees. As an

Albuquerque native, I understand the heart and soul of this city and have an appreciation of its best and worst qualities. I am also the son of a retired APD officers who served in the schools, on SWAT, and as a detective. By virtue of my childhood I grew up respecting police officers and have a real understanding of the sacrifice officers and their families must endure in their pursuit of public service. As a civil rights lawyer, I have worked on cases involving various police agencies, including APD. By virtue of my upbringing and doing this work I have gained an understanding of the tools and tactics employed by APD officers. I have also gained a thorough understanding of the law applicable to excessive force, as well as the Department's standard operating procedures and policies. All of this life experience and knowledge will benefit the CPOA because it allows me to objectively assess complaints in light of pertinent law and rules, while remaining sympathetic to both the complainant and officer under investigation.

My final positive trait is also one that poses the greatest challenge for me and that I am working to improve. At times, I can be overly-thorough and thoughtful about projects, which can delay their completion. This trait will benefit the CPOA because I will do everything in my power to make sure that all cases brought before me have been investigated to the fullest extent. On the other hand, I will work to improve on this trait to make sure that it does not interfere with the CPOA's duty to resolve complaints in a timely manner.

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.

My job as an attorney causes me to interact with the described groups on a regular basis. Our law firm is in contact with outreach groups associated with the homeless, and communicated with the Department of Justice attorneys while it was investigating APD and proposing policy changes. I also regularly interact with elected judges and stakeholders in the legal community as a member of various professional associations, such as the Lawyer's Professional Liability and Insurance Committee of the State Bar of New Mexico.

As the youngest member of the Committee, I often reserve my comments and concerns in deference to more senior members. However, at one time I was forced to step in and suggest resolution of a conflict between the civil defense bar and the trial lawyers resulting from an article published by the committee. In the end, I convinced these senior attorneys to put aside their differences and focus on the common goal which, at the time, was providing all members of the bar with information about malpractice liability.

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.

I believe that the questions were adequately stated and, coupled with my resume, provide you with an understanding of my background any qualifications for the position.

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.

George L. Bach Jr., Partner  
Garcia Ives Nowara LLC  
201 3rd St NW Ste 480  
Albuquerque, NM 87102-3484  
(505) 899-1030  
[george@ginlawfirm.com](mailto:george@ginlawfirm.com)

Mr. Bach was a professor of mine while I was in law school. He supervised and facilitated my first publication, and was my supervisor when I served as a tutor for the school's evidence and trial practice class.

Carolyn Nichols, Partner  
Rothstein Donatelli Hughes Dahlstrom Schoenburg & Bienvenu LLP  
500 4th St NW Ste 400  
Albuquerque, NM 87102-2174  
(505) 243-1443  
[cmnichols@rothsteinlaw.com](mailto:cmnichols@rothsteinlaw.com)

Ms. Nichols is my official mentor for the State Bar's Bridge the Gap program. Because we work in the same area of law, I have worked collaboratively with her and she has a general understanding of the quality of my work.

Alan M. Malott  
Second Judicial District Court  
PO Box 488  
Albuquerque, NM 87103-0488  
(505) 841-7474  
[albdamm@nmcourts.gov](mailto:albdamm@nmcourts.gov)

Judge Malott has been a mentor of mine since I served as an intern in his chambers during law school. He can speak to my professionalism and dedication to the pursuit of justice.

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 16378237**

Name: Karen K Summers Address: [Redacted]  
Albuquerque, New Mexico 87108 US  
Home Phone: [Redacted] Alternate Phone: [Redacted]  
Email: [Redacted] Notification Email  
Preference:  
Former Last Name: Month and Day of Birth:

**Personal Information**

Driver's License: Yes, New Mexico, [Redacted]  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
Are you willing to relocate? Maybe  
Albuquerque or Santa Fe  
Types of positions you will accept: Regular, Temporary  
Types of work you will accept: Full Time, Part Time, Per Diem  
Types of shifts you will accept: Day, Evening, Night, Rotating, Weekends, On Call (as needed)

**Objective**

J.D. Specializing in health care administration

**Education**

**College**

University of New Mexico  
www.unm.edu  
8/2002 - 7/2015  
Albuquerque, New Mexico

Did you graduate: Yes  
College Major/Minor: J.D. and Masters  
Public/Health Administration  
Units Completed: 40 Semester  
Degree Received: Other

**Work Experience**

**Self Employed J.D. Graphic Designer**  
1/2008 - 6/2015

Summers Law  
5600 Gibson Blvd SE 477  
Albuquerque, New Mexico 87108  
5053017243

Hours worked per week: 40  
Monthly Salary: \$3,000.00  
# of Employees Supervised: 2  
Name of Supervisor: Karen Summers - owner  
May we contact this employer? Yes

**Duties**

Attorney

**Reason for Leaving**

Self-employed attorney

**Certificates and Licenses**

Type: Licensed New Mexico attorney - State Bar of New Mexico [Redacted]

Number: [Redacted]

Issued by: State Bar of New Mexico

Date Issued: 9 /2014 Date Expires:

**Skills**

Office Skills

Typing: 70

Data Entry: 80

Other Skills

J. D. and Masters Health Administration Expert - 10 years  
and 0 months

**Additional Information**

Additional Information

Education:

Licensed NM Attorney 2014  
University Of New Mexico Masters in Health Administration  
University Of New Mexico School Of Law, Juris Doctorate 2011  
University Of New Mexico, B. A., Psychology, Cum Laude, 2007

Experience:

Intern UNM Management/Administration 2014  
Extern Judge Michael E. Vigil's Office, New Mexico Court of Appeals 2010  
Intern Senator Jeff Bingaman's Office, Albuquerque Fall 2007  
Governor Richardson's New Mexico Fellow, Human Services, Santa Fe, Summer 2005  
Modrall, Sperling, Roehl, Harris & Sisk, P.A. (Legal Assistant)  
City of Albuquerque, Legal Department - Paralegal Public Safety  
Charles Berry, Trial Paralegal

Skills, Awards, Certificates:

Winner of the Fred M. Hart Prize for Excellence In Commercial Law (2011)  
State Bar NM Alternative Dispute Resolut

**References**

Professional  
**Aldrich, Ron**  
Program Director  
UNM MHA program  
Albuquerque, New Mexico 87131

**Resume**

**Text Resume**

**Attachments**

Attachment	File Name	File Type
KAREN KRISTINE SUMMERS B.docx	KAREN KRISTINE SUMMERS B.docx	Resume
coverlettercity.pdf	coverlettercity.pdf	Cover Letter

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and

attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A: 2000

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

#### **Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: UNM School of Law

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico

5. Q: How many years of management experience do you possess related to this position?

A: 5 years to less than 6 years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 5 years to less than 6 years

7. Q: Briefly describe your experience in criminal investigation.

A: As paralegal for City of Albuquerque Legal Department participated in criminal investigations re APD

8. Q: Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: Twenty years experience (see resume) with administrative and judicial processes, policies, and procedures

## 1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR

### Contact Information -- Person ID: 25109194

Name: JAMES RICHARD BROWN Address: [REDACTED] Albuquerque, New Mexico 87106 US  
Home Phone: [REDACTED] Alternate Phone:  
Email: [REDACTED] Notification Preference: Email  
Former Last Name: Month and Day of Birth: [REDACTED]

### Personal Information

Driver's License: Yes, New Mexico , [REDACTED]  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

### Preferences

Preferred Salary:  
Are you willing to relocate? I live in Albuquerque.  
Types of positions you will accept: Regular  
Types of work you will accept: Full Time , Part Time , Per Diem  
Types of shifts you will accept:

### Objective

### Education

**College** Did you graduate: Yes  
*University of New Mexico School of Law* College Major/Minor: Juris Doctorate  
<http://lawschool.unm.edu/> Units Completed: 6 Semester  
8/1988 - 5/1991 Degree Received: Other  
Albuquerque, New Mexico

**College** Did you graduate: Yes  
*University of New Mexico* College Major/Minor: Biology  
<http://www.unm.edu/> Units Completed: 8 Semester  
[Unspecified Start] - 12/1977 Degree Received: Bachelor's  
Albuquerque, New Mexico

### Work Experience

**State District Court Judge** Hours worked per week: 40  
8/2006 - 12/2012 Monthly Salary: \$0.00  
Name of Supervisor: Gary Clingman -  
Fifth Judicial District Court in Eddy County Chief District Judge (Lea County  
<http://www.fifthdistrictcourt.com/contact.htm> Courthouse)  
102 N. Canal May we contact this employer? Yes  
Carlsbad, New Mexico 88220  
(575) 885-4740

### Duties

2006 - 2012 State Trial Court Judge - general jurisdiction

I served as a trial judge in the state courts of New Mexico. I presided over bench and jury trials in the highest trial court level of the New Mexico Judiciary in the Fifth Judicial District Court in Eddy County, Carlsbad, New Mexico. The Fifth District Court is a state government court and has original jurisdiction of all felony criminal matters, domestic relations, probate/succession, adoption proceedings, child abuse and neglect, all serious or complex torts, contract, and property matters, and all other civil

proceedings. My caseload included cases from all of those areas.

With assistance from the Juvenile probation office, I started the Eddy County Juvenile Drug Court and served as the presiding judge for just over three years as part of my regular court duties. Drug courts are required to secure non-public funds preliminarily to demonstrate effectiveness. We received state funding after about a year of operation. The Court still operates currently with a successor judge.

I supervised the staff of the Drug Court as well as my courtroom staff. My involvement in personnel matters was pursuant to the NM Judicial Branch Personnel Rules and included procedures for step-wise discipline of staff. I was charged with developing the emergency and security plan for the courthouse.

The Chief Justice of the NM Supreme Court appointed me as Water Law Judge for the Fifth Judicial District. Along with the Chief District Judge and the other judges of the Fifth Judicial District I participated in the administration of the district's affairs. As one of three district judges in Eddy County, I was responsible for consulting with local, county and state agencies to ensure effective operation of the local judicial system.

I was appointed by Governor Bill Richardson in 2006 but then lost the subsequent partisan election. The Chief Justice of the New Mexico Supreme Court, Edward Chavez, reappointed me in 2007. I survived the next election in 2008.

#### **Reason for Leaving**

My wife took a position in New Zealand. We moved there and stayed for two years.

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#### **Fifth Judicial District Public Defender**

7/2003 - 8/2006

Fifth Judicial District Public Defender - State of New Mexico  
<http://www.lodnm.us/index.php>  
211 N. Canal  
Carlsbad, New Mexico 88220  
(575)887-0224

Hours worked per week: 40

Monthly Salary: \$0.00

# of Employees Supervised: 34

Name of Supervisor: John Bigelow -  
Chief Public Defender for the State of  
New Mexico

May we contact this employer? Yes

#### **Duties**

Before the creation of the current Law Offices of the Public Defender, I served as the Fifth Judicial District Public Defender, at that time one of eight state-level administrative appointments in the State of New Mexico Public Defender. The Fifth District office includes three large counties in Southeastern New Mexico with a combined population of over 175,000. I administered the district employees pursuant to the New Mexico personnel rules. The department was unionized and personnel management included a fair amount of labor relations work.

I managed the four district law offices; I supervised 14 attorneys and 20 support-staff members. With this staff, I was charged with providing professional legal representation for indigent criminal defendants (roughly 90% of all criminal defendants in the District) in three district courts (New Mexico's highest trial court) with ten district judges, and seven magistrate courts with nine magistrates. I was responsible for recruiting and training the attorneys and staff and for managing the department's mentoring program for the development of inexperienced attorneys. I was also responsible for my own full caseload and handled many of the most serious cases in the district.

I was responsible for investigating several hundred criminal cases each year that ranged from very simple misdemeanor cases with few witnesses to very complex, serious felony cases with dozens of witnesses and items of evidence. I was charged with working with the three investigators in the District to develop policies and procedures for conducting investigations. I trained new attorneys in the proper methods for investigations and monitored them for compliance. I was responsible for administering the Public Defender training and mentoring procedures for all attorneys in the District.

Annually, I defended 20 or more felony jury trials, conducted hundreds of hearings, and represented as many as 250 clients with cases of varying degrees of seriousness. I was responsible for initiating the appellate process for my clients when appropriate. I represented juvenile defendants, misdemeanants, and felons (including one death penalty eligible client).

As one of eight District Defenders statewide, I participated in the administration and management of the New Mexico Public Defender, a cabinet-level department of New Mexico state government. I answered to Chief Public Defender and served at the pleasure of the Governor. My duties in that role included participating in the development of statewide policy and procedures, planning and executing training workshops, and liaising with members of the New Mexico legislature, local governments, community groups and civic leaders. I was appointed District Defender by Governor Bill Richardson and

served in this role until he appointed me to the judgeship described above.

**Reason for Leaving**

I was appointed District Judge.

**Managing Attorney**

7/1997 - 6/2003

New Mexico Public Defender  
<http://www.lopdnm.us/index.php>  
211 N. Canal  
Carlsbad, New Mexico 88220  
(575)887-0224

Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 9  
Name of Supervisor: Rebecca Reese -  
Fifth Judicial District Public Defender  
May we contact this employer? Yes

**Duties**

I served as the managing attorney for the Eddy County district office of the New Mexico Public Defender in Carlsbad, New Mexico. I supervised three attorneys and a support staff of five. Using this staff, I was charged with providing professional legal representation for indigent criminal defendants in the Fifth Judicial District Court in Carlsbad (district courts are the highest trial courts in New Mexico). Additionally, I was responsible for ensuring professional representation of misdemeanants in the magistrate courts.

I assisted the District Defender in recruiting and training attorneys, and in managing a mentoring program for the development of inexperienced attorneys. I was also responsible for my own caseload and handled the most serious cases in Eddy County. Annually, I defended 20 or more felony jury trials, conducted hundreds of hearings, and represented as many as 250 clients with cases of varying degrees of seriousness. I was responsible for initiating the appellate process for my clients when appropriate. I represented juvenile defendants, misdemeanants, and felons.

As a managing attorney, I worked with the District Defenders and other managing attorneys statewide in the administration and management of the New Mexico Public Defender as a cabinet -level department of New Mexico government. I was responsible for managing the staff of the Carlsbad district office pursuant to the New Mexico personnel rules. The department was unionized and personnel management included a fair amount of labor relations work.

**Reason for Leaving**

I was appointed Fifth Judicial District Public Defender

**Trial Attorney**

1/1991 - 6/1997

New Mexico Public Defender  
505 Marquette NW  
Albuquerque, New Mexico 87102  
(505) 369-3600

Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 0  
Name of Supervisor: Ralph Odenwald -  
Second Judicial District Public Defender  
May we contact this employer? Yes

**Duties**

I worked as an attorney for the New Mexico Public Defender in Albuquerque, New Mexico. I provided legal representation for indigent criminal defendants in several capacities across seven years. I began in a busy metropolitan misdemeanor court representing 80 - 100 clients per week in cases involving DWI, domestic violence, petty theft, simple assault and battery, and other minor crimes.

Over the course of about the first three years, I conducted dozens of six-person jury trials, hundreds of bench trials, and countless miscellaneous hearings. I later represented convicted misdemeanants in the first level of their appeals. Part of effective representation of criminal defendants is case investigation. I investigated several hundred criminal cases annually. Investigations included scene visits, review of reports, photos and videos, interviews of witnesses and consultation with other attorneys and expert witnesses. Additionally, in about two years time, I completed dozens of formal, written appellate proceedings.

As one of the first attorneys to use the new Metropolitan Court on-record appeals process, I participated in developing the procedures for handling the new procedures. On-record appeals required detailed briefing that was submitted to the District Court for an appellate decision.

In the last roughly four years time at this post, I provided legal representation for clients accused with felonies. I served as first-chair in over 25 jury trials, second-chair in dozens of others, and defended

dozens of clients in bench trials. I handled moderate to serious felony cases. I was also responsible for initiating appeals for clients when appropriate. Once again, I was required to conduct dozens of investigations annually to effectively represent my clients.

**Reason for Leaving**

I was promoted to managing attorney of the Carlsbad district office.

**Technician, Pathologist's Assistant, Laboratory Manager**

4/1982 - 7/1988

NM Office of the Medical Investigator  
<http://omi.unm.edu/>  
MSC07 4040; 1 University of New Mexico  
Albuquerque, New Mexico 87131-0001  
(505) 272-3053

Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 11  
Name of Supervisor: Suzanne Fetsco - COO  
May we contact this employer? Yes

**Duties**

I worked in the Morphology Laboratory at the New Mexico Office of the Medical Investigator (OMI) for six years. OMI is the New Mexico government facility that conducts all forensic autopsies in the state and is associated with the University of New Mexico, School of Medicine.

In the first two years I worked as a technician providing histology support for the forensic autopsy service. The histology technician processed tissues and prepared thin sections cut from paraffin embedded specimens suitable for light microscope analysis by the pathologists. From time to time we were required to produce frozen sections.

In addition to my work as a histology technician, I assisted the pathologists at autopsy. In the six years I spent there, I assisted at over 1,000 forensic autopsies and over 200 hospital autopsies.

The last four years of my time at OMI I served as the manager of the morphology laboratory. I managed a staff of 11 pathologists' assistants and histology technicians. I was responsible for the recruiting, hiring, training, and supervising of all employees of the laboratory. I administered the materials budget for the laboratory. I archived the photographs taken at autopsy and the related field photography. I was responsible for the chain-of-custody of forensic evidence collected at autopsy and its delivery to appropriate federal, state, and local law enforcement agencies.

I was part of a team that trained the field investigators statewide in the procedures to follow at external examinations, when securing chain-of-custody integrity, and when photographing the forensic scenes in the field. In my role as manager of one of OMI's departments, I participated in developing policies and procedures in the pathology laboratory, the administrative office, and the field.

**Reason for Leaving**

To attend law school.

**Certificates and Licenses**

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

**References**

Professional  
**Shuler Gray, Jane**  
District Judge  
Fifth Judicial District Court  
102 N. Canal  
Carlsbad, New Mexico 88220  
(575) 887-7101

Professional  
**Pugh, Richard**

Second Judicial District Public Defender  
Law Offices of the Public Defender  
505 Marquette NW  
Albuquerque, 87102  
(505) 400-9535

Personal  
**McEntee, Mike**

**Resume**

Text Resume

**Attachments**

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Retired from another PERA entity

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: University of New Mexico School of Law

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico

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**5. Q:** How many years of management experience do you possess related to this position?

**A:** 6 or more years

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**6. Q:** Select the number of years of work experience you possess which relate to this position.

**A:** 13 or more years

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**7. Q:** Briefly describe your experience in criminal investigation.

**A:** As a criminal defense lawyer, I investigated thousands of criminal complaints against my clients. Case investigation by a defense lawyer is different in a several ways from the investigations carried out by the primary police authorities but is every bit as rigorous. My investigations included, where appropriate, scene visits, review of reports, interviews of witnesses, review of video and audio recordings, examination of physical evidence, consultation with relevant experts, and documenting findings and conclusions.

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**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

**A:** I worked for over 15 years in the NM Public Defender and roughly half of that time I was in administrative positions. My work with the PD involved state-wide policy development as one of eight senior administrators in the Department. As a NM district judge for roughly six years I handled hundreds of civil and criminal cases including many cases of the highest complexity. Four of my six years at the NM Office of the Medical Investigator I was the manager of the Morphology Laboratory. At OMI, the Public Defender, and as a district judge, I spent over 13 years as a manager involved in development and administration of policies and procedures and personnel administration.

## 1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR

### Contact Information -- Person ID: 24903773

Name: EDNA FRANCES SPRAGUE Address: [REDACTED]  
Albuquerque, New Mexico 87104 US

Home Phone: [REDACTED] Alternate Phone:  
Email: [REDACTED] Notification Preference: Email

Former Last Name: Month and Day of Birth: [REDACTED]

### Personal Information

Driver's License: Yes, New Mexico [REDACTED]

Can you, after employment, submit proof of your legal right to work in the United States? Yes

What is your highest level of education? Doctorate

### Preferences

Preferred Salary: \$90,000.00 per year

Are you willing to relocate? No

Types of positions you will accept: Regular

Types of work you will accept: Full Time

Types of shifts you will accept: Day , Evening , Night , Weekends , On Call (as needed)

### Objective

I have been a prosecutor for 10 years and have worked very closely with Albuquerque Police Department as well as surrounding agencies in that capacity. I am from Albuquerque and feel that my skills as a prosecutor, a manager, and a communicator will be an asset as APD and the City work to rebuild their relationship with each other and the community.

### Education

<b>Professional</b> <i>West Virginia University School of Law</i> 8/1998 - 5/2001 Morgantown, West Virginia	Did you graduate: Yes College Major/Minor: Juris Doctor Degree Received: Professional
<b>Graduate School</b> <i>University of New Mexico</i> 1/1997 - 5/1998 Albuquerque, New Mexico	Did you graduate: No College Major/Minor: Community & Regional Planning Degree Received: Master's
<b>College</b> <i>University of New Mexico</i> 8/1990 - 12/1996 Albuquerque, New Mexico	Did you graduate: Yes College Major/Minor: American Studies and Women Studies Degree Received: Bachelor's

### Work Experience

<b>Deputy District Attorney</b> 8/2005 - Present	Hours worked per week: 40 Monthly Salary: \$5,000.00 # of Employees Supervised: 17
Second Judicial District Attorneys Office 520 Lomas Blvd. NW Albuquerque, New Mexico 87102 505-222-1245	Name of Supervisor: Debbie DePalo - Chief Deputy District Attorney May we contact this employer? No

**Duties**

Deputy District Attorney, May 2012 to present. Duties included those listed below with the addition of all supervisory responsibility for case acceptance, prosecution, and plea resolutions up to and including jury trials. Responsible for all administration and personnel matters for a division of fifteen people. This includes hiring and discipline. Manage caseloads and triage of an endless variety of case difficulty. Supervise seven attorneys at all experience levels. Work with local law enforcement in streamlining and bettering communication with law enforcement in order to make the criminal justice system more accessible to victims of violent domestic violence crimes. Delegate case responsibility and duties within the division. Coordinate with other state agencies regarding case prosecution, appellate issues, and collaboration. Handle all criminal cases from other judicial districts where there exist conflicts in the originating jurisdiction.

Assistant Supervising Senior Trial Attorney, January 2012 to May 2012

Felony Domestic Violence Division - District Court. Duties include screening of all criminal case investigations submitted to the Second Judicial District Attorneys office for case prosecution. Responsible for presenting those accepted cases to the Grand Jury for probable cause determinations. Assist the Deputy District Attorney with any and all administrative needs including but not limited to supervising the attorney and non-attorney staff in the division (fourteen total people).

Assistant District Attorney, November 2009 to January 2012

Felony Domestic Violence Division - District Court. All duties the same as listed below except cases are now focused on the intersection between domestic violence and narcotics offenders. Working under Federal Grant to combat narcotics and violence crimes offenders. Additionally taught classes to law enforcement around the state of New Mexico on domestic violence legal updates (both criminal and as related to the Family Violence Protection Act) in satisfaction of mandatory law enforcement continuing education requirements.

Assistant District Attorney, September 2006 to November 2009

Felony Domestic Violence Division - District Court. Prosecute all varieties of felony domestic violence cases. Participate in the Albuquerque Police Department Cadet Mock Trial trainings; co-taught classes at the APD Academy with other assistant district attorneys. Taught Continuing Legal Education classes on domestic violence and criminal law. Attended numerous community meetings related to domestic violence; including homicide review teams, domestic violence network meetings, and planning meetings for the Family Advocacy Center, to name a few. Extensive law enforcement training with APD - Mandatory training done ever two years to the entire department. Additional training done during field briefings at request of commanding officers.

Assistant District Attorney, August 2005 to September 2006

Lead Project Attorney for a Domestic Violence Special Prosecution Unit in the Metropolitan Court. Prosecute all varieties of misdemeanor domestic violence cases with the assistance of one field investigator and two victim advocates.

**Staff Attorney**

6/2002 - 7/2005

New Mexico Legal Aid, Inc  
301 Gold Ave SW  
Albuquerque, New Mexico 87102  
505-243-7871

Hours worked per week: 40

Monthly Salary: \$0.00

Name of Supervisor: Angelica Anaya Allen -  
Executive Director - no longer so employed

May we contact this employer? Yes

**Duties**

Represent victims of domestic violence in obtaining, enforcing, modifying orders of protection against their abusers and family law associated with the domestic violence case, including divorce and custody issues. Act as an informal liaison between the victim and the criminal justice system in prosecuting criminal domestic violence cases.

Participate in numerous community activities dealing with Domestic Violence, including but not limited to: the Intimate Partner Violence Homicide Review Team; NM Coalition Against Domestic Violence; and NM Attorney General's Office.

Taught Continuing Legal Education classes on Domestic Violence in civil court, the Uniform Child Custody Jurisdiction and Enforcement Act, and general family law.

Appear in District Court on a regular basis mostly for the purpose of conducting evidentiary hearings; also appeared in Metropolitan Court to litigate landlord/tenant cases.

Previous work included dealing with clients on a variety of housing issues: evictions, foreclosures, discrimination, and landlord/tenant negotiations.

**Reason for Leaving**

Went to work for the Second Judicial District Attorney's Office

**Associate Attorney**

1/2002 - 6/2002

Hours worked per week: 40

Monthly Salary: \$0.00

May we contact this employer? No

Garcia Kelley & Associates - no longer in existence  
Albuquerque, New Mexico

**Duties**

Worked with Family Law clients, Domestic Violence clients, Adoptions, regarding all areas of family, divorce, and custody law.

**Reason for Leaving**

Went to work at New Mexico Legal Aid

**Law Clerk**

8/2001 - 10/2001

Hours worked per week: 40

Monthly Salary: \$0.00

Name of Supervisor: David Kelsey

May we contact this employer? Yes

Atkinson & Kelsey, PA  
2155 Louisiana Blvd NE  
Albuquerque, New Mexico 87110  
505-883-3070

**Duties**

Worked with Family Law clients regarding complex divorce, custody, and financial issues. Included case development on complicated child abuse case.

**Reason for Leaving**

To travel - then went to work for Garcia Kelly & Associates.

**Certificates and Licenses**

Type: Licensed to Practice Law in the state of New Mexico, September 2001

Number: [REDACTED]

Issued by: State Bar of New Mexico

Date Issued: 9 /2001 Date Expires:

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

Professional Associations

State Bar of New Mexico, American Bar Association, New Mexico Intimate Partner Violence Homicide Review Team; and NM Coalition Against Domestic Violence.

Professional Associations

National Organization of Legal Services Workers Local 2320, United Auto Workers - President

June 2002 - August 2005

Honors & Awards

Winner of Charles Evans Hughes Moot Court Competition, April 1999

While at Chicago Kent College of Law (first year law school)

**References**

Professional

**Morales, Det. Jason**

Retired - Albuquerque Police Department - Homicide

[REDACTED]  
Albuquerque, New Mexico 87113  
[REDACTED]

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Professional

**Moss, Nicole**

Attorney at Law - Law Office of Nicole W. Moss

[REDACTED]  
Albuquerque, New Mexico 87102  
[REDACTED]

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Personal

**Sandlin, Scott**

[REDACTED]  
Albuquerque, New Mexico 87106  
[REDACTED]

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Professional

**Thomson, Elizabeth**

Sgt. APD - Homicide

Albuquerque Police Department

400 Roma NW

Albuquerque, New Mexico 87102

[REDACTED]  
[ethomson@cabq.gov](mailto:ethomson@cabq.gov)

---

Professional

**Benford, Mark**

Special Commissioner

400 Lomas Blvd NW

Albuquerque, New Mexico 87102

[REDACTED]  
[albdmqb@nmcourts.gov](mailto:albdmqb@nmcourts.gov)

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## Resume

Text Resume

Attachments

## City-Wide Questions

1. Q: Have you ever been convicted of a felony?

A: No

---

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

---

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

---

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

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5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

### Supplemental Questions

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: West Virginia College of Law

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico

5. Q: How many years of management experience do you possess related to this position?

A: 3 years to less than 4 years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

7. Q: Briefly describe your experience in criminal investigation.

A: As I prosecutor I am involved in criminal investigations in many ways. I am present at homicide call-outs and observe those investigations. I also engage in a variety of types of investigations as part of my day to day tasks prosecuting felony domestic violence. Looking for victims or witnesses, discussing cases with law enforcement, viewing evidence, organizing evidence, crime lab service requests, reviewing law enforcement case files, interviewing witnesses, interpreting crime scenes, viewing photographic evidence, and a variety of other tasks.

8. Q: Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: I have most recently transitioned a felony division from old local rule standards to the new LR2-400 local rule which drastically changed the way cases are prosecuted in the 2nd Judicial District. Over the years I have administered grants and maintained grant compliance, I have reported to a governing board (as part of New Mexico Legal Aid), and when I left my position at NMLA I was appointed as a member of the governing board.

**From:** Beth Mohr  
**To:** POB; Leonard Waites; Mark T. Baker; Hults, Samantha M.  
**Subject:** Expecting plan from Robin Hammer today  
**Date:** Thursday, July 16, 2015 9:19:48 PM

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Leonard, Today you should have received Robin Hammer's written plan for complying with with written reprimand issued by the POB on July 9th. Please send that out to the full POB just as soon as you have it, or at the very least, to the Personnel Subcommittee.

If you have not received anything from Ms. Hammer yet, please let us know right away, so that we may consult with Ms. Hults for the appropriate disciplinary action to be undertaken.

Thanks much, -Beth

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:** [McDermott, Diane L.](#)  
**To:** [POB](#)  
**Cc:** "[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)"  
**Subject:** FW: 2015 Semi-Annual Report Part 1 of original email  
**Date:** Thursday, July 23, 2015 6:10:47 PM  
**Attachments:** [2015 First Semi-Annual Report-RSH.doc](#)  
[Discipline Imposed for Sustained Findings in the First Half of 2014.xlsx](#)

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The original email you were sent was too big to go as one email. Mr. Cash asked that I resend it in smaller increments so here is the first.

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**From:** Cash, Paul  
**Sent:** Thursday, July 23, 2015 4:16 PM  
**To:** POB  
**Cc:** [mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com); Hammer, Robin; Skotchdopole, Paul A.; O'Neil, Erin; Davidson, Christopher; McDermott, Diane L.  
**Subject:** 2015 Semi-Annual Report

Dear Board Members:

Attached please find the 2015 Semi-Annual Report. It is complete, with the exception of the executive director's executive summary. Once the executive director includes the summary, the page numbers on the table of contents will need to be added/adjusted.

Unfortunately, the combination of CIRIS' unreliability concerning exporting data, along with its utter inability to export data on the DOJ mandated demographic information, forced me to do a lot of work by hand. Thus, I have included the spreadsheets to "show my work."

I have also included a list of the data information I enter/verify for opening and closing cases per Ms. Hammer's request.

-  
**IA Pro**

-  
IAPro, at least at this point, has almost no ability to report out accurate information concerning the CPCs. These issues have been raised with APD's IT division, and specific documentation to show the program's deficiencies has been given to Rishma Khimji at APD. She is working with IAPro to remedy this situation. My work on this issue has been saved to the share drive under Rishma.Projects and IAPro.

-  
**Blue Team/IAPro**

-  
The CPOA data has limited statistical value because of the limited amount of CPCs received. Thus, access to APD's data will be crucial in determining trends and providing analysis of APD's interactions with the public.

Eric Daigle's writings/blog <https://www.daiglelawgroup.com/attorneys/eric-p-daigle/> would be an excellent resource for what data would be the most useful the CPOA in meeting its purpose.

<http://www.dailykos.com/story/2014/12/06/1349810/-5-of-New-York-City-cops-make-40-of-all->

resisting-arrest-charges#

-  
Arrest to force ratio (by shift, or area command, be sure to compare apples to apples) More incidents of use force will likely be used in SE than in NE.  
Arrest to injury ratio  
Force to injury ratio  
Focus on front line sergeant actions (including who is getting their reports in on time)  
Civil lawsuit data (settlements compared to injury)  
Calls to arrests  
Calls to complaints (and separately, calls to IA complaints ratio)  
Blue Team should also allow you to focus in on specific types of force (baton, mace) and that should be compared geographically as well  
Compare whether calls for service for particular crimes have risen  
Compare this data to other cities of similar size  
Cleveland just signed off on a similar consent decree/settlement agreement, so it may be worthwhile to follow their progress, esp. regarding use of force

Suggested Policy changes:

Revisions of office policy concerning when Garrity warning is read.  
Require officers to affirmatively state whether or not money was found during a vehicle search.  
Require the downloading of pictures immediately to a cloud or other hard drive.  
Requirement to tag in video any time use of force is used.  
Requirement to list all persons involved in tact plan, even training tact plans.  
Revise lapel camera policy following UNM study.  
Customer service training for officers (perception problem)  
Mobile crisis vans with mental health professionals available on all shifts:  
[http://www.csmonitor.com/USA/Justice/2015/0615/In-Los-Angeles-a-national-model-for-how-to-police-the-mentally-ill?utm\\_medium=referral&utm\\_source=pulsenews](http://www.csmonitor.com/USA/Justice/2015/0615/In-Los-Angeles-a-national-model-for-how-to-police-the-mentally-ill?utm_medium=referral&utm_source=pulsenews)

I have also included a copy of the spreadsheet I have been keeping concerning Board member training.

Best of luck.

Paul Cash  
Civilian Police Oversight Analyst  
P.O. Box 1293  
Albuquerque, NM 87103

# Civilian Police Oversight Agency

600 2nd NW Room 813 Albuquerque NM 87102

P.O. Box 1293 Albuquerque NM 87103

Phone: (505) 924-3770 Fax: (505) 924-3775

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

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## CITY OF ALBUQUERQUE

Richard J. Berry  
Mayor

Robert J. Perry  
Chief Administrative Officer

### *Civilian Police Oversight Agency 2015 First Semi-Annual Report*



#### **Mission Statement**

*The mission of the Civilian Police Oversight Agency (CPOA) is to provide a means for prompt, impartial, and fair investigation of all citizen complaints brought by individuals against the Albuquerque Police Department (APD) and to provide for community participation in setting and reviewing police department policies, practices, and procedures.*

**Leonard Waites**  
Police Oversight Board Chair

**Beth Mohr**  
Police Oversight Board Co-Vice Chair

**Jeffery Scott Wilson**  
Police Oversight Board Co-Vice Chair

**Robin S. Hammer, Esq.**  
CPOA Acting Executive Director

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# I. CIVILIAN POLICE OVERSIGHT AGENCY

## STAFF

**ROBIN S. HAMMER, Esq.**  
Acting Executive CPOA Director

**Paul A. Skotchdopole**  
CPOA Assistant Lead Investigator

**Chris Davidson**  
Civilian Police Oversight Investigator

**Diane L. McDermott**  
Civilian Police Oversight Investigator

**Erin E. O'Neil**  
Civilian Police Oversight Investigator

**Michelle D. Contreras**  
Civilian Police Oversight  
Executive Administrative Assistant

**Paul M. Cash**  
Civilian Police Oversight Analyst

## CREATION OF THE CIVILIAN POLICE OVERSIGHT AGENCY

On August 18, 2014, City Council passed legislation which suspended the Police Oversight Commission (POC), Ordinance O-14-15. This legislation became effective on September 5, 2014.

On September 18, 2014, the City Council passed amendments to the Police Oversight Ordinance through Ordinance O-14-13. On October 6, 2014, Mayor Richard J. Berry signed the legislation. The new amendments replaced the prior Police Oversight Commission and the Independent Review Officer with the Civilian Police Oversight Agency, one body consisting of the Police Oversight Board, the CPOA Executive Director and the CPOA Administrative Office.

Under the amended Police Oversight Ordinance, City Council is responsible for selecting and confirming nine members of a Police Oversight Board (POB). The amended Ordinance made several changes to the existing Civilian Police Oversight system. These changes to the Police Oversight process included change from two independent bodies, the former Independent Review Office and Police Oversight Commission into a one-body system, the Civilian Police Oversight Agency (CPOA). The CPOA will consist of a Council-appointed Board who will oversee an Executive Director. The Executive Director will manage the day-to-day operations of the CPOA's Administrative Office. The CPOA will also:

- Physically be located outside of City Hall

- Manage its own budget - Minimum Budget: ½% of APD Budget (±750k/yr)
- May Hire its own Contract Legal Counsel
- Duty to:
  - Perform Community Outreach
  - Promote Accountability within APD
  - Investigate Citizen Complaints
  - Make APD Policy Recommendations

The Police Oversight Board (POB) consists of nine At-Large, Council-appointed members, who are representative of the City as a whole. The Board Members may be removed for cause by 2/3 vote of either the Council or POB. Members will hold three-year, staggered terms. The amended Ordinance increased training requirement. The Board is tasked with among other things, developing policy recommendations and reviewing Citizen Police Complaint Investigations.

The CPOA's Executive Director is required to hold a law degree and have experience in investigations. City Council appoints the Executive Director upon recommendation from the POB. The position has a three year term. The Executive Director leads the Administrative Office and reviews Citizen Police Complaint investigations. He or she reports to the POB. City Council may remove the Executive Director upon recommendation of 2/3 of POB.

The Executive Director also prepares and submits recommended findings in officer involved shooting cases to the POB for their approval. The Executive Director has access to any APD information or documents that are relevant to a civilian's complaint, or to an issue which is ongoing at the CPOA. The Ordinance also requires the Executive Director to play an active public role in the community, and whenever possible, provide appropriate outreach to the community to publicize the civilian complaint process.

Under the amended Ordinance, the CPOA Administrative Office is staffed with classified City employees who provide staff support to the POB. The Administrative Office staff performs all administrative functions of the Agency. The Administrative Office staff are required to receive and investigate all Citizen Police Complaints and to review and monitor APD Internal Affairs. The CPOA Administrative Office creates semi-annual reports, including general trends and issues at APD.

The Amended Ordinance also changed the process for reviewing Civilian Police Complaints against the Albuquerque Police Department:

1. A person may file a Complaint against the Albuquerque Police Department (APD), via the internet or in writing.
2. The Administrative Office of the Civilian Police Oversight Agency (Administrative Office) will open a case and assign it to an investigator. The assigned investigator will interview witnesses, obtain evidence, and interview the APD officers involved.
3. The Administrative Office will mediate Complaints, whenever appropriate and agreed upon by the parties.
4. If the Complaint is not mediated, the Administrative Office Investigators will conduct a full investigation.

5. Once the investigation of the Complaint is completed, the Executive Director of the Administrative Office will review the Complaint and results of the investigation to determine if there are any violations of Albuquerque Police Department Standard Operating Procedures. Standard Operating Procedures are the Police Department's rules regulating police and employee actions and conduct.
6. The Executive Director of the Administrative Office will draft a letter indicating her conclusions and findings, which the POB will accept, reject or modify. The Executive Director may send the completed investigation to the Department in order to meet discipline deadlines.
7. The members of the Police Oversight Board (POB) will review the Complaint and approve the Executive Director's findings and conclusions.
8. After the POB has approved the Executive Director's findings, the Administrative Office will send the findings to the person who filed the Complaint via Certified Mail and to the Albuquerque Police Department.
9. The person who filed the Complaint may appeal the POB's findings.

The Chief of Police retains sole authority to impose discipline to an Albuquerque Police Department employee for violations of the Albuquerque Police Department Standard Operating Procedures. The Civilian Police Oversight Agency does not impose discipline.

The Civilian Police Oversight Agency does not conduct criminal investigations.

## DEPARTMENT OF JUSTICE REVIEW OF APD

On April 10, 2014, the Department of Justice (DOJ) issued a Findings Letter regarding the Albuquerque Police Department (APD). In that letter, the DOJ found that there was reasonable cause to believe that APD engaged in a pattern or practice of use of excessive force, including deadly force, in violation of the Fourth Amendment. The DOJ further determined that structural and systemic deficiencies contributed to the use of unreasonable force.

On November 10, 2014, the City of Albuquerque (City) and the Department of Justice (DOJ) submitted a proposed Settlement Agreement to resolve the matter of United States v. City of Albuquerque.

Key elements of the Settlement Agreement include:

1. Use of Force- policy reforms, reporting, reviewing and investigating
2. Additional Training- for use of force situations, crisis intervention, and Field Officers
3. Staffing and Accountability- including additional accountability measures and a monitor
4. Recruiting, Selection, and Promotions- adding layers of evaluations into the promotion process
5. Community Engagement and Oversight
6. Implementation/Compliance Timeline

The Agreement also requires the CPOA to accept and investigation anonymous complaints, and complaints regardless of the timeframe of when the allegations occurred. On June 2, 2015, Judge Brack issued a Memorandum Opinion and Order adopting the Settlement Agreement.

## DUTIES AND RESPONSIBILITIES OF CPOA EXECUTIVE DIRECTOR

Under the amended Ordinance, the Executive Director reports directly to the Police Oversight Board. The CPOA Executive Director's duties are as follows:

- (1) Independently investigate, or cause to be investigated, all civilian police complaints and prepare findings and recommendations for review by the POB;
- (2) Review and monitor all Internal Affairs investigations including but not limited to officer involved shooting investigations. The Director shall prepare and submit findings and recommendations to the POB relating to officer involved shootings, and shall report on general trends and issues identified through monitoring or auditing of Internal Affairs
- (3) Provide staffing to the Police Oversight Board and ensure that the duties and responsibilities of the CPOA are executed in an efficient manner, and manage the day to day operations of the CPOA.
- (4) The Administrative Office will receive and process all civilian complaints directed against the Albuquerque Police Department and any of its officers.
- (5) The Director shall independently investigate and make findings and recommendations for review by the POB for such civilian complaints, or assign them for independent investigation by CPOA staff or an outside independent investigator. If assigned to staff or an outside investigator, the Director shall oversee, monitor and review all such investigations and findings for each.
- (6) All findings relating to civilian complaints and police shootings shall be forwarded to the POB for its review and approval. For all investigations, the Director shall make recommendations and give advice regarding Police Department policies and procedures to the POB as the Director deems advisable.
- (7) The Director shall report directly to the POB and lead the Administrative Office; independently investigate or supervise all investigations of civilian complaints, audit all IA investigations of complaints, recommend and participate in mediation of certain complaints, and supervise all CPOA staff.

## ACTING CPOA EXECUTIVE DIRECTOR

**ROBIN S. HAMMER, ESQ.** was selected as the top candidate by the POC for the Independent Review Officer (IRO) position, appointed by the Mayor, and confirmed by the City Council by a unanimous vote as IRO in the late summer of 2012. Ms. Hammer assumed the position as IRO in September 2012. After becoming IRO, Ms. Hammer joined the National Association of Civilian Oversight of Law Enforcement (NACOLE), which is a non-profit organization that brings together individuals and agencies working to establish or improve oversight of police officers in the United States. In 2013, Ms. Hammer was an active member of NACOLE's Professional Standards Committee. In the Professional Standards Committee, Ms. Hammer worked with other Police Oversight professionals across the country to enhance the practice of civilian oversight by providing resources to NACOLE members and the public to better understand existing and emerging models of oversight, to provide training opportunities for oversight practitioners, and to identify good practices employed by oversight agencies across the country. Ms. Hammer also successfully completed Los Angeles Police Department's week-long *Police Performance Audit* course. There Ms. Hammer learned how to conduct performance audits of police practices in order to make suggestions for improvements to systemic police policies and procedures.

Prior to her assuming the position as IRO, she served as a Senior Investigative Trial Counsel for the New Mexico Judicial Standards Commission for approximately two-and-a-half years. At the Judicial Standards Commission, Ms. Hammer investigated and prosecuted complaints of ethical misconduct against New Mexico judges statewide. In 2011, Ms. Hammer was responsible for the prosecution of judicial misconduct cases which resulted in the removal or resignation of eleven New Mexico judges. This number was approximately one-third of all judge resignations/removals nationwide for 2011.

Ms. Hammer also has more than 17 years of criminal prosecutorial experience. She has previously worked as Deputy and Assistant District Attorneys in the Farmington, Santa Fe, and Bernalillo County District Attorney's Offices. Ms. Hammer has prosecuted all types of cases, including violent, gang, property, and white collar crimes. At the Bernalillo County District Attorney's Office, she was in charge of the Organized Crime and Public Corruption Division. There she worked with the United States Secret Service and members of the Federal Financial Crimes Task Force to convict several groups of organized criminals. In 1995, the New Mexico Prosecutor's Section awarded her with the Legal Impact Prosecutor award for her work on a complex DNA serial rape case and a death penalty murder case. She served on the New Mexico Supreme Court's Criminal Procedure Rules Committee and the Court's Joint Committee Regarding Sealing of Court Records. Ms. Hammer earned a Bachelor of Arts degree in theater at Indiana University in Bloomington, Indiana. She also graduated *cum laude* from Indiana University School of Law in Bloomington. Ms. Hammer worked at the Santa Fe Opera prior to her career in the law.

## CONTRACT INDEPENDENT COUNSEL

On May 19, 2015, after a public search, the Police Oversight Board hired Mark Baker as the Civilian Police Oversight Agency's Contract Independent Counsel. Mr. Baker is a partner with the firm of Peifer, Hanson, and Mullins. Previously, Mr. Baker served as an Assistant United States Attorney for the District of New Mexico. During his time as a federal prosecutor, he had primary responsibility for prosecuting all criminal civil rights cases in New Mexico and was lead trial counsel in jury trials involving a range of violent felonies. Mark has served as Chair of the Magistrate Judge Merit Selection Panel for the District of New Mexico since 2010. He also has taught Evidence & Trial Practice and Advanced Evidence & Trial Practice as an adjunct professor at the University of New Mexico School of Law. Prior to joining the U.S. Attorney's Office, Mark spent eight years in civil practice, first as an associate with Morrison & Foerster LLP, in Denver, Colorado, and later as an associate and then partner with Long, Pound & Komer, P.A. in his hometown of Santa Fe, New Mexico. His work during this time period included securities litigation, antitrust, business disputes, civil rights, university faculty disputes and other employment law matters. He has argued and briefed criminal and civil cases before the United States Court of Appeals for the Tenth Circuit, the New Mexico Supreme Court, and the New Mexico Court of Appeals. Mark began his career as a law clerk to United States District Judge Bruce D. Black. A 2002 graduate of the University of Virginia School of Law, he served on the editorial board of the Virginia Law Review and published a note in that journal in the field of federal Indian law.

## FIRST HALF OF 2015 COMMUNITY OUTREACH

### CPOA Community Outreach Efforts

January 1, 2015 through June 30, 2015

January 4, 2015	APD Community Meeting	Wells Park Community Center
January 19, 2015	Martin Luther King Center Meeting	Congregation Albert
January 20, 2015	APD Community Meeting	Wells Park Community Center
January 30, 2015	Meeting with Amici to DOJ suit	ACLU Office
February 8, 2015	APD Community Meeting	Highland Community Center
February 19, 2015	Meeting with Amici to DOJ suit	ACLU Office
February 22, 2015	Presentation with City Councilor Diane Gibson to Congregation Albert's monthly civic meeting	Congregation Albert
March 5, 2015	Taped PBS television program, <i>In Focus</i> , re: CPOA and complaint process	KUNM studios

March 21, 2015	Peace and Justice Center Annual Meeting	Peace and Justice Center
March 26, 2015	Meet with Professor Matheson and NM Youth Forum re: youth issues	UNM Law School
March 28, 2015	APD Community Meeting	Taylor Ranch Community Center
April 14, 2015	Presentation to monthly meeting of ABQ-National Assoc. Mental Illness	St. John's Baptist Church
April 21, 2015	Meeting with NM Southern Christian Leadership Conference president and staff	Westside
April 28, 2015	Filmed Training Video for all APD Officers re: CPOA Complaint Process	APD
May 27, 2015	Asst. Lead Investigator Paul Skotchdopole presented training to APD Personnel on CPOA Complaint Process	APD Academy

## EXECUTIVE SUMMARY

## II. POLICE OVERSIGHT BOARD

On March 2, 2015, nine civilians were named to the Police Oversight Board. Ms. Eva Sandoval resigned at the March Police Oversight Board Meeting and was replaced by Dr. Susanne B. Brown.

### POLICE OVERSIGHT BOARD MEMBERS

**Dr. Moira Amado-McCoy** - Dr. Moira Amado-McCoy is currently President and CEO of All Innovation & Kairos Solutions. Dr. Amado-McCoy has experience as a teacher, facilitator, and liaison.

Her interest in serving on the Police Oversight Board stems from being a native New Mexican and having a keen interest in ethical and productive communication for community improvement. Some areas that Dr. Amado-McCoy would like to work in on the POB are ensuring transparency in organizational structures and finding avenues for bringing true diversity, multicultural perspective, and buy-in for a multi-stakeholder communication process.

**Dr. Jeannette Baca** - Dr. Jeannette Baca is a counselor and retired professor of counseling. Ms. Baca wants to serve her community and be a part of the solution. She is a former board member of the New Mexico Counseling Association (NMCA) and has served on the American Counseling Association (ACA) Ethics Revision Task Force. She is interested in working on improving the process and standards for hiring officers in addition to implementing structural and systemic improvements outlined in the DOJ Report and Settlement Agreement.

**Dr. Susanne B. Brown** - Dr. Susanne Brown is a retired physician. Dr. Brown has worked with numerous community organizations including: Healthcare for the Homeless, APS Board of Education, Enlace, Albuquerque Community Foundation, the Indian Health Service, Voices for Children, Juvenile Justice Advisory Committee. She currently volunteers with the BioPark as a docent for the Botanic Garden. Dr. Brown's experience in the community and experience working for the State Legislature as a legislative analyst will be an asset to the POB.

**Eric H. Cruz** - Mr. Eric Cruz is currently the Acquisition Program Manager at Kirtland Air Force Base. Mr. Cruz's unique set of knowledge, skills, and abilities can be an asset to the POB. They include: program management experience of setting and executing goals, working in a government setting, working with a team to achieve common goals, working in groups with dissenting opinions, education and training in leadership and communication skills. He is a resident of an area of Albuquerque that has high police activity.

**Joanne Fine** - Ms. Joanne Fine has served as a member of the APD Public Safety Partnership for several years which worked on creating partnerships between the community and APD. Ms. Fine also served as Project Director for developing and opening the Family Advocacy Center which is a partnership between APD and United Way that serves victims of interpersonal violence. Her experience in developing the Family Advocacy Center provided her with the opportunity to work with human service providers, the courts, the DA's office, underserved communities, and law enforcement, which can be an asset to the POB.

**Beth Mohr** - Ms. Beth Mohr is currently a Forensic Accountant and Investigator, Managing Partner at McHard Accounting Consulting. Ms. Mohr is a retired San Diego Police Officer; she's a former Investigator for the Independent Review Office in Albuquerque; and she's a concerned community member. She has a clear understanding of complex data sets, crime data, citizen complaint data and use of force data, and how each of these contribute to a lack of trust between the community and the police. Ms. Mohr Master's Thesis at UNM's School of Public Administration focused on achieving lasting outcomes in the implementation of civilian oversight.

**Rev. Dr. David Z. Ring III** - Dr. David Z. Ring III is a retired Pastor from United Methodist Church and a retired Electrical Engineer from Sandia National Labs. Dr. Ring III is a former Police Chaplin in

Odessa, TX and Los Alamos, NM and upon returning to Albuquerque, he wanted to be involved in serving the City and APD. Dr. Ring III believes the POB presents a unique opportunity to serve his community in a new and challenging way.

**Leonard Waites** - Mr. Leonard Waites is a lifelong resident of Albuquerque which drives his interest in serving on the POB. Mr. Waites wants to ensure the safety of the City and assist in making the POB a fair and impartial system for the citizens of Albuquerque and the Albuquerque Police Department. Mr. Waites is a member of the NAACP and previously served on the Police Oversight Task Force. His areas of interest include mending the relationship between the community and police department and building a relationship between the Board and Chief of Police, as it will be important to correcting and implementing policies and procedures.

**Jeffery Scott Wilson** - Mr. Jeffery Scott Wilson is currently the Director of the Victims Assistance Unit at the Domestic Violence Resource Center. Mr. Wilson is a former APD officer that worked for the department from August 1981 to July 1992. Mr. Wilson's interest in serving on the POB stems from his previous experience as a police officer and his work in the public sector in Albuquerque. Specific improvements that Mr. Wilson would like to work on while on the POB include: improving the citizen complaint process, focusing on incidents where lack of training was found to be a core issue, helping to create new training policies, and increasing APD accountability to the public.

## POLICE OVERSIGHT BOARD DUTIES

The Police Oversight Board (POB) is tasked with the following functions:

1. Promote a spirit of accountability and communication between the citizens and APD while improving community relations and enhancing public confidence;
2. Oversee the full investigation of civilian complaints; audit and monitor all investigations and/or police shootings under investigation by APD's Internal Affairs;
3. Continue cooperation with APD and solicit public input by holding regularly scheduled public meetings;
4. Review all work of the Administrative Office with respect to quality, thoroughness, and impartiality of investigations;
5. Submit all findings to the Chief of Police;
6. 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.

## POLICE OVERSIGHT BOARD TRAININGS

New members of the Police Oversight Board have participated in and completed the Civilian 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. POB members received classroom instruction by personnel from many police department divisions including presentations and demonstrations from Homicide, Crime Lab, Narcotics, K-9, and SWAT.

An initial training session was given on February 13, 2015. This training was given by Ms. Hammer, Mr. Skotchdopole and representatives from the City Attorney's Office and City Clerk's Office. The topics covered included the Open Meetings Act, Inspection of Public Records Act, the enabling Ordinance, and the complaint process.

On April 16, 2015, board members were given the opportunity to view "Strategies for Success: Implementing and Improving Citizen Oversight of Law Enforcement" as a live webinar.

The Foundation for Open Government (FOG) presented training on open meeting and record inspections on April 29, 2015. Many of the Board Members have participated in and completed ride-alongs with APD officers, Firearm Training Simulations (FATS).

Civil Rights Training was presented to the POB by attorney Mark Baker on May 19, 2015. Mr. Baker was subsequently chosen by the POB to act as their independent legal counsel.

Mr. Baker conducted training for POB members and CPOA staff regarding the ordinance and settlement agreement on June 26, 2015.

## POLICE OVERSIGHT BOARD MEETINGS

The regular meetings of the Police Oversight Board (POB) for the City of Albuquerque were held in accordance with the New Mexico Open Meetings Act (NMSA 1978), Section 10-5-1 through 10-15-4.

Meetings were open to the public and were held in the City Council/Commission Chambers, Albuquerque/Bernalillo County Government Center. During the first half of 2015, the POB held meetings on March 12, 2015; April 9, 2015; May 19, 2015; and June 11, 2015. A copy of the Meeting Minutes from these meetings may be found on the CPOA's website at <http://www.cabq.gov/cpoa/reports.html>

At its first meeting on March 12, 2015, the Police Oversight Board, reviewed Civilian Police Complaint (CPC) cases. After conferring with the Department of Justice, the City Attorney's Office, the Chief of Police and the Federal Monitor, the Police Oversight Board Chair voluntarily agreed to cease reviewing CPC cases until the

Police Oversight Board could substantially complete its required training and had adopted new Rules and Procedures, which reflected the changes in the Police Oversight Ordinance and DOJ Consent Decree. You can view the minutes for these meetings and sub-committee meetings by clicking on the hyperlink or by going to the “documents” section at the CPOA website.

March 12, 2015

April 9, 2015

May 19, 2015

June 11, 2015

## POLICE OVERSIGHT PERSONNEL SUBCOMMITTEE

### MEMBERS

---

BETH MOHR (CHAIR)

JOANNE FINE

ERIC CRUZ

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The Personnel Subcommittee held meetings on:

April 7, 2015

April 27, 2015

May 6, 2015

June 9, 2015

June 25, 2015

## POLICE OVERSIGHT CASE REVIEW SUBCOMMITTEE

### MEMBERS

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DR. MOIRA AMADO-MCCOY (CHAIR)

JOANNE FINE

LEONARD WAITES

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The Case Review Subcommittee held meetings on:

May 7, 2015

May 11, 2015

June 9, 2015

## POLICE OVERSIGHT COMMUNITY OUTREACH SUBCOMMITTEE

### MEMBERS

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DR. JEANNETTE BACA (CHAIR)  
DR. DAVID RING III  
LEONARD WAITES

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The Community Outreach Subcommittee held meetings on:

March 30, 2015

April 27, 2015

May 26, 2015

June 29, 2015

## POLICE OVERSIGHT POLICY AND PROCEDURE SUBCOMMITTEE

### MEMBERS

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DR. SUSANNE BROWN (CHAIR)  
DR. MOIRA AMADO-MCCOY  
BETH MOHR  
JEFFERY SCOTT WILSON

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The Policy and Procedure Subcommittee held a meeting on:

June 5, 2015

# III. OFFICER-INVOLVED SHOOTINGS

In the first half of 2015, one officer-involved shooting case was presented to the Police Oversight Board.

## *Police Shooting I-49-14*

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 Andy Fuentes, had just been bitten by a dog. Officer P. saw a mid-sized female dog aggressively barking and growling at Andy. 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. In total, the dog bit three students. 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 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.

The Board found 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.

## Officer-Involved Shootings Occurring in the First Half of 2015

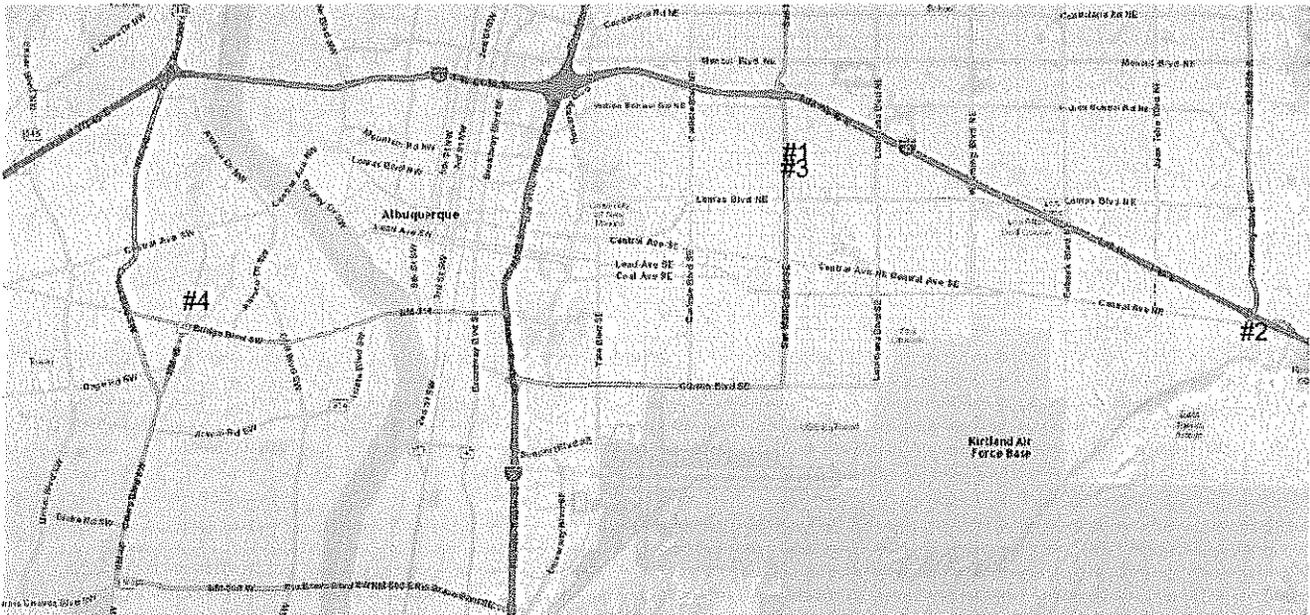


Figure 1: Locations of officer-involved shootings which occurred in the first half of 2015.

There were four officer-involved shootings in the first half of 2015. In addition to reviewing and reporting on officer-involved Shootings to the Police Oversight Board, the Executive Director or her designee responded to the scene of every OIS incident within a short time after the shooting took place to observe the actions of APD and the Multi-Jurisdictional Officer-Involved Shooting Task Force Members.

1. January 4, 2015, Non-Fatal, San Mateo St. and San Mateo Blvd.      DWI Traffic Stop

Officer G. returned fire after being shot by Christopher Cook during a DWI traffic stop.

2. January 9, 2015, Non-Fatal, Tramway and Central      Undercover Drug Sting

Lieutenant E. mistakenly shot Officer G. while Officer G. was conducting an undercover drug buy in a vehicle at a McDonald's restaurant.

3. January 13, 2015, Fatal, San Mateo and Constitution      Suspicious Activity/Pursuit

Officers returned fire after being shot at by a fleeing subject who was wearing body armor.

4. May 28, 2015, Non-Fatal, 62<sup>nd</sup> and Gonzalez      Stolen Vehicle/Pursuit

Multiple Officers fired at a stolen vehicle driven directly at them by a Rodrigo Garcia attempting to run over them and flee. Garcia had hit an APD officer with the same stolen vehicle the day before in his attempt to avoid apprehension.

## IV. CITIZEN POLICE COMPLAINTS (CPCs)

Any person may file a written complaint against APD officers or employees. The CPOA website contains an electronic complaint form. Written forms are obtainable at the CPOA office, libraries, community centers, and all APD substations or facilities.

*Written Complaints were submitted to:*

- CPOA's website: [www.cabq.gov/cpoa](http://www.cabq.gov/cpoa)
- CPOA office at Room 813, Plaza del Sol, 600 2<sup>nd</sup> Street NW (8<sup>th</sup> Floor)
- PO Box 1293, Albuquerque, NM 87103;
- Any APD substation or facility; or
- Any APD officer on duty

## CPC INVESTIGATION AND REVIEW PROCEDURE

1. When the Executive Director (Director) receives a written complaint, the complaint is entered into the IRO's case management database and assigned a Citizen Police Complaint (CPC) number.
2. The Director reviews the complaint for jurisdiction and then assigns the case to an IRO investigator.
3. The Investigator interviews the complainant, obtains evidence, and conducts a Garrity interview of target officer.
4. Upon completion of the investigation, the Director reviews the investigation for thoroughness, impartiality, and fairness.
5. The Director makes proposed findings and conclusions based on the evidence developed in the investigation as to whether the alleged misconduct violates the rules governing APD employees' conduct called Standard Operating Procedures (SOPs). All findings are based on a preponderance of the evidence. The preponderance is based on the more convincing evidence and its probable truth or accuracy, not in the amount of evidence. (be able to show one side's contention is more likely true than the other's) The Director writes a draft letter to the person who filed the complaint, outlining her findings and conclusions.
6. APD Chain of Command reviews Director findings prior to POB review only to ensure timeliness to impose discipline under the Union Contract. (90 days)
7. POB Board hears the complaint and approves or modifies findings, or remands for further investigation by Administrative Office.
8. If the person who filed the complaint is dissatisfied with the findings, they may appeal the decision to the Police Oversight Commission. Appeals are to be heard during POC's monthly meetings, which are televised and open to the public.
9. The Chief of Police has sole disciplinary authority over APD personnel for findings of misconduct, including findings of misconduct made by the IRO.

## COMPLAINT DISPOSITION STANDARDS

The Director made findings regarding alleged misconduct based upon APD's Standard Operating Procedures (SOPs). The Director based her findings 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 was 50-50, the proper finding was Not Sustained. The Director made the following types of findings:

**Sustained** – Where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur.

**Not Sustained** – Where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

**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;

**Unfounded** – Where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

**Sustained Violation 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;

**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.

## ADMINISTRATIVE CLOSING OF CITIZEN POLICE COMPLAINTS

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

- **Informal Mediation (supervisor solution)**, where the complaint against the officer had been satisfactorily resolved in an informal manner with the help of the officer's supervisor;
- **No SOP allegation**, where the complaint did not allege any unprofessional behavior on the part of the officer(s);
- **Complaint withdrawal**, where the citizen did not wish to proceed with any further investigation;
- **Preliminary investigation did not find any SOP violation**, where after IRO reviewed the officers' actions and evidence indicated that the officers followed APD Standard Operating Procedures;
- **Complaints of unidentified officer**, because the IRO could not determine if the complaint mentioned any officers or identifiers to further investigate the case or could not determine if the officers complained about were employed by the Albuquerque Police Department;
- **Complaints filed without IRO jurisdiction to investigate**, because the IRO did not have legal authority to investigate into the complaint;
- **Complaint referring to another agency**, where the IRO determined Albuquerque Police Department did not employ an officer with the name provided in the complaint;
- **Frivolous complaint**, where the allegations were neither a violation of SOP nor a criminal act, but a complaint was frivolous or filed for purposes of harassment;
- **Incomprehensible complaints**, where the IRO received generalized complaints about police, did not have a specific complaint of an officer(s), and no specific allegation was the subject of the complaint; and
- **Criminal referral to Internal Affairs of APD**, where the IRO received a complaint to conduct investigations into complaints of criminal actions by officers. These complaints were forwarded to the Albuquerque Police Department's Internal Affairs Unit for further investigation and possible referral to the Criminal Investigations Division for criminal investigation.

Following the settlement agreement with the DOJ, the CPOA is now required to accept and investigate anonymous complaints and complaints regardless of the day of the alleged misconduct.

## CITIZEN POLICE COMPLAINTS (CPCs) DATA & STATISTICS

FIRST HALF YEARLY STATISTICS	2012	2013	2014	2015
Total Complaints Received	119	135	131	107
Inactivated/ Administratively Closed Complaints	73	66	62	20
Complaints Resolved after Full Investigations and Findings	57	25	58	21

*Table 1: Case Summary and Status of All Complaints Received and Complaints Investigated in the first half of 2015.*

The number of complaints received by the Civilian Police Oversight Agency in the first half of 2015 reflected an 18% decrease in complaints compared to 2014. In 2015, the IRO received an average of 18 CPCs per month. At the end of June 2015, the CPOA had 178 pending complaints. Pending cases include cases that have been fully investigated and are awaiting review of the CPOA, APD Chain of Command, or the Police Oversight Board.

### IMPORTANT INFORMATION CONCERNING THE STATISTICS BELOW

The statistics below are separated into two separate categories for purposes of clarity. The first section presents data regarding Complaints **RECEIVED** during the first half of 2015. The Director completed investigation and findings in 2015 for cases which were filed in 2014, as well as Complaints filed in 2013. This leads to the second category of information: Complaints which were **REVIEWED** in the first half of 2015. The REVIEWED category is further broken down into: 1) closed cases which have been fully investigated and 2) administratively closed cases which were not fully investigated for the reasons discussed below, which included informal resolution of the complaint, or the lack of jurisdiction to investigate the complaint.

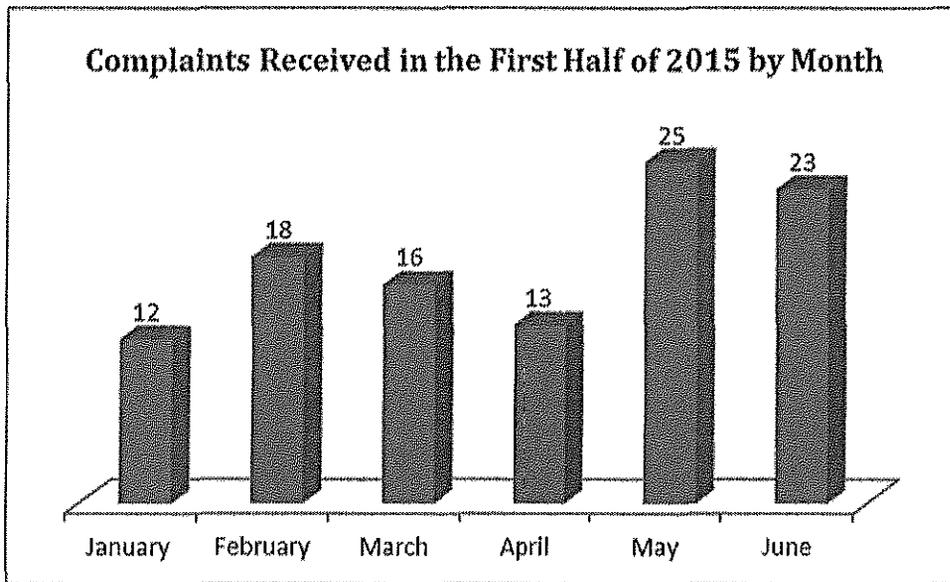


Figure 2: May and June show the highest number of alleged misconduct reported in the first half of 2015.

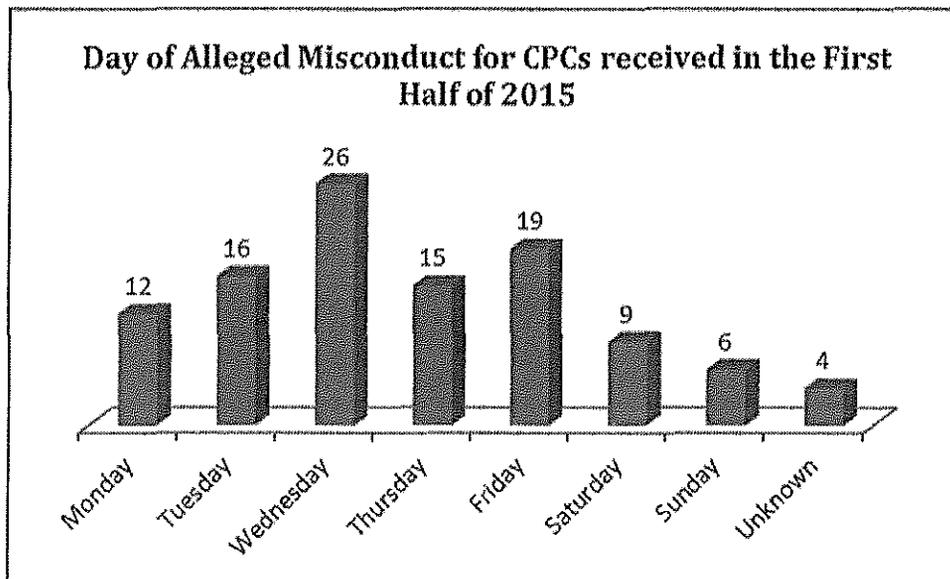


Figure 3: Wednesday and Friday show higher rates of alleged misconduct compared to infractions throughout the week. The day of week is unknown for 4 CPCs.

# ALBUQUERQUE POLICE AREA COMMANDS

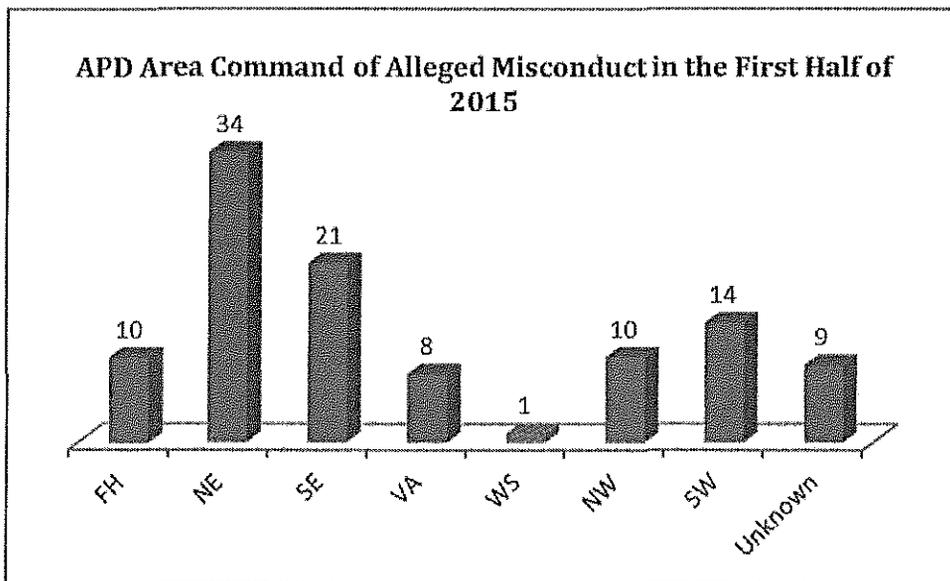
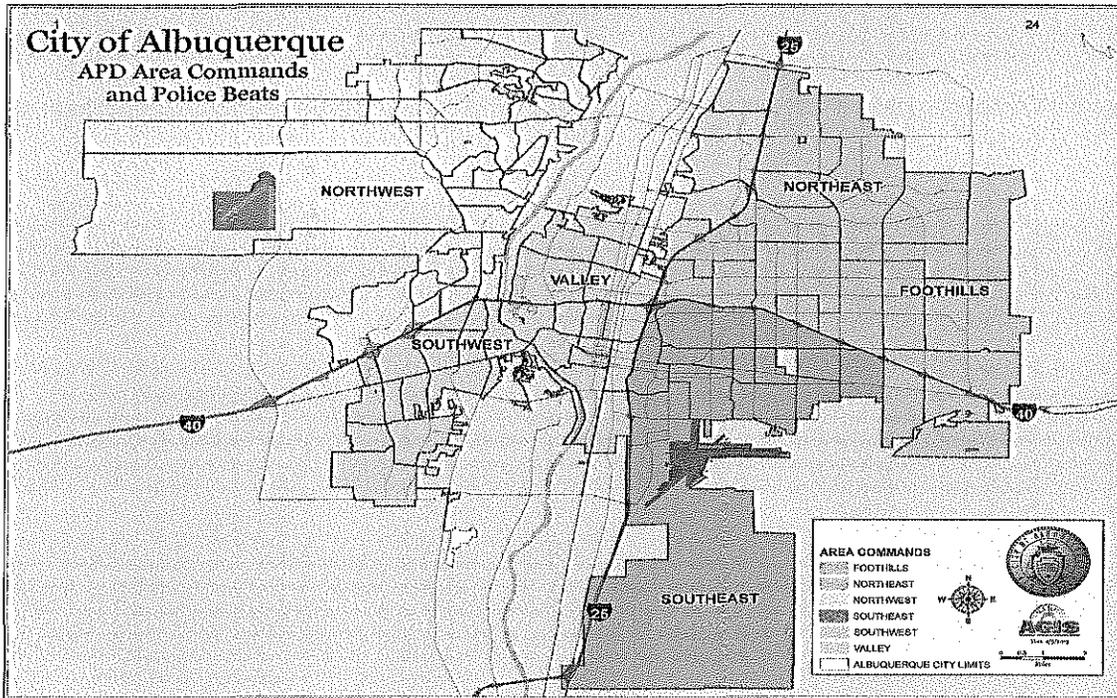


Figure 4: The CPOA office received 107 complaints with an identified APD Area command in the first half of 2015. There were 9 complaints with unidentified incident location (includes CPCs with alleged misconduct of officers in multiple locations, telephone conversations, undetermined location, general complaints on APD). The highest number of alleged misconduct in known areas occurred in the area of the North East area command.

## ALBUQUERQUE CITY COUNCIL DISTRICTS

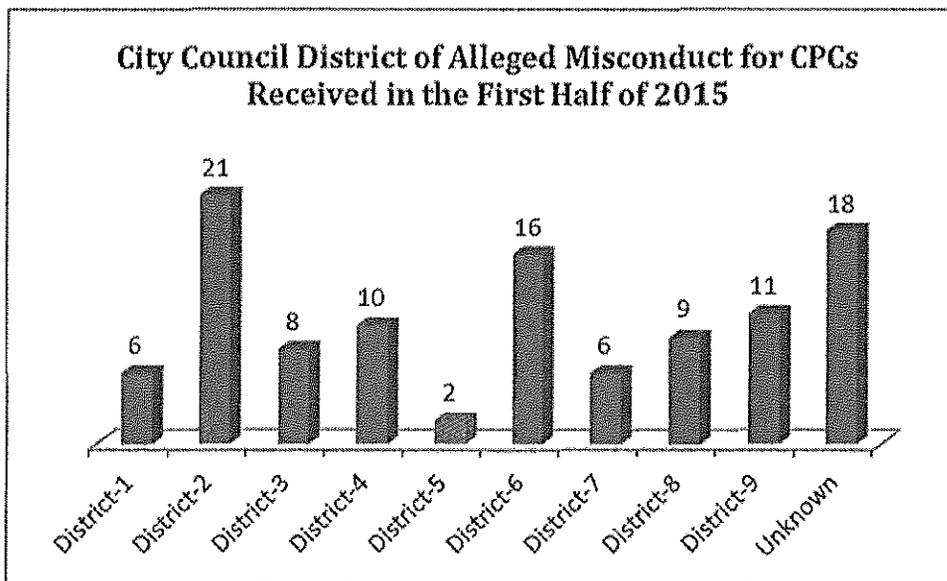
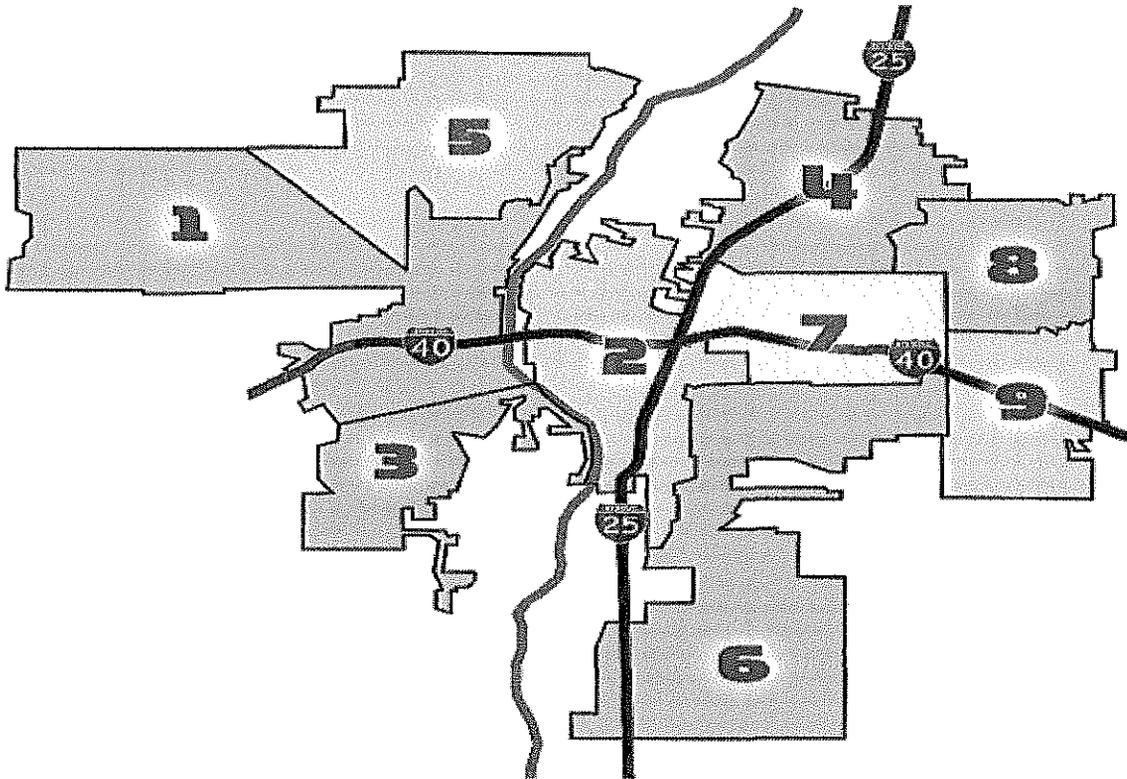


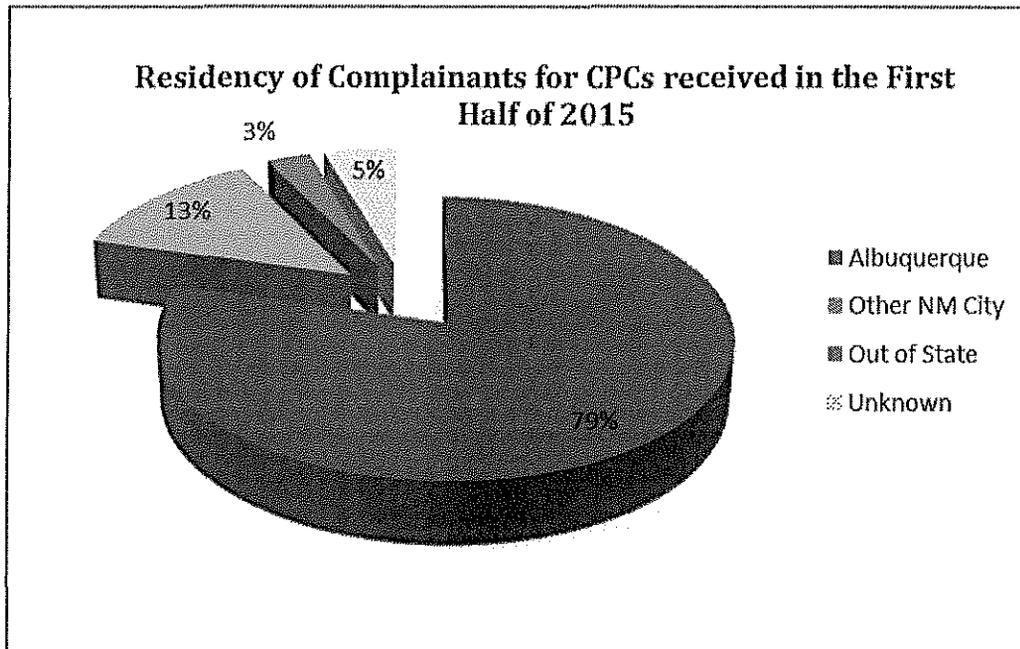
Figure 5: The CPOA office received 107 complaints with an identified APD Area command in the first half of 2015. 18 complaints did not have a known location of alleged misconduct. Unknown districts include complaints referring to phone encounters, unspecified incidents, addresses without district, or complaints without incident information.

## NEIGHBORHOOD ASSOCIATIONS and LOCATIONS

In 2014, CPCs were received from persons living in the below listed neighborhood associations and locations. The neighborhood associations are categorized by City Council District.

<i>City Council District 1:</i>	Neighborhood Association: Los Volcanes; West Mesa; Ladera West; Taylor Ranch
<i>City Council District 2:</i>	Neighborhood Association: Barelax; Silver Hill, Summit Park; Santa Barbara Martineztown; Raynolds Addition; Greater Gardner; Sycamore; Near North Valley; Downtown; Near North Valley
<i>City Council District 3:</i>	Neighborhood Association: Route 66 West; Westgate Heights
<i>City Council District 4:</i>	Neighborhood Association: Nor Este; Academy Acres North; Alameda North Valley
<i>City Council District 5:</i>	Neighborhood Association: Cottonwood;
<i>City Council District 6:</i>	Neighborhood Association: Highland Business; Nob Hill; Southeast Heights; Trumbull; La Mesa; South San Pedro; University Heights
<i>City Council District 7:</i>	Neighborhood Association: Quigley Park; Jerry Cline Park
<i>City Council District 8:</i>	Neighborhood Association: Pepper Tree Royal Oak; Comanche Foothills
<i>City Council District 9:</i>	Neighborhood Association: Singing Arrow; Princess Jeanne; Onate

## GEOGRAPHIC DISTRIBUTION OF COMPLAINTS RECEIVED IN THE FIRST HALF OF 2015



*Figure 6: The IRO office received 107 complaints in the First Half of 2015: 85 complainants were from Albuquerque residents; 14 complainants were residents of cities outside Albuquerque; 3 complainants were from out of state; and the residency for 5 Complainants is unknown.*

## COMPLAINANT DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN THE FIRST HALF OF 2015

Of the 107 Citizen Police Complaints (CPCs) filed, a majority of complainants declared some or all of their demographic information in the first half of 2015.

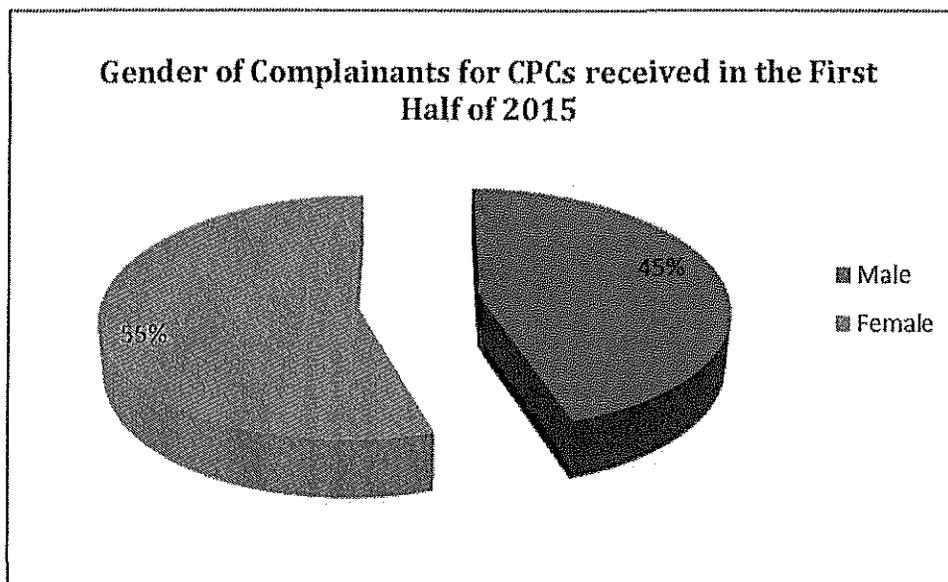


Figure 7: The CPOA received complaints from 45 Males and 55 Females. Seven complainant genders are unknown.

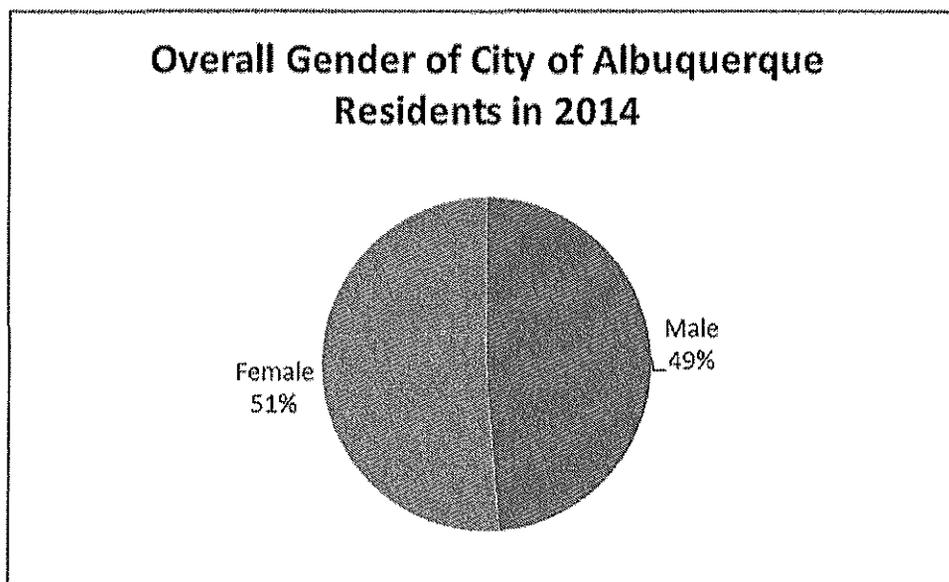


Figure 8: Based from total population, (545,852), Census from the U.S. Census Bureau, and NM Bureau of Business and Economic Research; DP-1-Geography-Albuquerque city, New Mexico.

Department of Justice mandated changes to collected demographic information were made to the online complaint form on April 1, 2015 and to the paper complaint form on May 1, 2015. Thus, these numbers do not reflect the demographics for all complaints received in the first half of 2015. The Department of Justice requires that the CPOA keep statistics concerning mental illness, homelessness, and proficiency in the English language. Additionally, the DOJ has required the CPOA to keep statistics concerning the sexual orientation of complainants as well as track the manner in which the complaints were filed. Below are the incomplete results of the onset of collection of this information. It should be noted that this information is obtrusive and many complainants are reluctant to answer these questions, which further calls into question the veracity of the data and its usefulness in shaping APD policy. It should also be noted that nowhere in the DOJ findings were there conclusions that force was used more often against persons with any specific sexual proclivity, the homeless, or persons who speak English as a second language, further calling into question why this information is being collected or disseminated. This is to say nothing about the potential release of sensitive information through inspection of public record requests. All of this has the potential to discourage the filing of citizen complaints, which is antithetical to the DOJ's purported goals in reforming the CPOA.

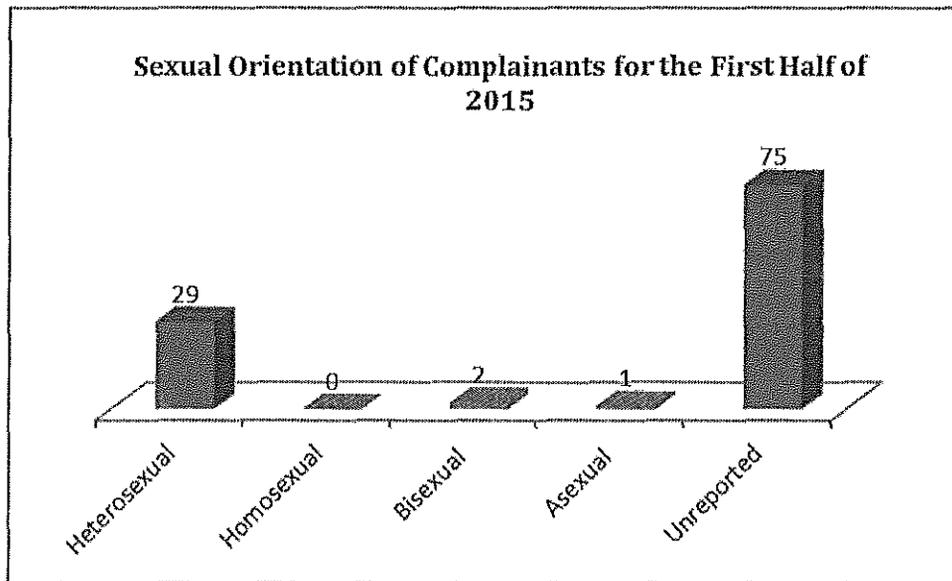


Figure 9:

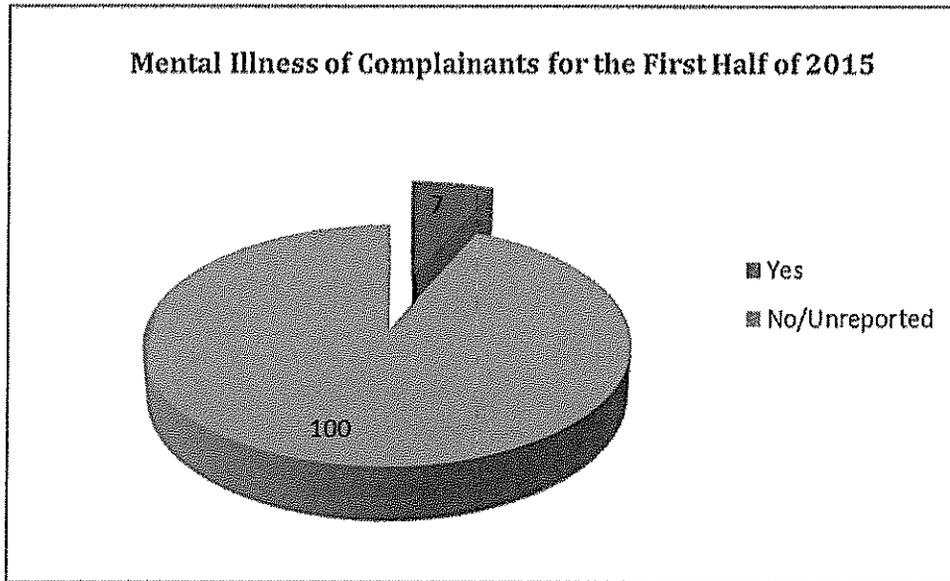


Figure 10:

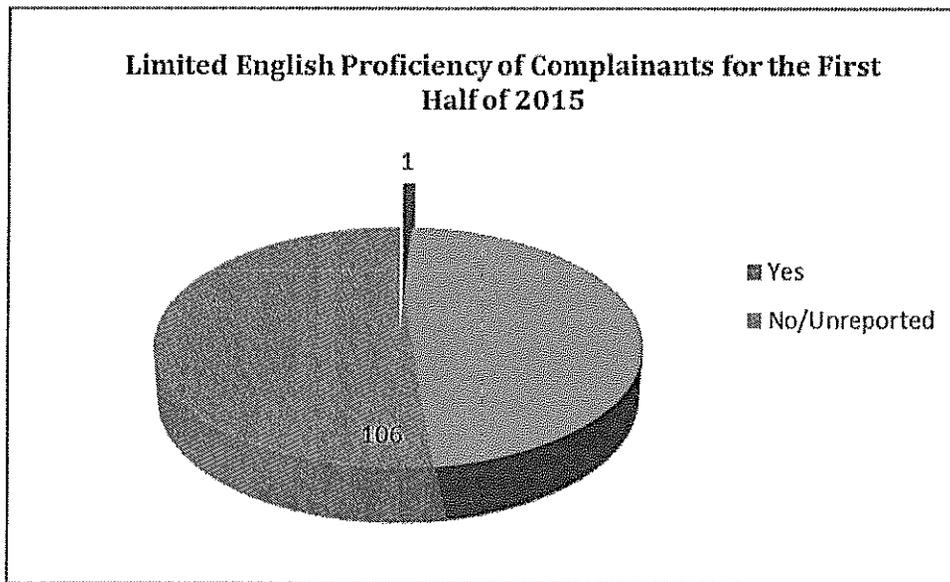


Figure 11:

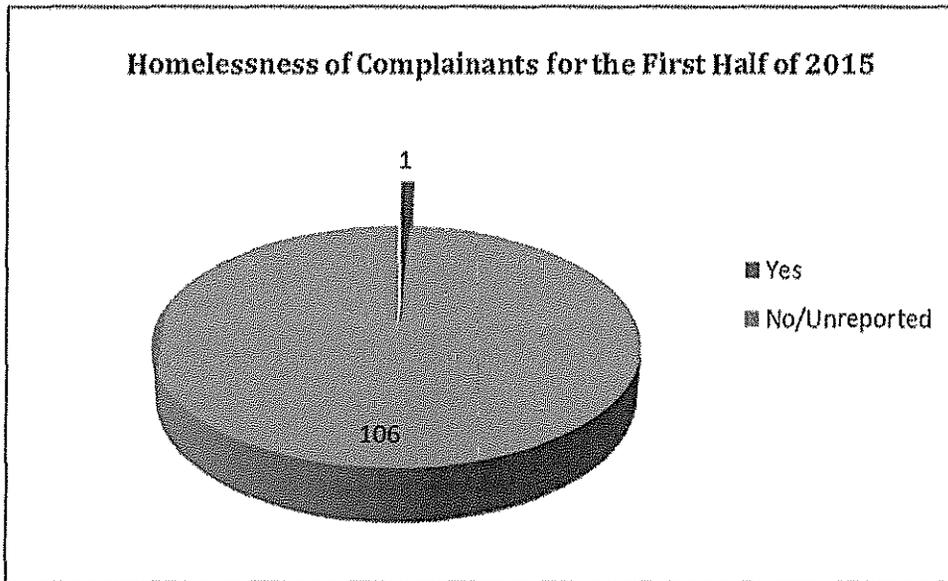


Figure 12:

### COMPLAINANT DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN THE FIRST HALF OF 2015

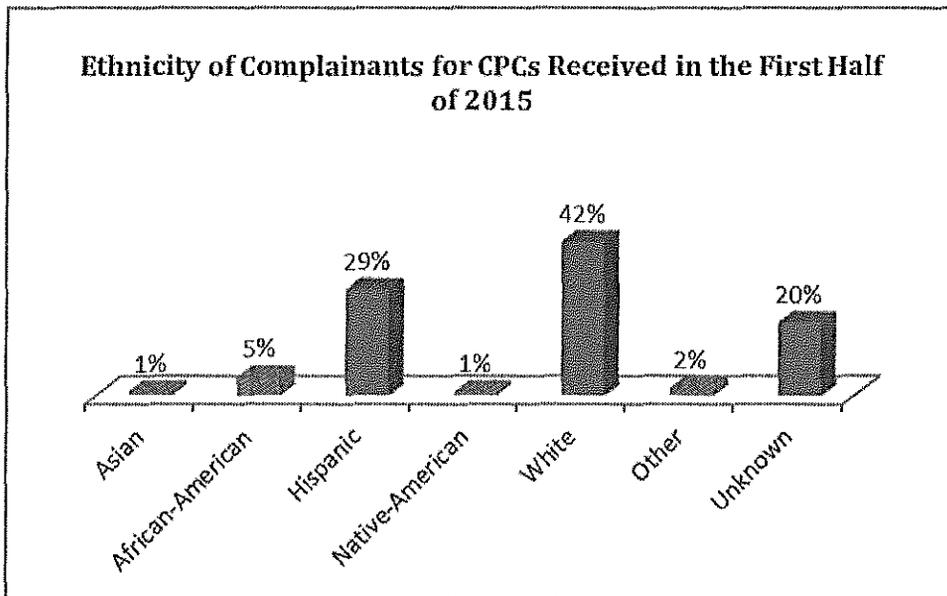


Figure 13: There were 85 complainants who provided ethnicity information. Other ethnicity includes Middle Eastern heritage.

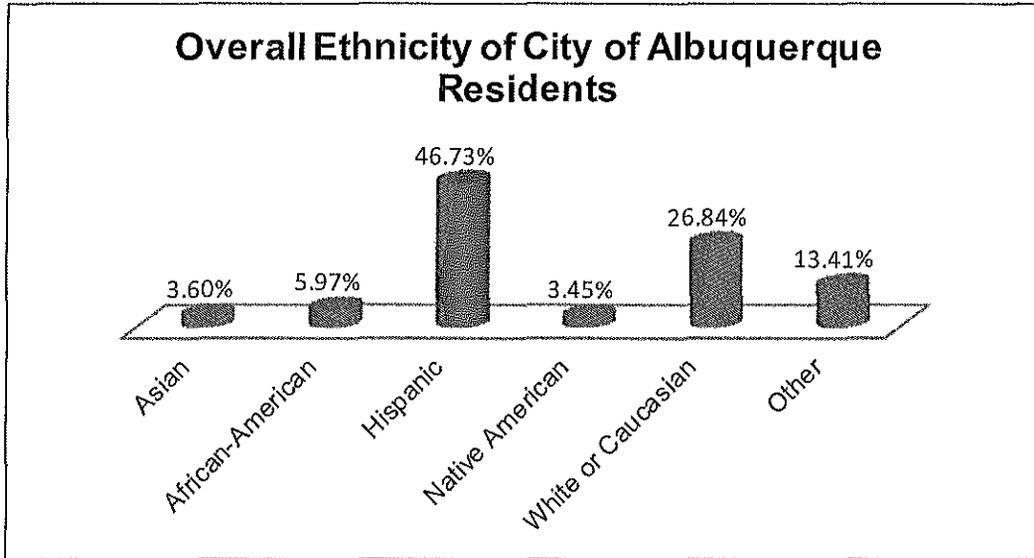


Figure 14: Numbers were based from City of Albuquerque total population (545,852), in 2010, Data from the U.S. Census Bureau, and NM Bureau of Business and Economic Research.

#### COMPLAINANT DEMOGRAPHICS FOR COMPLAINTS RECEIVED IN THE FIRST HALF OF 2015

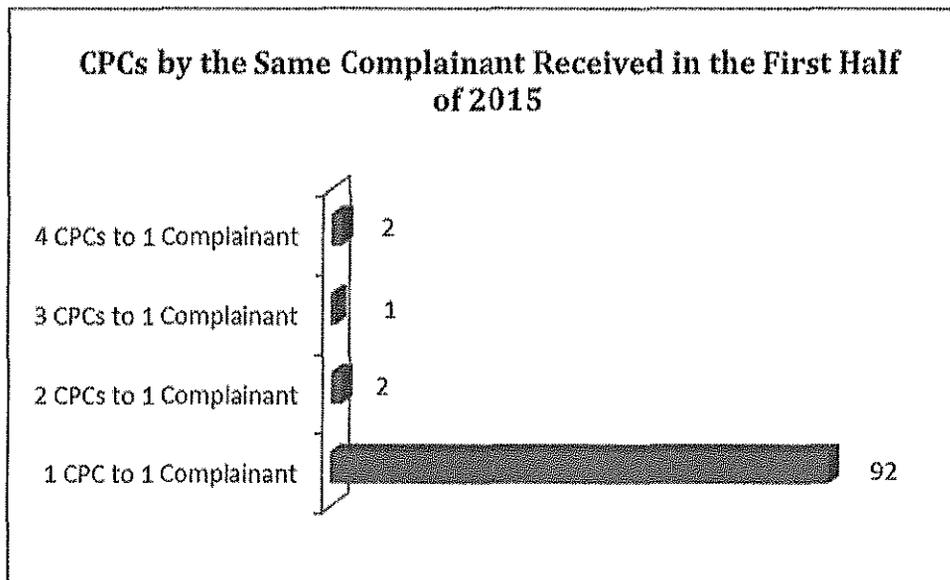


Figure 15: In 2014, 5 citizens filed multiple police complaints.

#### APD OFFICER DEMOGRAPHICS FOR COMPLAINTS RESOLVED IN THE FIRST HALF OF 2015

30 individual APD officers and employees were involved in the fully investigated cases in the first half of 2015. The following graphs represent the individual officers in each CPC. The graphs do not represent APD demographics as a whole.

**APD OFFICER DEMOGRAPHICS FOR COMPLAINTS RESOLVED IN THE FIRST HALF OF 2015**

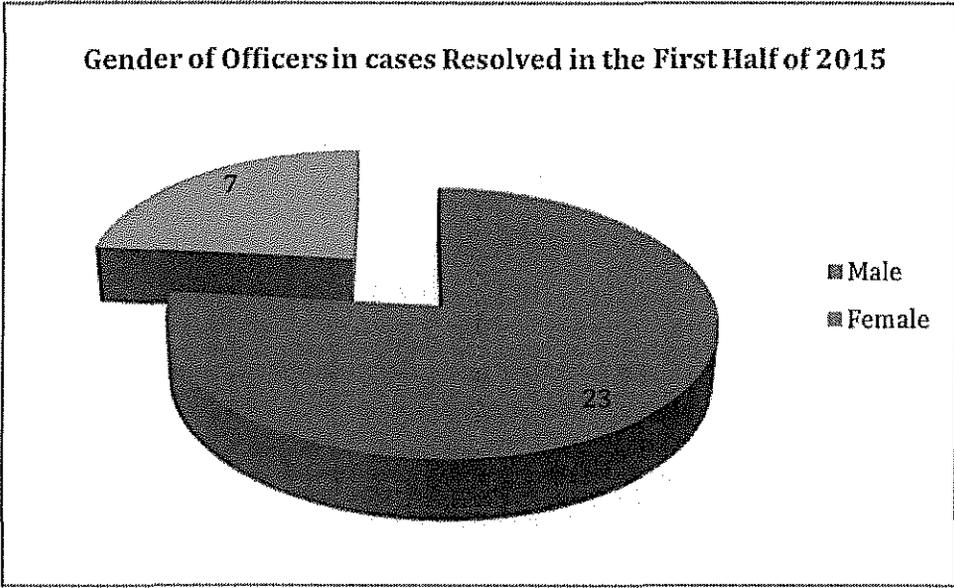


Figure 16: Male officers comprised 77% of the officers named in resolved cases in the first half of 2015.

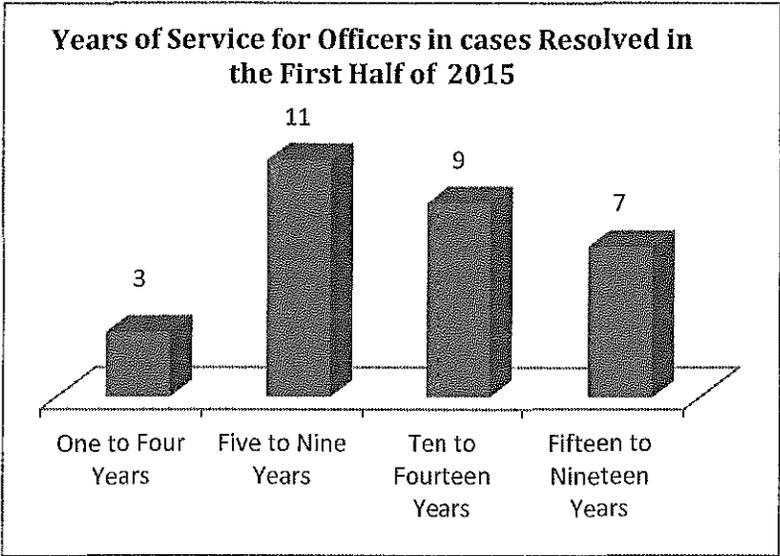


Figure 17: For cases resolved in the first half of 2015, officers with five to nine years of experience were involved the most.

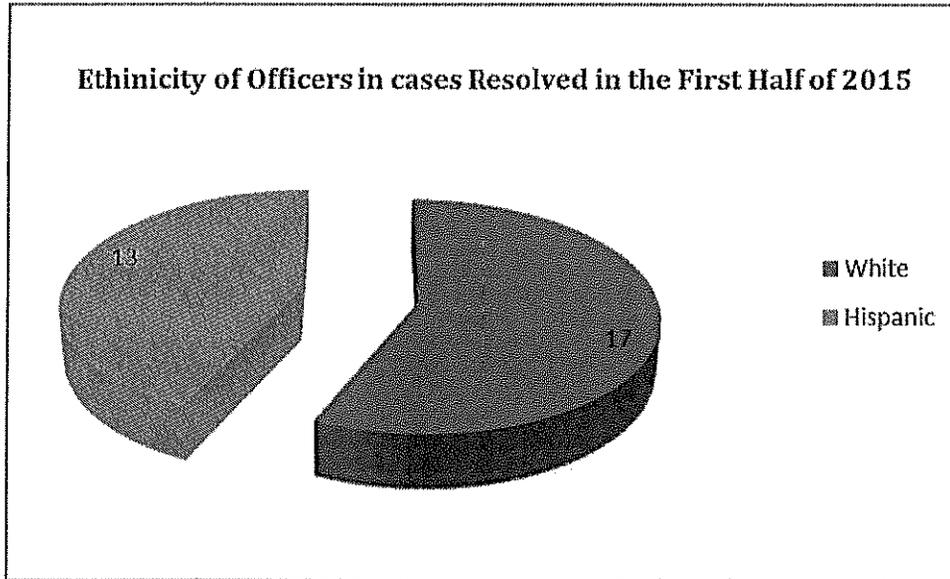


Figure 18: the majority of resolved complaints were made against officers who were White.

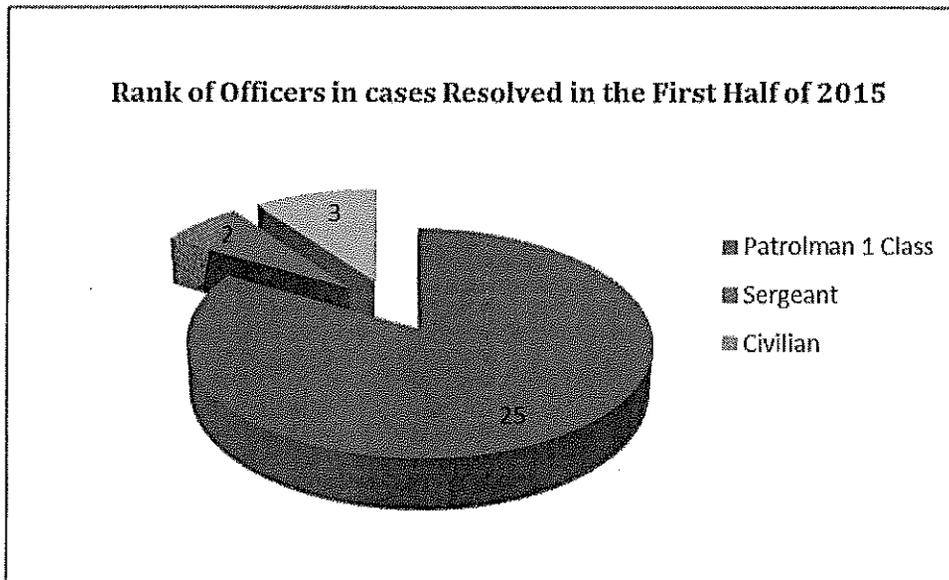
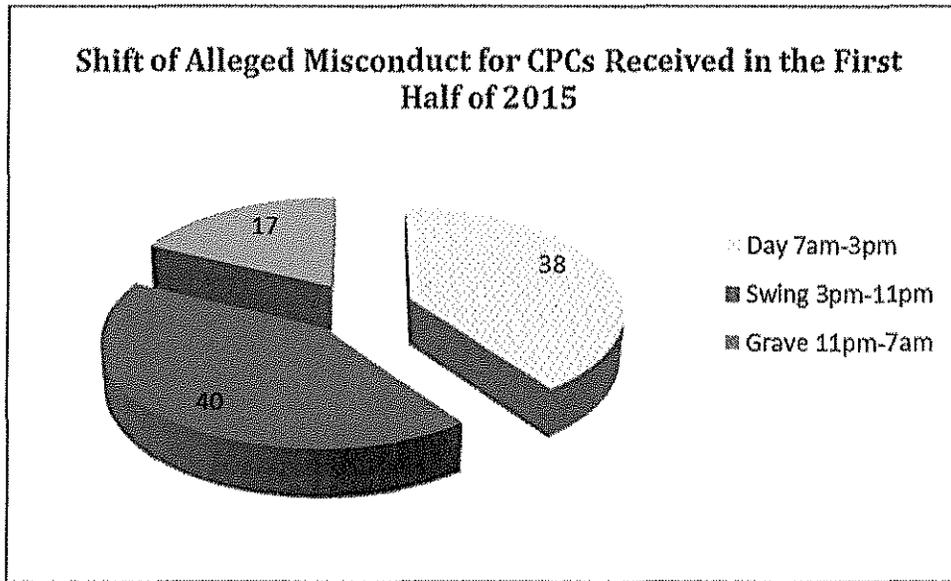


Figure 19: Private 1<sup>st</sup> class comprised the vast majority of the officers involved in cases resolved in the first half of 2015.



*Figure 20: In the first half of 2015, most complaints were against APD officers working during the Swing shift, from 3:00pm to 11:00pm. 12 officer shifts were unknown.*

# FINDINGS AND DISPOSITIONS OF COMPLAINTS REVIEWED IN THE FIRST HALF OF 2015

The IRO made findings in 41 Citizen Police Complaints (Complaints or CPCs). This included findings in 21 CPCs with complete investigations. 20 complaints were administratively closed. The IRO made findings in an average of 7 CPCs per month.

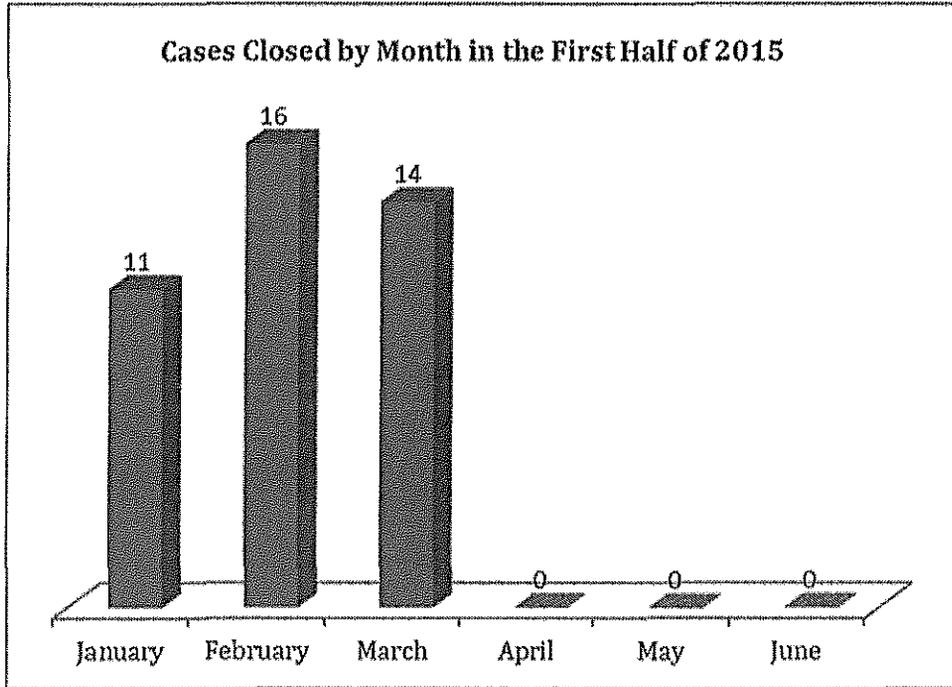


Figure 21: In the first half of 2015, the highest number of CPC findings was in February.

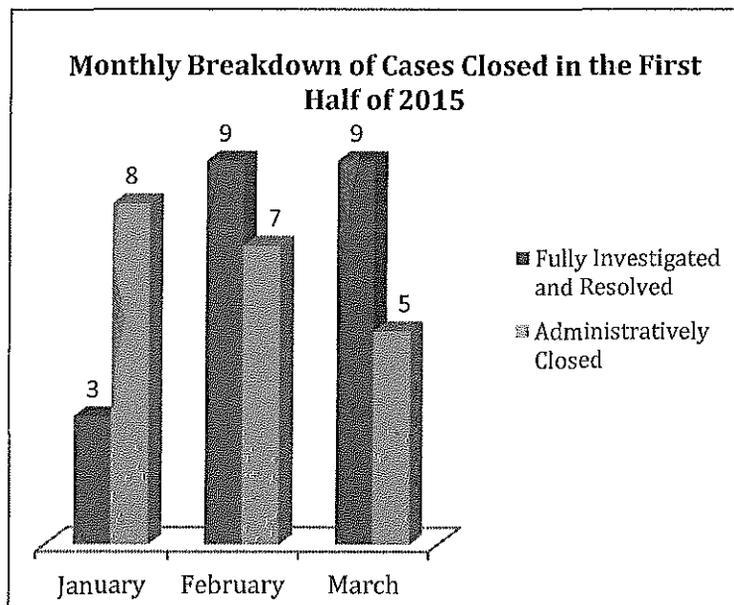


Figure 22: The CPOA resolved 41 cases in the first half of 2015; 21 were closed with findings, and 20 were administratively closed.

## REASONS FOR ADMINISTRATIVE CLOSING OF A COMPLAINT

### **Mediation (Supervisor Solution)**

The complaint against the officer has been satisfactorily resolved in an informal manner with the help of the officer's supervisor.

### **No SOP allegation**

The complaint did not allege any unprofessional behavior on the part of the officer(s).

### **Complaint withdrawal**

The citizen did not wish to proceed with any further investigations.

### **Preliminary investigation did not find any SOP violation**

The IRO reviewed the officer's actions and the evidence indicated that the officers followed APD Standard Operating Procedures.

### **Complaints of unidentified officer**

The IRO could not determine if the complaint mentioned any officers or identifiers to further investigate the case or could not determine if the officers complained about were employed by the Albuquerque Police Department.

### **Complaints filed without IRO jurisdiction to investigate**

The IRO does not have legal authority to investigate into the complaint.

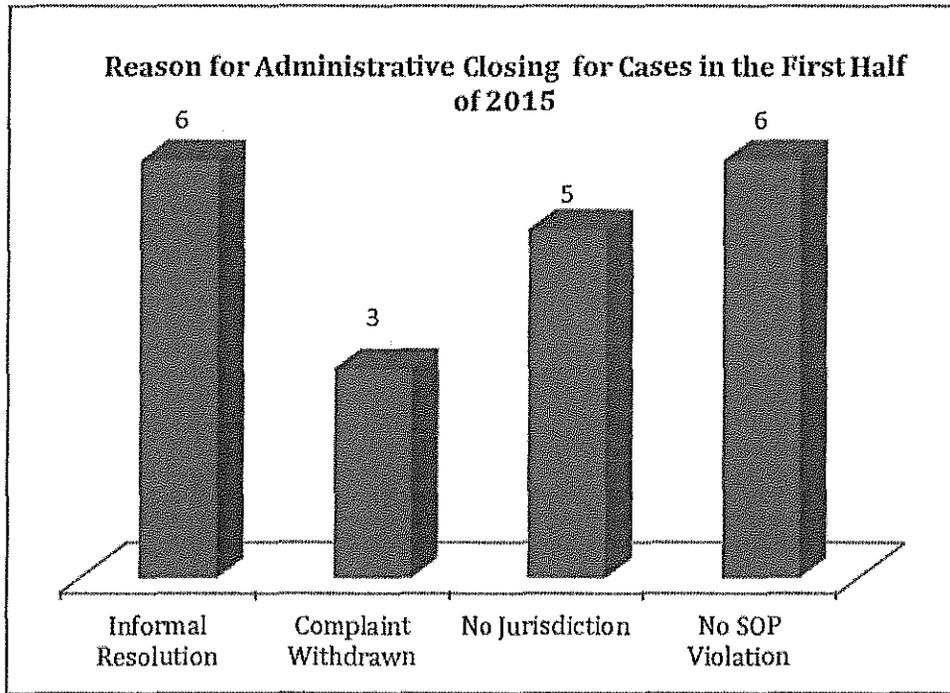
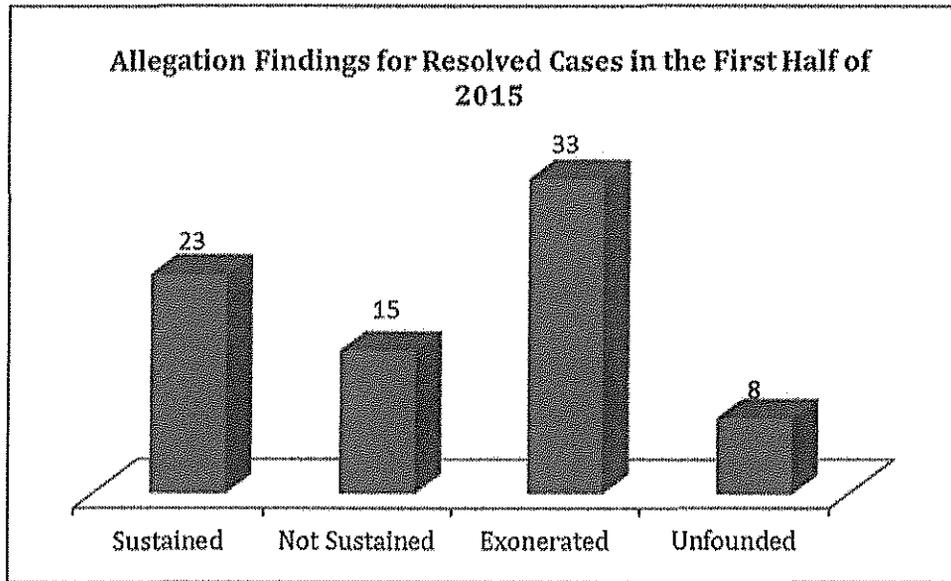


Figure 23: There were 20 complaints which were administratively closed in the first half of 2015.

# CITIZEN POLICE COMPLAINTS (CPCs) REVIEWED IN 2014 WITH FULL INVESTIGATIONS AND FINDINGS



*Figure 24: 42 percent of the 79 allegations resolved in the first half of 2015 were found to be Exonerated against the subject officer.*

## APD INTERNAL AFFAIRS DEPARTMENT REPORTS

In addition, the Internal Affairs Division of the Albuquerque Police Department investigated cases within the department. Internal Affairs of Albuquerque Police Department attends Police Oversight Commission meetings and reported Internal Affairs cases as follows:

### INTERNAL CASES FOR THE MONTH OF JANUARY 2015

Internal Cases Received: 27  
 Internal Cases Inactivated: 1  
 Internal Cases Mediated: 0

Total Internal Cases Completed the Month of JANUARY 2015: 22

Discipline on Internal Cases for JANUARY 2015: 7: Verbal Reprimands  
 7: Letter of Reprimands  
 4: 8-hours Suspension  
 2: 40-hours Suspension

1: 64-hours Suspension  
1: Termination

Pending Cases for the Month of JANUARY 2015: 13

Dispatched calls for Service for FEBRUARY 2015: 35,257

Internal Cases Received: 10

Total Internal Cases Completed the Month of FEBRUARY 2015: 9

Pending Cases for the Month of February 2015: 10

Discipline imposed for Internal Cases/ FEBRUARY 2015:

2: Verbal Reprimands  
2: Letters of Reprimands  
1: 8-Hour suspension  
1:16-Hour suspension  
1:24-Hour suspension  
1:160-Hour suspension  
1:Termination

Dispatched calls for Service for MARCH 2015: 40,663

Internal Cases Received: 21

Total Internal Cases Completed the Month of MARCH 2015: 12

Pending Cases for the Month of March 2015: 16

Discipline imposed for Internal Cases/ MARCH 2015:

3: Verbal Reprimands  
5: Letters of Reprimands  
1: 32-Hour suspension  
1:40-Hour suspension  
1:160-Hour suspension  
0:Termination

Dispatched calls for Service for APRIL 2015: 39,606

Internal Cases Received: 13

Total Internal Cases Completed the Month of APRIL: 10

Pending Cases for the Month of APRIL 2015: 12

Discipline imposed for Internal Cases/ APRIL 2015:

0: Verbal Reprimands  
5: Letters of Reprimands  
1: 8-Hour suspension  
1: 16-Hour suspension  
1: 80-Hour suspension  
1: 120-Hours suspension  
2:Terminations

Dispatched calls for Service for MAY 2015: 42,398

Internal Cases Received: 16

Total Internal Cases Completed the Month of MAY: 20  
 Pending Cases for the Month of MAY 2015: 12  
 Discipline imposed for Internal Cases/ MAY 2015:

- 0: Verbal Reprimands
- 5: Letters of Reprimands
- 1: 8-Hour suspension
- 1: 16-Hour suspension
- 1: 80-Hour suspension
- 1: 120-Hours suspension
- 2: Terminations

**CPCs REVIEWED IN THE FIRST HALF OF 2015 WITH FULL INVESTIGATIONS AND FINDINGS**

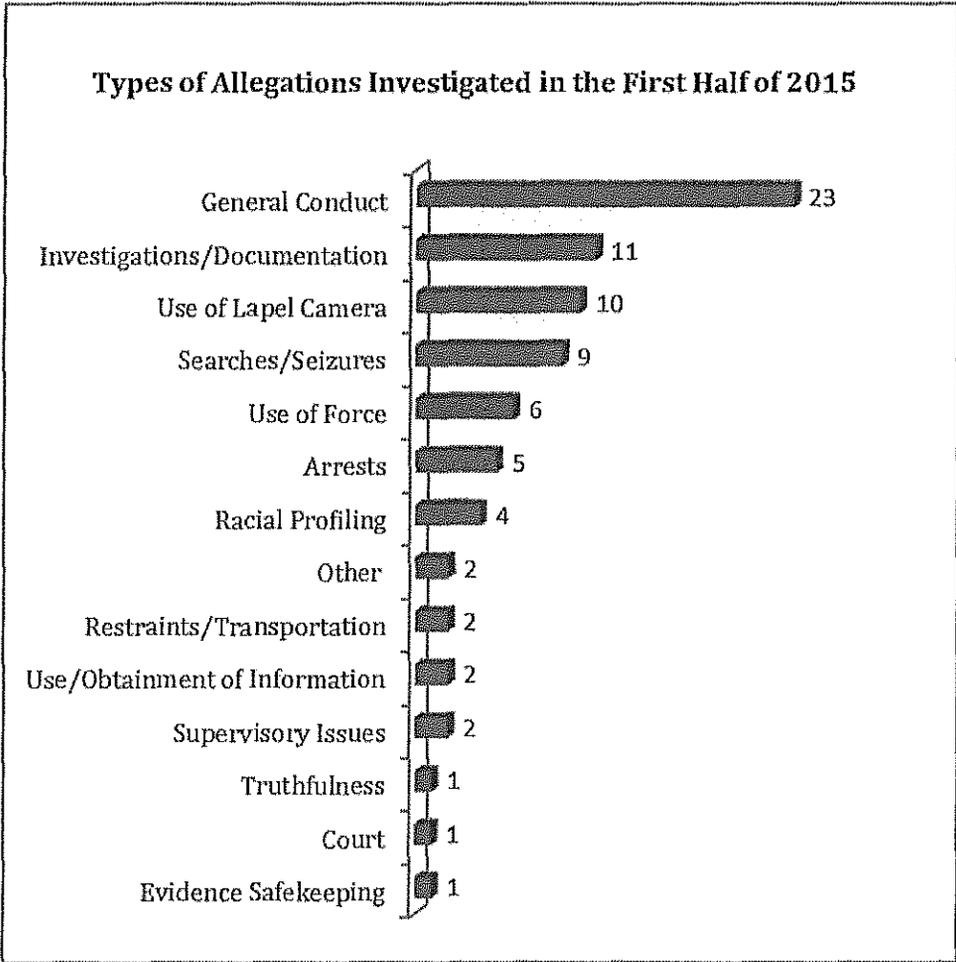


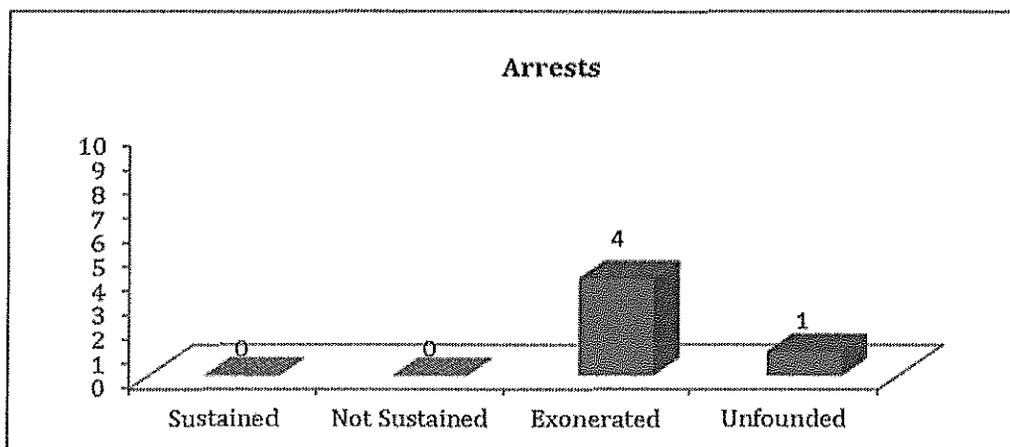
Figure 25: Overview of the type of complaints received and allegations investigated and reviewed by the Civilian Police Oversight Agency. Of the 79 allegations of violations of Standard Operating Procedures

(SOPs) reviewed by the Acting Executive Director and Police Oversight Board, the highest number of complaints received involved allegations concerning Conduct and Investigations.

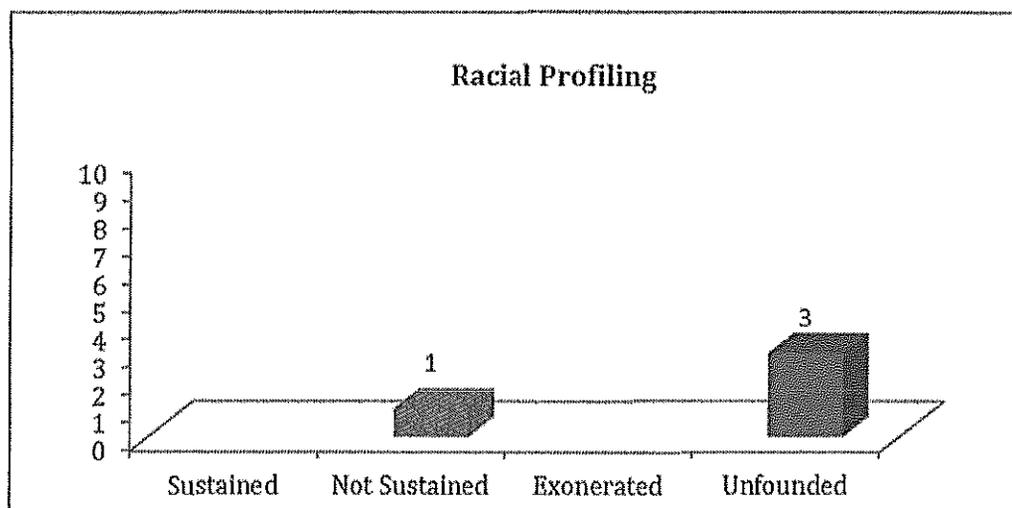
### DISPOSITIONS FOR SPECIFIC ALLEGATIONS INVESTIGATED AND REVIEWED IN THE FIRST HALF OF 2015

The 21 fully investigated cases contained allegations of approximately 15 different SOP violations. Below are statistics concerning the specific types of allegations reviewed by the IRO, along descriptions of the relevant APD Standard Operating Procedures (SOPs). Unabridged versions of APD's SOPs are available at:

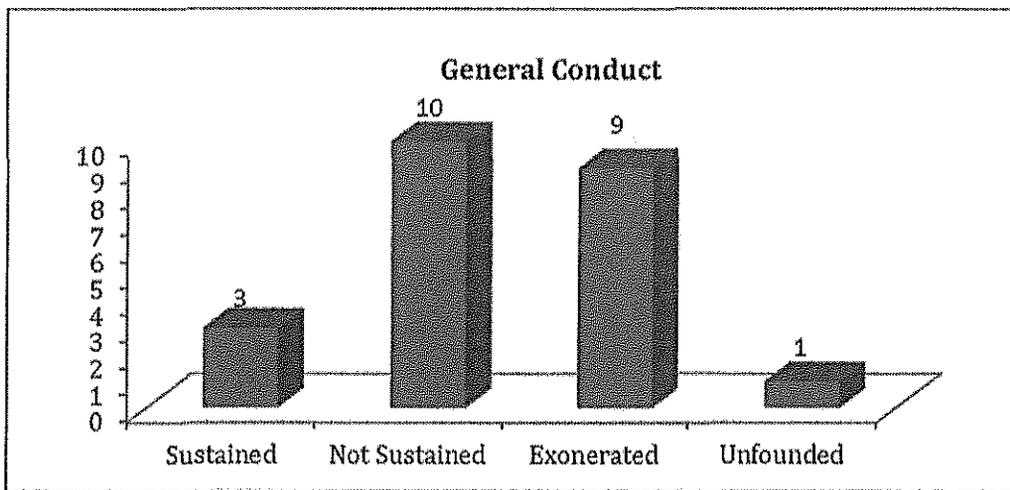
<http://www.cabq.gov/police/our-department/standard-operating-procedures>.



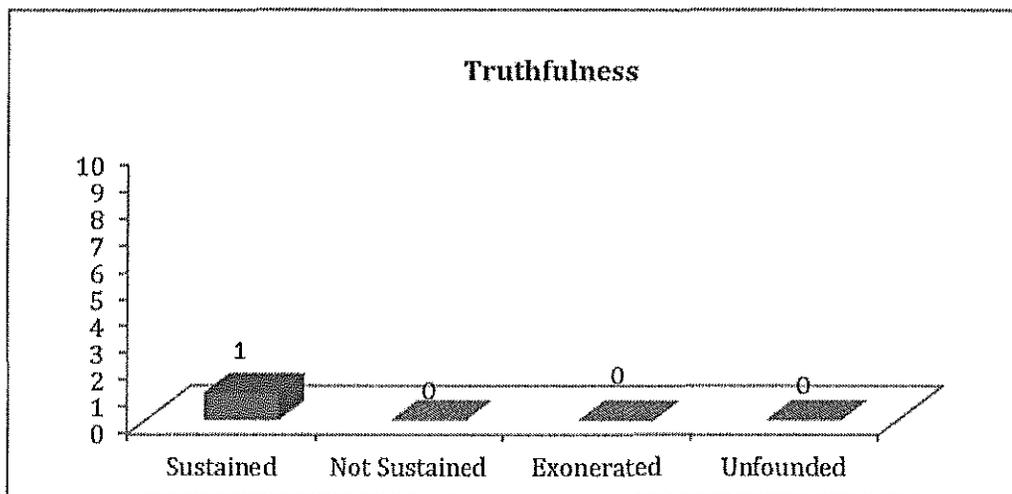
**Arrests:** Standard Operating Procedure Section 1-02-2(B)(2): Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque which they are required to enforce. Officers will make only those arrests, searches, and seizures which they know or should know are legal and in accordance with departmental procedures.



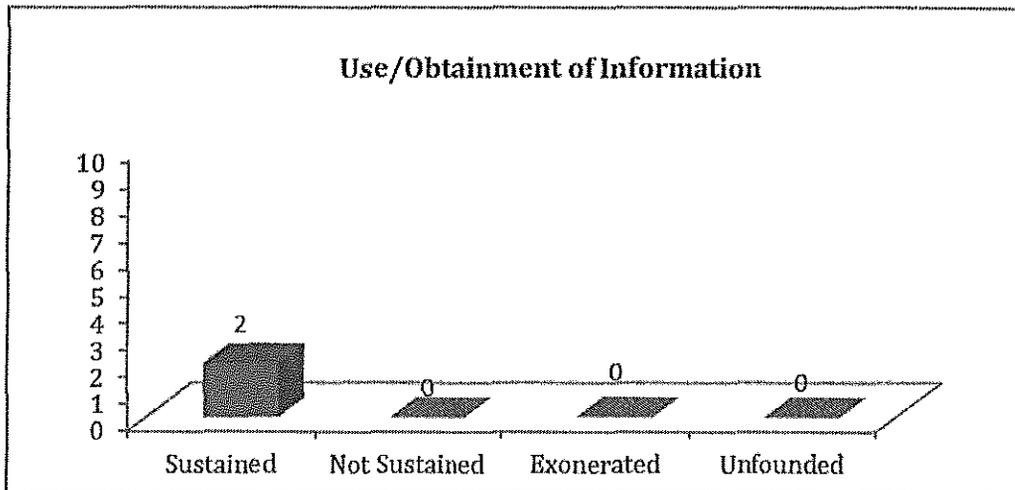
**Racial Policing:** Standard Operating Procedure Section 1-03-2(A): Department personnel will provide the same level of police service to every citizen regardless of their race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.



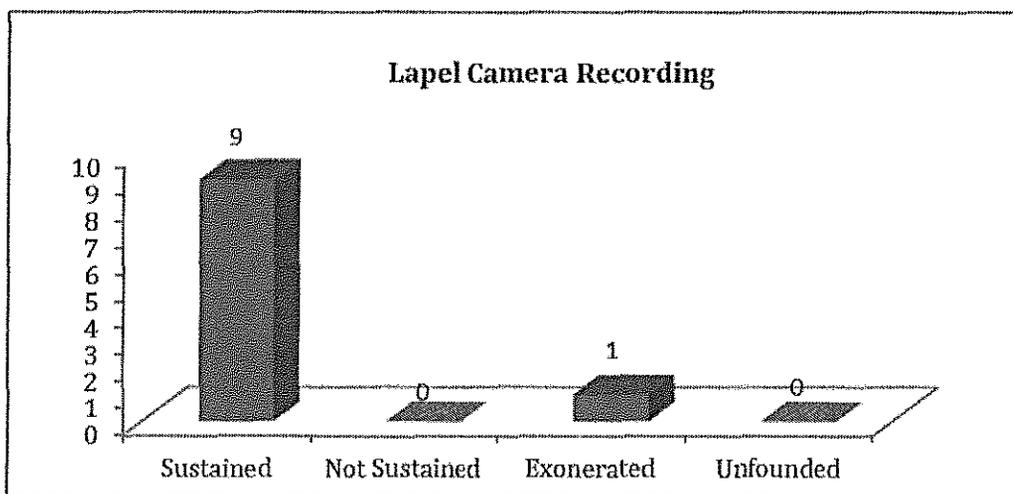
**General Conduct:** Standard Operating Procedure Section 1-04-1(F): Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department. Personnel shall perform their duties in a manner that will maintain the established standard of efficiency in carrying out the functions and objectives of the department;



**Truthfulness:** Standard Operating Procedure Section 1-04-4(W): Personnel shall truthfully answer all questions specifically directed to them which are related to the scope of employment and operations of the department.

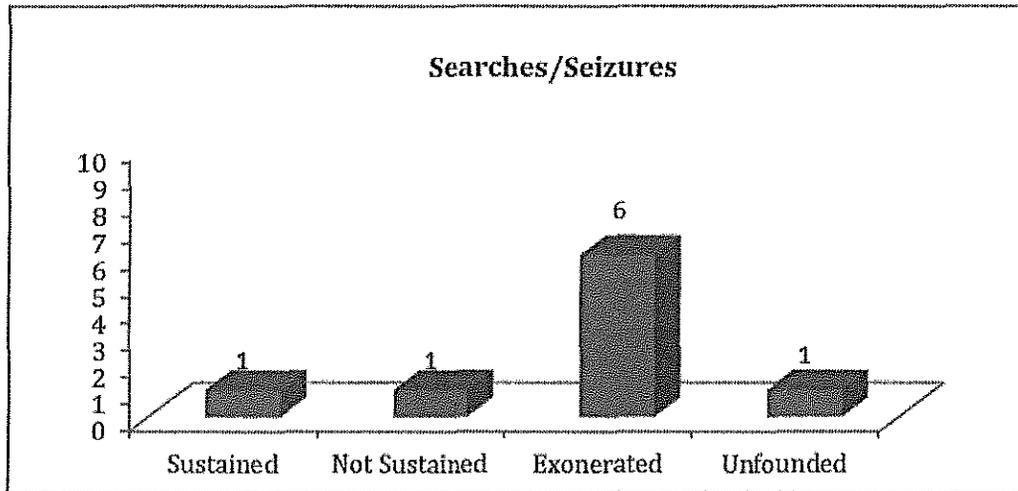


**Improper Use/Obtainment of Information:** Standard Operating Procedure Section 1-04-9(F): Personnel shall not use their official position or official identification card or badge to solicit or to obtain privileges not otherwise available to them except in the performance of duty.

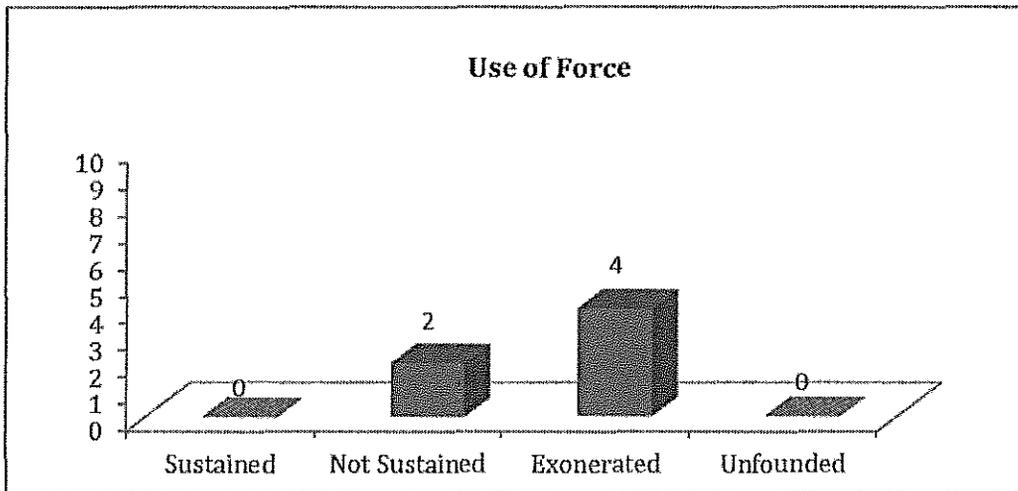


**Use of Lapel Camera:** Standard Operating Procedure Section 1-39-2(B): All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service or traffic stop.

DISPOSITIONS FOR SPECIFIC ALLEGATIONS INVESTIGATED AND REVIEWED IN THE FIRST HALF OF 2015

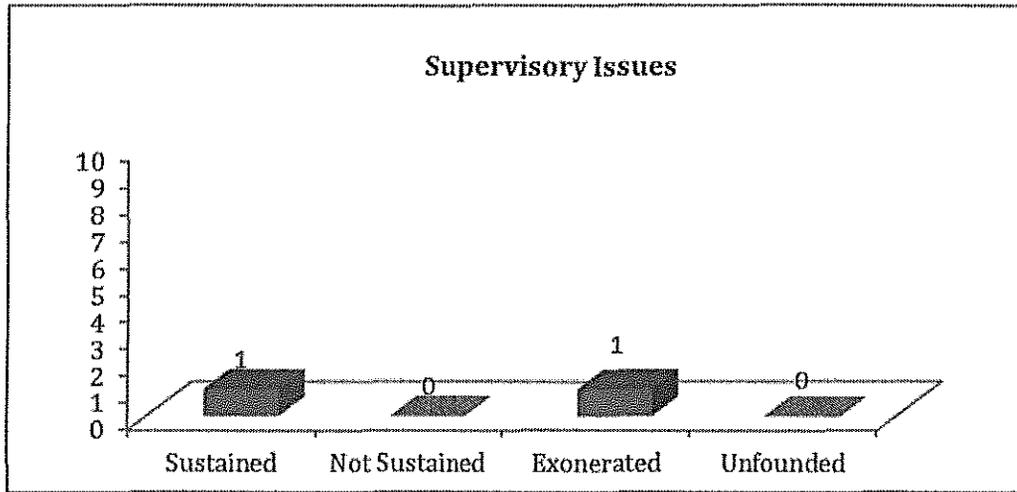


**Searches/Seizures:** Standard Operating Procedure Section 2-17: Department policy is to provide officers with guidelines to conduct searches and seizures in order to uphold individual civil rights, protect officers and others, and govern the collection of evidence.

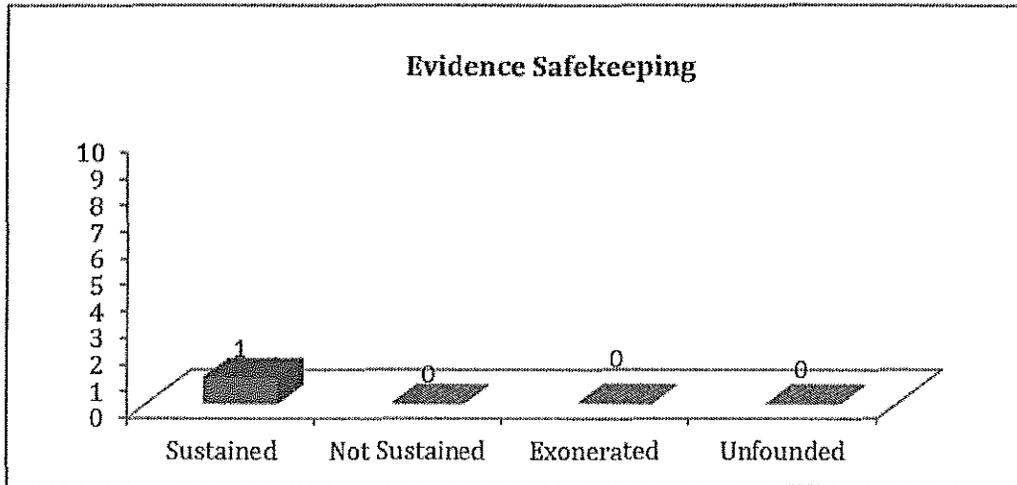


**Use of Force:** Standard Operating Procedure Section 2-05-2(A): Where force is warranted, officers should assess the incident in order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely. Officers shall use only that force which is reasonably necessary to effect lawful objectives.

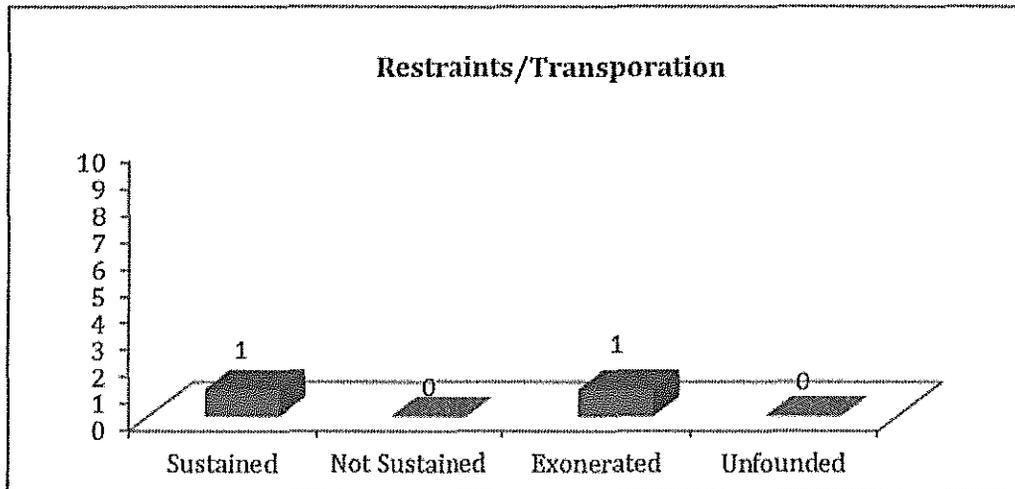
DISPOSITIONS FOR SPECIFIC ALLEGATIONS INVESTIGATED AND REVIEWED IN THE FIRST HALF OF 2015



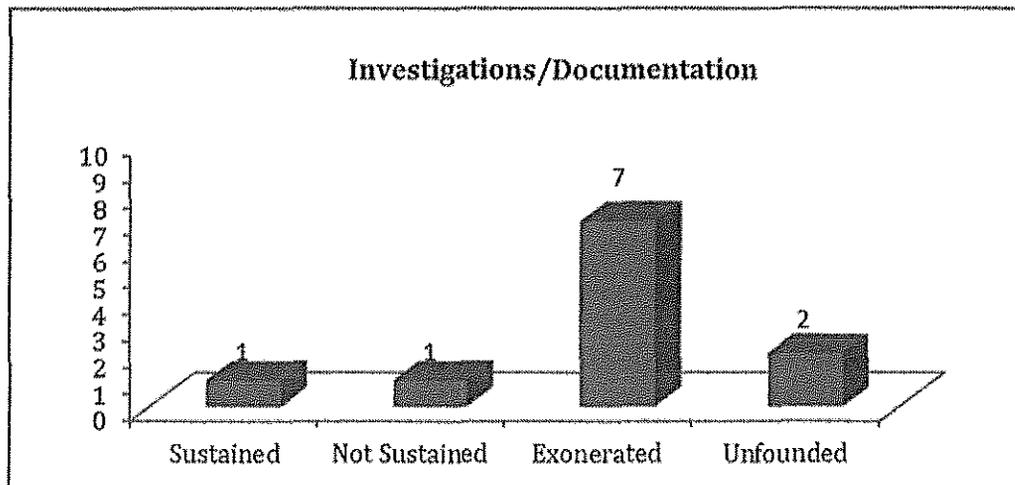
**Supervisory Issues:** Standard Operating Procedure 3-17-2A: Superior Officers are responsible for ensuring that their subordinates comply with Department policies and procedures.



**Evidence Safekeeping:** Standard Operating Procedure Section 2-08-1: 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.



**Restrains/Transportation:** Standard Operating Procedure Section 2-19-3(A): All felony and misdemeanor prisoners and all persons in protective custody will be handcuffed behind their backs and remain so restrained while being transported to a detention or medical facility.



**Investigation/Documentation:** Standard Operating Procedure Section 2-24-3: It is the responsibility of both uniformed officers, and officers assigned to specialized units, to carry out investigations in a thorough, efficient, and timely manner.

## V. ALBUQUERQUE POLICE DEPARTMENT

A. Albuquerque Police Department Officers with Sustained findings of Standard Operating Procedures Violations were referred to Chief of Police for discipline. The Chief of Police has sole disciplinary authority over APD personnel for findings of misconduct, including findings of misconduct made by the IRO and the POC.

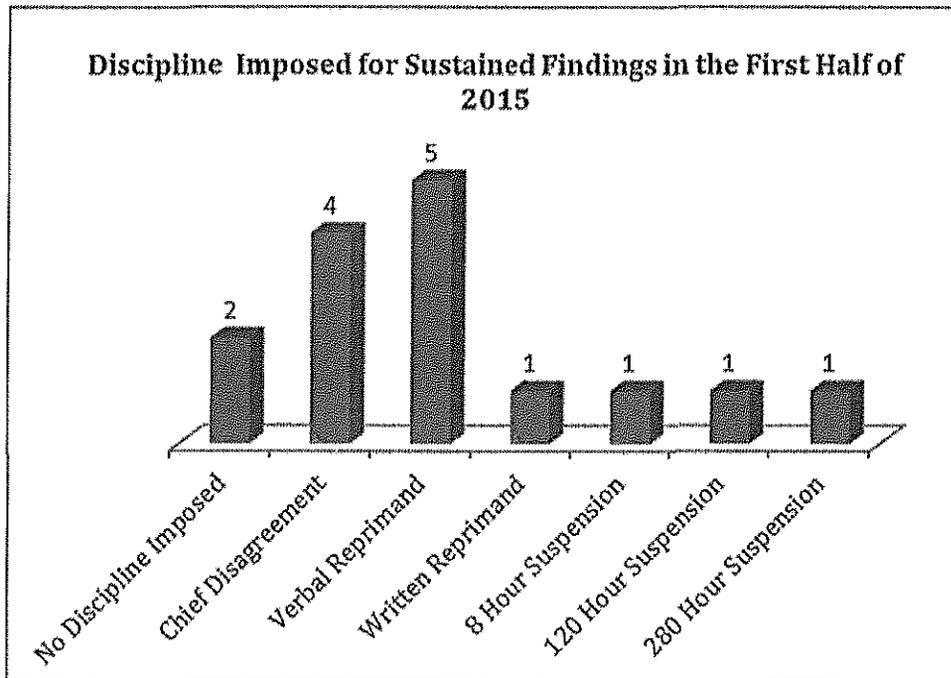


Figure 26: For the 23 sustained findings in the first half of 2015, the APD Chief of Police imposed the following disciplinary action. Some of the CPCs included sustained findings against more than one officer. The highest discipline imposed per officer is represented in the above graph.

## APD PRAISES AND ACKNOWLEDGEMENTS

City of Albuquerque residents also contact the CPOA to express gratitude or commend APD employees for acts of service or response to a particular incident. These commendations were received in the form of phone calls, letters, e-mail messages and numerous face-to-face comments of appreciation. Beginning in January 2013, the CPOA initiated a form via the website for citizens to express praises and acknowledgements to APD officers, employees, and the department as a whole. The CPOA received 93 Job Well Done responses in the first half of 2015. All forms were submitted to APD Administration to pass along to the employee's supervisors, including the Chief of Police, for acknowledgement, and a letter of commendation was sent to the officer.

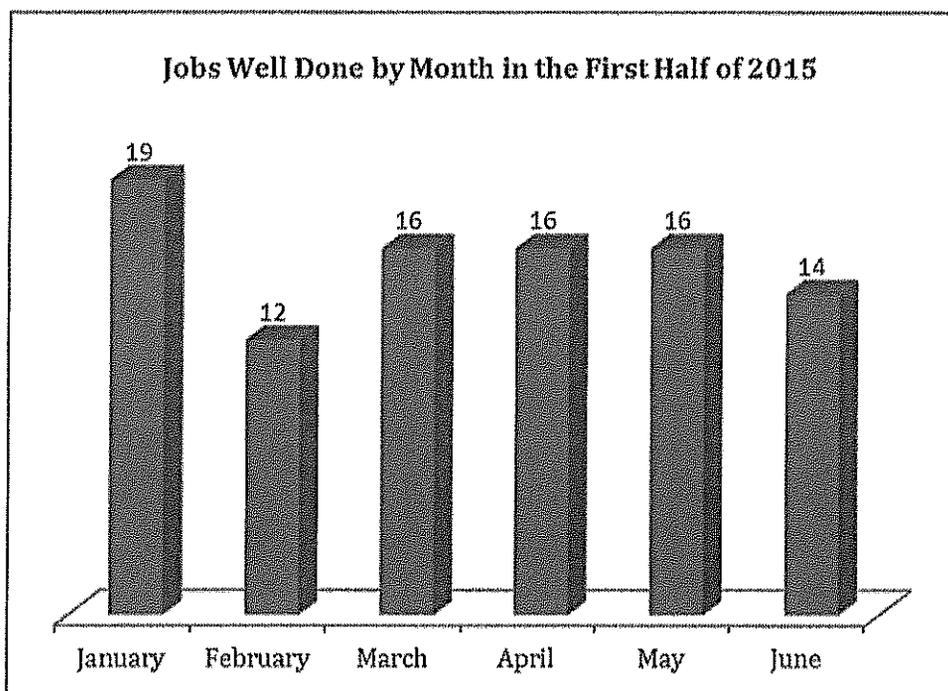


Figure 27: January had the most number of praises and acknowledgements received from citizens in the first half of 2015.

## VI. OVERVIEW OF DATA

Since 2012, the IRO received an average of 123 Citizen Police Complaints (CPCs) in the first half of each year. The CPOA received 107 CPCs in the first half of 2015. This is an 18% decrease in complaints compared to the first half of 2014.

The CPOA received an average of 18 complaints per month in the first half of 2015. The CPOA resolved 41 CPCs in the first half of 2015, which included administratively closed and fully investigated cases.

In the first half of 2015, the highest number of alleged misconduct occurred most frequently in the months of May and June. Complainants most likely reported alleged misconduct of APD officers as occurring on Wednesdays. Complainants reported higher alleged misconduct located in City Council Districts 2 and 6. A majority of the unknown districts include complaints referring to phone encounters, unspecified incident location, addresses without district, or complaints without known incident information.

In the first half of 2015, the highest number of complaints were received from female White citizens. The highest number of complaints received was from residents of City Council District 6. Complaints received include 85 complaints from Albuquerque residents, 14 complaints from complainants who live outside Albuquerque, and 3 complaints from complainants residing from another state. These numbers,

however, do not include the 5 citizens who did not provide residency information. Most complaints were received through the website.

In the cases resolved in the first half of 2015, Complainants were most likely to make allegations against white male police officers. Most alleged misconduct involved APD officers during the swing shift (3:00 a.m. to 11:00 p.m.). Most complaints involved officers with a rank of Patrolman First Class and 5-9 years of service.

The CPOA made findings in 41 CPCs in the first half of 2015. This resulted in 20 administratively closed cases and 21 closed cases with findings, which included complaints filed in 2013 and 2014. In addition, one (1) Officer-Involved Shooting was reviewed by the POB in 2014.

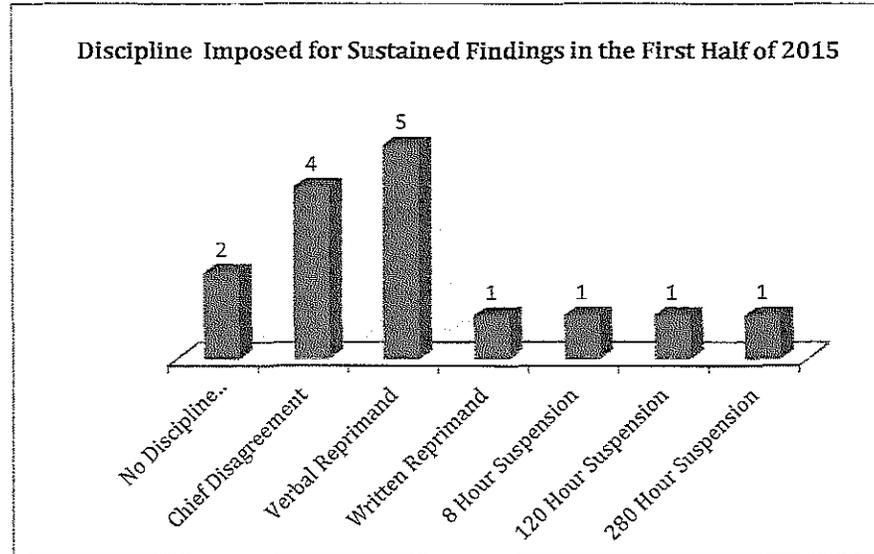
Of the 20 CPCs, the highest number of administrative closings were due to informal resolution through supervisor intervention. Of the 21 CPCs closed, there were 79 allegations of Standard Operating Procedures (SOPs) reviewed. In the first half of 2015, the CPOA most likely investigated alleged APD SOP violations on Officer Conduct (1-04), Investigations (2-24-3), and Use of Recording Device (1-39).

APD officers with Sustained findings of Standard Operating Procedure violations are referred to Chief of Police for discipline. The Chief of Police has sole disciplinary authority over APD personnel for findings of misconduct, including findings of misconduct made by the POB. The findings resulted in disciplinary actions and are made part of the officer's permanent record.

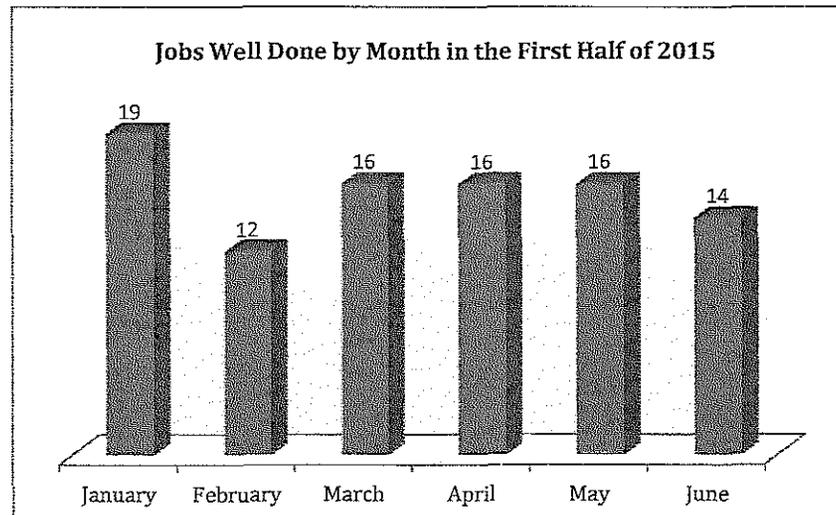
APD officers with commendations from the public were also referred to Chief of Police for acknowledgement. In the first half of 2015, the CPOA received 93 Job Well Done responses. All forms were submitted to APD Administration to pass along to the employee's supervisors, including the Chief of Police, for acknowledgement, and a letter of commendation is sent to the officer.

Our goal is to facilitate meaningful law enforcement oversight in order to benefit all those affected by police conduct. The CPOA office will continue to work with stakeholders to address issues concerning police accountability and transparency at the Albuquerque Police Department. We hope that our endeavors strengthen community trust by giving citizens a voice during this time of change. We strive to assess and improve not only the oversight process, but the relationship between the public and the police force as a whole.

No Discipline Imposed 2  
 Chief Disagreement 4  
 Verbal Reprimand 5  
 Written Reprimand 1  
 8 Hour Suspension 1  
 120 Hour Suspension 1  
 280 Hour Suspension 1  
 15

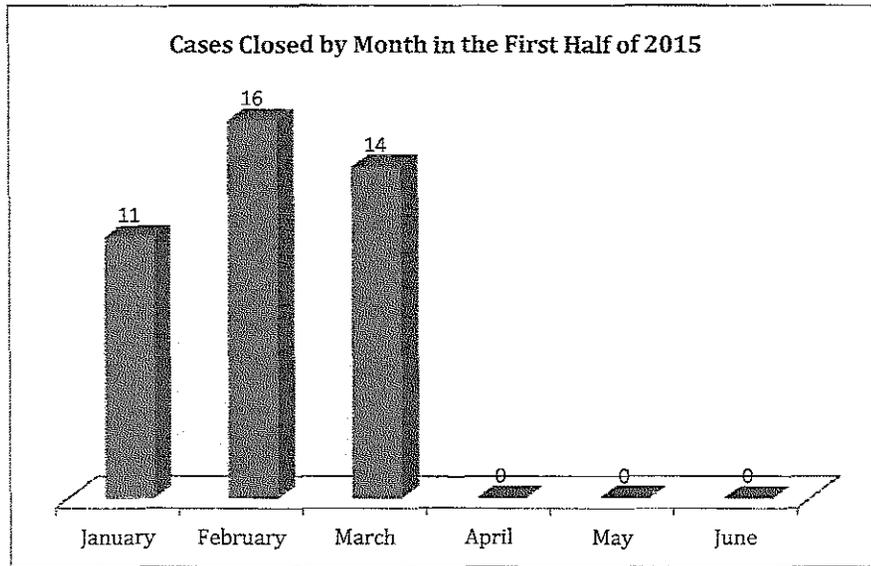


January 19  
 February 12  
 March 16  
 April 16  
 May 16  
 June 14  
 93

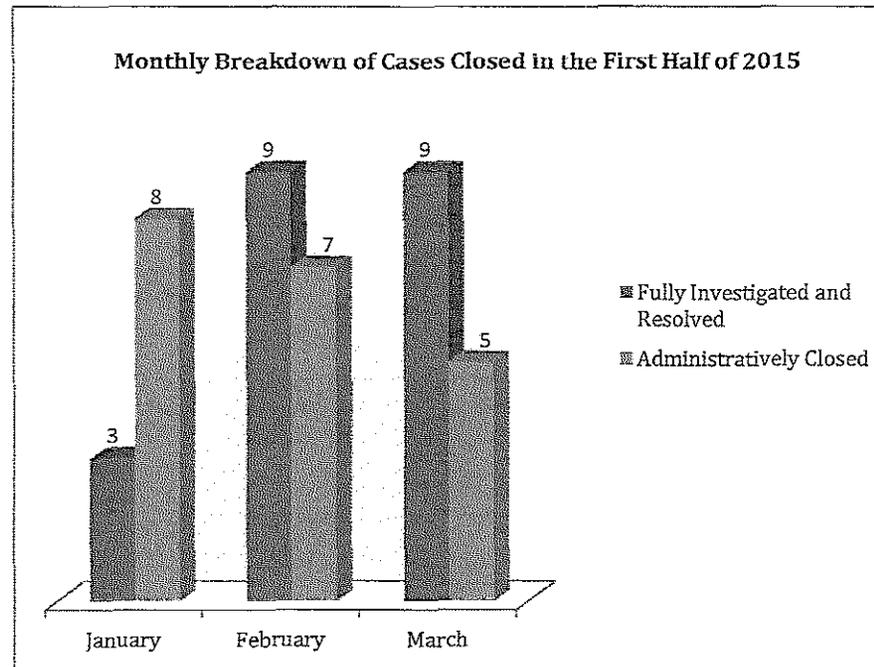


Resolved Administratively Closed

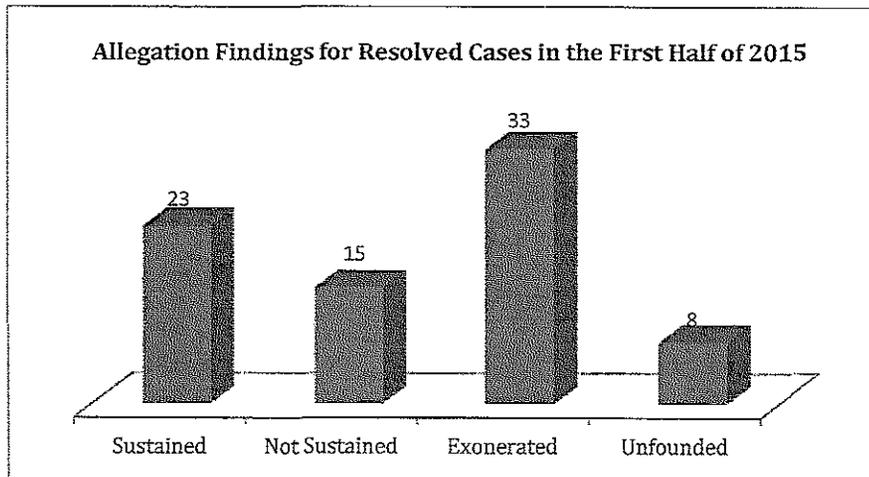
January	11	3	8
February	16	9	7
March	14	9	5
April	0		
May	0		
June	0		



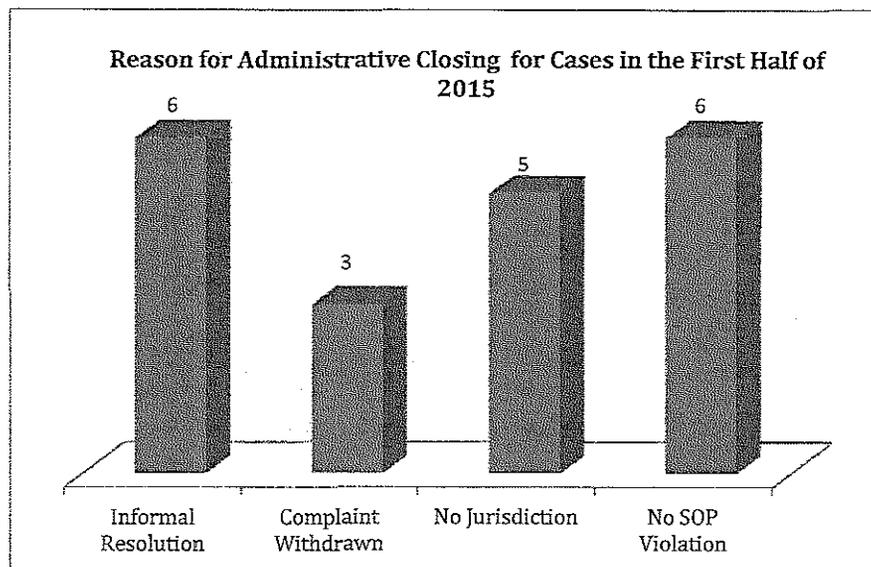
	Fully Invest Administratively Closed	
January	3	8
February	9	7
March	9	5
	21	20



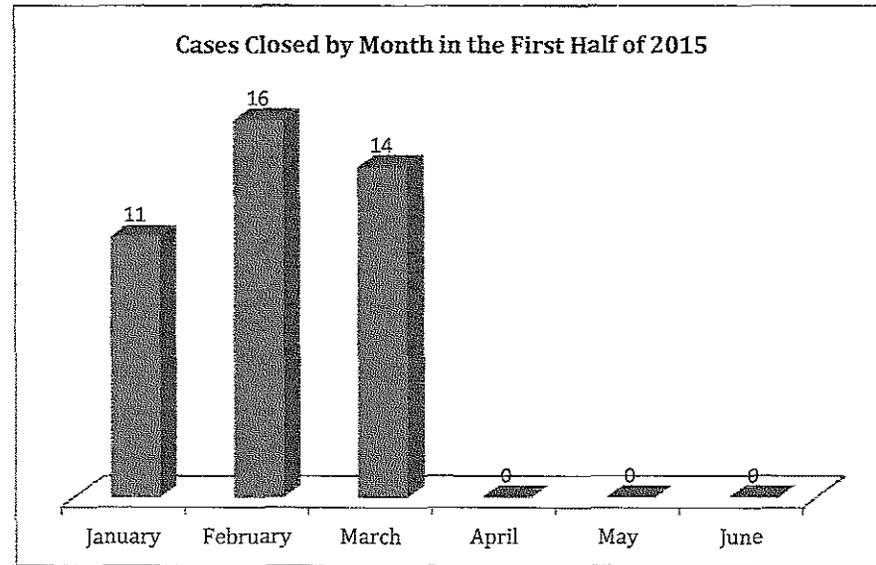
Sustained	23
Not Sustained	15
Exonerated	33
Unfounded	8
	79



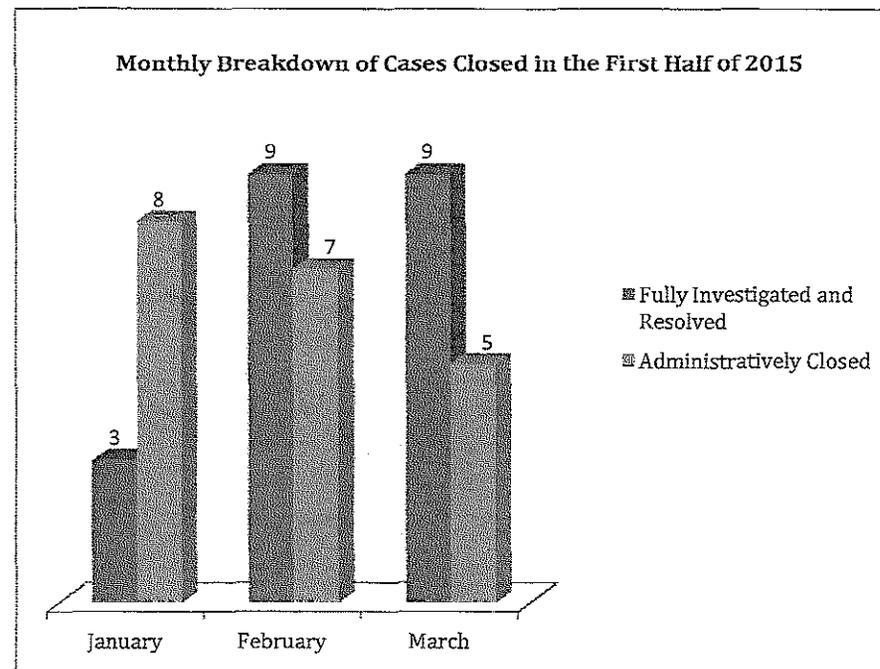
Informal Resolution	6
Complaint Withdrawn	3
No Jurisdiction	5
No SOP Violation	6



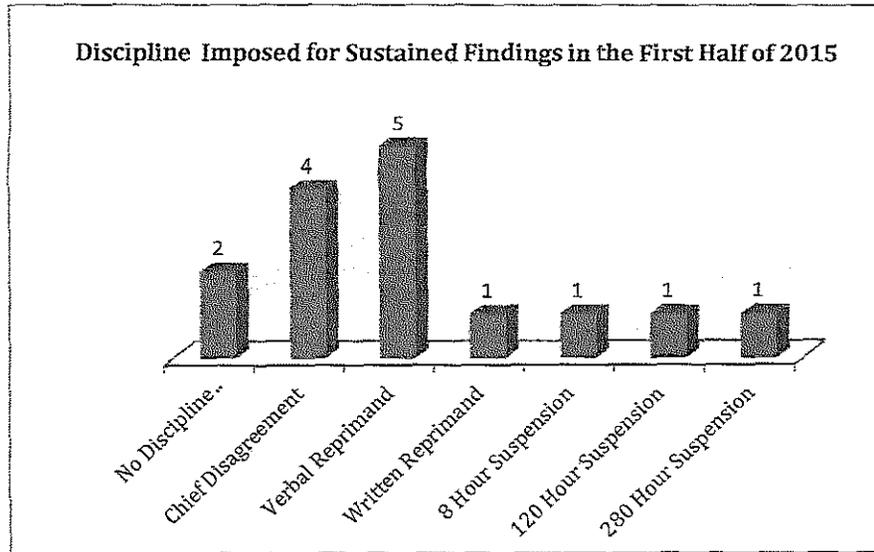
January	11	3	8
February	16	9	7
March	14	9	5
April	0		
May	0		
June	0		



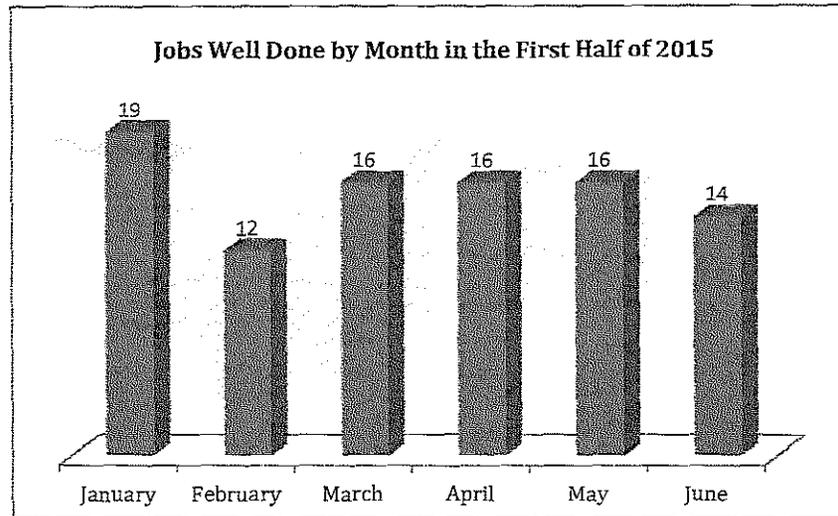
	Fully Investigated and Resolved	Administratively Closed
January	3	8
February	9	7
March	9	5
<b>Total</b>	<b>21</b>	<b>20</b>



No Discipline Imposed 2  
 Chief Disagreement 4  
 Verbal Reprimand 5  
 Written Reprimand 1  
 8 Hour Suspension 1  
 120 Hour Suspension 1  
 280 Hour Suspension 1  
 15



January 19  
 February 12  
 March 16  
 April 16  
 May 16  
 June 14  
 93

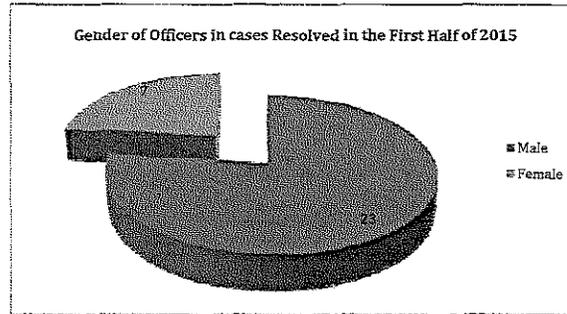
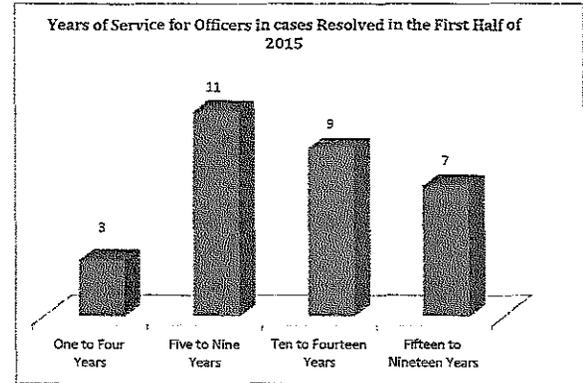


Resolved Administratively Closed

-21

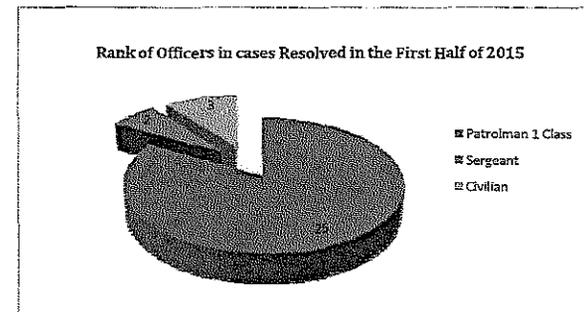
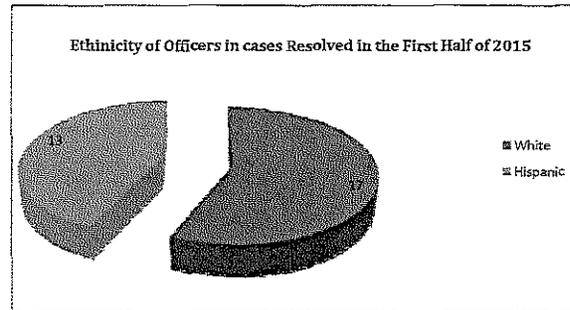
Case Number	Gender	Ethnicity	Rank	Length of Service	Officer Name
233-14	Female	Hispanic	P1C	11	
064-13	Male	Hispanic	P1C	6	
099-13	Male	White	P1C	8	
	Male	Hispanic	P1C	10	
19-102	Male	White	P1C	9	
	Male	Hispanic	Sgt.	17	
13-107	Female	White	P1C	6	
13-246	Male	Hispanic	P1C	5	
14-123	Male	Hispanic	P1C	6	
	Female	Hispanic	P1C	13	
	Male	Hispanic	P1C	8	
14-149	Male	White	P1C	9	Patterson
	Male	White	P1C	4	
14-159	Male	Hispanic	P1C	9	
14-172	Female	White	P1C	11	
	Female	White	P1C	16	
14-175	Male	White	Sgt.	19	
14-186	Female	Hispanic	P1C	11	Sanchez
14-189	Male	Hispanic	P1C	11	
14-194	Male	White	P1C	15	
	Female	White	Civilian	7	
	Male	White	Civilian	11	
14-195	Female	White	P1C	19	
14-196	Male	White	P1C	12	
14-198	Male	White	P1C	16	
	Male	Hispanic	P1C	7	
	Male	White	P1C	16	
14-197	Male	White	P1C	12	
	Male	White	P1C	4	
14-209	Male	Hispanic	Civilian	1	
14-211	Male	Hispanic	P1C	10	
14-230	Male	White	P1C	8	

Male	23
Female	7
Patrolman 1 Class	25
Sergeant	2
Civilian	3
One to Four Years	3
Five to Nine Years	11
Ten to Fourteen Years	9
Fifteen to Nineteen Years	7



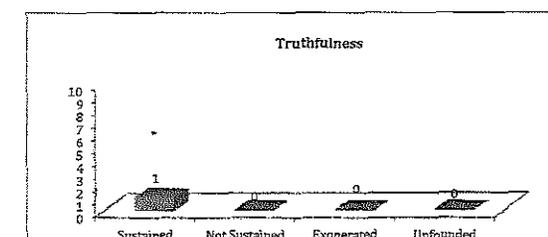
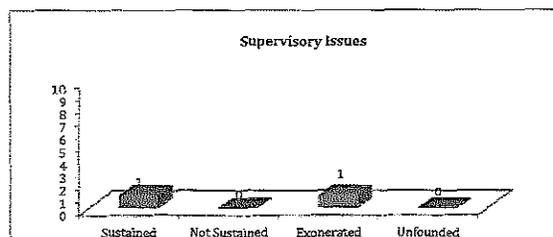
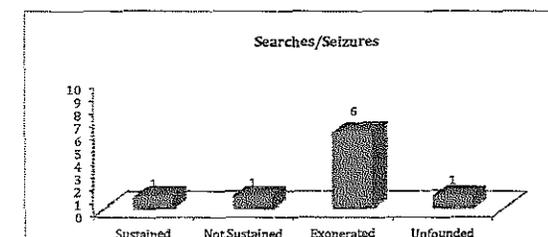
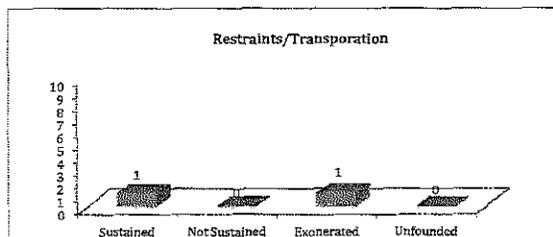
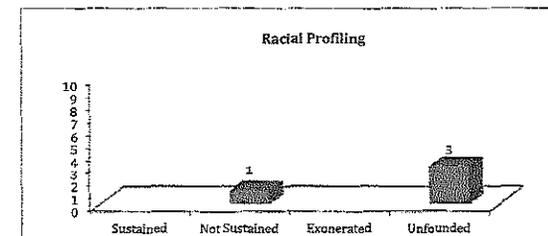
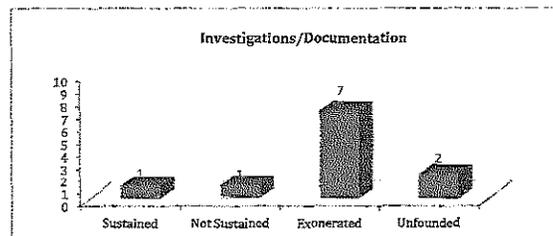
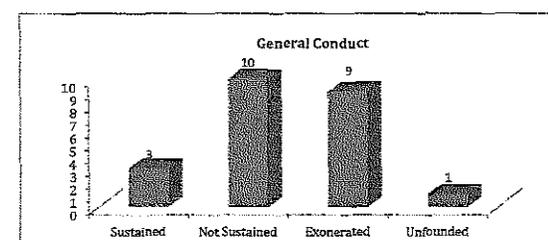
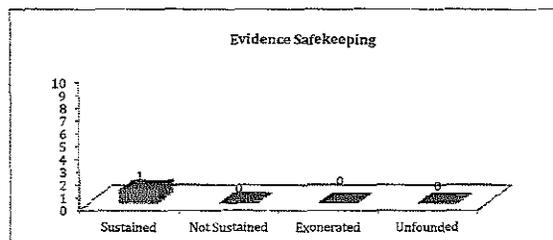
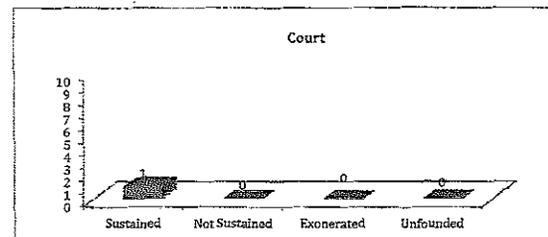
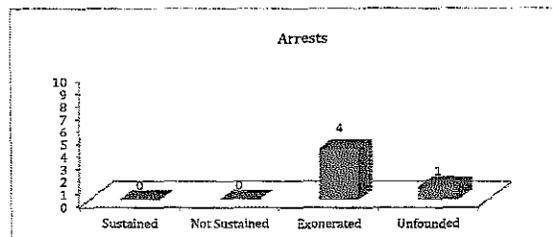
30 officers

2 complaints against Patterson and Sanchez

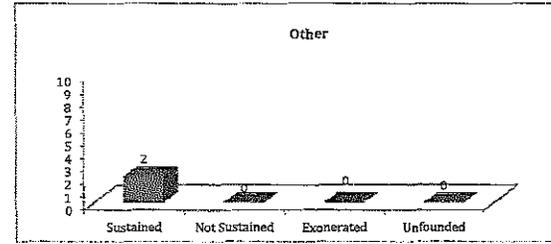
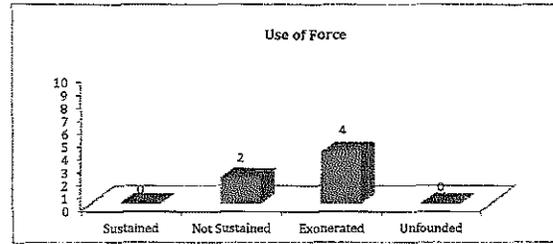
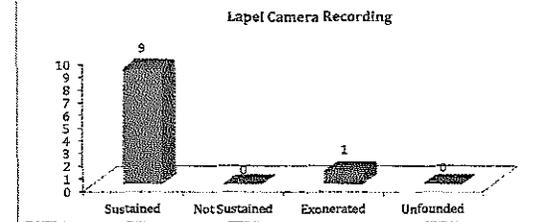
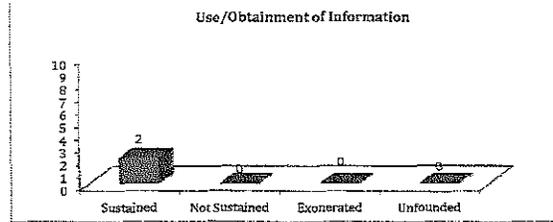


White 17  
Hispanic 13

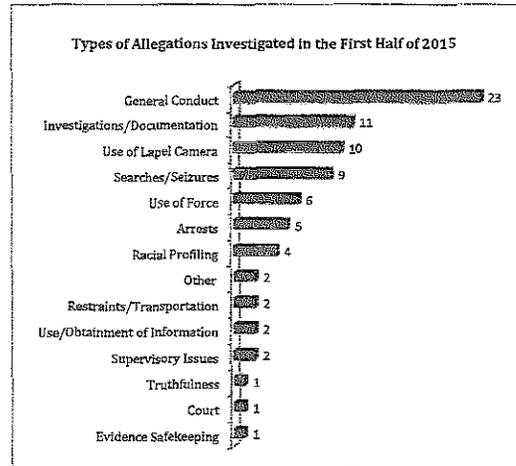
Arrests		
Sustained	0	
Not Sustained	0	
Exonerated	4	
Unfounded	1	
Missed Court		
Sustained	1	
Not Sustained	0	
Exonerated	0	
Unfounded	0	
Evidence Safekeeping		
Sustained	1	
Not Sustained	0	
Exonerated	0	
Unfounded	0	
General Conduct		
Sustained	3	
Not Sustained	10	
Exonerated	9	
Unfounded	1	
Investigations/Documentation		
Sustained	1	
Not Sustained	1	
Exonerated	7	
Unfounded	2	
Racial Profiling		
Sustained		
Not Sustained	1	
Exonerated		
Unfounded	3	
Restraints		
Sustained	1	
Not Sustained	0	
Exonerated	1	
Unfounded	0	
Searches/Seizures		
Sustained	1	
Not Sustained	1	
Exonerated	6	
Unfounded	1	
Supervisory Issues		
Sustained	1	
Not Sustained	0	
Exonerated	1	
Unfounded	0	
Truthfulness		
Sustained	1	
Not Sustained	0	
Exonerated	0	
Unfounded	0	
Use/Obtainment of Information		
Sustained	2	
Not Sustained	0	
Exonerated	0	
Unfounded	0	



Lapel Camera Recording	
Sustained	9
Not Sustained	0
Exonerated	1
Unfounded	0
Use of Force	
Sustained	0
Not Sustained	2
Exonerated	4
Unfounded	0
Other	
Sustained	2
Not Sustained	0
Exonerated	0
Unfounded	0
Sustained	23 total



Evidence Safekeeping	1
Court	1
Truthfulness	1
Supervisory issues	2
Use/Obtainment of Information	2
Restraints/Transportation	2
Other	2
Racial Profiling	4
Arrests	5
Use of Force	6
Searches/Seizures	9
Use of Lapel Camera	10
Investigations/Documentation	11
General Conduct	23
	79



**From:** McDermott, Diane L.  
**To:** POB  
**Cc:** mbaker@peiferlaw.com  
**Subject:** FW: 2015 Semi-Annual Report Part 2 of original email  
**Date:** Thursday, July 23, 2015 5:34:29 PM  
**Attachments:** [Non-Concurrences.doc](#)  
[Online.Paper.xlsx](#)  
[Opening and Closing Cases.docx](#)

---

Here is Part 2 of the original email

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**From:** Cash, Paul  
**Sent:** Thursday, July 23, 2015 4:16 PM  
**To:** POB  
**Cc:** mbaker@peiferlaw.com; Hammer, Robin; Skotchdopole, Paul A.; O'Neil, Erin; Davidson, Christopher; McDermott, Diane L.  
**Subject:** 2015 Semi-Annual Report

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Attached please find the 2015 Semi-Annual Report. It is complete, with the exception of the executive director's executive summary. Once the executive director includes the summary, the page numbers on the table of contents will need to be added/adjusted.

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IAPro, at least at this point, has almost no ability to report out accurate information concerning the CPCs. These issues have been raised with APD's IT division, and specific documentation to show the program's deficiencies has been given to Rishma Khimji at APD. She is working with IAPro to remedy this situation. My work on this issue has been saved to the share drive under Rishma.Projects and IAPro.

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[http://www.csmonitor.com/USA/Justice/2015/0615/In-Los-Angeles-a-national-model-for-how-to-police-the-mentally-ill?utm\\_medium=referral&utm\\_source=pulsenews](http://www.csmonitor.com/USA/Justice/2015/0615/In-Los-Angeles-a-national-model-for-how-to-police-the-mentally-ill?utm_medium=referral&utm_source=pulsenews)

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Best of luck.

Paul Cash  
Civilian Police Oversight Analyst  
P.O. Box 1293  
Albuquerque, NM 87103

**1.26.15**

178-14

200-14

146-14

181-14

203-14            Non-concurrence (Belt Tape)

212-14

180-14

177-14

67-14

**1.30.15 Cases going out**

195-14

123-14            Non-concurrence (belt tape)

032-13

138-13

159-14

199-14

208-14

214-13

227-14

238-13

192-14

2.2.15 Cases going out

64-13

212-13

136-13

149-14

172-14

175-14

189-14

194-14

197-14        Non-concurrence (belt tape)

201-14

211-14

226-14

007-15

011-15

164-14

203-14 Non Concurrence (belt tape)

Closed Cases 2.17.15

64-13

197-14 (non-concurrence on belt tape)

123-14 (non concurrence on belt tape-lopez, and non-concurrence search-baca)

2.23.15

211-14 Non-concurrence (Not sustained to Exonerated on General Conduct)

Officer not in IAPro

2.24.15

**I-190-14**

2.25.15

211-14 Non-concurrence (General Conduct not sustained to Exonerated)

149-14

175-14 Sustained but beyond time limits (wright case as well, I believe)

172-14

**Going Out 3.2.15**

102-13

107-13

246-13

099-13

153-13

83-13

**Going out 3.4.15**

18-15

001-15

230-14

1-49-14

233-14

10-15

196-14 Sustained but no action because past 90 days plus TRAINING

209-14

**3.11.15**

**5.4.15**

**Back from IA**

**207-14 Non-Concurrence Officer I. general conduct sustained to not sustained report writing sustained to not sustained**

**5.5.15**

231-14

219-14

**5.8.15**

217-14

132-13

**5.12.15**

14-14 exonerated to not sustained on report writing

182-13

221-14

14-15

204-14

216-14

229-14

202-14

210-14

**5.5.15**

**223-14**

**223-14 Non concurrence on untruthfulness- Not sustained from Sustained**

5.29.15

176-14

**6.3.15**

15-006 Sustained X2 Ltr X2

**6.9.15**

003-15

**To APD on 6.8.15**

229-14

36-15

15-005

59-15

228-14

225-14

12-15

45-15

Back from APD 6.16.15

45-15 GC Non-Concurrence sustained to exonerated

36-15 Belt x2 sustained to not sustained

225-14

215-14

12-15

To APD 6.18.15

23-15 Belt X2

**6.19.15**

222-14 Force X2 (likely outside time limits)

009-15

222-14

16-15

41-15

43-15

35-15

To APD 6.29.15

37-15

51-15

15-15

02-15

218-14

Inactivations

54-15

111-13

32-15

96-15

88-15

67-15

Back from APD

46-15

23-15 Verbal X2 both for belt

41-15 Non-Concurrence (not sustained to exonerated on investigations)

**To APD 6.30.15**

**35-14**

**Inactivations**

26-15

59-15

82-15

**Back from IA**

228-14 Sustained Belt Verbal

35-15

**To APD 7.2.15**

24-15 Sustained on Belt

Back from APD 7.7.15

25-15 Non-Concurrence On GC (landlord)

02-15

43-15

37-15

15-15

35-14

222-14 Sustained Written Reprimand X2

**7.10.15**

16-15 x2 belt

51-15

16-15

**7.13.15**

63-15

218-14

**To APD 7.17.15**

58-14

**To APD 7.20.15**

21-15

**Back from APD 7.22.15**

56-15

63-15

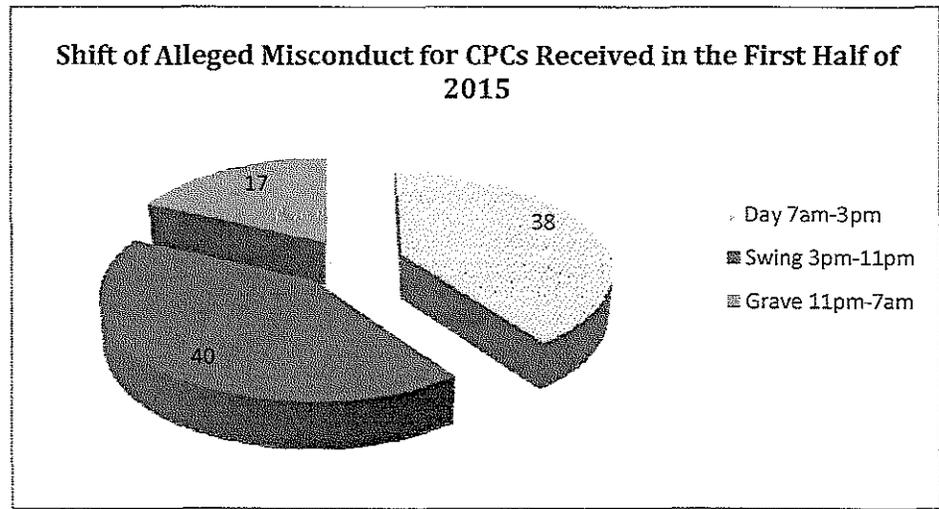
**To APD 7.23.15**

20-15

253-13

Period	Day	Swing	Grave	Unknown	
Jan-15		6	5	1	
Feb-15		6	4	6	
Mar-15		7	5	2	3
Apr-15		1	7	2	3
May-15		9	9	4	3
Jun-15		9	10	2	2
Jul-15		38	40	17	12
Aug-15					
Sep-15					
Oct-15					
Nov-15					
Dec-15					
Totals					0

Day 7am-3pm 38  
 Swing 3pm-11pm 40  
 Grave 11pm-7am 17  
 95



#### Opening Cases:

1. In CIRIS, verify/fill in Area Command, Incident District, Incident Neighborhood Association, Complainant District using: <http://www.cabq.gov/council/find-your-councilor> (must click on "FULL REPORT")
2. Fill out the Excel Spreadsheet cases status list, Fill out the Word case status list. There is a key in the share drive for the excel sheet. Because of Michelle's limited familiarity with Excel, I am unsure if she will be able to maintain that list. There are multiple formulas concerning the computation of time that should not be altered.
3. Then I give the file to the investigator
4. Fill in DOJ mandated info, i.e. sexual orientation, limited English proficiency, homeless, mentally ill. There is no mechanism for extracting this information from CIRIS, so I also keep it in a spreadsheet under Semi Annual Report 2015.
5. I keep a separate list (Non-concurrences, Semi Annual Report 2015) in the share drive because you cannot extract that information from CIRIS either.
6. Fill in the dates in CIRIS when the case moves from our office to APD, or from investigator to executive director. I also do this in the Excel spreadsheet.

#### Closing Cases:

1. Independently check/verify all demographic information for officer and complainant
2. Fill in allegations, discipline, concurrence.
3. Move the cases on the Excel spreadsheet, delete them upon completion in the Word case status list.

**From:** McDermott, Diane L.  
**To:** POB  
**Cc:** mbaker@peiferlaw.com  
**Subject:** FW: 2015 Semi-Annual Report Part 3 of original email  
**Date:** Thursday, July 23, 2015 5:41:41 PM  
**Attachments:** [Received Numbers.3.csv](#)  
[Board Member and Investigator Training Checklist.xlsx](#)  
[los\\_2012\\_daigle.pdf](#)  
[Received Numbers.2.csv](#)

---

Here is Part 3

---

**From:** Cash, Paul  
**Sent:** Thursday, July 23, 2015 4:16 PM  
**To:** POB  
**Cc:** mbaker@peiferlaw.com; Hammer, Robin; Skotchdopole, Paul A.; O'Neil, Erin; Davidson, Christopher; McDermott, Diane L.  
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[http://www.csmonitor.com/USA/Justice/2015/0615/In-Los-Angeles-a-national-model-for-how-to-police-the-mentally-ill?utm\\_medium=referral&utm\\_source=pulsenews](http://www.csmonitor.com/USA/Justice/2015/0615/In-Los-Angeles-a-national-model-for-how-to-police-the-mentally-ill?utm_medium=referral&utm_source=pulsenews)

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Best of luck.

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P.O. Box 1293  
Albuquerque, NM 87103

Period	CPC's Received	January	February	March	April	May	June
15-Jan	12						
15-Feb	18	12	18	16	13	25	23
15-Mar	16						
15-Apr	13						
15-May	25						
15-Jun	23						
15-Jul	0						
15-Aug	0						
15-Sep	0						
15-Oct	0						
15-Nov	0						
15-Dec	0						
Totals	107						

Period	Albuquerque	Other NM	Out of Stat	Unknown	Albuquerque	Other NM	Out of Stat	Unknown
15-Jan	10	2			85	14	3	5
15-Feb	12	4						
15-Mar	16	1						
15-Apr	7	3	2	1				
15-May	20	3		2				
15-Jun	20	1	1	1				
15-Jul								
15-Aug								
15-Sep								
15-Oct								
15-Nov								
15-Dec								
Totals	85	14	3	5	107			

Period	Male	Female	Unknown	Male	Female
15-Jan	5	6	1	45	55
15-Feb	6	10			
15-Mar	7	10			
15-Apr	5	6	2		
15-May	9	14	2		
15-Jun	13	9	1		
15-Jul					
15-Aug					
15-Sep					
15-Oct					
15-Nov					
15-Dec					
Totals	45	55	7	107	

Period	Asian	Afro-Ameri	Hispanic	Native-Am	White	Other	Unknown	Asian	Afro-Ameri	Hispanic	Native-Am	White	Other	Unknown
15-Jan	1		4	1	4		2	1	5	31	1	45	2	22
15-Feb			5		11									
15-Mar			6		9	1	1							
15-Apr			4		4		5							
15-May		1	6		10	1	7							
15-Jun			4	6	7		6							
15-Jul														
15-Aug														
15-Sep														
15-Oct														
15-Nov														

15-Dec									
Totals	1	5	31	1	45	2	22	107	

Period Albuquerque Other NM (Out of State) Unknown

15-Jan	12								
15-Feb	15	1							
15-Mar	15	2							
15-Apr	12	1							
15-May	24	1							
15-Jun	21	1		1					NEED TO REVIEW DISTRICTS
15-Jul									
15-Aug									
15-Sep									
15-Oct									
15-Nov									
15-Dec									
Totals	99	6		2					

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Unknown	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Unknown
15-Jan	1	4	2	4			1		12	16	26	15	19	9	6	4
15-Feb	1	1	5	3	3	2	1									
15-Mar	3	1	4		8		1									
15-Apr		4	1	1	2	2	2	1								
15-May	5	2	6	4	5	1	2	2								
15-Jun	2	4	8	3	1	3	2									
15-Jul																
15-Aug																
15-Sep																
15-Oct																
15-Nov																
15-Dec																
Totals	12	16	26	15	19	9	6	4	107							

Period	Day	Swing	Grave	Unknown
15-Jan	6	5	1	
15-Feb	6	4	6	
15-Mar	7	5	2	3
15-Apr	1	7	2	3
15-May	9	9	4	3
15-Jun	9	10	2	2
15-Jul				
15-Aug				
15-Sep				
15-Oct				
15-Nov				
15-Dec				
Totals	38	40	17	12

Period Incident Count

15-Jan	11
15-Feb	19
15-Mar	16
15-Apr	7
15-May	17
15-Jun	15
15-Jul	0
15-Aug	0

15-Sep	0									
15-Oct	0									
15-Nov	0									
15-Dec	0									
Unknown	0									
Totals	85									

1 CPC to 1 + 2 CPCs to 1 3 CPCs to 1 4 CPCs to 1 Complainant

Year 2015 | Year 2015 | Year 2015 | Year 2015 [4 To 1]

86 4 1 3

Incident

Period	District-1	District-2	District-3	District-4	District-5	District-6	District-7	District-8	District-9	Unknown
15-Jan	1	3		2		2	1	2	1	
15-Feb	2	6			1	1	1	1	3	1
15-Mar	1	3			1	5		3	2	2
15-Apr		3	1			1	1		2	5
15-May		2	6	7		3	1	2		4
15-Jun	2	4	1	1		4	2	1	3	5
15-Jul										13
15-Aug										
15-Sep										
15-Oct										
15-Nov										
15-Dec										
Totals	6	21	8	10	2	16	6	9	11	18

Comp. District

Period	District-1	District-2	District-3	District-4	District-5	District-6	District-7	District-8	District-9	Unknown
15-Jan						2	2	1	2	5
15-Feb		1		3	1	1	1	1	3	5
15-Mar	1			2	2	2	1	3	3	3
15-Apr			1			1				11
15-May	1	4	4	5						11
15-Jun		2				2	2	1	2	14
15-Jul										13
15-Aug										
15-Sep										
15-Oct										
15-Nov										
15-Dec										
Totals	2	7	5	10	3	8	6	6	10	50

Period	FH	NE	SE	VA	WS	NW	SW	Unknown
15-Jan			6	3	1			2
15-Feb	2	5	2	2			3	2
15-Mar	4	2	6	1			2	
15-Apr	1	3	1	3			1	3
15-May	1	11	3			1	1	6
15-Jun	2	7	6	1			3	3
15-Jul								
15-Aug								
15-Sep								
15-Oct								
15-Nov								
15-Dec								
Totals								

107

	Amado-McCoy	Jeannette Baca	Eric Cruz	Joanne Fine	Beth Mohr	David Ring	Eva Sandoval	Leonard Waites	Scott Wilson	Susanne Brown
CPOA Rules, Policies, Procedures	2/13/2015	2/13/2015		2/13/2015	2/13/2015	2/13/2015		2/13/2015	2/13/2015	
APD Rules, Policies, Procedures	2/13/2015	2/13/2015		2/13/2015	2/13/2015	2/13/2015		2/13/2015	2/13/2015	
Observe POB Meeting	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	4/9/2015
Completion of the APD Citizen Police Academy	5/26/2015	5/26/2015		5/26/2015	5/26/2015	5/26/2015			5/26/2015	
Civil Rights training		5/19/2015	5/19/2015	5/19/2015	5/19/2015	5/19/2015		5/19/2015	5/19/2015	5/19/2015
APD Ride Alongs (2 Every Six Months)				4/13/2015	5/9/2015	3/16/2015				7/17/2015
						4/29/2015				7/19/2015
Firearm Training (FATS) (Annual)	4/7/2015	3/26/2015	3/17/2015	4/7/2015	3/10/2015	3/16/2015			3/10/2015	
Internal Affairs Training	7/9/2015	7/9/2015	7/9/2015	7/9/2015	7/9/2015	7/9/2015		7/9/2015	7/9/2015	7/9/2015
Use of Force Training										
Equity and Cultural Sensitivity										
Findings Letter										
Settlement Agreement/Consent Decree	6/24/2015	6/24/2015			6/24/2015	6/24/2015		6/24/2015	6/24/2015	6/24/2015
Ordinance	6/24/2015	6/24/2015			6/24/2015	6/24/2015		6/24/2015	6/24/2015	6/24/2015
Open Meetings	2/13/2015	2/13/2015		2/13/2015	2/13/2015	2/13/2015		2/13/2015	2/13/2015	
Inspection of Public Records	2/13/2015	2/13/2015		2/13/2015	2/13/2015	2/13/2015		2/13/2015	2/13/2015	
Fourth Amendment Training (Searches/Seizures/UOF)										
Curriculum of all training received by APD officers										
8 Hours of Annual Training										
Date of Resignation/Date of Last Term Day							3/13/2015			
	R. Hammer	P. Skotchdopole	D. McDermitt	C. Davidson	E. O'Neill					
Investigators-40 Initial Hours 8 continuing hours	2/10/15 (8)	2/10/15 (8)	2/10/15 (8)	2/10/15 (8)	2/10/15 (8)					
	2/11/15 (4)	2/11/15 (8)	2/11/15 (8)	2/11/15 (8)	2/11/15 (8)					
	2/12/15 (4)	2/12/15 (4)	2/12/15 (4)	2/12/15 (4)	2/12/15 (4)					

Period	CPC's Received
15-Jan	12
15-Feb	18
15-Mar	16
15-Apr	13
15-May	25
15-Jun	23
15-Jul	0
15-Aug	0
15-Sep	0
15-Oct	0
15-Nov	0
15-Dec	0
Totals	107

Period	Albuquerque	Other NM	Out of Stal	Unknown	
15-Jan	10	2			
15-Feb	12	4			
15-Mar	16	1			
15-Apr	7	3	2	1	
15-May	20	3		2	
15-Jun	20	1	1	1	
15-Jul					
15-Aug					
15-Sep					
15-Oct					
15-Nov					
15-Dec					
Totals	85	14	3	5	107

Period	Male	Female	Unknown	
15-Jan	5	6	1	
15-Feb	6	10		
15-Mar	7	10		
15-Apr	5	6	2	
15-May	9	14	2	
15-Jun	13	9	1	
15-Jul				
15-Aug				
15-Sep				
15-Oct				
15-Nov				
15-Dec				
Totals	45	55	7	107

Period	Asian	Afro-Ameri	Hispanic	Native-Am	White	Other	Unknown	Asian	African-Am	Hispanic	Native-Am	White	Other	Unknown	
15-Jan	1			1	4		2	1	5	29	1	42	2	20	100
15-Feb			5		11										
15-Mar			6		9	1									
15-Apr			4		4		5								
15-May		1	6		10	1	7								
15-Jun		4	6		7		6								
15-Jul															
15-Aug															
15-Sep															
15-Oct															
15-Nov															
15-Dec															
Totals	1	5	31	1	45	2	22	107							

Period	Albuquerque	Other NM	Out of Stal	Unknown
15-Jan	12			
15-Feb	15	1		
15-Mar	15	2		
15-Apr	12	1		
15-May	24	1		
15-Jun	21	1	1	
15-Jul				
15-Aug				
15-Sep				
15-Oct				
15-Nov				
15-Dec				
Totals	99	6	2	

NEED TO REVIEW DISTRICTS

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Unknown	
15-Jan	1	4	2	4			1		
15-Feb	1	1	5	3	3	2		1	
15-Mar	3	1	4		8			1	
15-Apr	4	1	1	1	2	2	2	1	
15-May	5	2	6	4	5	1		2	
15-Jun	2	4	8	3	1	3	2		
15-Jul									
15-Aug									
15-Sep									
15-Oct									
15-Nov									
15-Dec									
Totals	12	16	26	15	19	9	6	4	107

Period	Day	Swing	Grave	Unknown		
15-Jan		6	5	1		
15-Feb		6	4	6		
15-Mar		7	5	2	3	
15-Apr		1	7	2	3	
15-May		9	9	4	3	
15-Jun		9	10	2	2	
15-Jul						
15-Aug						
15-Sep						
15-Oct						
15-Nov						
15-Dec						
Totals		38	40	17	12	107

Period	Incident Count
15-Jan	11
15-Feb	19
15-Mar	16
15-Apr	7
15-May	17
15-Jun	15
15-Jul	0
15-Aug	0
15-Sep	0
15-Oct	0
15-Nov	0
15-Dec	0
Unknown	0
Totals	85

Year 2015	Year 2015	Year 2015	Year 2015 [4 To 1]
86	4	1	3

Incident	District-1	District-2	District-3	District-4	District-5	District-6	District-7	District-8	District-9	Unknown
15-Jan	1	3		2		2	1	2	1	
15-Feb	2	6			1	1	1	1	3	1
15-Mar	1	3			1	5		3	2	2
15-Apr		3	1			1	1		2	5
15-May		2	6	7		3	1	2		4
15-Jun	2	4	1	1		4	2	1	3	5
15-Jul										13
15-Aug										
15-Sep										
15-Oct										
15-Nov										
15-Dec										
Totals	6	21	8	10	2	16	6	9	11	18

Comp. District	District-1	District-2	District-3	District-4	District-5	District-6	District-7	District-8	District-9	Unknown
15-Jan						2	2	1	2	5
15-Feb		1		3	1	1	1	1	3	5
15-Mar	1			2	2	2	1	3	3	3
15-Apr						1				11
15-May	1	4	4	5						11
15-Jun		2				2	2	1	2	14
15-Jul										13
15-Aug										
15-Sep										
15-Oct										
15-Nov										
15-Dec										
Totals	2	7	5	10	3	8	6	6	10	50

# AGENCY LIABILITY

How to protect more  
with less....



Attorney Eric P. Daigle

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## TRAINING OBJECTIVES

### KNOWLEDGE IS POWER

- Proper documentation
- Proper Investigation
- Proper Supervision
- Understand basis of actions against police
  - Policy Drafting
  - Supervision
  - Training



## According to Justice Scalia:



- We now have increasing evidence that police forces across the United States take the Constitutional rights of citizens seriously. There have been wide-ranging reforms in the education, training, and supervision of police officers. Numerous sources are now available to teach officers and their supervisors what is required of them under this Court's cases, how to respect constitutional guarantees in various situations, and how to craft an effective regime of internal discipline. Moreover, modern police forces are staffed with professionals; it is not credible to assert that internal discipline, which can limit successful careers, will not have deterrent effect!

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## 42 U.S.C. § 1983

Every person who, under color of any statute, ordinance, regulation, custom or usage of any state . . . subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress.

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DASILE LAW GROUP, LLC

## 42 U.S.C. § 1983

- To establish a claim under Section 1983, the plaintiff must establish:
  - The defendant acted under color of the authority;
  - The defendants deprived the plaintiff of rights, privileges or immunities secured by the Constitution or the laws of the United States;
  - that defendant's actions were the proximate cause of the injuries and consequent damages sustained by the plaintiff;
  - the actions of the defendant which allegedly caused the injury or loss claimed by the plaintiff were intentional and purposeful

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## The Violent Crime Control and Law Enforcement Act of 1994

### 42 U.S.C §14141

It is unlawful for state or local law enforcement officers to engage in a “pattern or practice” of conduct that deprives persons of rights protected by the Constitution or laws of the United States.



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## 42 U.S.C §14141

- Statute authorizes the U.S. Attorney General to conduct investigations and, if warranted, file civil litigation to eliminate a “patter or practice” of misconduct.
- The “Special Litigation Section” of the DOJ Civil Rights Division is charged with reviewing and investigating allegations of a pattern of misconduct
- <http://www.justice.gov/crt/about/spl/findsettle.php>

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DANIEL LAW GROUP, LLC

## 42 U.S.C §14141

- “Pattern or Practice” investigations occur only in jurisdictions where there is sufficient preliminary evidence of a pattern of unlawful conduct or systemic practices underlying the misconduct.
- Steps Taken:
  - Investigation
  - Findings Letter
  - Civil Actions / Consent Decree

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## 42 U.S.C §14141

- Primary Reasons for DOJ Intervention
  - Excessive Force
  - Ineffective Internal Affairs Systems
  - Patterns and trends of misconduct being ignored or not being addressed effectively
    - Policy Development
    - Supervision
    - Training
    - Discipline

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## Monell v. Department of Social Services

- U.S. Supreme Court (436 U.S. 658 (1978))
- Monell finds that Section 1983 applies to municipalities and local governmental units when policies or official procedure were responsible for violation of federally protected rights.
  - Failure of Policy
  - Failure to Supervise
  - Failure to Investigate
  - Failure to Train

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## *Monell v. Dept. of Social Services (1978)*

- Supreme Court held that local governments may be sued for damages as well as declaratory and injunctive relief whenever;
- “the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance regulation, or decision officially adopted and promulgated by that body’s officers. Moreover...local governments... may be sued for constitutional deprivations visited pursuant to governmental ‘custom’ even though such a custom has not received formal approval through the body’s decision making channels.”

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## **§ 1983 claim under *Monell***

- Thus, to prevail on a § 1983 claim under Monell, the plaintiff must prove:
  - (1) the existence of an official policy or custom of such longstanding to have the force of law;
  - (2) pursuant to which one or more municipal employees violated the plaintiff’s civil rights.

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## DELIBERATE INDIFFERENCE

- Deliberate indifference is:
  - A choice made from among various alternatives;
  - A knowing choice, usually made with some state of mind;
  - A choice made with some knowledge or appreciation of what the consequences of the choice will/might be.

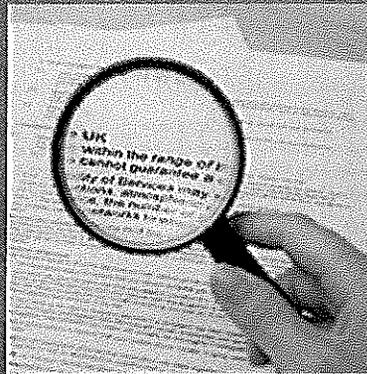
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## Establish Agency Liability

- In one of several ways:
  - 1. Unconstitutional Policy
  - 2. Decision or Act by Policymaker
  - 3. Unconstitutional Practice or Custom
    - Failure to Discipline or Supervise
    - Failure to Investigate
    - Failure to Train
    - Failure to Screen

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## Start with the Policy....



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## Unconstitutional Policy

- Establish liability by proving that the alleged unconstitutional actions resulted from the execution of a formal policy statement, ordinance or regulation officially adopted by the municipality.
- An official policy is fairly easy to discern; it is usually found in written policy statements, ordinances, and regulations.

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## Unconstitutional Policy

- A policy is an official policy, a deliberate choice of a guiding principle or procedure made by the municipal official who has final authority regarding such matters.
- Model Policies Available
  - IACP and PERF Guidelines
- DOJ Civil Rights Division
  - Finding Letters
  - Consent Decrees

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## Unconstitutional Practice or Custom

- The plaintiff could establish municipal liability by proving that the municipality maintained a practice so consistent and widespread to impute constructive knowledge of the practice to policymaking officials.

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## Unconstitutional Practice or Custom

- To establish the existence of a municipal custom, the plaintiff must prove:
  - (1) the existence of a continuing, widespread persistent pattern of unconstitutional misconduct by the governmental entities' employees;
  - (2) deliberate indifference to or tacit authorization of such conduct by the governmental entities' policymaking officials after notice to the officials of that misconduct; and
  - (3) the plaintiff's injuries were caused by acts pursuant to the governmental entities' custom, i.e., proof that the custom was the moving force behind the constitutional violation

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## Failure to Discipline or Supervise

- Liability may attach if there is sufficient evidence that a custom or policy encouraged the officer to believe that he could commit unconstitutional acts with impunity and, thus, have the explicit or tacit approval of the Department or its policymakers.
- A municipality may be liable where the municipalities' failure to supervise or discipline its officers amounts to a policy of deliberate indifference.

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## SERGEANT



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DANGLE LAW GROUP, LLC

## Areas of Concern

- **Span of Control**
  - an adequate number of supervisors are deployed in the field to provide supervision consistent with generally accepted professional standards. (1-8, 1-10)
  
- **Unity of Command**
  - Supervisors of field operation, investigation, and specialized units should provide daily field presence and maintain an active role in unit operations.

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## Failure to Adequately Investigate

- Sergeants may be held liable if they fail to conduct adequate investigations.
- Difficulties investigating the actions of those you have worked with for years and developed social and professional friendships.
- Sergeants must conduct a complete and objective investigation.
- Internal Affairs and Use of Force Investigations

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## Failure to Discipline

- Failure to Discipline is a common theory of liability against a sergeant.
- If a sergeant has knowledge of an officer's misconduct, but failed to take corrective action, he may be held liable.
- **Shaw v. Stroud** 13 F.3d 791 (1994)
  - Fourth Circuit- Example
  - 1<sup>st</sup> Sgt- Ignored complaints of pervasive violent propensities harassing complainants.
  - 2<sup>nd</sup> Sgt- ride w/ officer, counseling, reporting

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## Supervisory Liability- Con't

- Liability of a supervisor may only attach pursuant to Section 1983, if:
  - (1) the supervisory official, after learning of the violation, failed to remedy the wrong;
  - (2) the supervisory official created a policy or custom under which the constitutional practice has occurred or allowed such a policy or custom to continue; or
  - (3) the supervisory official was grossly negligent in managing the subordinates who caused the unlawful condition or event.

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## Supervisory Liability- Con't

- The plaintiff must produce evidence to support his claim that the supervisor knew of the alleged conduct, that there existed a policy or custom under which unconstitutional practices occurred, or that he was grossly negligent in managing his officers

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DAVID LAW GROUP, LLC

## Supervisory Liability- Con't

- In view of the extensive discovery that necessarily results from a claim of municipal liability under Monell, there should be evidence of a municipality's policy beyond a mere single, isolated incident.
- A plaintiff must typically point to facts outside his own case to support his allegation of a policy on the part of the municipality

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DAGUE LAW GROUP, LLC

## Supervisory Liability- Con't

- Police agencies approach to reducing liability as proactive, active or reactive.
  - Proactive Approach- Commitment to the selection and hiring of high quality candidates; along with sound policy and proper training
  - Active Approach- direct supervision
  - Reactive Approach- discipline, remediation, evaluation, analysis, audits and inspections to expose deficiencies.

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## Failure to Train

- The plaintiff must identify the particular deficiency in the training program of the Police Department and how that alleged deficiency caused his injury.
- The alleged deficiency in the training must be closely related to the alleged injury.

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## City of Canton v. Harris

389 U.S. 378 (1989)

- Held: Municipalities have an affirmative duty to train employees in core tasks.
- Inadequate law enforcement training may form the basis for a civil rights claim where the failure to train amounts to deliberate indifference to the rights of persons whom the police come into contact with.

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## City of Canton v. Harris

389 U.S. 378 (1989)

- The focus must be on the adequacy of a training program in relation to the duties the officers are expected to perform and the identified deficiency, in a city's training program.
- This will occur when the need for more or different training is so obvious, and the inadequacy so likely to result in the violation of constitutional rights, that the policymakers of the city can reasonably be said to have been **deliberately indifferent** to the need.

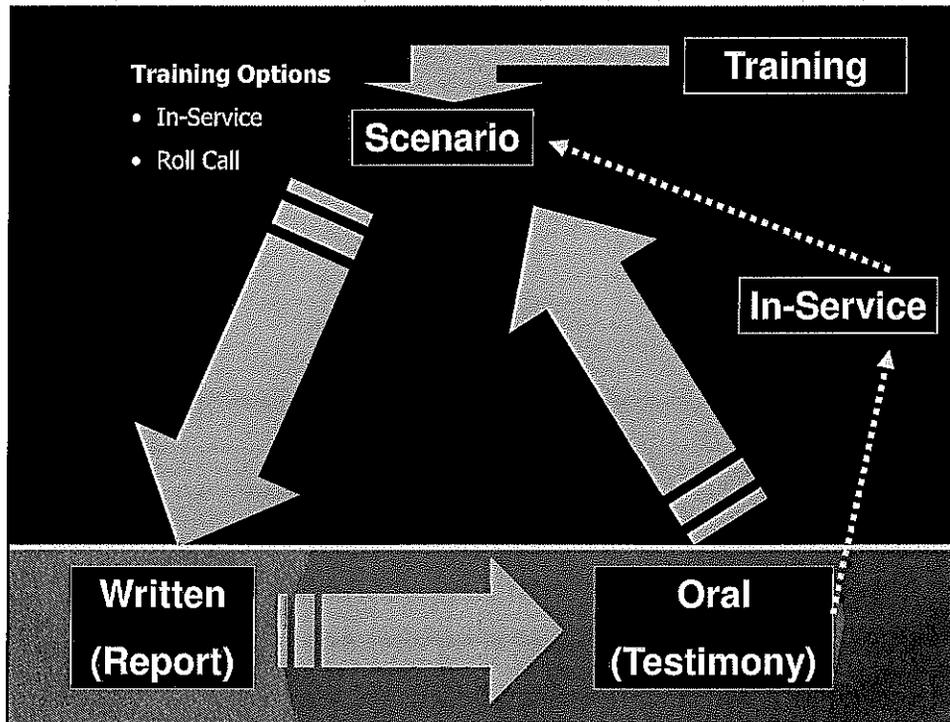
**DLG**  
DANIEL LAW GROUP, LLC

## Training

- *Davis v. Mason County*, 927 F.2d 1473 (9th Cir. 1991)
  - The inadequacy of the training program, which represented the county's official policy, constituted a deliberate indifference to the rights of others, as a matter of law.
- *Munger v. City of Glasgow*,  
227 F.3d 1082 (9th Cir. 2000)
  - Is not enough for an agency to merely have a policy that governs officers actions; the agency must train the officers on the policy to effectively avoid liability.

Your duty to provide training for peace officers is not, in any way, mitigated by the lack of funds to reimburse your department for such training.

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## Failure to Screen

- The final way in which the plaintiff could establish municipal liability is by proving that the City failed to screen an officer during the hiring process.
- A plaintiff seeking to impose liability on a municipality for failure to screen carries an onerous burden.

## Risk Management System

- Collect and record the following information:
  - All uses of force
  - Canine bite ratios
  - Injuries to prisoners
  - Cover charges
  - Firearm Discharges
  - Complaints
  - Civil law suits
  - Criminal Proceedings
  - Vehicle Pursuits
  - Incidents involving the pointing of a firearm
  - Disciplinary action taken against an officer

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## Police Misconduct Protection



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## Seven-Layered Liability Protection System

- 1. Policy and procedure
- 2. Training
- 3. Supervision
- 4. Performance Management
- 5. Review and Revision of Policy
- 6. Legal Support and Update
- 7. Investigation and evidence

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## Policy and Procedure

- Agencies must develop sound policy based upon professional thinking, court decisions and statutes.
- Policy is to be developed and issued in anticipation of the foreseeable field incidents that officers can reasonably be expected to encounter
- Ten to twelve high risk/critical task policies in law enforcement that lead to 99% of liability.  
Need to know

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## Training

- “Policy is only as effective as the training in the substance and requirements of that policy. If training is weak, unfocused or nonexistent, then the policy will not be followed.”
- Once policy is issued- Training must occur in the substance of that policy.
- Recommended method is hypothetical scenarios that would indicate the policy.

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## Supervision

- Supervision should take a positive approach.
- Supervision’s focus should be on “supporting superior performance rather than trying to catch someone doing something wrong.”
  - Officers who are observed following policy should be commended.

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## Performance Management

- Performance management requires a total commitment to the selection of qualified personnel, initial and continuous attention to performance planning and then to regular performance evaluation.
- Supervisors must discipline when they discover that a “properly trained” employee has violated policy.

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## Review and Revision

- A department must constantly review internal as well as external information in order to ensure quality performance and liability avoidance.
- Be aware of patterns- Notice
  - Internal affairs
  - Civilian complaints
  - Lawsuits
  - Use of force and injury patterns
  - Criminal charges

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## Review and Revision- Con't

- Policy-makers must stay abreast of changes in the law:
  - Legal Cases
  - Statutory updates
  - Contemporary research
  - Literature relating to policing.

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## Legal Counsel and Update

- New Trend- Legal Advisor
  - Lack of resources
  - Town Attorney
- Legal Update
  - Once a law is clearly established by a court decision or legislative enactment, agencies within the jurisdiction of the court will be charged with knowledge of the new law.

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## Investigation and Evidence

- Discovery Investigations
  - 911 tapes
  - Dispatch records
  - Video tapes / cover-up
- Highest priorities to investigations
  - Photographs
  - Evidence collection
  - Witness Statements

**DLG**  
DAIGLE LAW GROUP, LLC

**The End....**

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**From:** Beth Mohr  
**To:** Mark T. Baker; Hults, Samantha M.; Leonard Waites; Scott S. Wilson; Joanne Fine; Eric H. Cruz; Moira Amado-McCoy; Jeannette V. Baca; David Ring; susanne.brown37@gmail.com  
**Subject:** CPOA Executive Director Status  
**Date:** Thursday, July 30, 2015 11:36:10 AM

---

Dear Candidates: (BCC'd in this email)

The POB spent quite a long time last night considering candidates. Our top three are very closely matched. We decided that we want to spend some time checking references and having the City do employment verifications and criminal history checks, we will then reconvene at another special meeting on Tuesday, August 4th, at 5 pm, in order to review reference checks and take a vote to rank the candidates. There is no need for candidates to attend this meeting. I will contact you with our final decision.

City Council staff indicated that they would not likely be able to approve a candidate on August 3rd anyway, so we decided to spend this time on reference, employment and background checks, and ask Council to do final consideration at their meeting of August 17th.

The POB takes our responsibility to select the next Executive Director of the CPOA very seriously, and we want to ensure that we are selecting someone who will be able to move the community forward in a positive direction with respect to civilian oversight.

If any of you have given this position further reflection and have changed your mind and would NOT be amenable to accepting this position if called upon, please let me know right away. We want to confidently submit the top three ranked names to Council, knowing that they could select anyone off that list and we would have our new Executive Director.

If you have any questions or need to chat, please feel free to call me at [REDACTED] (cell) or 505-554-2968 (office). I am teaching much of today to a statewide group of professionals, so I will have limited availability until after 4:30 today. The other person to call with questions would be our Independent Counsel, Mark T. Baker. Mr. Baker is included on this email if you wish to contact him, or his cell is [REDACTED]

Thank-you again for your willingness to serve our community in this position. -Beth

Beth A. Mohr, Volunteer  
Albuquerque Police Oversight Board

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

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M005897

**From:** [Beth Mohr](#)  
**To:** [Leonard Waites](#); [Scott S. Wilson](#); [Maira Amado-McCoy](#); [Joanne Fine](#); [Eric H. Cruz](#); [Jeannette V. Baca](#); [David Ring](#); [Mark T. Baker](#); [Hults, Samantha M.](#)  
**Subject:** Candidate withdrew - will interview 5 today  
**Date:** Wednesday, July 29, 2015 10:58:34 AM

---

All: Candidate Robin Dozier Otten withdrew her name from consideration today, as she has accepted another position (as CEO of a company, I think, but I'm not sure). I'm glad that she selected the position that she's happiest with.

That leaves us a total of 5 candidates, all of whom are qualified, so we'll pick our top three this evening and get this thing moving forward in the right direction.

Jeannette Baca and Eric Cruz will not be attending this evening, sadly, so there will be 7 of us. It's very important that everyone else attend this evening.

Thanks all of you, for your commitment to this endeavor of Civilian Oversight. In some ways we could say "don't quit now, we're so near the end", but it's really "don't quit now, we're no near the *beginning*". We have all invested huge amounts of time and energy in laying the groundwork for this process, this is the part where it starts to pay off and we can actually do the work that we signed up to do.

Thanks again, -B

Beth A. Mohr, Volunteer  
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:** Amado-McCoy, Moira K  
**To:** undisclosed, for, privacy  
**Subject:** Cases for CPC tomorrow  
**Date:** Monday, October 26, 2015 2:01:50 PM

---

Hi, Leonard and Joanne --

Here are the case numbers we'll review tomorrow. Note that there are likely more of them than we'll tend to do in any one meeting, but that's because the grouping I've chosen for tomorrow is relatively simple. Please don't be put off by the sheer number (33) (!) -- they are all "Administratively Closed" cases/letters that must go out, and so they are each only 1-2 pages.

The idea here is to get a good sense of how the process should work regardless of which sort of case/s we're looking at, and to start with a simple grouping first. This allows us to 1) both practice and refine our process, 2) consider research categories, AND 3) with full Board approval, to get a good number of "backlogged" citizen letters out the door efficiently.

In the future, of course, we won't be dealing with a "backlog," but until we're out of the woods on that, we'll probably have three sets of material to work with each month: 1) special cases requiring immediate attention, 2) regular (b)monthly cases, and 3) backlogged cases.

For this meeting, I think it will be helpful for us to look at one "special case" (more on that in a subsequent email) and a handful of backlogged cases. Here are the backlogged groupings/types I'm hoping to cover tomorrow, and the case numbers. You'll be able to review these in the Dropbox (let me know if you have any trouble at all), and tomorrow we'll also have hard copies.

[Note that sometimes the "Sub-types" will bleed categories; that is, "Driving complaints" may be a type we're looking at on their own at some point, but here, they have been categorized as "Administratively Closed," because the complaint was about driving, but the complaint was also administratively closed.]

So, all under the main type: "Administratively Closed" --

Sub-type: "No jurisdiction" --

CPC 065-13  
CPC 096-15  
CPC 98-14  
CPC 141-14  
CPC 111-13  
CPC 082-15  
CPC 062-15  
CPC 022-15  
CPC 181-15  
CPC 170-14  
CPC 038-15

Sub-type: "Insufficient information"

CPC 025-13  
CPC 034-15  
CPC 052-15  
CPC 066-15  
CPC 121-15  
CPC 253-13

Sub-type: "Changed mind/withdrew"

CPC 005-15  
CPC 009-15  
CPC 017-15  
CPC 026-15  
CPC 048-15  
CPC 054-15  
CPC 55-15

Sub-type: "Handled sufficiently/informally"  
CPC 162-15  
CPC 059-15  
CPC 093-15  
CPC 019-15  
CPC 033-15  
CPC 088-15  
CPC 061-15

Sub-type: "SB"  
CPC 032-15  
CPC 042-15

Please feel free to call me with any comments, suggestions, or questions.

Moira

---

Moira Amado-McCoy  
Financial Advisor  
Edward Jones  
1000 Eubank Blvd Suite D  
Albuquerque, NM 87112  
(505) 296-1990  
[www.edwardjones.com](http://www.edwardjones.com)

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**From:** Silvio Dell'Angela  
**To:** Gibson, Diane G.; Sylvan, Chris; "Damon Martinez"  
**Cc:** "Jim Ginger"  
**Subject:** Change of venue. Thank you Councilor Gibson, Alan and also Dinah (for your kind words)  
**Date:** Monday, October 26, 2015 12:18:07 PM  
**Attachments:** ATT00004.txt

---

Ms. Gibson

Thank you for the respectful change of venue.

Since this is a Community meeting, Jessica Hernandez, Gordon Eden, Bob Huntsman and Stephanie Lopez (or Shaun Willoughby) have NO business being there as all of them and others like them are part of the problem.

—  
US Attorney for NM Damon Martinez

Thanks for any role you had in changing its location. Be assured APD's hiding of incriminating recordings will come up.

Silvio  
For WE THE PEOPLE

P.S.

**See Joe Monahan's latest posting' Monday, October 26, 2015' Berry Deflects ABQ Crime Crisis To Santa Fe Signaling Major Campaign Theme Against Senate Dems, Plus: Alligators Pounce As City Endures Horrific Crime Outbreak; Former Mayor Calls For Council Action; Berry Mayoral Foe Blasts Away, And: New Name Floated For SOS Slot**

---

From: Dinah Vargas [mailto:vargagirl@live.com]  
Sent: Monday, October 26, 2015 10:12 AM  
To: Silvio Dell'Angela  
Subject: Change of venue.

Good work. I have no doubt this was due to you raising awareness to the issue.

Solidarity sweet Silvio.

Dinah

M005901

**From:** [spamadmin@cabq.gov](mailto:spamadmin@cabq.gov)  
**To:** [POB IPRA](#)  
**Subject:** Command Error (Release)  
**Date:** Friday, July 03, 2015 7:31:51 AM  
**Attachments:** [logo.png](#)

---



**Error**  
For POBIPRA ([pobipra@cabq.gov](mailto:pobipra@cabq.gov))

---

The following error has occurred when processing your command:

**Error**  
Message no longer available

For more information contact the Service Desk.

Powered by Proofpoint Protection Server

**From:** [spamadmin@cabq.gov](mailto:spamadmin@cabq.gov)  
**To:** [POB IPRA](#)  
**Subject:** Command Error (Release)  
**Date:** Friday, July 03, 2015 7:18:41 AM  
**Attachments:** [logo.png](#)

---



**Error**  
**For POBIPRA ([pobipra@cabq.gov](mailto:pobipra@cabq.gov))**

---

The following error has occurred when processing your command:

**Error**

Message no longer available

For more information contact the Service Desk.

Powered by Proofpoint Protection Server

**From:** [spamadmin@cabq.gov](mailto:spamadmin@cabq.gov)  
**To:** [POB IPRA](mailto:POB IPRA)  
**Subject:** Command Error (Release)  
**Date:** Tuesday, July 21, 2015 10:23:04 AM  
**Attachments:** [logo.png](#)

---



**Error**  
**For POBIPRA ([pobipra@cabq.gov](mailto:pobipra@cabq.gov))**

---

The following error has occurred when processing your command:

**Error**

Message no longer available

For more information contact the Service Desk.

Powered by Proofpoint Protection Server

**From:** [spamadmin@cabq.gov](mailto:spamadmin@cabq.gov)  
**To:** [POB IPRA](mailto:POB IPRA)  
**Subject:** Command Error (Release)  
**Date:** Friday, October 30, 2015 9:58:19 AM  
**Attachments:** [logo.png](#)

---



**Error**  
For POBIPRA ([pobipra@cabq.gov](mailto:pobipra@cabq.gov))

---

The following error has occurred when processing your command:

**Error**

Message no longer available

For more information contact the Service Desk.

Powered by Proofpoint Protection Server

**From:** [spamadmin@cabq.gov](mailto:spamadmin@cabq.gov)  
**To:** [POB IPRA](mailto:POB IPRA)  
**Subject:** Command Error (Release)  
**Date:** Friday, July 03, 2015 8:59:43 AM  
**Attachments:** [logo.png](#)

---



**Error**  
**For POBIPRA ([pobipra@cabq.gov](mailto:pobipra@cabq.gov))**

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The following error has occurred when processing your command:

**Error**

Message no longer available

For more information contact the Service Desk.

Powered by Proofpoint Protection Server

**From:** [spamadmin@cabq.gov](mailto:spamadmin@cabq.gov)  
**To:** [POB IPRA](#)  
**Subject:** Command Error (Safelist)  
**Date:** Friday, July 03, 2015 8:58:40 AM  
**Attachments:** [logo.png](#)

---



**Error**  
For POBIPRA ([pobipra@cabq.gov](mailto:pobipra@cabq.gov))

---

The following error has occurred when processing your command:

**Error**

Message no longer available

For more information contact the Service Desk.

Powered by Proofpoint Protection Server

**From:** [spamadmin@cabq.gov](mailto:spamadmin@cabq.gov)  
**To:** [POB\\_IPRA](mailto:POB_IPRA)  
**Subject:** Command Error (Safelist)  
**Date:** Tuesday, July 21, 2015 10:22:46 AM  
**Attachments:** [logo.png](#)

---



**Error**  
For POBIPRA ([pobipra@cabq.gov](mailto:pobipra@cabq.gov))

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The following error has occurred when processing your command:

**Error**

Message no longer available

For more information contact the Service Desk.

Powered by Proofpoint Protection Server

**From:** [spamadmin@cabq.gov](mailto:spamadmin@cabq.gov)  
**To:** [POB IPRA](#)  
**Subject:** Command Error (Safelist)  
**Date:** Friday, July 31, 2015 12:49:09 PM  
**Attachments:** [logo.png](#)

---



**Error**  
For POBIPRA ([pobipra@cabq.gov](mailto:pobipra@cabq.gov))

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The following error has occurred when processing your command:

**Error**

Message no longer available

For more information contact the Service Desk.

Powered by Proofpoint Protection Server

**From:** [spamadmin@cabq.gov](mailto:spamadmin@cabq.gov)  
**To:** [POB IPRA](#)  
**Subject:** Command Error (Safelst)  
**Date:** Friday, July 03, 2015 8:59:26 AM  
**Attachments:** [logo.png](#)

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**Error**  
For POBIPRA ([pobipra@cabq.gov](mailto:pobipra@cabq.gov))

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The following error has occurred when processing your command:

**Error**

Message no longer available

For more information contact the Service Desk.

Powered by Proofpoint Protection Server

**From:** Beth A. Mohr  
**To:** POB; Hammer, Robin; Mark T. Baker; Hults, Samantha M.  
**Subject:** Commendation for Sharon Saavedra  
**Date:** Thursday, August 06, 2015 7:29:42 AM

---

All: I'd like to ask the POB to do an official letter of commendation for Ofc. Saavedra, something that can go into her personnel file. Perhaps we can take it up as other business at the next meeting. Please call me if you would like to be the one to draft something. 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:** Skotchdopole, Paul A.  
**To:** Joanne Fine  
**Subject:** Complaine Meeting with Auditors  
**Date:** Friday, October 02, 2015 3:00:47 PM

---

Hi Leonard and Joanne,

A second meeting has been scheduled with the Compliance Auditors for 10/12/15 from 2:00 PM to 4:00 PM, here in the CPOA offices. Please let me know if you will be able to attend.

Paul

**From:** Beth Mohr  
**To:** [Mark T. Baker](#); [Hults, Samantha M.](#); [Hernandez, Jessica M.](#); [Leonard Waites](#); [Scott S. Wilson](#); [Joanne Fine](#); [Eric H. Cruz](#); [Maira Amado-McCoy](#); [David Ring](#); [Jeannette V. Baca](#); [susanne.brown37@gmail.com](mailto:susanne.brown37@gmail.com)  
**Subject:** Complete applicants to interview Wednesday  
**Date:** Sunday, July 26, 2015 4:45:23 PM  
**Attachments:** [CPOA Director Application Edna Frances Sprague w-writing assignement.pdf](#)  
[CPOA Director Applicant Jay Rowland w writing assignment resume.pdf](#)  
[CPOA Director Application Robin Dozier Otten w-writing assignment.pdf](#)  
[CPOA Director Applicant Duncan Bradley w-writing assignment.pdf](#)  
[CPOA Director Applicant John Grubestic w writing assignment.pdf](#)  
[CPOA Director Applicant Edward Harness w-writing assignment.pdf](#)

---

Enclosed are the complete applications for the interviews to be conducted Wednesday. Wee you then, -B

Beth A. Mohr, Volunteer  
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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 24903773**

Name: EDNA FRANCES SPRAGUE Address: [REDACTED] Albuquerque, New Mexico 87104 US  
Home Phone: [REDACTED] Alternate Phone:  
Email: [REDACTED] Notification Preference: Email  
Former Last Name: Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, New Mexico, [REDACTED]  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

**Preferences**

Preferred Salary: \$90,000.00 per year  
Are you willing to relocate? No  
Types of positions you will accept: Regular  
Types of work you will accept: Full Time  
Types of shifts you will accept: Day, Evening, Night, Weekends, On Call (as needed)

**Objective**

I have been a prosecutor for 10 years and have worked very closely with Albuquerque Police Department as well as surrounding agencies in that capacity. I am from Albuquerque and feel that my skills as a prosecutor, a manager, and a communicator will be an asset as APD and the City work to rebuild their relationship with each other and the community.

**Education**

**Professional**

West Virginia University School of Law  
8/1998 - 5/2001  
Morgantown, West Virginia

Did you graduate: Yes  
College Major/Minor: Juris Doctor  
Degree Received: Professional

**Graduate School**

University of New Mexico  
1/1997 - 5/1998  
Albuquerque, New Mexico

Did you graduate: No  
College Major/Minor: Community & Regional Planning  
Degree Received: Master's

**College**

University of New Mexico  
8/1990 - 12/1996  
Albuquerque, New Mexico

Did you graduate: Yes  
College Major/Minor: American Studies and Women Studies  
Degree Received: Bachelor's

**Work Experience**

**Deputy District Attorney**  
8/2005 - Present

Second Judicial District Attorneys Office  
520 Lomas Blvd. NW  
Albuquerque, New Mexico 87102  
505-222-1245

Hours worked per week: 40  
Monthly Salary: \$5,000.00  
# of Employees Supervised: 17  
Name of Supervisor: Debbie DePalo - Chief Deputy District Attorney  
May we contact this employer? No

**Duties**

Deputy District Attorney, May 2012 to present. Duties included those listed below with the addition of all supervisory responsibility for case acceptance, prosecution, and plea resolutions up to and including jury trials. Responsible for all administration and personnel matters for a division of fifteen people. This includes hiring and discipline. Manage caseloads and triage of an endless variety of case difficulty. Supervise seven attorneys at all experience levels. Work with local law enforcement in streamlining and bettering communication with law enforcement in order to make the criminal justice system more accessible to victims of violent domestic violence crimes. Delegate case responsibility and duties within the division. Coordinate with other state agencies regarding case prosecution, appellate issues, and collaboration. Handle all criminal cases from other judicial districts where there exist conflicts in the originating jurisdiction.

Assistant Supervising Senior Trial Attorney, January 2012 to May 2012

Felony Domestic Violence Division – District Court. Duties include screening of all criminal case investigations submitted to the Second Judicial District Attorneys office for case prosecution. Responsible for presenting those accepted cases to the Grand Jury for probable cause determinations. Assist the Deputy District Attorney with any and all administrative needs including but not limited to supervising the attorney and non-attorney staff in the division (fourteen total people).

Assistant District Attorney, November 2009 to January 2012

Felony Domestic Violence Division – District Court. All duties the same as listed below except cases are now focused on the intersection between domestic violence and narcotics offenders. Working under Federal Grant to combat narcotics and violence crimes offenders. Additionally taught classes to law enforcement around the state of New Mexico on domestic violence legal updates (both criminal and as related to the Family Violence Protection Act) in satisfaction of mandatory law enforcement continuing education requirements.

Assistant District Attorney, September 2006 to November 2009

Felony Domestic Violence Division - District Court. Prosecute all varieties of felony domestic violence cases. Participate in the Albuquerque Police Department Cadet Mock Trial trainings; co-taught classes at the APD Academy with other assistant district attorneys. Taught Continuing Legal Education classes on domestic violence and criminal law. Attended numerous community meetings related to domestic violence; including homicide review teams, domestic violence network meetings, and planning meetings for the Family Advocacy Center, to name a few. Extensive law enforcement training with APD - Mandatory training done ever two years to the entire department. Additional training done during field briefings at request of commanding officers.

Assistant District Attorney, August 2005 to September 2006

Lead Project Attorney for a Domestic Violence Special Prosecution Unit in the Metropolitan Court. Prosecute all varieties of misdemeanor domestic violence cases with the assistance of one field investigator and two victim advocates.

**Staff Attorney**

6/2002 - 7/2005

New Mexico Legal Aid, Inc  
301 Gold Ave SW  
Albuquerque, New Mexico 87102  
505-243-7871

Hours worked per week: 40

Monthly Salary: \$0.00

Name of Supervisor: Angelica Anaya Allen -  
Executive Director - no longer so employed

May we contact this employer? Yes

**Duties**

Represent victims of domestic violence in obtaining, enforcing, modifying orders of protection against their abusers and family law associated with the domestic violence case, including divorce and custody issues. Act as an informal liaison between the victim and the criminal justice system in prosecuting criminal domestic violence cases.

Participate in numerous community activities dealing with Domestic Violence, including but not limited to: the Intimate Partner Violence Homicide Review Team; NM Coalition Against Domestic Violence; and NM Attorney General's Office.

Taught Continuing Legal Education classes on Domestic Violence in civil court, the Uniform Child Custody Jurisdiction and Enforcement Act, and general family law.

Appear in District Court on a regular basis mostly for the purpose of conducting evidentiary hearings; also appeared in Metropolitan Court to litigate landlord/tenant cases.

Previous work included dealing with clients on a variety of housing issues: evictions, foreclosures, discrimination, and landlord/tenant negotiations.

**Reason for Leaving**

Went to work for the Second Judicial District Attorney's Office

**Associate Attorney**

1/2002 - 6/2002

Hours worked per week: 40

Monthly Salary: \$0.00

May we contact this employer? No

Garcia Kelley & Associates - no longer in existence  
Albuquerque, New Mexico

**Duties**

Worked with Family Law clients, Domestic Violence clients, Adoptions, regarding all areas of family, divorce, and custody law.

**Reason for Leaving**

Went to work at New Mexico Legal Aid

**Law Clerk**

8/2001 - 10/2001

Hours worked per week: 40

Monthly Salary: \$0.00

Name of Supervisor: David Kelsey

May we contact this employer? Yes

Atkinson & Kelsey, PA  
2155 Louisiana Blvd NE  
Albuquerque, New Mexico 87110  
505-883-3070

**Duties**

Worked with Family Law clients regarding complex divorce, custody, and financial issues. Included case development on complicated child abuse case.

**Reason for Leaving**

To travel - then went to work for Garcia Kelly & Associates.

**Certificates and Licenses**

Type: Licensed to Practice Law in the state of New Mexico, September 2001

Number: [REDACTED]

Issued by: State Bar of New Mexico

Date Issued: 9 /2001 Date Expires:

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

Professional Associations

State Bar of New Mexico, American Bar Association, New Mexico Intimate Partner Violence Homicide Review Team; and NM Coalition Against Domestic Violence.

Professional Associations

National Organization of Legal Services Workers Local 2320, United Auto Workers - President

June 2002 - August 2005

Honors & Awards

Winner of Charles Evans Hughes Moot Court Competition, April 1999

While at Chicago Kent College of Law (first year law school)

**References**

Professional

**Morales, Det. Jason**

Retired - Albuquerque Police Department - Homicide

[REDACTED]  
Albuquerque, New Mexico 87113  
[REDACTED]

---

Professional  
**Moss, Nicole**  
Attorney at Law - Law Office of Nicole W. Moss  
[REDACTED]  
Albuquerque, New Mexico 87102  
[REDACTED]

---

Personal  
**Sandlin, Scott**  
[REDACTED]  
Albuquerque, New Mexico 87106  
[REDACTED]

---

Professional  
**Thomson, Elizabeth**  
Sgt. APD - Homicide  
Albuquerque Police Department  
400 Roma NW  
Albuquerque, New Mexico 87102  
[REDACTED]  
[ethomson@cabq.gov](mailto:ethomson@cabq.gov)

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Professional  
**Benford, Mark**  
Special Commissioner  
400 Lomas Blvd NW  
Albuquerque, New Mexico 87102  
[REDACTED]  
[albdmqb@nmcourts.gov](mailto:albdmqb@nmcourts.gov)

### Resume

### Text Resume

### Attachments

### City-Wide Questions

1. Q: Have you ever been convicted of a felony?

A: No

---

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

---

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

---

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

---

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

### Supplemental Questions

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: West Virginia College of Law

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico

5. Q: How many years of management experience do you possess related to this position?

A: 3 years to less than 4 years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

7. Q: Briefly describe your experience in criminal investigation.

A: As I prosecutor I am involved in criminal investigations in many ways. I am present at homicide call-outs and observe those investigations. I also engage in a variety of types of investigations as part of my day to day tasks prosecuting felony domestic violence. Looking for victims or witnesses, discussing cases with law enforcement, viewing evidence, organizing evidence, crime lab service requests, reviewing law enforcement case files, interviewing witnesses, interpreting crime scenes, viewing photographic evidence, and a variety of other tasks.

8. Q: Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: I have most recently transitioned a felony division from old local rule standards to the new LR2-400 local rule which drastically changed the way cases are prosecuted in the 2nd Judicial District. Over the years I have administered grants and maintained grant compliance, I have reported to a governing board (as part of New Mexico Legal Aid), and when I left my position at NMLA I was appointed as a member of the governing board.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due No Later Than July 25, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov) . The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: Edna Frances Sprague  
Firm/Employer: Second Judicial District Attorney's Office  
Address: 520 Lomas Blvd. NW, Albuquerque, NM 87102  
Phone: 505-222-1245 work / [REDACTED] cell

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?

I think there are multiple goals, but most importantly the CPOA must create a safe, trusted, and transparent avenue for citizens to participate in relationship building between the Albuquerque Police Department and the community.

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

As a prosecutor I face a particularly challenging array of ethical issues. I have a duty to the citizens of the State, the Defendants and the victims of enumerated violent crimes under the Victim's of Crime Act. Often those 3 duties can hold competing interests. Ultimately I have to hold the defendant's constitutional rights in highest regard. I have had situations where I believe that a violent crime has occurred yet I am unable to prove it beyond a reasonable doubt. It is difficult to walk away from a case when you believe someone has committed a crime, but you know you cannot prove it. Yet, I must. I can think of a lot of specific instances of these types of conflicts and am happy to describe those in further detail. Another challenge, and this goes along with what I have discussed above, is the importance of setting my ego aside in the face of the reality of criminal prosecution and the burden of proof.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

I became the supervisor of a 15-person division after the previous deputy district attorney resigned suddenly. I was not much prepared for the job, but learned as I went. The hardest challenge I have faced is making a decision or reacting in a certain way and then seeing, in hindsight, that I was wrong. How do I fix that with the employee without eroding trust? I can think of multiple times when I've made incorrect assumptions or handled something ineffectively. Part of growing has been acknowledging to myself my mistakes and then trying to instill trust in the face of that admission. In each case I have acknowledged my mistake, apologized, corrected my own behavior and committed to learn something

from my mistake. I've done this in the most transparent way I know how so that the employee sees that I have a stake in the outcome and that I want to be held accountable.

4. Which of your legal cases are you the most proud of and why?

One was a double homicide case where, after almost 3 years of litigation, the defendant entered into a plea agreement calling for a life sentence. The case was fraught with many challenges that required me to constantly assess my position and role in the case as a prosecutor. The victims were members of the same family and the defendant was one of the victim's boyfriend. Emotions ran high and the case pleaded on the eve of trial. Ultimately I believe the defendant pleaded because I showed him some compassion by returning to him some sentimental personal property that had been seized during the investigation. I am also proud of the work I did on a violent rape case. Initially the victim was uncooperative – the result of the severe trauma she suffered. I worked the case and gave her as much time as I could to heal and eventually she became cooperative. I am exceedingly proud of how far she has come and the strength she has shown since the case beginnings.

5. Describe your investigative philosophy.

Investigations can be tricky because relevant items or facts are not necessarily readily apparent. My style is to look at things as a target – with the incident in question at the center and each ring outward forming the different realms of relevance. All things in those rings have some bearing on the center issue, but their weight can vary. It is important to be willing to look at all the rings, but keep prospective about the weight to be given any fact. I believe it is important to gather as much information as possible without reaching any conclusions before the completion of the fact gathering. But it is also important to be willing to change your mind if new facts come to light in spite of any conclusions you may have reached. In criminal law one often finds out new information that can drastically change one's case. It is imperative to be able to accept those new facts and react appropriately without holding too closely to the conclusion you've previously reached.

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?

Specifically, the felony domestic violence division receives approximately 1200 cases per year from a variety of law enforcement agencies. Each case is at a different stage. I have, since 2012, triaged those cases and prioritized them when determining when or if to prosecute. In 2012 when I began the task, we had at least 1000 cases that made up an 18-month backlog of cases awaiting prosecution determination. This number was in addition to the approximately 1200 active cases handled by the line attorneys. Further, there is no stopping the influx of cases. So the numbers are constantly changing, which requires a real understanding of flow and backlog. I tackled them by starting, simultaneously, assessing the oldest and newest cases for prosecution. In doing so, I was quickly able to get the backlog down to a few hundred cases – that had all been reviewed – pending case prosecution. The case delay was reduced to approximately 6 months from date of incident to formal charging. Cases were quickly screened for acceptance such that any case where prosecution was declined was handled swiftly so that all stakeholders (including defendants) knew quickly of the decision. Every case was triaged at initial submission to the DA's office and then dealt with appropriately rather than simply being placed at the end of a queue and not reviewed until a much later date.

7. What is your vision for the CPOA? To facilitate understanding between the community and the APD in such a way that trust is restored and there is better partnership in the future.

I believe very strongly that there are solutions to the problem this community is facing. The CPOA is one important way to (re)forge that relationship.

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.

I am capable of making a reasoned decision and explaining my position. This would, I believe, restore confidence in the process for members of the community. I am always willing to change my mind if given new information. This would allow me to have an open mind when investigating complaints. I am not afraid of public speaking and in fact enjoy it quite a bit. I have worked very hard to build trust between me, as a prosecutor, and the police officers I rely upon as part of my job and believe that that trust would instill confidence in the process by individual officers. As part of the relationship I have built with my law enforcement colleagues, I have educated myself on as many different investigative tools I can – including working with OMI, APD Criminalistics, various expert witnesses – SANEs, physicians, etc. I am endlessly curious and inquisitive and enjoy the learning process.

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.

The most standout ways in which I have worked with various stakeholders are: being the president of the National Organization of Legal Services Workers Union that represented the employees of New Mexico Legal Aid during contract negotiations; and my involvement in various multi-disciplinary groups and task forces that work to end domestic violence and sexual assault.

During the course of contract negotiations between NMLA and NOLSW we faced mainly economic problems that forced us into layoff negotiations and lead to a new collective bargaining agreement. When being briefed by NMLA's CFO it became clear that there was some type of financial mismanagement that required the federal governing agency – Legal Services Corporation – get involved. This eventually led to LSC oversight of NMLA's grant management. After weeks of negotiations, we reached a CBA that minimized the financial impact to the employees, created fiscal accountability, and minimized lay-offs.

Since I began practicing law, in 2001, I have participated in at least two multi-disciplinary groups tasked with ending domestic violence and sexual assault. One of the main groups was an organization called the Network – which was made up of stakeholders from CYFD, APD, NMSP, BCSO, various medical providers, SANE, the NM Coalition Against Domestic Violence, Enlace Comunitario, Catholic Charities, United Way, the Courts (judges and special commissioners from judicial districts all over the State), and representatives from various district attorney's offices. I am probably forgetting a few of the stakeholders, but suffice it to say they meetings were large and varied. Often there was conflict between law enforcement agencies and victim's rights agencies for example. Initially my role in the Network was as a civil legal services attorney, but later as a prosecutor. It became clear to me that the population seen by advocacy agencies was very different from the population I was seeing as a prosecutor. I felt it important to try and explain that difference in the hopes that the varying agencies could work more effectively together. Those challenges are on going so I cannot outline a specific outcome, but I can say that those types of groups and discussions are crucial to building a coordinated community response to these social issues. I have also participated in the statutorily created Intimate Partner Homicide Review Team – also made up of many of the above listed stakeholders tasked with identifying risk factors and creating best practices annual reports.

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.

I am from Albuquerque and love my community. I am personally and professionally troubled by the conflict between the community and the APD. I want to be part of the solution.

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.

**Notice - If selected as a finalist for this position:**

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR****Contact Information -- Person ID: 25013324**

Name: Jay Rowland Address: [REDACTED] WARWICK, New York 10990 US

Home Phone: [REDACTED] Alternate Phone:

Email: [REDACTED] Notification Preference: Email

Former Last Name: [REDACTED] Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, New York

Can you, after employment, submit proof of your legal right to work in the United States? Yes

What is your highest level of education? Doctorate

**Preferences**

Preferred Salary: \$90,000.00 per year

Are you willing to relocate? Yes

Types of positions you will accept: Regular

Types of work you will accept: Full Time

Types of shifts you will accept: Day , Evening , Night , Rotating , Weekends , On Call (as needed)

**Objective**

Civilian Police Agency Director

**Education**

**Graduate School**  
*University of Illinois Law School*  
8/1969 - 1/1972  
Champaign, Illinois

Did you graduate: Yes  
College Major/Minor: Law  
Units Completed: 90 Semester  
Degree Received: Doctorate

**Work Experience**

**Independent Review Officer**  
9/2002 - 5/2007

Independent Review Officer for city of Albuquerque  
2nd St 8th floor  
Albuquerque, New Mexico 87122  
5054176316

Hours worked per week: 40  
Monthly Salary: \$8,000.00  
# of Employees Supervised: 4  
Name of Supervisor: Police Oversight Commission  
May we contact this employer? Yes

**Duties**

Independent civilian oversight of the Albuquerque Police Department.

**Reason for Leaving**

Contract ended

**Certificates and Licenses**

Type: Law license  
Number: [REDACTED]  
Issued by: NY Office of Court Administration  
Date Issued: 10 /1993 Date Expires:

**Skills**

Office Skills  
Typing:

Data Entry:

**Additional Information**

**References**

Professional  
**McDowell, Jerry**  
former Vice President of Sandia National Lab  
[REDACTED]  
Albuquerque, New Mexico 87122  
[REDACTED]

**Resume**

**Text Resume**

**Attachments**

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: Yes

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A: 2007

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: University of Illinois

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New York

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**5. Q:** How many years of management experience do you possess related to this position?

A: 6 or more years

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**6. Q:** Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

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**7. Q:** Briefly describe your experience in criminal investigation.

A: I served 30 years in the Air Force. I supervised investigations by the Office of Special Investigations and the Security Police Investigations. I served as a defense attorney and prosecutor. I served as Acting Inspector General for 21 st Air Force and my last assignment was with the Inspection Agency, reporting directly to the Inspector General of the Air Force. I was IRO from 2002 to 2007

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**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: I wrote the policy, procedures and rules for the Police Oversight Commission. I also negotiated with the APOA for important changes to the original POC Ordinance. I presented these changes to the City Council who approved them.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due July 14, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov). The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: Jay Rowland

Firm/Employer: Retired

Address: [REDACTED], Warwick, NY 10990

Phone: [REDACTED]

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? I believe the most important goal for police oversight is police shooting cases. Our credibility with the citizens of Albuquerque will never be good unless we can prove to them that we are serious about properly investigating and quickly reporting the findings to the public. The starting point is to ensure police shooting cases are investigated and completed in a timely manner (eg 60 days) and the District Attorney presents the case to the grand jury quickly (eg 30 days). Then the POB and Executive Director present the facts, findings and recommendations to the public at the first possible POB meeting so the public can judge us by our actions. A close second is the serious use of force by APD officers. These need to be quickly and thoroughly investigated and presented publicly at the first possible POB meeting. Both of these are critical to winning the trust of the citizens of Albuquerque by showing the openness of this new police oversight system. Then we must accept public input.

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome. After a year as IRO, I had an APD lieutenant call me and tell me that she had very important information about some misconduct by the Chief of Police. She wanted to talk to me about it, but wanted my assurance that I would not tell anyone, because she feared retaliation. I gave her that assurance but had no legal authority to promise confidentiality or treat her as a "Whistleblower". She and I had long discussions on these issues. She told me the Chief had just changed the findings on two police shooting cases and one Citizen Police Complaint from Sustained to Exonerated. After much agonizing and study of the APD Standard Operating Procedures, she decided to go to the Chief and tell him that she had told me this information and she thought his actions were wrong. I presented this information to the Police Oversight Commission at our publicly televised meeting and answered questions from reporters. This began the journey of discovery that led to significant changes in the original POC Ordinance.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why. The Mayor asked me to do an independent investigation of the Evidence Room controversy that was front page news for several days. This was outside the Police Oversight Ordinance, but I accepted the challenge. Not only was this a very politically charged controversy, but it also stretched our limited resources of only two investigators. We were tasked to quickly complete this massive investigation of the Evidence Room problems, while at the same time providing citizens with timely investigations of their complaints. The Mayor approved my hiring of additional investigators. I contacted and hired former Independent Counsels (the previous police oversight attorneys) and an independent investigator I had hired for the Iraq war demonstration cases. Thanks to all these investigators, we were able to interview numerous APD employees in a timely manner, seize an APD computer for evidence, obtain all emails from the public Safety Director, APD Chief and

Deputy Chiefs, captains, and all others involved. We made and sustained significant findings which were supported by the evidence and the Mayor was able to act decisively, make the investigation public and order corrections of the problem areas.

4. Which of your legal cases are you the most proud of and why? Several months into the IRO job, the Iraq war started. There were numerous demonstrations by Albuquerque citizens against the war. APD responded to attempt to control the demonstrations and ensure they were peaceful. We immediately received dozens of citizen complaints against the use of force by APD. Again, we were stretched thin with only two investigators to try to get this controversial case completed quickly and thoroughly while continuing to complete the other citizen complaints within the required time frames. I am especially proud of this case because we provided APD not only with the facts of all the complaints, but also with a guide on how to handle the next demonstrations. We did not have any other large scale demonstrations while I was IRO, but I hope APD learned from our extensive recommendations.

5. Describe your investigative philosophy. My investigative philosophy is very simple. We investigate the entire incident complained about thoroughly and quickly. We don't investigate just the issue complained about. We investigate the entire course of conduct and anything else that is discovered during the course of the investigation. A citizen might complain about the use of force, but if we find other issues raised by the evidence of any other APD policy or procedure violations, we investigate them as well. Every issue the evidence raises will be investigated to its conclusion. All findings are based on a preponderance of the credible evidence.

6. The CPOA as an organization has been 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? That is exactly the same situation I inherited when I became IRO in 2002. The previous IRO did not have her contract renewed and the position was vacant for several months. As soon as I was appointed by the Mayor and approved by City Council, I directed Internal Affairs to send all cases that had not been completed to our office for review and investigation. Some cases had to be reinvestigated. In one case, Internal Affairs had referred the investigation out of their office and to the sergeant of the area command in which the person complained about was the sergeant's captain and superior. My reinvestigation of this case created a controversy with APD and the APOA. I dealt with that and all other issues personally, so my investigators could maximize the number of citizen complaints that they could investigate. Investigating cases was their sole duty and our goal was to eventually be able to investigate all citizen complaints and not have Internal Affairs investigate any of those complaints. This was to establish our credibility with the citizens of Albuquerque. The new Ordinance is far superior to the previous one. The Executive Director's job has changed for the better and the CPOA has been given more resources. I will be able to hit the ground running with little to no learning curve.

7. What is your vision for the CPOA? With the enhanced funding and a full time staff person dedicated to community outreach, the CPOA has the potential to become the model for other cities. The POB will prove to the citizens of Albuquerque that the POB can be trusted to provide meaningful civilian oversight of APD. Citizen comments and input will be solicited and heard regularly in many different forums all across the city. POB members will become the best trained independent oversight body in the country. The publicly televised hearings will prove their fairness and impartiality to the public and APD. The POB will attend the Citizen Police Academy, do FATS training in both de-escalation situations and shooting scenarios. They will attend the many new outreach efforts by the CPOA and APD. They will do regular ride-a-longs with young APD officers and prove to the young officers that the civilian oversight system works and is fair and can be trusted. All of this can and will be done to improve community relations and earn the public's trust in civilian oversight and in APD.

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. First is my experience. I was the IRO for four and a half years in Albuquerque. I knew the APD policies and procedures and will quickly learn the changes made over the last several years. My entire career has been involved with investigations and discipline from the investigations findings, as well as systemic improvements.

My last assignment in the Air Force was at Kirtland AFB with the Air Force Inspection Agency. We worked directly for the Air Force Inspector General and at his direction, we conducted investigations and inspections throughout the world. These were designed to improve important issues for the Air Force. During my career, I not only conducted numerous inspector general investigations, I reviewed and recommended disciplinary actions and systemic corrective actions on hundreds of inspector general investigations and inquiries. I also acted as the Inspector General for HQ 21st Air Force in the absence of the general. Second is my integrity. I firmly believe in the necessity for independent oversight of all agencies of government. Inspector Generals, auditors, and Police Oversight Boards are a necessity. You can be sure that you will get the truth from me and I will do what the job requires. I proved that as IRO and in my 30 years in the Air Force. Third, I am innovative. As the second IRO, I started the long term planning committee for the POC, wrote the POC Rules and Regulations that were approved by the City Council, started sending letters from the POC to the citizens explaining the investigation and findings, negotiated changes to the old Ordinance that actually gave the POC some authority, got the jail to save homeless peoples' property when they were arrested, allowed the County Sheriff to appeal the Sustained finding against an APD officer, and did ride-alongs with other POC commissioners on APD helicopters and with SWAT officers. I encourage out of the box thinking and action. My investigators and I conducted a stake out of the APD prisoner transport station, seized an APD captains computer, seized emails from the Director of Public Safety, Chief of Police and his Deputies and other senior staff. We were innovative and aggressive in our investigations to ensure we got the facts and enhanced the system of civilian oversight of APD. Fourth, I am dedicated and will work tirelessly to achieve our goals and meet our responsibilities. Police are absolutely essential to our city and a civilized society. Police have an extremely difficult and dangerous job to do. We citizens of Albuquerque need to support and appreciate the 97% of good police officers. ( I use these percentages based on my experience, not with any cited authority). APD and our investigations need to identify the small minority of officers who are prone to abuse the great authority given to them by our citizens. Review of all use of force cases will identify officers who need retraining, counseling, discipline or removal. We need to protect our officers who want to do the right thing and protect the citizens of Albuquerque. Civilian oversight of police is essential. Long hours and night meetings are a requirement for this job and I have shown the will and capability to do it in the face of strong opposition. Fifth, I have the right personality for this job. I have a very thick skin. I do not take personal attacks personally. I have patience when patience is called for. I spent over an hour on the telephone listening to a very nice lady who was a regular complainant and had mental health issues. At the end, she thanked me for an excellent conversation (I had said maybe 10 words). The area I need to improve on is my lack of patience with government bureaucracies (or any bureaucracy) that do not serve the public in a courteous and timely manner. We are public servants and our goal should be to make things work to help our citizens. It can be done!

9. Is, 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. When I was IRO, the City Attorney wrote legal opinions that stated the findings of the POC were not authorized to be placed in the officers' records or anywhere in an APD record. The City Attorney also stated the Chief of Police could legally change the sustained findings on police shooting cases and citizen police complaints any time the Chief wanted. This was the impetus for the POC to request changes to the old Ordinance. Counselor Winter was willing to carry our recommended changes, but wanted us to sit down and negotiate the changes with the Administration, APD and the APOA. Our first meeting was a total disaster. No agreements were reached and the POC and I decided to leave it up to the City Council. Councilor Winters made us to keep trying to reach some agreement. I was the

negotiator for the POC. After numerous meetings and give and take on both sides, we finally agreed to the amendments that were passed by the City Council. The Administration, APD, the APOA and I presented a united front at the City Council. The amendments were passed. I have also met with many community groups including Vecinos United, NAACP, ACLU, homeless advocacy groups, Human Rights Commission, the Vietnamese Task Force, and anybody else who wanted to talk to me. I have never worked with a DOJ monitor before, but look forward to the experience. I was assigned to the Air Force Litigation Division in the Pentagon for almost 3 years. We worked very closely with the US Attorneys in all the states and District of Columbia. I met with the Solicitor General in an effort to get him to appeal one of my cases. Another one of my cases was eventually unanimously reversed in our favor by the United States Supreme Court.

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. You probably want to know what I have been doing for the last eight and a half years. My wife and I left Albuquerque to care for her elderly parents. They were like second parents to me and we had always told them that when they got to the point they could not care for themselves that we would be there for them. My 83 year old mother in law had heart surgery and contracted a serious infection. Everyone thought she was dying, including herself. My father in law had congestive heart failure and was totally exhausted and asked for our help. So we did as we promised and went to live with them and care for them. She eventually recovered and is now 91 and in the best physical and mental health since that surgery. My father in law was in the hospital every 3-4 months and died in 2010. The last 8 years, I have been doing legal work for friends and family. I manage the building and farm that my mother in law owns. My wife manages all her mother's personal finances and affairs and drives her to all doctor's appointments, etc. In 2008, a friend and I started a local charity, Backpack Snack Attack. We started at one elementary school and as donations permitted we expanded to all the public elementary, middle and high schools in Warwick Township (that includes 5 separate villages). We average almost 300 meals on weekends to children in the schools' free and reduced lunch programs. We later expanded to include a summer program to feed these same children. Our annual budget is around \$80,000 and the community generously supports us through our numerous fundraisers. We kept our home in Albuquerque and visit often. Our daughter and three grandchildren live in Albuquerque. Our sons and their families live in Seattle, Wa and Chicago, Il. My most important job now is being a good grandpa.

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.

1. John Parisi, retired USAF [REDACTED] ---I was the senior attorney at Blytheville AFB, AR. Lt Col Parisi was my senior officer and the Deputy Support Group Commander.
2. Steve Abraham, [REDACTED], he was the Chair of the Police Oversight Commission during our tumultuous first years and a commissioner for several years.
3. Phil Davis, civil rights attorney, [REDACTED] he has observed how I performed my duties as IRO.

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 24917182**

Name: Robin Dozler Otten Address: [REDACTED]  
Albuquerque, New Mexico 87122 US  
Home Phone: [REDACTED] Alternate Phone: [REDACTED]  
Email: [REDACTED] Notification Email Preference:  
Former Last Name: Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, New Mexico  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
Are you willing to relocate? No  
Types of positions you will accept: Regular  
Types of work you will accept: Full Time  
Types of shifts you will accept: Day

**Objective**

**Education**

**Professional** Did you graduate: Yes  
*University of New Mexico* College Major/Minor:  
8/1978 - 5/1981 Degree Received: Professional  
Albuquerque, New Mexico

**College** Did you graduate: Yes  
*University of New Mexico* College Major/Minor:  
8/1962 - 5/1966 Government/History/Psychology  
Albuquerque, New Mexico Degree Received: Bachelor's

**Work Experience**

**President and Chief Executive Officer** Hours worked per week: 40  
7/2003 - Present Monthly Salary: \$5,000.00  
# of Employees Supervised: 0  
RDO Strategic Consultants, LLC Name of Supervisor: None  
www.rdoconsultants.com May we contact this employer? Yes  
64 Pinon Hill Place  
Albuquerque, New Mexico 87122  
505 856-7244

**Duties**

Consulting firm offering its clients services including policy development, advocacy and entrepreneurial expertise.

**Reason for Leaving**

Currently working.

**Director** Hours worked per week: 40  
12/2009 - 12/2013 Monthly Salary: \$8,400.00  
# of Employees Supervised: 375

City of Albuquerque/Family and Community Services Department  
Albuquerque, New Mexico 87102

Name of Supervisor: R J Berry - Mayor  
May we contact this employer? Yes

**Duties**

Executive level office; reported directly to the Mayor  
Responsible for an agency of about 375 employees and a budget of \$12 million  
Program areas included development of affordable housing, administration of 24 community centers, four health and social service centers and 21 child development centers that provide appropriate curriculum for preschool children  
Developed Albuquerque Heading Home, an initiative that houses medically vulnerable and chronically homeless people and their families  
Initiated Running Start for Careers, a program for high school students taught by various industries representatives and offered for credit toward graduation

**Reason for Leaving**

Retirement from PERA

**Deputy Secretary**  
9/1999 - 12/2002

Hours worked per week: 40  
Monthly Salary: \$7,000.00  
# of Employees Supervised: 1650

State of New Mexico/Human Services Department  
Santa Fe, New Mexico 87505

Name of Supervisor: Gary E Johnson - Governor  
May we contact this employer? Yes

**Duties**

Cabinet level office; reported directly to the Governor  
Responsible for an agency of 1,650 employees and a budget of \$2 billion  
Program areas included Medicaid, food stamps, cash assistance (TANF) and child support enforcement  
Chaired State Coverage Initiative to obtain a Medicaid waiver and provide health insurance to uninsured adults

**Reason for Leaving**

Completion of Governor Johnson's term

**Superintendent**  
1/1995 - 9/1999

Hours worked per week: 40  
Monthly Salary: \$0.00  
Name of Supervisor: Gary E Johnson - Governor  
May we contact this employer? Yes

State of New Mexico/Regulation and Licensing Department  
Santa Fe, New Mexico 87505

**Duties**

Cabinet level office; reported directly to the Governor  
Responsible for an agency of 260 employees and a budget of \$15.2 million  
Program areas included financial institutions, securities, construction industries, manufactured housing, alcohol and gaming and 27 professional and occupational licensing boards

**Reason for Leaving**

Assumed duties as secretary of Human Services Department

**President**  
8/1987 - 1/1995

Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 4  
May we contact this employer? No

Shareholder, Otten, Vogel and Campbell, P.C  
Albuquerque, New Mexico 87110

**Duties**

General real estate and business practice of law

**Reason for Leaving**

Appointed to Governor Johnson's cabinet

**Vice President**  
8/1986 - 8/1987

Hours worked per week: 40  
Monthly Salary: \$0.00

Southwest Mortgage Company  
Albuquerque, New Mexico 87108

May we contact this employer? No

**Duties**

Supervised 24-person closing and shipping department  
Served as legal advisor to corporate officers  
Served as corporate secretary

**Reason for Leaving**

Founded law firm.

**Attorney**

8/1981 - 8/1986

Hours worked per week: 40

Monthly Salary: \$0.00

May we contact this employer? No

Johnson and Lanphere, P.C  
Albuquerque, New Mexico 87110

**Duties**

Responsible for foreclosure litigation for New Mexico's largest lender  
Represented corporate clients in commercial litigation  
Experienced in preparation of commercial loan documents  
Supervised paralegal staff; handled interviewing, hiring and dismissals  
Initiated intra-office information retrieval system

**Reason for Leaving**

Accepted another position

**Certificates and Licenses**

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

Professional Associations

American Bar Association: Corporation, Banking and Business Law, Committee on Savings and Loan Associations, and Economics of Law Practice Sections

Professional Associations

Albuquerque Bar Association

Professional Associations

American Judicature Society

Professional Associations

New Mexico Mortgage Bankers Association

Professional Associations

National Association of Women Business Owners

Honors & Awards

Faculty Representative (elected by second year class, attended all faculty meetings)

Honors & Awards

General Honors Program

Honors & Awards

Recipient, Tuition Scholarship

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Honors & Awards

Member, Student Council (elected by entire student body)

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Honors & Awards

Greater Albuquerque Chamber of Commerce Chairman's Award for Excellence

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Honors & Awards

National Association of Women Business Owners 2007 National Public Policy Advocate of the Year

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Honors & Awards

YWCA Woman on the Move Award 2008

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Honors & Awards

SBA Women in Business Champion of the Year 2008

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Honors & Awards

Ethics in Business Award

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Honors & Awards

WESG Fellowship, Duke University, Strategic Leadership for State Executives Program

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Honors & Awards

Leadership Albuquerque, 1990 graduate

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Honors & Awards

NM Business Weekly Woman of Influence 2011

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Honors & Awards

Community, State and National Leadership Positions

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Honors & Awards

National Leadership Conference of

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Honors & Awards

Women Executives in State Government

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Honors & Awards

Member (1995-2002)

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Honors & Awards

Board of Directors (1998-2002)

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Honors & Awards

Model United Nations

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Honors & Awards

President, Security Council (1994-2003)

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Honors & Awards

Governmental Ethics Oversight Committee

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Honors & Awards

Public Voting Member appointed by the Speaker of the New Mexico House of Representatives (1993)

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Honors & Awards

Sandia Preparatory School

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Honors & Awards

Board of Trustees (1989-90; 1992-95)

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Honors & Awards

Parents Association Board of Directors (1986-1990); President (1989-90)

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Honors & Awards

Greater Albuquerque Chamber of Commerce

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Honors & Awards

Board of Directors (1992-95)

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Honors & Awards

Government Planning Council (1990-92)

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Honors & Awards

State Government Committee (1990-93), Chairman (1991-93)

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Honors & Awards

Executive Legislative Committee (1990-93)

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Honors & Awards

Women Impacting Public Policy

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Honors & Awards

National Partner

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Honors & Awards

Co-chairman, Health Care Committee (2005)

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Honors & Awards

Chairman, Health Care Committee (2006 -2008)

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Honors & Awards

Economic Blueprint Advisory Council (2008)

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Honors & Awards

Executive Advisory Board (2008 to 2012)

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Honors & Awards

State of New Mexico Republican Party

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Honors & Awards

Bernalillo County (Albuquerque) Executive Committee (2003-2006)

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Honors & Awards

Candidate, United States Senate (1994)

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Honors & Awards

Executive Committee Secretary (1993-95)

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Honors & Awards

Alternate Delegate, Presidential Nominating Convention (1992)

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Honors & Awards

Candidate, New Mexico House of Representatives (1990)

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Honors & Awards

St. Marks-on-the-Mesa Episcopal Church

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Honors & Awards

Vestry (1982-85; 1989-91)

---

Honors & Awards

Chancellor (1984-87)

---

Honors & Awards

Junior Warden (1989-90)

---

Honors & Awards

Samaritan Center of Albuquerque

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Honors & Awards

Foundation Board of Directors (2003-2008)

---

Honors & Awards

President (2006)

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Honors & Awards

Vice President (2005)

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Honors & Awards

Nominations Committee Chairman (2005-2006)

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Honors & Awards

Selection Committee (2000-2003)

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Honors & Awards

Board of Directors (1990-93)

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Honors & Awards

President (1991-92)

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Honors & Awards

Chairman, Development Committee (1993)

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Honors & Awards

Albuquerque Bar Association

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Honors & Awards

Board of Directors (1991-93)

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Honors & Awards

Judicial Selection Committee (1987; 1991- 93); Chairman (1991-93)

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Honors & Awards

Lawyers' Club of Albuquerque

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Honors & Awards

President (1990-91)

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Honors & Awards

Vice President (1989-90)

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Honors & Awards

Treasurer (1988-89)

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Honors & Awards

Sandia Heights Homeowners Association Board of Directors (1990-96)

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Honors & Awards

National Association of Women Business Owners

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Honors & Awards

Charter member Northern New Mexico Chapter (1992)

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Honors & Awards

Board member NAWBO-PAC (2005)

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Honors & Awards

Chair, NAWBO-PAC (2006 to 2008)

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Honors & Awards

Vice-President, Public Policy (2006 -08)

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Honors & Awards

Secretary (2008-09)

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Honors & Awards

Director, Liaison to Foundation for Entrepreneurial Excellence (2008-09)

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Honors & Awards

President-elect (2009)

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Honors & Awards

President (2010-2011)

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Honors & Awards

Foundation for Entrepreneurial Excellence

---

Honors & Awards

Board of Directors (2008 to 2013)

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Honors & Awards

University of New Mexico Alumni Association

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Honors & Awards

Legislative Liaison (1985-88; 1993)

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Honors & Awards

United Way of Central New Mexico, Inc

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Honors & Awards

Loaned Executive (2003)

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Honors & Awards

Campaign Vice-Chairman (1993)

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Honors & Awards

Leadership Giving Committee (2005)

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Honors & Awards

Tocqueville Society (2010-present)

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Honors & Awards

Junior League of Albuquerque, Inc

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Honors & Awards

Administrative Vice President (1988-89)

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Honors & Awards

Board of Directors (1981-87)

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Honors & Awards

Community Vice President (1983-84)

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Honors & Awards

Public Affairs Chairman (1981-83)

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Honors & Awards

University of New Mexico Centennial

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Honors & Awards

Government Committee (1988-89)

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Honors & Awards

Organizations Committee (1988-89)

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Honors & Awards

Albuquerque Community Foundation

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Honors & Awards

Enabling Fund Committee Chairman (1984-86)

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Honors & Awards

Volunteer Center of Albuquerque

---

Honors & Awards

Advisory Board (1986-87)

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Honors & Awards

New Mexico Department of Corrections

---

Honors & Awards

Girls' Reintegration Center

---

Honors & Awards

Advisory Board (1984 85)

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Honors & Awards

Albuquerque Little Theater

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Honors & Awards

Friends of ALT Board of Directors (1978-79)

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Honors & Awards

Leadership Circle (2009)

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Honors & Awards

Heading Home, Inc

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Honors & Awards

Board of Directors (2014-present)

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Honors & Awards

Chairman, Fund Development Committee  
President, 2015

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Honors & Awards

Core Vision Team (2010-present)

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Honors & Awards

Goodwill Industries of New Mexico, Inc

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Honors & Awards

Board of Directors (2011-present)

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Honors & Awards

Secretary (2013-present)

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Honors & Awards

New Mexico Appleseed

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Honors & Awards

Board of Directors (2012-present)

Honors & Awards

Vice-President (2013-present)

**References**

**Resume**

**Text Resume**

**Attachments**

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A: 2013

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Retired from the City of Albuquerque

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: The University of New Mexico

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico

**5. Q:** How many years of management experience do you possess related to this position?

**A:** 6 or more years

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**6. Q:** Select the number of years of work experience you possess which relate to this position.

**A:** 13 or more years

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**7. Q:** Briefly describe your experience in criminal investigation.

**A:** Experience in criminal investigation includes supervising investigations of Medicaid fraud and employee fraud at both the state of New Mexico and the city of Albuquerque. Preparation of criminal cases for completion of the UNM clinical program in the Bernalillo County District Attorney's office.

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**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

**A:** Experience as a state cabinet secretary and a city department director with various administrative processes related to employment as well as judicial processes including court appearances, appeals and arbitration. Created, implemented and oversaw enforcement of policies and procedures in a multitude of arenas.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due July 8, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov) . The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: Robin Dozier Otten  
Firm/Employer: RDO Strategic Consultants, LLC  
Address: [REDACTED], Albuquerque 87122  
Phone: [REDACTED]

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?

*The most important goal for the CPOA to achieve within the first year is to have developed and implemented a system for receiving all citizen complaints, allegations of serious uses of force and officer-involved shootings by APD and to have thoroughly and fairly investigated, reviewed, reported and made any necessary recommendations to the agency board, within the time frames required by the agreement. If these tasks are accomplished, the agency will be able to provide information to the public in its community outreach program that instills confidence that civilian oversight is both 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.

*This example concerns a not-for-profit corporation whose board I once served on. I became aware of information from outside the organization that an employee was living with a serious mental illness. I also learned from the executive director that the employee's performance was not fully satisfactory and termination was under consideration. I was faced with the dilemma of breaching the confidence of both the ill employee and the person who had revealed the information to me or risking potential harm to the organization that might result from litigation. I decided that the best action was to advise the executive director, in a way that did not specifically refer to the ill employee, to seek the advice of an employment lawyer to make sure that all policies of the organization had been followed before any discipline or termination was carried out. The executive director received this suggestion gratefully and has made sure that decisions are made in such a way as to show compassion for employees as well as care for the well-being of the organization.*

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

*There are numerous examples, but one that I am particularly proud of the result involves my temporary service as director of the Albuquerque Housing Authority. The previous director had left under negative circumstances and the morale at the agency was very low, as was productivity. Many employees had aligned themselves with one or more small groups that gathered often to complain about various matters and to discuss ways to*

*undermine any attempts at developing leadership. I decided to deal with the situation head-on in two ways: I met with any individual or group that sought a meeting and listened carefully to their concerns and I held meetings of the entire agency to address our plans for building an exceptionally good record of assisting low income people in finding homes and to answer questions. The most important facets of these meetings was for me to tell the truth regardless of whether or not it would be well received and to follow through with anything I said I would do. Needless to say, the situation was very difficult, but by the end of my time there, the highly professional and able board of the agency had been able to hire a new management team and to become an independent authority that is now well positioned to provide better housing, more quickly to the vulnerable members of our community.*

4. Which of your legal cases are you the most proud of and why?

*I once represented a legislative candidate before the NM Supreme Court who was being deprived of a position on the general election ballot because of what we believed was a misreading of the election code by the County Clerk in her county. We were successful and she was able to participate in the electoral process.*

5. Describe your investigative philosophy.

*Having overseen many administrative investigations during my 12 years in executive government, I have developed a philosophy that seems simple, yet effective: investigations should be conducted by thoroughly unbiased professionals in as short a time as possible that allows for gathering all reasonably available facts and evidence. The results should then be presented to reviewers and ultimate decision makers in a clear and concise written document.*

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?

*My background in state and local government includes several instances in which I have encountered situations similar to the one described in this question. The first was in 1999-2002, when I was appointed by the governor and served as secretary of the NM Human Services Department following seven other people who had served in that position in the preceding five years. We were transitioning Medicaid from fee-for-service to managed care and faced an army of people associated with various constituencies who opposed almost every decision that we had made. Gradually, as we listened to many of these interested people and absorbed their concerns, we were able to create and adopt policies that were a better fit for our state. In my opinion, our best accomplishment was being granted a waiver from the US Department of Health and Human Services to provide an insurance product available to persons with income under 200% of federal poverty level at very low cost to the individual, the employer and the state.*

7. What is your vision for the CPOA?

*Very simply, to renew confidence among the people of Albuquerque that our police department is operating in a manner that is accountable and subject to objective review.*

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.

*Just results—Justice is one of the cornerstones of our national values and it is imperative that the processes of the CPOA seek justice for all involved in our work*

*Decisive—I understand that difficult decisions must be made, sometimes without as much information as one would wish to have available, but endless delays in decision making can also be destructive*

*Accountability—The leader of any organization must be ultimately accountable; however, it is likewise important that all members of the organization contribute to the final product and must be held accountable for their part in creating the whole*

*Expectation of excellence—Having high expectations can be both a blessing and a curse. I believe that unless we expect the best performance possible from ourselves and others, we will only rarely get it. It is also part of this trait that the leader must be willing to educate, train and mentor those who are willing, but not yet able to produce at the expected level*

*Understanding of bureaucratic challenges—Having worked in several large bureaucracies, I understand that there are inherent frustrations to be dealt with. Knowing that going in makes surmounting them less stressful*

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.

*In answering Question 6, I briefly touched on the experience I will now describe in more detail: as secretary of the NM Human Services Department, I chaired an effort to obtain a federal HIFA waiver to insure adults below 200% of poverty at a cost to the state of less than \$25 a month. The members of the working group represented such diverse interests as managed care organizations, other health insurers, provider groups, hospitals, patient advocacy groups, elected and appointed officials and so forth. We worked to design the program for many months with this group as well as officials in Washington, DC at the Health and Human Services Department's Center for Medicaid and Medicare Services (CMS). Although the goals and interests of the members of the group differed from one another, we were able to come together and through negotiated give and take arrive at the final product that was ultimately approved by CMS and became New Mexico's very popular and beneficial State Coverage Initiative.*

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.

*I look forward to the opportunity to work on this important process for our city and will be glad to answer any further questions you may have of me.*

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.

Stephen J. Vogel  
Attorney at Law  
Formerly of Vogel Campbell and Blueher, PC  
Board member, Albuquerque Housing Authority  
1203 Morningside Dr. NE  
Albuquerque, NM 87110  
505 288-9945  
svogel@vogelcampbell.com

Jennifer Ramo  
Attorney at Law  
Executive Director, New Mexico Appleseed  
600 Central Avenue SE  
Albuquerque, NM 87102  
505 903-3086  
jramo@nmappleseed.org

Douglas H. Chaplin  
Director  
City of Albuquerque Department of Family and Community Services  
400 Marquette NW  
5<sup>th</sup> Floor  
Albuquerque, NM 87102  
505 768-2860  
dchaplin@cabq.gov

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 3046681**

Name: Duncan Lee Bradley Address: [REDACTED]  
Ruidoso, New Mexico 88345 US  
Home Phone: [REDACTED] Alternate Phone:  
Email: [REDACTED] Notification Preference: Email  
Former Last Name: Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, New Mexico, [REDACTED]  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
Are you willing to relocate? Yes  
Types of positions you will accept: Regular  
Types of work you will accept: Full Time  
Types of shifts you will accept: Day, Evening, Night, Weekends, On Call (as needed)

**Objective**

Opportunities to apply skills and knowledge acquired through training, education, and experience, in order to contribute to the betterment of the New Mexico community.

**Education**

**Professional** Did you graduate: Yes  
*United States Institute of Peace - Organization for Security and Cooperation in Europe* College Major/Minor: Rule of Law - Transcaucus, Transoxus & Balkan Regions  
10/2010 - 1/2011 Degree Received: Certification  
On-Line, New Mexico

**Professional** Did you graduate: Yes  
*Civilian Police International* College Major/Minor: Rule of Law - Iraq  
12/2008 - 2/2009 Degree Received: Certification  
Leesburg, Virginia

**Professional** Did you graduate: Yes  
*ATLA College of Trial Advocacy* College Major/Minor: Trial Advocacy  
8/1987 - 10/1987 Degree Received: Certification  
Vail, Colorado

**Professional** Did you graduate: Yes  
*Colorado Court of Appeals - Internship, Senior Judge Donald P. Smith* College Major/Minor: Legal Research, Drafting, Court Administration  
12/1983 - 1/1985 Degree Received: Certification  
Denver, Colorado

**Graduate School** Did you graduate: Yes  
*University of Denver College of Law* College Major/Minor: Law- Jurisprudence-Trial and Appellate Advocacy  
9/1982 - 12/1984 Degree Received: Doctorate  
Denver, Colorado

**Professional** Did you graduate: Yes

<p><i>Colorado Supreme Court - Internship, Chief Justice Edward Pringle</i> 9/1982 - 9/1983 Denver, Colorado</p>	<p>College Major/Minor: Legal Research, Drafting, Court Management Degree Received: Certification</p>
<p><b>Professional</b> <i>Jefferson County Colorado Sheriff's Training Academey</i> 5/1973 - 8/1973 Golden, Colorado</p>	<p>Did you graduate: Yes College Major/Minor: Law Enforcement - Field Services, Crime Scene Preservation, Report Writing, Vehicle Operations, etc. Degree Received: Certification</p>
<p><b>Graduate School</b> <i>Southern Illinois University</i> 9/1968 - 6/1972 Carbondale, Illinois</p>	<p>Did you graduate: Yes College Major/Minor: Philosophy - Middle East Area Studies Degree Received: Doctorate</p>
<p><b>College</b> <i>Reed College</i> 6/1966 - 9/1966 Portland, Oregon</p>	<p>Did you graduate: Yes College Major/Minor: Farsi Language and Middle East Area Studies Degree Received: Other</p>
<p><b>Graduate School</b> <i>Southern Illinois University</i> 9/1963 - 6/1966 Carbondale, Illinois</p>	<p>Did you graduate: Yes College Major/Minor: Philosophy - Anthropology Degree Received: Master's</p>
<p><b>College</b> <i>Southern Illinois University</i> 6/1961 - 6/1963 Carbondale, Illinois</p>	<p>Did you graduate: Yes College Major/Minor: Philosophy - English Degree Received: Bachelor's</p>
<p><b>College</b> <i>Elmhurst College</i> 9/1957 - 6/1961 Elmhurst, Illinois</p>	<p>Did you graduate: No College Major/Minor: German, History Degree Received: No Degree</p>
<p><b>College</b> <i>Northern Illinois University</i> 9/1958 - 1/1960 Dekalb, Illinois</p>	<p>Did you graduate: No College Major/Minor: German, Art, History, English Degree Received: No Degree</p>
<p><b>High School</b> <i>York Community Highschool</i> 9/1953 - 6/1957 Elmhurst, Illinois</p>	<p>Did you graduate: Yes Highest Level Completed: 12 Did you receive a GED? Degree Received: High School Diploma</p>
<p><b>Work Experience</b></p> <p><b>Assistant Public Defender</b> 12/2003 - Present</p> <p>Law Office of the Public Defender, New Mexico Main Street Las Cruces/Alamogordo, New Mexico</p>	<p>Hours worked per week: 70 Monthly Salary: \$0.00 # of Employees Supervised: 3 Name of Supervisor: Dennis Seitz, Kenneth Henrie, Mario Torrez - District Defenders May we contact this employer? Yes</p>
<p><b>Duties</b> Representation in the New Mexico Courts of the 3rd and 12th Judicial Districts, of indigents accused of violations of the New Mexico Criminal Code.</p>	
<p><b>Legislative Advisor</b> 12/1997 - 1/2009</p>	<p>Hours worked per week: 2 Monthly Salary: \$0.00 May we contact this employer? Yes</p>

Colorado Senator James F. Congrove  
Arvada, Colorado  
(303) 940-1919

**Duties**

Advised concerning legislation before the Colorado Legislature and the Jefferson County Board of County Commissioners, and drafted legislative initiatives for Commissioner, Representative, and Senator James Congrove.

**Reason for Leaving**

Senator Congrove passed away January, 2012, after a prolonged incapacitating illness which commenced January, 2009

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**Visiting Lecturer**

1/2008 - 7/2008

Eastern New Mexico University  
Ruidoso, New Mexico

Hours worked per week: 15  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

Taught Two Courses:  
Survey of the History of the Middle East; and,  
Introduction to Philosophy.

**Reason for Leaving**

Part-time teaching duties, responsibilities, and time requirements conflicted with the full-time duties, responsibilities, and time requirements of primary employer, the Law Office of the New Mexico Public Defender.

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**Assistant County Attorney**

3/2005 - 1/2007

Jefferson County Attorney's Office  
Golden, Colorado

Hours worked per week: 70  
Monthly Salary: \$5,200.00  
# of Employees Supervised: 2  
Name of Supervisor: James Congrove -  
County Commissioner  
May we contact this employer? Yes

**Duties**

Representation of the County in the Courts of the State of Colorado, and advising the Board of County Commissioners.

**Reason for Leaving**

Returned to New Mexico, Law Office of the Public Defender

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**Member, Board of Directors**

9/1998 - 12/2003

Midwestern Center for Mental Health  
Montrose, Colorado

Hours worked per week: 2  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

Acted as a Board Member at Board Meetings, and represented the Center as directed by a vote of the Board of Directors.

**Reason for Leaving**

Moved to Las Cruces, New Mexico.

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**Member, Sheriff's Advisory Committee for Budget & Training**

8/1999 - 12/2003

Montrose County Colorado Sheriff's Department  
Montrose, Colorado

Hours worked per week: 2  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

Advise the Montrose County Sheriff with regard to his Department's annual budget, and the Department's training programs. Presented the Department's annual budget to the Board of County Commissioners.

**Reason for Leaving**

Moved to Las Cruces, New Mexico

**Lecturer**

10/1997 - 12/2003

Colorado Continuing Education Services  
Denver, Colorado

Hours worked per week: 2  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

Gave Continuing Education Lectures/Courses

**Reason for Leaving**

Moved to Las Cruces, New Mexico

**Trial Attorney**

5/1985 - 12/2003

Duncan Bradley & Associates  
Montrose, Colorado 81401  
(303) 349-2110

Hours worked per week: 80  
Monthly Salary: \$0.00  
# of Employees Supervised: 8  
Name of Supervisor: D. L. Bradley  
May we contact this employer? Yes

**Duties**

Representation of individuals in both civil and criminal actions at both the trial and appellate levels in the Colorado State and Federal Courts. Also did a some transactional law, wills deeds and trust work, real estate law, and a number of Federal Bankruptcy cases.

**Reason for Leaving**

Accepted a position with the Law Office of the New Mexico Public Defender, and moved to Las Cruces, New Mexico

**Designated Alternate Defense Counsel for the 7th Judicial District**

11/1997 - 12/1998

Colorado Office of the Alternate Defense Counsel  
Greely, Colorado

Hours worked per week: 35  
Monthly Salary: \$0.00  
# of Employees Supervised: 3  
Name of Supervisor: Colorado State  
Alternate Defense Counsel  
May we contact this employer? Yes

**Duties**

Representation of indigent individuals charged with violations of the Colorado Criminal Code, who could not be represented by the Colorado Office of the Public Defender because of conflicts of interest.

**Reason for Leaving**

Completed contractual obligations (1 year contract) and returned to the private practice of the law

**Member, Judicial Advisory Committee**

9/1987 - 1/1993

Colorado Bar Association  
Denver, Colorado

Hours worked per week: 2  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

As a committee member, acted to advise the Colorado Judiciary concerning judicial policy, rule creation, budget, and judicial appointments.

**Reason for Leaving**

Moved law practice from 847 Sherman Street, Denver, Colorado, to Arapahoe County, Colorado

**Intern**

Hours worked per week: 15

9/1982 - 1/1985

Colorado Supreme Court, Colorado Court of Appeals  
Denver, Colorado

Monthly Salary: \$0.00  
Name of Supervisor: Edward Pringle &  
Donald P. Smith - Chief Justice,  
Colorado Supreme Court, Senior  
Judge, Colorado Court of Appeals  
May we contact this employer? Yes

**Duties**

Research and draft opinion briefs for Chief Justice Pringle (09/82-06/83) and Judge Smith (01/84-02/85).

**Reason for Leaving**

Graduated from the University of Denver, College of Law, December, 1884.

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**Senior Patrol Deputy**

2/1973 - 9/1982

Jefferson County Sheriff's Department  
Golden, Colorado 80401

Hours worked per week: 60  
Monthly Salary: \$0.00  
Name of Supervisor: Harold E. Bray -  
Sheriff, Jefferson County  
May we contact this employer? Yes

**Duties**

As a Patrol Officer: provide law enforcement services in an assigned district.

As a Dispatch Officer: receive requests for law enforcement services and dispatch appropriate field officers to meet the requirements of such requests.

As Investigator: investigate and file for prosecution cases involving crimes against persons (principally murders and sexual assaults).

As Head of Research and Development: research and implement projects under the direction and supervision of the Jefferson County Sheriff, including preparation, submission, and presentation to the Board of County Commissioners of the Department's annual budget.

Jeffco Sheriff's Department Training Academy: presented in-service training classes with regard to field report writing.

As Sheriff's Personal Representative: represented the Jefferson County Sheriff on the Citizens Advisory Committee for Budget and New Facilities Design and to the Board of County Commissioners with regard to Department and County Projects, negotiated the Jefferson County Sheriff's Department Law Enforcement Services Contract with the U.S. Forest Service, for Pike National Forest, and served as the watch commander and field supervisor for the deputies fulfilling the contract's provisions.

As Civil Officer: the service and execution of civil process.

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**Member, Board of Directors**

9/1977 - 1/1979

Jeffco Federal Credit Union  
Golden, Colorado

Hours worked per week: 2  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

Acted in the interest of the Jeffco Federal Credit Union and its Members as a Board Member

**Reason for Leaving**

Left Jefferson County, Colorado, employment to attend law school

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**Adjunct Professor**

12/1975 - 9/1978

Metropolitan State College (now, University)  
Denver, Colorado

Hours worked per week: 10  
Monthly Salary: \$0.00  
May we contact this employer? Yes

**Duties**

Taught courses focused on prelaw and law enforcement students.

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**Undergraduate, Graduate, and Post Graduate Assistant,  
Intern to the Dean, and Graduate Lecturer**

8/1962 - 6/1972

Southern Illinois University  
Carbondale, Illinois

Hours worked per week: 40  
Monthly Salary: \$650.00  
# of Employees Supervised: 2  
Name of Supervisor: Several - included  
the Department Chair for the  
Department of Philosophy & the Dean of

International Education  
May we contact this employer? Yes

**Duties**

As an Undergraduate: assist professors in the execution of their teaching duties and the teaching of courses.  
As a Graduate Assistant: assist in the design and teaching of an experimental core curriculum course, Introduction to Western Humanities, and the teaching of the philosophy portion of the Western Humanities 12 quarter hour, three quarter program (which program included Art, Literature, Music, Design, and Philosophy).  
As Intern to the Dean of International Education: research and draft international education proposals.  
As Faculty Adviser: advise and counsel students from the Middle East, and supervise the activities of the International Students Association.  
As Post Graduate Leturer: taught course in extension at the Matoon, Illinois, Community College and at Menard State Penitentiary, Chester, Illinois.

**Lecturer**

6/1966 - 6/1968

Hours worked per week: 80  
Monthly Salary: \$0.00  
May we contact this employer? Yes

Iranian Ministry of Education  
Tehran, International

**Duties**

Taught at the Iranian Women's College, Tehran, English as a Second Language and Introduction to Western Humanities; with the Iran Literacy Corps assisted with the design and implementation of a correspondence school program in accord with the Shah's policy and goal of establishing national literacy by the year 2000; at the Mamazan Agricultural College, English as a Second Language and Introduction to Western Humanities; at Pars College, Shimran, English as a Second Language and Introduction to Western Humanities.

**Reason for Leaving**

Completion of U.S. Peace Corps Volunteer two year service obligation.

**Certificates and Licenses**

Type: COLORADO LICENSE TO PRACTICE LAW

Number: [REDACTED]

Issued by: COLORADO SUPREME COURT

Date Issued: 5 /1985 Date Expires:

Type: NEW MEXICO LICENSE TO PRACTICE LAW

Number: [REDACTED]

Issued by: NEW MEXICO SUPREME COURT

Date Issued: 4 /2005 Date Expires:

Type: Pilot's License, Land, Complex Aircraft, Single and Multi-Engine

Number:

Issued by: Federal Aviation Administration

Date Issued: 9 /1981 Date Expires:

**Skills**

Office Skills

Typing: 50

Data Entry: 250

Other Skills

Author & Technical Researcher Expert - 30 years and 0 months

Languages

Arabic - Read  
Persian - Speak, Read, Write  
German - Read  
English - Speak, Read, Write  
French - Read  
Spanish - Read

**Additional Information**

**References**

Professional  
**Smith, Esquire, Bruce**  
Crown Prosecutor  
Crown Prosecutor's Chambers, 20th Level  
175 Liverpool Street  
Sydney, New South Wales, International  
+61 2 457 810 999  
[bcsmith44@yahoo.com.au](mailto:bcsmith44@yahoo.com.au)

Professional  
**Henrie, Esquire, Ken**  
District Defender, Law Office of the New Mexico Public Defender  
(Las Cruces) - Retired  
508 South Main Street  
Suite 700  
Las Cruces, New Mexico 88001  
(575) 496-3037

Professional  
**Rothenberg, J., Sandra I.**  
Senior Judge, Colorado Court of Appeals (Retired)  
[REDACTED]  
Denver, Colorado 80203  
[REDACTED]

Professional  
**Ludwig, William D.**  
[REDACTED]  
Leesburg, Virginia 22191  
(703) 779-7627  
[REDACTED]

**Resume**

**Text Resume**

**Attachments**

Attachment	File Name	File Type
LETTER_OF_APPLICATION_CPOAD_150628.pdf	LETTER_OF_APPLICATION_CPOAD_150628.pdf	Cover Letter
REFERENCES_150628.pdf	REFERENCES_150628.pdf	References

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

### Supplemental Questions

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: University of Denver, College of Law

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico and Colorado

5. Q: How many years of management experience do you possess related to this position?

A: 6 or more years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

7. Q: Briefly describe your experience in criminal investigation.

A: Detective, Jefferson County Colorado Sheriff's Department, Crimes Against Persons (Homicide).

8. Q: Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: Licensed Attorney, thirty years; Intern, Colorado Supreme Court and Colorado Court of Appeals, two years; Operated a Law Firm, Duncan Bradley & Associates, in Colorado; Served on the Colorado Bar Association's Judicial Advisory Committee, three years; Member, Board of Directors, Midwestern Center for Mental Health and Jeffco Federal Credit Union, eight years total; Legislative Advisor to Colorado Senator James F. Congrove, eleven years; Advisor, Montrose County Colorado Sheriff and Jefferson County Colorado Sheriff, six years total; Jefferson County Colorado Sheriff's Representative to the U.S. Forest Service, Negotiation and Implementation of the Sheriff's Department's Law Enforcement Services Contract for Pike and San Isabel National Forests, three years total

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due July 8, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov) . The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

**DUNCAN L. BRADLEY**

Law Office of the New Mexico Public Defender  
2395 North Florida, Alamogordo, New Mexico 88310  


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?

**The reestablishment of productive and trusting relations** between the Albuquerque Police Department and the communities it serves is of first importance. Both the Settlement Agreement/Consent Decree and the October 6, 2014 Amendment to Chapter 9, Article 4, Part 1 ROA 1994, the Police Oversight Ordinance provide important guidance, direction, and operational requirements to achieve that goal.

In that connection, there are a number of things which might be immediately accomplished by the Civilian Police Oversight Agency and the Police Oversight Board in the course of their required interactions with the Albuquerque City Government and Police Department. For example, the development of a process for productive interaction between the Albuquerque Police Department and the citizens of Albuquerque through an active community watch program would directly involve Albuquerque's several communities with the Department, which is something which the Civilian Police Oversight Agency might be able to foster.

Further, advocacy for, and support of an Albuquerque Police Department in-house activities such as the implementation of a monthly in-service training program would be another step in that direction. Such a program could focus on the historic role of law enforcement in the American judicial system (concerning its primary goal of maintaining public peace, order, and safety), professional patrol procedures, professional call response procedures, field officer public demeanor, citizen contact protocols, officer safety procedures, and professional constraints on responses to threats involving an officer and/or public peace, order, and safety.

Enhancement of public awareness and involvement could also be advanced by encouraging the Department to invite direct citizen and media participation in various aspects of such programs (albeit, not all, since as some law enforcement

training entails unacceptable security risks and liabilities, and the Police would wish to keep certain matters confidential with regard to field operations).

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

While serving as the Designated Alternate Defense Counsel for Colorado's Seventh Judicial District, in the course of interviewing a client he advised he was going to commit another crime in connection with the offenses with which he was charged, in order to conceal his involvement and generate false testimony.

Pursuant to the specific provisions of the Attorney Code of Professional Responsibility, the Canons of Ethics, and prevailing written standards from the Bar Association, an *en camera* hearing with the presiding Court was requested, the purpose of which was to ask to be excused from representation of that client on the grounds of a conflict of interest, and that the Court appoint alternate counsel.

The Court granted the request and did appoint alternate counsel. It also recused itself from further participation in proceedings regarding the case.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

While in private practice, on more than one occasion intra-office and inter-office disharmony affected the firm's ability to effectively represent the interests of its clients. The situation was resolved by exercising leadership by example, among other things by inviting the in-put of those expressing competing or conflicting interests and points of view. This approach proved, and has proven successful in almost all cases. Very few individuals, if any, respond positively to being ordered to act or conduct themselves in specific ways. However, for the most part they will respond favorably to an invitation of conversation and exchange of views.

4. Which of your legal cases are you the most proud of and why?

**As an attorney:**

Personal satisfaction does not arise from a particular success involving the results of a particular case, but from the over-all results of many cases, those achieved on behalf of many clients. In the course of both private and public practice, the satisfaction felt has arisen from the many letters and other expressions of appreciation received from clients who were assisted in the resolution of the difficulties concerning which consultation and representation were afforded.

**As a peace officer:**

The successful resolution of a case which involved a serial kidnapper-  
rapist-murderer (twenty-four known victims) accomplished in the face of official disapprobation by a politician who wished the effort expended investigating the perpetrated crimes to be spent on another, more publically visible goal (the exact rebuke was, "Nobody gives a damn about an East Colfax hookers—we need that jail built!"). As it happened, it was an election year.

The perpetrator was eventually arrested, tried, and convicted, and he last heard (Summer of 2006), he was still serving a life sentence in the Colorado Department of Corrections without chance of parole.

5. Describe your investigative philosophy.

**As an attorney:**

Establish the facts necessary to accurately evaluate a case, and determine for the client a course of action, advise him or her regarding the cause of action pending, and create a plan to successfully resolve the matter in the client's best interests with the least expense and personal disruption.

**As a peace officer in Illinois and Colorado:**

Establish what happened by a careful evaluation of the facts of the matter, and preserve the scene and its evidence to the end of maintaining public peace, order, and safety in order to achieve substantial justice in resolution of the matter into which enquiry is being made.

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?

In meeting the several requirements of the October 6, 2014 Amendment to Chapter 9, Article 4, Part 1 ROA 1994, and the Police Oversight Ordinance the Settlement Agreement/Consent Decree for the Civilian Police Oversight Agency and Police Oversight Board, an ability to analyze factual material, prioritize goals, and focus effort on achieving specific results and ends would be essential, which ability was acquired by and through:

**Education** (BA; MA; Certification in Iranian Area Studies and Farsi Language - Reed College, Portland, Oregon; PhD; JD; Diploma - Jefferson County Sheriff's Department Training Academy, Golden, Colorado; Diploma - ATLA College of Trial Advocacy; Diploma - Iraq Rule of Law - Civilian Police International; and, Certification - United States Institute for Peace, Organization for Security and Co-operation in Europe;

**Service as Legislative Advisor** (to a Colorado State Senator, the late James Francis Congrove);

**Service as a Board Member on two boards of directors** (the Jeffco (Jefferson County, Colorado) Federal Credit Union and the Midwestern Center for Mental Health, Montrose, Colorado);

**Service as an Advisor to two Sheriffs:** (the Montrose County Colorado Sheriff, four years as a member of his committee for budget and training and representing him to the Montrose Board of County Commissioners and the Sheriff's Citizens Advisory Committee, and the Jefferson County Colorado Sheriff, four years as his Research and Development Specialist representing him and the Department to the Jefferson Board of County Commissioners regarding the Department's

annual budget, staffing needs, and equipment and facilities requirements, to the Citizens Advisory Committee for New Facilities, and negotiating and implementing the Department's contract with the U.S. Forest Service regarding the provision of law enforcement services in the Pike and San Isabel National Forests);

**Service a member on the Colorado Bar Association's Judicial Advisory Committee:** (three years, Denver, Colorado);

**Service in Iran:** (working with the Iranian Ministry of Education and the Iranian Literacy Corps);

**Service with Southern Illinois University's Division of International Education:** (working under the direction of the Division Dean creating international education programs, the University's Center for Vietnamese Studies, and serving as Faculty Advisor to Students from the Middle East and as the Faculty Advisor for the International Students' Association); and,

**Higher education administration and teaching experience:** (Colorado Continuing Legal Education Services; Metropolitan State College, Denver; Southern Illinois University, Carbondale in extension at Menard Penitentiary in Chester Illinois and at the Macomb Community College in Macomb Illinois; Southern Illinois University Faculty Committee for the Creation of Core Curriculum Courses; and, in Iran at the Iranian Women's College, Tehran, Mamazan Agricultural College, Deh-ye-Mamazan, Pars College, Shimran, and the Iranian Literacy Corps creating a correspondence school program aimed at fostering national literacy).

7. What is your vision for the CPOA?

**The immediate goal** would be the satisfaction of the October 6, 2014 Amendment to Chapter 9, Article 4, Part 1 ROA 1994, and the Police Oversight Ordinance the Settlement Agreement/Consent Decree to establish a situation which provides a basis for creating on behalf of the Albuquerque Community and the Albuquerque Police a sound and effective basis for the resolution of complaints through the establishment of the services needed to maintain the public peace, order, and safety of the community while building and maintaining its trust.

**The long term goal** would be to establish a professional staff to implement the policies and procedures created for the long-term so that the events of the recent past do not again arise, guided by the principle of fostering trust between the Albuquerque Police and the community it serves by means of creating effective training and communication channels.

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.

1) Education, training, and experience which includes the area of court administration acquired as an intern to Chief Justice Edward Pringle, Colorado Su-

preme Court and Judge Donald P. Smith, Colorado Court of Appeals (see ¶ 6, *supra*);

2) Law Enforcement Experience in both administration and the provision of field service;

3) Attorney Experience in both the public practice of the law in New Mexico, and the private and public practice of the law in Colorado;

4) Administrative and Supervisory Experience serving a Dean of Internal Education, as a Faculty Advisor, as a member of two boards of directors, two law enforcement advisory committees, contract negotiator for the Jefferson County Colorado Sheriff's Department with the with Federal Government, and implementation of the resulting contracts for te provision of law enforcement services, instructor with the Jefferson County Sheriff's Department Training Academy reference crime scene preservation and report writing, and service a judicial advisory committee; and,

5) Service as a Legislative Advisor.

The life-long challenge has been to continually work in order to improve personal knowledge, information, and people skills so as to avoid making mistakes in conduct and decision making regarding matters for which responsibility is carried for self and others, personally and professionally, and to communicate that knowledge, information, and people skills to those with whom one is obliged to work and interact.

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.

In the course of personal experience, have worked with all such individuals as identified, except for union officials and Department of Justice monitors, while serving on two Board of Directors, two Advisory Committees for elected Colorado Sheriffs, as a Legislative Advisor, on the Colorado Bar Association's Judicial Advisory Committee, while in service to the Iranian Ministry of Education and the Iranian Literacy Corps, while in service to the Dean of International Education at Southern Illinois University, as the Jefferson County Sheriff's designated representative to the United States Forest Service in contract negotiations for the Department's provision of law enforcement services in the Pike and San Isabel National Forests, in the implementation of those contracts and as a field supervisor for the National Forest Contract Services Team, and as Designated Alternate Defense Counsel in the Colorado Seventh Judicial District.

All these situations involved disparate groups of stakeholders with different viewpoints and conflicting interests. However, working relationships have been invariably established, albeit not without some difficulties.

A situation which was especially serious entailed service on the Board of Directors for the Jefferson County (Jeffco) Federal Credit Union, when serious operational misconduct was discovered, resulting in the resignation of Chairman of the Board, a number of Board members, and of institutional employees. Elected to be act as the interim Acting Chairman of the Board, the situation was resolved without the filing of criminal charges, professional Savings and Loan operations were re-established, and a new Chairman was elected. I left Jefferson County employment at the conclusion of the matter, having applied to, and been accepted at the University of Denver, College of Law, and so was no longer eligible to participate in the Credit Union's operations.

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.
11. 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.

#### **LEGAL PROFESSION:**

**Mr. Bruce Smith, Esquire**, Crown Prosecutor's Chambers  
20<sup>th</sup> Level, 175 Liverpool Street, Sydney, New South Wales,  
Australia.  
Phone + [REDACTED]  
E-mail address: [REDACTED]

Served together at the Civilian Police International headquarters in Leesburg, Virginia preparing for deployment to Iraq for the U.S. State Department's Iraq Rule of Law project.

**The Honorable Sandra I. Rothenberg, J.**, Colorado Court of Appeals, Retired  
2 East 14th Avenue, Denver, Colorado 80203.  
Phone [ State Judicial ] 1 303 837 3723  
E-mail address not known

Served Judge Rothenberg's court as *guardian ad litem* and next friend, and taught a continuing legal education course at her request regarding those subjects.

#### **LAW ENFORCEMENT**

**Mr. William D. Ludwig**  
[REDACTED], Virginia 22191.  
Phone [REDACTED]  
E-mail address: [REDACTED]

Were together at the Civilian Police International headquarters in Leesburg, Virginia. Mr. Ludwig was the project's security officer responsible for doing background checks and obtaining the individual security clearances for the Department of State — for the project's team members — prior to their deployment to Iraq for the U.S. State Department's Iraq Rule of Law project.

**Captain William H. Flint**, Jefferson County Sheriff's Department, Retired  
[REDACTED], Golden, Colorado 80401.

Phone [ Home ] [REDACTED]

E-mail address not known

Commanding Officer while serving in the Investigations Division of the Jefferson County Sheriff's Department, Golden, Colorado.

Judge Rothenberg and Captain Flint currently reside in semi-seclusion and do not have e-mail addresses. Mr. Smith is an Australian Barrister serving as a Crown Prosecutor in Sydney, Australia. Because of the time difference between Australia and the United States, the best way to contact Mr. Smith is by e-mail. Mr. Ludwig, because of his security responsibilities, is generally not available for phone contact and is better approached by means of e-mail.

Copies of recent letters of reference are available upon request.

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR**

**Contact Information -- Person ID: 24778266**

Name: JOHN T. L. GRUBESIC Address: [REDACTED]  
 Albuquerque, New Mexico 87111  
 US  
 Home Phone: [REDACTED] Alternate Phone: [REDACTED]  
 Email: [REDACTED] Notification Email  
 Preference:  
 Former Last Name: Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, New Mexico , Class D  
 Can you, after employment, submit proof of your legal right to work in the United States? Yes  
 What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
 Are you willing to relocate? No  
 Types of positions you will accept:  
 Types of work you will accept: Full Time  
 Types of shifts you will accept:

**Objective**

**Education**

**Professional** Did you graduate: Yes  
 University of Denver College of Law College Major/Minor: Juris Doctor  
 1989 - 1992 Degree Received: Professional  
 Denver, Colorado

**College** Did you graduate: Yes  
 Fort Lewis College College Major/Minor: English  
 1984 - 1989 Degree Received: Bachelor's  
 Durango, Colorado

**Work Experience**

**Partner** Hours worked per week: 60  
 8/2008 - Present Monthly Salary: \$0.00  
 # of Employees Supervised: 3  
 Kanter & Grubestic, P.A. Name of Supervisor: self  
 4209 Montgomery Blvd. NE May we contact this employer?  
 Albuquerque, New Mexico 87109 Yes  
 505-273-5533

**Duties**

Partner in general practice law firm, areas of practice include utilities, civil litigation, criminal defense, personal injury, real estate and domestic relations. 2008-2013 Mora County Attorney, served as County Attorney, handled all litigation and legal matters on behalf of the County

**County Attorney**  
12/2008 - 5/2013

Kanter & Grubestic, P.A  
4209 Montgomery Blvd. NE  
Albuquerque, New Mexico 87109  
505-273-5533

Hours worked per week: 20  
Monthly Salary: \$0.00  
# of Employees Supervised: 3  
Name of Supervisor: self  
May we contact this employer?  
Yes

**Duties**

Mora County Attorney, served as County Attorney, handled all litigation and legal matters on behalf of the County

**New Mexico State Senator, District**  
7/2004 - 12/2008

New Mexico Legislature  
Santa Fe, New Mexico 87501

Hours worked per week: 15  
Monthly Salary: \$0.00  
May we contact this employer?  
Yes

**Duties**

Represented Senate District 25  
Significant legislation - (primary sponsor/signed into law) SB 399, allowed state to take over improperly run healthcare facilities, SB 439, increased criminal penalties for sex offenders, SB 440, strengthened DWI laws by allowing three hour window for BAT, SB 931-Gift Ban, first major piece of ethics legislation passed by the Legislature and signed into law.

**Partner**  
4/2004 - 8/2008

Clark, Grubestic, Jones & Baur, LLC  
Santa Fe, New Mexico  
505-820-1825

Hours worked per week: 60  
Monthly Salary: \$0.00  
# of Employees Supervised: 3  
May we contact this employer?  
Yes

**Duties**

General practice, including civil litigation, utilities, criminal defense, personal injury, real estate and domestic relations.

**Trial Attorney - Environmental Enforcement  
Division/Deputy Director Civil Division**  
1/2001 - 5/2004

Attorney General's Office  
Santa Fe, New Mexico

Hours worked per week: 55  
Monthly Salary: \$0.00  
# of Employees Supervised: 25  
Name of Supervisor: Albert Lama  
- Deputy Director  
May we contact this employer?

**Duties**

responsible for enforcement of various environmental statutes, including Clean Air Act, Clean Water Act and Comprehensive Environmental Response, Compensation and Liability Act. Attorney -- Civil Division, general counsel to Museum of New Mexico, NM Taxation and Revenue Department, NM Law Enforcement Academy, NM Real Estate Commission, NM Game Commission, NM Department of Game and Fish, Cumbres and Toltec Scenic Railroad Commission and Department of Public Safety Advisory Commission. Lead counsel on all litigation matters within division. Deputy Director - Civil Division, supervised/trained eighteen attorneys who were responsible for providing general counsel to various boards and commissions, assisted in formulation of litigation strategies, assigned to assist hearing officer for the New Mexico Law Enforcement Academy and State Personnel Board, provided training to various agencies on Open Meetings/Inspections of Public Records Act, Procurement Code. Reviewed and/or prepared all administrative appeals.

M005961

**Reason for Leaving**

Elected to New Mexico Legislature

**Assistant District Attorney**

1/1999 - 5/2001

First Judicial District Attorney's Office  
Santa Fe, New Mexico 87501Hours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 8  
Name of Supervisor: Angela  
"Spence" Pacheco  
May we contact this employer?**Duties**Responsible for prosecution of felony cases in Rio Arriba and Los Alamos  
County. Supervised Magistrate Court Division.**Reason for Leaving**

Higher Salary

**Assistant District Attorney**

1/1998 - 4/2001

First Judicial District District Attorney's Office  
Santa Fe, New MexicoHours worked per week: 40  
Monthly Salary: \$0.00  
# of Employees Supervised: 8  
May we contact this employer?**Duties**

Supervised Magistrate Court Division.

**Senior Trial Prosecutor**

1/1998 - 5/1999

Magistrate Division  
Santa Fe, New MexicoHours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?**Duties**responsible for supervision and training of five magistrate attorneys, handled full caseload before  
Santa Fe, Los  
Alamos, Rio Arriba and Bernalillo County Magistrate and District Courts. Senior Trial Prosecutor-  
Rio**Associate**

1/1996 - 8/1998

White, Koch, Kelly & McCarthy, P.A.  
Santa Fe, New Mexico 87501Hours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?**Duties**Associate, general practice, including civil litigation, criminal defense, real estate, utility, water  
and commercial law.**Trial Attorney - Litigation Division**

12/1993 - 8/1996

Attorney General's Office  
Santa Fe, New MexicoHours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?

**Duties**

handled all types of litigation, including administrative prosecutions and appeals in State District Court, Supreme Court and Federal Court.

**Certificates and Licenses**

Type: State Bar of New Mexico

Number: [REDACTED]

Issued by: State Bar of NM

Date Issued: 5 /1993 Date Expires:

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

Honors & Awards

Graduated Cum Laude

**References**

Professional

**Lama, Albert**

Chief of Staff National Association of Attorneys General

[REDACTED]

Professional

**Hull, Arthur**

[REDACTED]  
Albuquerque, 87124

[REDACTED]

Professional

**Payne, Bill**

Senator

[REDACTED]  
Albuquerque, New Mexico 87191

[REDACTED]

Professional

**Torraco, Lisa**

Senator

[REDACTED]  
Albuquerque, New Mexico 87102

[REDACTED]

**Resume**

**Text Resume**

**Attachments**

**City-Wide Questions**

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: No

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

#### Supplemental Questions

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: University of Denver College of Law

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: New Mexico

5. Q: How many years of management experience do you possess related to this position?

A: 6 or more years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

**7. Q:** Briefly describe your experience in criminal investigation.

**A:** As an assistant district attorney, assistant attorney general and a criminal defense attorney I have worked closely with various law enforcement agencies/private investigators in developing cases and preparing them for trial. I have coordinated investigations and assisted law enforcement personnel through all stages of investigation/trial preparation.

**8. Q:** Briefly describe your experience with administrative and judicial processes, policies and procedures.

**A:** Over the past 22 years, I have practiced before all New Mexico State Courts and have also appeared in Federal Court in New Mexico. I served as an administrative prosecutor for the Law Enforcement Academy, the State Personnel Board, the Real Estate Commission and the Board of Chiropractic Examiners. I have trained employees in State Government regarding the New Mexico Open Meetings Act and the Inspection of Public Records Act. I have drafted ordinances for Mora County and drafted policy and procedure manuals for Mora County.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due June 24, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov). The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: John Grubestic  
Firm/Employer: Kanter & Grubestic, PA  
Address: 4209 Montgomery Blvd. NE, Albuquerque, NM 87109  
Phone: [REDACTED]

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?

I believe an immediate need is to establish a simple, efficient and reliable system to administer civilian complaints and coordinate the effective investigation of these complaints. This requires the development of easily understood procedures and guidelines. This will eliminate confusion and assist in the just resolution of civilian complaints. This step is critical in order to establish confidence that members of law enforcement will be held accountable for their actions. It is necessary to implement a well-thought-out system to ensure that the oversight board is accountable, equitable and gives both the law enforcement community and the general public confidence that their concerns will not be overlooked and that they will be treated fairly.

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

A client appeared for a court hearing and he was highly intoxicated. Unfortunately, he hid it very well and I was the only one in the courtroom aware of his condition. He was my client so I was obligated to advocate on his behalf and keep him out of jail. I also had to make sure that he didn't do any harm to himself or others. I discussed this with my client and informed him that we needed to address the court regarding his condition. He was angry and threatened to leave. I quickly discussed the matter with the Assistant District Attorney and he agreed that if I made sure that he did not drive we could request a reset of the hearing and not have my client taken into custody. I took the client back to my office. He slept in my conference room for the rest of the day and his wife picked him up after she got off work.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

When I was supervising the Magistrate Court Division of the First Judicial District Attorney's Office, one of my duties was to make sure that we had adequate coverage for the Magistrate Courts in Santa Fe, Rio Arriba and Los Alamos Counties. There were four attorneys including me to make sure that all three courts were covered. This was challenging given the number of cases and the size of the area that needed to be covered. There were

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courthouses located in Chama, Espanola, Los Alamos and Santa Fe. One of the lawyers I supervised constantly complained about the size of his caseload and what he perceived as the unfair distribution of cases. I sat with him on numerous occasions and attempted to resolve it without much success. I finally hit upon the idea to put him in charge of case coverage. Much to my surprise he adapted well to the new assignment, worked closely with the other attorneys and flourished in his new role. I was able to focus on other needs within the division and could count on him as a reliable back up.

4. Which of your legal cases are you the most proud of and why?

I represented a single mother who suffered significant injuries as a result of an arrest. Once her case was resolved she used the proceeds to purchase a home and pursue her college degree. I have found that the most rewarding moments of my career are those that result in helping my clients obtain resolutions that allow them to improve their lives.

5. Describe your investigative philosophy.

Investigation is the key to obtaining a just result. It is a process that requires a patient, step by step inquiry into conflicting and sometimes confusing fact patterns. A professional investigation exonerates those who are wrongly accused and establishes a basis to proceed when the facts point to misconduct. The foundation of effective investigation is developing facts, weeding out inconsistent and false statements and arriving at a just resolution.

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?

I have been a solo practitioner in a very busy criminal defense practice. I have done this without a support staff for the last five years. I have handled hundreds of difficult cases and clients and have provided excellent service and representation under challenging circumstances. I have the focus to ensure I handle my caseload in a manner that is efficient and effective. I work well under pressure and I am used to handling multiple cases at the same time, all of which will allow me to move the backlog of cases efficiently.

7. What is your vision for the CPOA?

I believe that the core function of the CPOA should be establishing and maintaining Albuquerque citizens' confidence that members of law enforcement will be held accountable for their actions. Above all, the community must believe in the CPOA's integrity to ensure that this confidence is developed. Trust in law enforcement is the cornerstone of a vibrant community. The CPOA must actively monitor and work closely with law enforcement; when necessary the CPOA must be willing to make difficult decisions to foster community belief in its legitimacy. I have unique perspectives from the several different positions I have held in the legal system, including those of prosecutor, defense attorney, civil litigator and legislator. I have tried many cases in these various roles. As a result of this background, I have developed an ability to work effectively with a variety of individuals. My previous experience ensures that I will be able to fulfill my role as Executive Director based on my current knowledge and my ability to adapt quickly and effectively. My extensive and diverse experience will allow me to define challenges and quickly develop solutions.

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.

1. Honesty. This is a key asset in establishing credibility with all stakeholders involved in this process.
2. Integrity. I hold myself to high standards and believe it reflects in the work that I do. I trust myself to do the right thing in a variety of circumstances. If you can't trust yourself then you can't expect others to trust your insight or observation.

3. Candor. I feel a direct approach results in the efficient use of a limited amount of time to resolve issues.
  4. Ability to work well with others. Throughout my career I have been most effective when I recognized other points of view and worked with people in arriving at a solution rather than trying to force someone to accept my view.
  5. Sense of humor. This quality has allowed me to see trying situations as challenges to overcome and not as roadblocks without a solution.
  6. I struggle with being somewhat direct in addressing an issue. There are circumstances that require a more delicate touch and I am working on that.
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.

As a New Mexico State Senator I carried and passed the first major piece of ethics legislation passed by the legislature and signed into law. Senate Bill 931 governed ethical conduct by legislators and substantially cut monetary awards and gifts to legislators. There was significant opposition to my proposal. Several legislators felt it was unnecessary and that it created more oversight than was needed. Proponents of the legislation did not think that it went far enough and asked for significant penalties to be attached to the bill. I spent a great deal of time convincing legislators that we were obligated to our constituency to monitor our own conduct and control any appearance of impropriety. I met with vocal constituents who wanted stiff penalties and worked out a compromise to ensure that the legislation passed. This Bill proved to be an important first step in the development of additional ethics legislation.

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.

When I first started at the Attorney General's Office as an administrative prosecutor, I presented cases to the Law Enforcement Academy Board for the revocation of law enforcement officers' certifications. This gave me valuable insight into the function of a board that monitors law enforcement and the challenges a board has in maintaining high standards of professionalism in a sometimes adversarial environment. Additionally, it helped me develop my skills as attorney and help me recognize the fundamentals of good investigation. I have used these skills in my career to direct investigations and as a defense attorney to point out flaws in investigations. As Deputy Director of the Civil Division of the Attorney General's Office, I advised numerous Boards and Commissions on all aspects of compliance with State law and regulation.

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.

Albert J. Lama, Chief of Staff  
National Association of Attorneys General  
2030 M St. NW, Washington, DC, 20036  
202-326-6266  
[alama@naag.org](mailto:alama@naag.org)

I served as Deputy Director of the Civil Division of the Attorney General's Office under Mr. Lama. I have known him for over twenty years on both a professional and personal level.

Senator William "Bill" Payne  
Senate District 20

P.O. Box 14823  
Albuquerque, NM 87191

[REDACTED]  
[REDACTED]

I served with Senator Payne in the New Mexico Legislature. I worked closely with him in developing bi-partisan solutions to difficult issues.

Arthur Hull II  
P.O. Box 7400  
Albuquerque, NM 87194

[REDACTED]  
[REDACTED]

Mr. Hull is a lobbyist. He saw me develop into an effective legislator.

Notice - If selected as a finalist for this position:

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.

**1501043 - CIVILIAN POLICE OVERSIGHT AGENCY DIRECTOR****Contact Information -- Person ID: 24856880**

Name: Edward W. Harness Address: [REDACTED] Milwaukee, Wisconsin 53202 US  
 Home Phone: [REDACTED] Alternate Phone: [REDACTED]  
 Email: [REDACTED] Notification Preference: Email  
 Former Last Name: [REDACTED] Month and Day of Birth: [REDACTED]

**Personal Information**

Driver's License: Yes, Wisconsin, [REDACTED]  
 Can you, after employment, submit proof of your legal right to work in the United States? Yes  
 What is your highest level of education? Doctorate

**Preferences**

Preferred Salary:  
 Are you willing to relocate? Yes  
 Types of positions you will accept: Regular  
 Types of work you will accept: Full Time  
 Types of shifts you will accept: Day, Evening, Night, Weekends, On Call (as needed)

**Objective****Education**

<b>Graduate School</b> <i>Marquette University Law School</i> 8/1997 - 5/2000 Milwaukee, Wisconsin	Did you graduate: Yes College Major/Minor: Law Degree Received: Doctorate
<b>College</b> <i>Concordia University</i> [Unspecified Start] - 5/1996 Mequon, Wisconsin	Did you graduate: Yes College Major/Minor: Management of Criminal Justice Operations Degree Received: Bachelor's
<b>Professional</b> <i>California State Polytechnic University at Pomona</i> 9/1977 - 12/1981 Pomona, California	Did you graduate: No College Major/Minor: Resources and Small Business Management Degree Received: Professional

**Work Experience**

<b>Attorney &amp; Counselor at Law</b> 11/2001 - Present  Harness Law Offices, LLC www.bankruptcymke.com 310 E Buffalo St Milwaukee, Wisconsin 53202 4146472222	Hours worked per week: 40 Monthly Salary: \$0.00 # of Employees Supervised: 2 Name of Supervisor: Edward Harness - Owner/Attorney May we contact this employer?
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**Duties**

Private practice of law representing individuals in two federal areas. Accredited by the Department of Veterans Affairs, & a designated Federal Debt Relief Agency. Gross receipts \$0 - \$224,000

<b>Founder/Mediator</b> 5/1998 - 9/2010	Hours worked per week: 10 Monthly Salary: \$0.00
--	---

E-Mediate(TM)  
Milwaukee, Wisconsin

Name of Supervisor: Edward Harness -  
Owner/Mediator  
May we contact this employer?

**Duties**

National Panelist, 1999 - 2010, United States Postal  
Service REDRESS Program Mediator, Workplace dispute, formal and informal EEO  
complaints.

**Director-Dispute Resolution**  
5/1999 - 7/2002

Hours worked per week: 40  
Monthly Salary: \$0.00  
Name of Supervisor: Ran Hoth - CEO  
May we contact this employer?

Better Business Bureau of Wisconsin  
www.bbbwi.org  
10101 W Greenfield Ave  
Milwaukee, Wisconsin 53214  
414-847-6000

**Duties**

The center provides dispute resolution services for the statewide organization including BBB Auto Line  
program for Wisconsin. Duties  
included system design, recruiting, training, implementing policy and programs.  
Salary Range \$35,000 - \$50,000

**Police Officer**  
7/1991 - 8/1997

Hours worked per week: 40  
Monthly Salary: \$0.00  
May we contact this employer?

Milwaukee Police Department  
749 W State Street  
Milwaukee, Wisconsin 53233  
4149334444

**Duties**

Conducted all phases of law enforcement including;  
investigation, crime suppression, new officer training, report writing, and court  
testimony. Salary Range \$30,000 - \$45,000

**Certificates and Licenses**

**Skills**

Office Skills

Typing:

Data Entry:

**Additional Information**

Professional Associations

Wisconsin Bar Association, Admitted to practice law in the state of Wisconsin  
Easter District of WI Federal Bar - Admitted to practice law in the Eastern District of WI.

Professional Associations

National Association for Civilian Oversight of Law Enforcement

Professional Associations

National Association of Consumer Bankruptcy Attorneys

Professional Associations

National Organization of Veterans Advocates

Professional Associations

Board of Directors - Wisconsin Association of Mediators

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Honors & Awards

Bachelor of Arts, Cum Laude, May 1996

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Honors & Awards

Marquette University Law School - The Saint Thomas More Law Scholarship, 1997

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Honors & Awards

The W. Dale Phillips Scholarship, 1998, The Honorable Noel P. Fox Law Scholarship

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Honors & Awards

1998, The Clifford I. Bitker Memorial Law Scholarship, 1999

---

Honors & Awards

Milwaukee Police Department - Chief of Police Superior Achievement Award, 1995

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Honors & Awards

United States Army - Army Commendation Medal, 1988, (2) Army Good Conduct

---

Honors & Awards

American Registry Highest Rated Professionals, 2014

---

Honors & Awards

M' Milwaukee Lifestyle Magazine's Top Rated Attorneys, 2012 - 2015

---

Honors & Awards

National Academy for Bankruptcy Attorneys Top Ten Attorney, 2014

---

Honors & Awards

Wisconsin Rising Star SuperLawyers, 2008 - 2010

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Honors & Awards

(4) Meritorious Arrest Awards, 1991-1995

---

Honors & Awards

US Army Commendation Medals, 1985 & 1988

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Professional Associations

Vice Chair, Police Commission - Whitefish Bay, Wisconsin. Citizen oversight of police hiring, discipline, and civilian complaints

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Volunteer Experience

Volunteer Instructor - Make A Difference Wisconsin, Inc. teaching financial literacy

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Volunteer Experience

Volunteer Attorney - Marquette Volunteer Veterans' Legal Clinic

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Volunteer Experience

Peer Mentor - Milwaukee County Veteran's Court facilitated by Dryhootch

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Volunteer Experience

Expert Presenter - Wisconsin Women's Business Initiative Corporation, Inc

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## References

Personal

**Leibold, Kurt**

Assistant Chief of Police Milwaukee Police Dept

Milwaukee, 53233

Professional

**Young, Michael**

Chief of Police Whitefish Bay

5300 N Marlborough Dr

Whitefish Bay, Wisconsin 53217

414-962-3830

Professional

**Harron, Denise**

Attorney-Chair Police Commission

1200 N Mayfair Rd

Suite 290

Milwaukee, Wisconsin 53226

414-777-0000

Personal

**Inger, Alma**

Paralegal

735 W Wisconsin Ave

12th Floor

Milwaukee, Wisconsin 53233

## Resume

### Text Resume

### Attachments

Attachment	File Name	File Type
DD Form 214.pdf	DD Form 214.pdf	Other

### City-Wide Questions

1. Q: Have you ever been convicted of a felony?

A: No

2. Q: Are you a military veteran discharged under honorable conditions, or in a current Active military, Guard, or Reserve status, or a spouse, widow(er), or parent of a deceased or disabled veteran? [Reminder: please include your military experience in your employment history, and attach your DD-214 or DD-215 and/or proof of current Active, Guard or Reserve enlistment.]

A: Yes

3. Q: Do you have relatives working for the City of Albuquerque?

A: No

4. Q: If you are a current City of Albuquerque employee enter your employee ID.

A:

5. Q: If you are a former employee please enter the year you were last employed at the City of Albuquerque.

A:

6. Q: If you answered 'yes' to the relatives question please provide the name, department and

relationship of the relative(s) working at the City of Albuquerque.

A:

7. Q: Are you receiving a PERA pension?

A: Neither of these

**Supplemental Questions**

1. Q: Do you possess a professional law degree (J.D. or LL.B) from an ABA accredited law school?

A: Yes

2. Q: If you possess a professional law degree identify the accredited law school.

A: Marquette University Law School

3. Q: Are you an active member in good standing with the Bar Association of a US State or Territory, or the District of Columbia?

A: Yes

4. Q: If you are an active Bar Association member in good standing identify the state.

A: State Bar of Wisconsin  
Federal Bar - Eastern District of Wisconsin

5. Q: How many years of management experience do you possess related to this position?

A: 6 or more years

6. Q: Select the number of years of work experience you possess which relate to this position.

A: 13 or more years

7. Q: Briefly describe your experience in criminal investigation.

A: My experience in criminal investigations is 6 years as a City of Milwaukee Police Officer. Additionally, I spent 6 years as a Military Policeman.

8. Q: Briefly describe your experience with administrative and judicial processes, policies and procedures.

A: In addition to the experience I described above, for the past seven years I've served as a Commission for the Village of Whitefish Bay police department.

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due July 1, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov) . The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: Edward W. Harness  
Firm/Employer: Harness Law Offices  
Address: [REDACTED] Milwaukee, WI 53202  
Phone: [REDACTED]

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?

**ANSWER:** Use of Force is the issue on which the public will focus. What is the CPOA going to do about it? I propose the following:

- a. Within 30 days the Chief of APD must present an overview of the department's Use of Force Training for new hires and in-service training. This report must include a detailed use of force continuum. Additionally, the Chief must present a comparison between APD standards and national standards.
- b. Within 90 days the Chief must submit an action plan to conform with national standards for use of force with a timeline for department wide training.

At the same time the Director must initiate an aggressive media campaign to highlight the work of the CPOA relating to the use of force issue. That campaign must include individual meetings with stakeholders, media availability, and use of social media.

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

**ANSWER:** A few years ago a client came to my office needing to protect assets from garnishment. The garnishment effective date was just a few days away. I filed an action in federal court on an emergency basis.

After the case was filed I discovered my clients had an interest in a business they had not disclosed to me or to the court. Because I filed the case on an emergency basis, the case status was still pending. Therefore, the clients' assets had not been finalized with the court.

Upon discovering these facts I met with my clients and discussed their options. They could continue the case and possibly face criminal charges; and I would file a motion to withdraw as their attorney, or they could voluntarily dismiss their case and find another way to protect their assets.

My clients voluntarily dismissed their case.

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

**ANSWER:** An employee presented a challenge to me. For a time my law office ran commercials on a local Spanish TV station. The campaign was successful and I needed to add a Spanish speaking assistant. My Office Manager and I interviewed applicants and we hired a part-time assistant to answer phones, do client intake, and data entry.

After the employee started it became apparent she was comfortable speaking Spanish in the office, but not interacting with clients. My office manager began to tutor the employee in Spanish to help the employee's confidence.

Another problem developed, the employee fell behind on data entry tasks. I counseled the employee on the data entry tasks, and offered to increase her hours to help complete the tasks. She said she would get caught up and did not need the extra hours.

The employee's interaction with our Spanish speaking clients did not improve. The data entry tasks fell behind again, so I terminated her employment.

4. Which of your legal cases are you the most proud of and why?

**ANSWER:** The legal case I'm most proud of is Feerick v. Matrix Moving Systems, Inc. et.al. I'm proud because I received a fair and just outcome for my client, and proud of the work it took to get it.

The case involved interstate transportation of household goods and exploitation of the elderly. My clients moved from Wisconsin to Florida. The moving company charged the Feericks \$20,000.00 more than the original quote (a violation of federal statute). The moving company held the household goods hostage until my clients paid the extra \$20,000.00.

The Feericks hired me to help them recover the extra money paid. I filed a claim and complaint with the Better Business Bureau. The BBB conducted an arbitration hearing. The arbitrator ruled in our favor.

The moving company hired new attorneys and the appeals process began. I filed an action in state court to confirm the arbitrator's decision. Meanwhile, the moving company sought relief from the decision through federal statute. During the state court action the defendants through their attorneys claimed the arbitration award money was in the moving company's lawyer's trust account.

The state court ruled in my client's favor ordering the money be paid, and that is when it got complicated. The law firm for the moving company then stated it did not have the money. I filed a Contempt Motion to compel the law firm to turn over the money. The court ruled in our favor and the law firm paid the money from its general business account.

The case then moved to the Wisconsin Court of Appeals. After submissions from all parties the appellate court ruled judicial estoppel was not the correct legal theory to hold the law firm liable and remanded the case back to state court for further proceedings.

Upon remand my clients were dismissed from the case and allowed to keep the arbitration award, based upon the legal theory of equitable estoppel. The case took 5 years to complete.

5. Describe your investigative philosophy.

**ANSWER:** It is important to understand investigations of the police have a special nature, because police hold a special place in our society. First and foremost every complaint matters. Each complaint can be analyzed as a management tool for the CPOA.

Investigations must be timely and thorough: Were all the identified witnesses interviewed? Were there efforts to identify additional witnesses? Was a neighborhood canvas conducted? Did the investigation include any photographs or diagrams? Were there any conflicts of interest for the parties involved? Was there any conflict of interest that existed between the parties? Is this a pattern and practice? These are questions that should be answered for each investigation.

My philosophy is to treat each and every investigation with the care it deserves, because each complaint is a tool to better the police department.

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?

**ANSWER:** In 1999, the Better Business Bureau of Wisconsin hired me to lead its Dispute Resolution Center during a time of transition. The BBBWI wanted to add mediation as a dispute resolution process, but more importantly the organization needed to upgrade its arbitrator cadre to comply with federal warranty laws and state administrative code. When I came to the BBBWI the arbitrators were volunteers and non-lawyers. To gain compliance the arbitrators needed to be attorneys.

Over the next 18 months I recruited and trained a new cadre of arbitrators across the state of Wisconsin. Additionally, I designed and implemented a mediation program for resolution of consumer complaints.

7. What is your vision for the CPOA?

**ANSWER:** My vision for CPOA is that it conducts thorough and fair investigations of both internal and external complaints. That CPOA deter future police misconduct by ensuring discipline in cases of proven misconduct. That CPOA provides a satisfactory procedure for citizens to seek redress for grievances against the police. That CPOA provide fair treatment of officers accused of misconduct. That CPOA enhance public confidence in the police by providing a professional complaint review process.

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.

**ANSWER:** Five assets I bring to the position are:

- Experience – My work as a police officer in a major city, an administrator of a statewide organization, an attorney, a mediator, and Vice Chair of a civilian oversight of police commission.
- Demeanor- I'm calm, pragmatic, and decisive.
- Education – BA in Criminal Justice Operations, Law Degree from Marquette University Law School
- Accomplished - Most recently as a Leading Lawyer in Milwaukee for 2015

- o Marketer – I took my firm from \$0 to over \$200,000.00 of gross revenues by learning how to market. I've done trade-shows, community events, designed websites, and used social media including blogging.

I struggle with finding a balance between work and off time. I'd rather check email or phone messages instead of letting them go until the next day.

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.

**ANSWER:** I am a professionally trained Mediator. My training is in the evaluative, facilitative, and transformative models of mediation. The issues I've mediated have been quite diverse: federal land use issues, discrimination complaints, consumer issues, and employee/employer to name a few.

Most of the mediations I conducted were for the United States Postal Service. These mediations involved union workers, union representatives and management officials. Over 80 % of the cases I mediated resulted in resolution of the dispute.

My achievements and recognition as an attorney have presented other opportunities for community involvement. State Senator Lena Taylor requested my participation in a series of workshops related to homeownership. Alderperson Linda Lubotsky requested I participate in a workshop for the citizens of Greenfield when new property assessments threatened homeowner's ability to meet their property tax obligations.

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.

**ANSWER:** The CPOA has a big task ahead. My breadth of experience, education, and training make me uniquely qualified to fill the position. I will be ready from Day 1 to assume the duties of the position.

Based upon the current make-up of the committee, not a single member has police experience. According to news reports, there is already pushback from police staff and the police union. My experience shows me a committee comprised of all civilian personnel will meet great resistance to change. I can change the dynamic.

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.

**Kurt Leibold**

Assistant Chief of Police

Milwaukee Police Department

749 W State St

Milwaukee, WI 53233



Chief Leibold is a friend and a former squad partner from my days working for the Milwaukee Police Department.

**Michael D. Young**  
Chief of Police

Village of Whitefish Bay Police Department

5300 N. Marlborough Dr.

Whitefish Bay, WI 53217

414-962-3830

Chief Young will describe my role in his hiring as the Chief of Police for the village in my capacity as a Commissioner.

**Denise M. Harron**  
Attorney – Chair Police Commission

Emile Banks & Associates LLC

1200 N Mayfair Rd Ste 290

Milwaukee, WI 53226

414-777-0000

Attorney Harron recruited me to serve on the police commission. She and I serve together on the commission. We met as Supervising Mediators for Marquette Law Schools Mediation Workshop at Milwaukee County Small Claims Court.

Notice - If selected as a finalist for this position:

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.

**From:** Beth A. Mohr  
**To:** "Edward Harness"; POB  
**Subject:** Conference App  
**Date:** Monday, October 05, 2015 10:36:39 PM

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Ed - This is the company who did a really cool app for the ACFE conference. It had schedules, materials, evaluations, the ability to contact other attendees, networking, the ability to tweet and share photos, recommend restaurants and provide information on activities and sights. I don't know anything about the cost to have an app, but it might not be much different than printing materials and handing out jump drives with more materials. -B

<http://www.quickmobile.com/solutions/conferences-seminars>

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:** [Silvio Dell'Angela](#)  
**To:** [Garduno, Rey](#); [Harris, Don](#); [Pena, Klarissa J.](#); [Gibson, Diane G.](#); [Sanchez, Ken](#); [Benton, Isaac](#); [Winter, Brad D.](#); [Lewis, Dan P.](#); [Jones, Trudy](#)  
**Cc:** [Chris McKee](#); [JCyrus1@aol.com](mailto:JCyrus1@aol.com); [vanitacupta@usdoj.gov](mailto:vanitacupta@usdoj.gov); "Elizabeth Martinez"  
**Subject:** Connect the dots explaining why the POB selected former Milwaukee cop Ed Harness to be agency's Executive Director and why PMR inc is a toothless joke  
**Date:** Wednesday, September 09, 2015 2:17:59 PM  
**Attachments:** [APDfwdAmicusCuriae.pdf](#)

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Councilors,

(others shown and sent this BCC)

Reference all of my earlier e-mails discussing the POB and the insulting nomination of a former Milwaukee cop-clueless Ed Harness to be the Agency's next Executive Director

My other e-mails also discussed why Judge Brack's chose (with the likely "help" of Mayor Berry, CAO Perry and Chief Eden) as the monitor of APD reform SC's PMR Inc. made up of mostly former cops. This has proven to be a blatant waste of \$4.5+ million of our tax dollars as they are powerless/mere window dressing.

Former cop Dr. James Ginger and his PMR Inc. team works only for the uninformed Federal Judge Brack-nobody else and that Brack only requires a report from them once a year.

It isn't surprising that the POB in an effort to gain some credibility is now only "worried" that the changes made by APD aren't public enough.

Merely "worried?" They know that the toothless reform agreement signed by Berry, his mercenary Scott Greenwood. Those in the DOJ who signed it betrayed us merely to avoid a lawsuit against them by Berry.

See last night's KRQE report below. My comments to it are highlighted in RED

For those not paying attention to what has been going on, check out the "background buzz on the POB" below the KRQE report that helps you connect the dots-explain the betrayal of the people here.

Disgusted

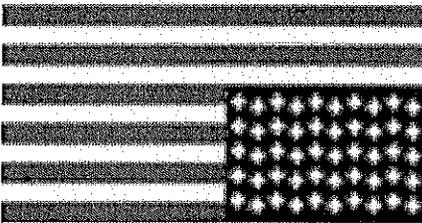
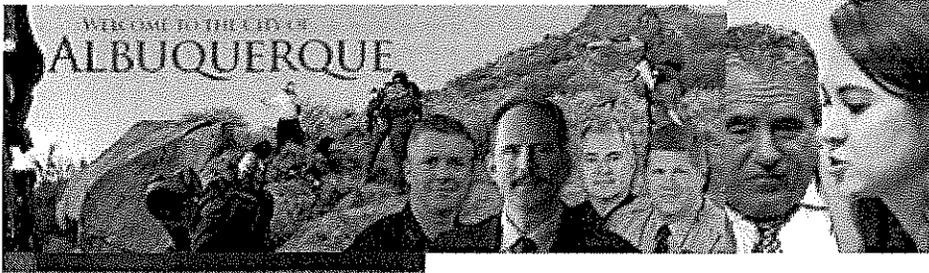
Silvio

For WE THE PEOPLE

Living in the land of hopelessness and apathy-not enchantment-Mexico True

See you tonight-hopefully with others

M005981



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**Albuquerque Police Department citizen oversight worried DOJ changes aren't public enough**



By [Chris McKee](#) Published: September 8, 2015, 9:57 pm Updated: September 9, 2015, 7:21 am

*ALBUQUERQUE (KRQE) – The leader of the new citizen oversight group tasked with overseeing Albuquerque Police is raising new concerns that the public isn't getting enough of a say in the department's federally mandated policy changes. The concern comes from the city's Police Oversight Board (POB) chairman, Leonard Waites. Meanwhile, APD claims it is following the terms of the agreement and that the public is being involved in the process. In a letter delivered Thursday to Albuquerque Mayor Richard Berry and APD Chief Gorden Eden, Waites claims the department is making changes that is leaving the public mostly in the dark.*

- [Read POB Chairman Waites' full letter to APD Chief, Albuquerque Mayor >>](#)

*Waites writes, "Based on the information currently available to me, I understand that the City intends to finalize changes to APD policies — including those that directly address problems the Department of Justice found through its pattern and practice investigation — without providing an opportunity for the POB or the community an opportunity to review and comment on the new policies." Waites continues, writing, "I believe this would be a mistake," while asking for the POB and the public to be able to provide feedback before APD Chief Gorden Eden approves policy changes and submits them to a federal monitor.*

*When Albuquerque signed its federal agreement promising to change APD, Mayor Berry praised the city council's push to make the public part of the solution through the creation of the new*

*Police Oversight Board. "(City Council has) really taken a strong measure to put the Police Oversight Board back in place, you know, get that to a point where it's really going to make a difference," said Mayor Berry in a November 2014 press conference following the formal signing of the city and DOJ's federal agreement. Since February 2015, the nine person Police Oversight Board has been meeting every month, led by Chairman Waites. Waites' letter is of concern to the ACLU's (WHY JUST THE ACLU?) New Mexico branch in Albuquerque.*

*"I think the board is making a perfectly legitimate request of the city," said Peter Simonson, executive director of ACLU New Mexico. (SIMONSON BRUSHED OFF THE FACT THAT JUDGE BRACK IGNORED ALL OF APD FORWARD'S PROPOSED CHANGES TO THE AGREEMENT IN THEIR JANUARY 14, 2014 AMICUS CURIAE-FIRST PAGE ATTACHED)*

*"The community hasn't seen much of what's going on in the reform process and the Police Oversight Board is sort of (JUST SORT OF?) a representative of the community." Albuquerque City Council president Rey Garduño agrees. "I don't blame them for being upset, this was not what the intent was when we set up to the Police Oversight Board. We want a very strong board, a board that is very independent," said Garduño. (INSULTING DISENGENUOUS LIP SERVICE) According to the federal agreement, APD is supposed to "submit any changes to the Civilian Police Oversight Agency" for review. The Police Oversight Board is a part of that agency's function.*

*APD sent KRQE News 13 a statement on Tuesday, responding to the concerns outlined in Waites' letter: "The Department is following guidelines set out in the Settlement Agreement. There are many ways for residents to submit suggestions to the Department including through the Community Police Councils, to the Police Oversight Board and Directly to the Department. The Policy and Procedures Review Board is comprised of members of our community and the Police Oversight Board." "All policies and procedures must be approved by the Federal Monitor and Federal Judge."—Celina Espinoza, Communications Director, Albuquerque Police Department. (THIS IS ANOTHER INSULT TO OUR INTELLIGENCE-SENSIBILITIES)*

*APD says the Policy and Procedures Review Board (PPRB) is comprised of at least five citizens and one Police Oversight Board member (WHO?). However, that board does not have public meetings.(WHY NOT?)*

*KRQE News 13's Chris McKee asked Councilor Rey Garduño if he thought that the PPRB's input was enough. "No, because the body of work, as the council put it out to the Police Oversight Board, is (that) you will be spending a lot of your time to look at policy and make sure consultation should occur," (LOOK AT? ONLY CONSULTATION SHOULD OCCUR?) said Garduño. "They are to be consulted, period." (MUCH LIKE THE APD CHIEF IS ONLY TO BE CONSULTED WHEN POB RECOMMENDS MORE PUNISHMENT THAN THE APD CHIEF IS WILLING TO GIVE. CHIEF CAN ESSENTLY IGNORE POB IN HIS RESPONSE TO THEM.)*

*APD also told KRQE News 13 Tuesday night that some of the department's policy changes have already been submitted to the federal monitor for review and possible approval. At this point, the department isn't planning to change that process. (WHAT CHANGES? JUST TRAINING? JUST ELIMINATING DARK WINDOWS ON APD VEHICLES? JUST CHANGING THE MOTTO BACK TO JUST*

**"TO SERVE AND PROTECT? IT'S CLEARLY NOT TO COMPLY WITH IRA REQUEST FOR PUBLIC INFORMATION INCLUDING INCRIMINATING RECORDINGS MADE)**

**As for the Police Oversight Board, Albuquerque City Council could decide Wednesday who will be the board's executive director. (SEE BELOW)**

-----  
**THE BACKGROUND BUZZ ON THE POB**

**It's Chairman, the POB's only African-American-Leonard Waites is a Republican currently in poor physical health.**

**Waites was also the token African American assigned to the police oversight task force in 2013 when another member quit it in disgust.**

**Waites is a long time perceived blind follower of local NAACP boss Dr. Harold Bailey**

**Bailey is viewed by many as an "Uncle Tom." He orchestrated the retaliation against Ms. Jewel Hall-had her thrown out of his NAACP**

**Jewel is head of the Martin Luther King Jr. Memorial Task Force for Social Justice and the initial leader of our APD reform movement**

**Opportunist Bailey then set up (likely at Berry's urging) a new consulting company and got hired (also at the likely urging of Berry) at a salary of \$190,000 as a minority partner of the Greenwood & Streicher firm**

**On the new POB Waites is the puppet of Beth Mohr who is Berry's plant on the POB board.**

**Mohr was a LAPD cop during the time when LA was forced by DOJ into reforming their practices after Rodney King was shot. Those reforms are still ongoing after 10 years.**

**Mohr was part of the problem at LAPD, not part of the solution. Mohr's 'solution' was to leave LA**

**Mohr's accounting business and also domestic partner is Janet McHard.**

**McHard was a short term fill in as IG for Berry after Neftali Carrasquillo Jr. left in disgust after Berry and Perry wrote a no bid contract to RCI to do much of the IG and their other "special" investigative work.**

**Mohr ran the Executive Director interviews for the POB-not Chair Waites and gave the media some doubletalk trying to justify making former cop Ed Harness their first choice to be the next Executive Director.**

Rumor has it that Waites will fade into the background soon and that Mohr will move into the chair slot at new POB and take control of agency and do Berry's/Perry's/Eden's bidding.

Mohr as a ex-cop is vested in keeping cops from ever being found accountable and punished for any excessive force or other citizen public complaints (CPC)

If Mohr takes over the POB, it will be a more disgraceful group than the former Police Oversight Commission (POC).

Berry's previous private attorney Tourek opined in a 2013 memo that contrary to the Ordinance that the POC had no power and that then Berry's/Perry's handpicked IRO Robin Hammer worked instead for the Executive Branch that included the Police Chief rather than the POC.

Three members then quit the POC in disgust and it was later dissolved.

The comments by Eden's spokeswoman Celina Espinoza in the KRQE report above are yet more insulting lies she tells to all of us as are those lies being by her disgraceful male counterpart Tanner Tixier.

The question is are the Councilors naïve or fools or believe we are naïve or fools and don't see what's going on?

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

1:14-CV-1025 RB/SMV

CITY OF ALBUQUERQUE,

Defendant.

**AMICUS CURIAE BRIEF OF APD FORWARD  
REGARDING COURT APPROVAL OF THE SETTLEMENT AGREEMENT  
BETWEEN THE CITY OF ALBUQUERQUE AND  
THE UNITED STATES DEPARTMENT OF JUSTICE**

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[asmith@aclu-nm.org](mailto:asmith@aclu-nm.org)

**From:** [Amanda Sanders](#)  
**To:** [Amanda Sanders](#)  
**Subject:** County of Sonoma Recruitment  
**Date:** Wednesday, October 14, 2015 12:25:49 PM  
**Attachments:** [Sonoma County - Director - Independent Office of Law Enforcement Review & Outreach.pdf](#)

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Good morning,

The County of Sonoma, CA has retained Bob Murray & Associates to recruit its new Director, Independent Office of Law Enforcement Review and Outreach. The selected candidate will establish the Office's operations in order to implement the recommendations of the Community and Local Law Enforcement Task Force to establish an office of independent review. The incoming Director must be someone who inspires trust by acting with integrity, has an interest in understanding and embracing the "culture" of Sonoma County and will conduct comprehensive outreach to the community including members of the former Task Force, interested community members, schools, community based organizations, businesses, and other stakeholders. This is an exciting opportunity for an individual who is dynamic, fair and honest, independent, creative, and has the ability to establish structure and processes in this important new organization and position.

I am writing to you to learn if you might have an interest in this position. If you are interested in this outstanding opportunity, please apply online at [www.bobmurrayassoc.com](http://www.bobmurrayassoc.com). If not, perhaps you might have suggestions regarding individuals who may be good candidates for this position. The enclosed brochure describes the position in detail.

If you have any questions please do not hesitate to call Mr. Gary Phillips at (916) 784-9080. Please note the closing date is November 6, 2015.

Thanks,

**Amanda Urrutia-Sanders**

*Principal Consultant*



(916) 784-9080

(916) 735-2422 (fax)

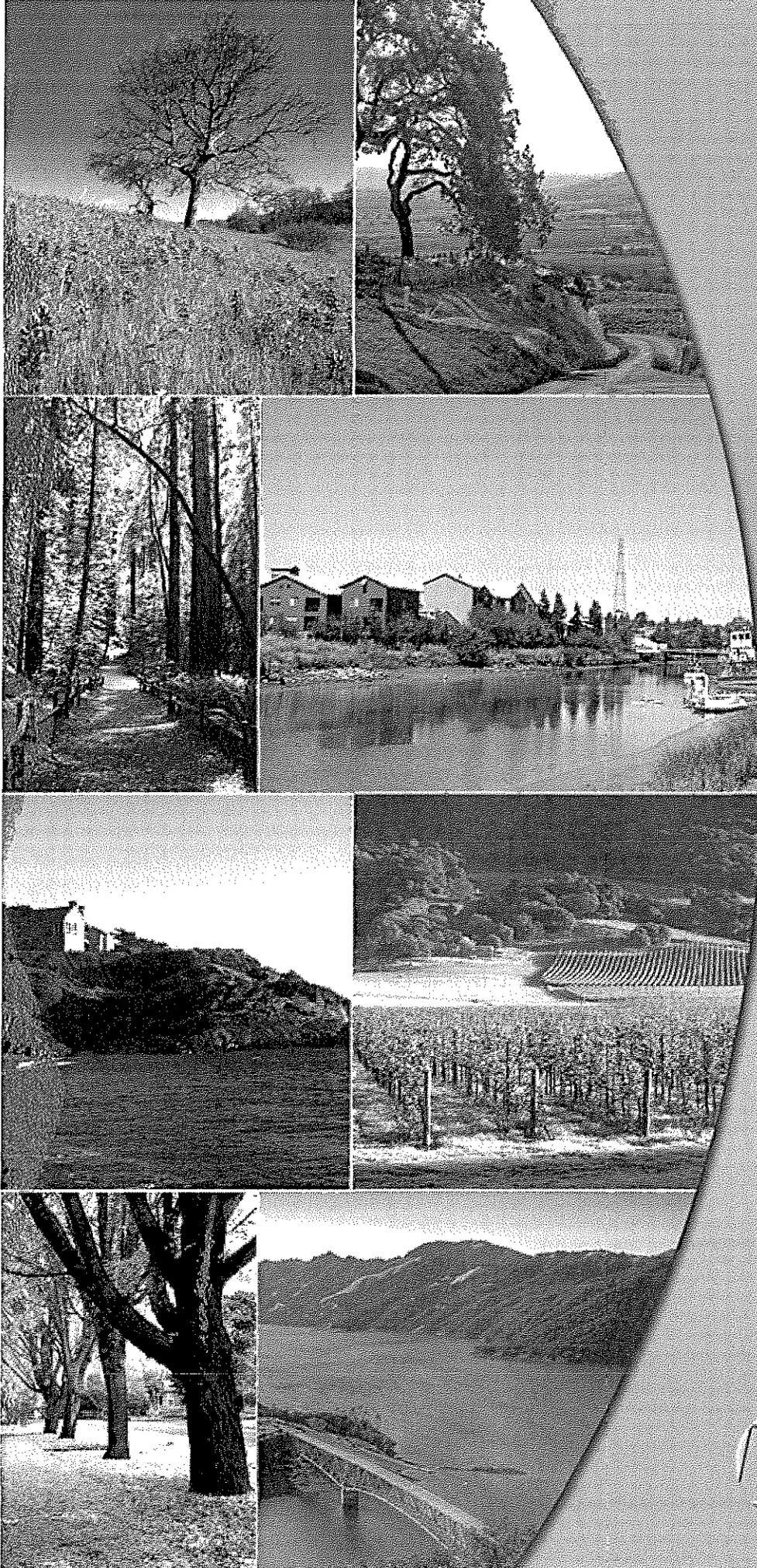
[amandas@bobmurrayassoc.com](mailto:amandas@bobmurrayassoc.com)



**please consider the environment before printing this e-mail**

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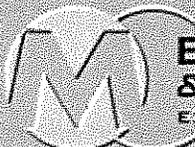
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THE COUNTY OF  
SONOMA, CA

INVITES YOUR  
INTEREST IN  
THE POSITION OF

**DIRECTOR -**  
INDEPENDENT OFFICE  
OF LAW ENFORCEMENT  
REVIEW & OUTREACH

**BOB MURRAY  
& ASSOCIATES**  
EXPERTS IN EXECUTIVE SEARCH

M005988

## THE COUNTY

Sonoma County offers a rare and compelling array of scenic, recreational, and geographic options – including inspiring coastline and beaches, the Russian River, over 200 award-winning wineries, and majestic redwoods. The County encompasses over one million acres of land and water, rich with parks, campsites, lakes and open space.

Sonoma County is home to almost 500,000 residents and offers a wide variety of restaurants, art and music festivals, farmers' markets, and concert venues. Local schools continually rank high on California's Academic Performance Index and the county boasts higher education opportunities with Santa Rosa Junior College and Sonoma State University. Business is quite diverse, with agriculture and tourism anchoring the local economy. The tourism industry generates over \$1 billion annually, and the County hosts over 7 million visitors every year.

Sonoma is a general law county, governed by a five-member Board of Supervisors who are fully committed to a mission and vision that value strong leadership, the highest quality customer service, engaged citizen participation, courteous and prompt assistance, and creating and preserving efficient and cost effective government. The County Administrator leads a team of dedicated department heads who work collaboratively to address and strategically prepare for County initiatives and challenges.

## THE OFFICE

Following an officer shooting of a 13-year old carrying a replica gun, the Board of Supervisors directed the establishment of a community task force, and charged them with developing recommendations in the following areas:

- a. Review and recommend options for an independent citizen review body
- b. Review and recommend options for community policing to be considered
- c. Review and recommend whether the Office of the Coroner should be separately elected from the Office of Sheriff
- d. Bring to the Board of Supervisors any additional feedback from the community on these issues that merit County attention

After the May 2015 presentation of the final recommendations the Board directed the establishment of an independent review organization - one of the many recommendations of the community task force.

The Independent Office of Law Enforcement Review and Outreach is that review organization.

The selected Director will be charged with launching the new office, and in so doing address the following key priorities identified for the first quarter:

The County encompasses over one million acres of land and water, rich with parks, campsites, lakes and open space.

- Negotiate information sharing and data access protocols with the Sheriff's Office
- Establish and maintain engagement of members of the former task force pending the establishment of a citizen's advisory board
- Establish a citizen advisory board
- Establish a process for receipt and referral of complaints or concerns made against members of the Sheriff's Office
- Establish a plan for soliciting and collecting feedback from the community on law enforcement issues

Additional first year priorities associated with establishing the office include:

- Identify, select, and implement a system for complaint tracking and trend analysis
- Develop and implement a plan for community education and outreach, including enhancing public information, outreach and collaboration
- Establish a youth council, including recommendations on how members will be selected and duration of appointment
- Establish a mediation process, to include negotiating with the Sheriff's Office and engaging affected bargaining units through the Labor Relations unit of Human Resources

## THE POSITION

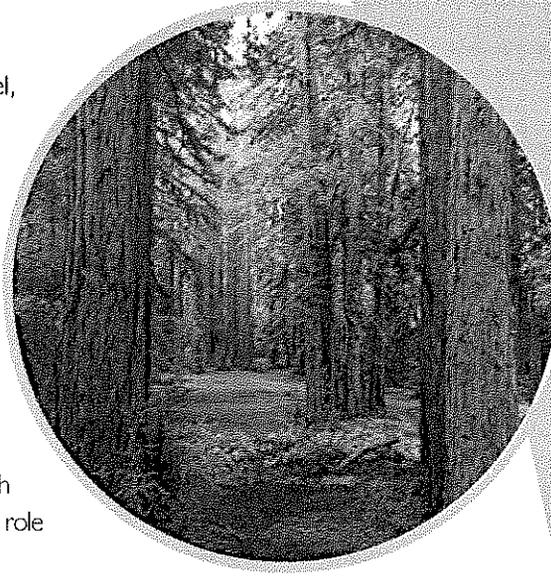
The selected candidate will work with the Board of Supervisors, the Sheriff's Office and other law enforcement offices as appropriate, as well as with the public in codifying the vision, operations, and processes of this new office. Specifically, the new Director will:

- Establish, lead, manage, and coordinate the functions of the Office
- Be responsible for the appropriate review and audit of law enforcement



citizen complaints, personnel, and administrative investigations, which include allegations of misconduct

- Analyze data and draft reports
- Make recommendations on related policies, training, procedures, and other preventative measures
- Conduct community outreach and educate the public on the role of the Office
- Function as the staff lead for related advisory committees and/or councils
- Perform related work as required



establish structure and processes in this important new organization and position. The incoming Director must be someone who can remain unbiased and objective, who is tenacious and courageous with the ability to recognize successful and unsuccessful strategies and who can modify them accordingly. Collaborativeness, political astuteness, and responsiveness are also key attributes for the new Director.

The ideal candidate must be well versed in Federal and State statutory and constitutional laws, policies and procedures governing the County, laws related to public safety investigations, and the essential elements of the California Public Safety Officers Procedural Bill of Rights.

This position requires visibility and engagement with the community to reach the goals set by the Board of Supervisors, and working effectively to facilitate and gain cooperation and participation of interested parties to achieve desired results is essential.

The ideal candidate will also be a skilled communicator, able to maintain effective media relations, have a proven record of creating and sustaining strong relationships, and be committed to seeking out and considering a variety of perspectives. The new Director will be looked upon to develop and direct the implementation of goals, objectives, and work standards for the new Office. Someone who will effectively gain cooperation and participation of interested parties to achieve desired results, manage morale, internal discipline, accountability, and productivity of Office staff will excel in this position.

The ideal candidate will possess any combination of education, training and experience, which would likely provide

The Director, Independent Office of Law Enforcement Review and Outreach is an attorney appointed by and reporting to the Sonoma County Board of Supervisors. This position is exempt from the County's Civil Service system in accordance with Civil Service Ordinance 305-A as amended. The extent to which law enforcement offices are subject to review and outreach by this Office is determined by the Board of Supervisors and the governing bodies of other local law enforcement agencies, if applicable. The position is expected to establish and maintain a credible, fair, and equitable review process and effectively and fairly represent the community's interests. The selected individual must command the highest level of trust and confidence and is expected to exercise considerable independent judgment and initiative, be objective, work collaboratively with a wide variety of stakeholders, and have a proven record of creating and sustaining strong relationships with those holding divergent and opposing perspectives.

Collaborativeness, political astuteness, and responsiveness are also key attributes for the new Director.

## THE IDEAL CANDIDATE

The County is seeking a Director, Independent Office of Law Enforcement Review and Outreach who will establish the Office's operations in order to implement the recommendations of the community task force to establish an office of independent review. The County has undertaken extensive outreach for this highly visible position. The incoming Director must be someone who inspires trust by acting with integrity, has an interest in understanding and embracing the "culture" of Sonoma County and will conduct comprehensive outreach to the community including members of the former task force, interested community members, schools, community based organizations, businesses, and other stakeholders.

This is an exciting opportunity for an individual who is dynamic, fair and honest, independent, creative, and has the ability to

for possession of stated knowledge and abilities. Normally, this would be at least four years of related legal experience, typically civil rights and/or criminal law, and experience working with individuals of diverse ethnic, cultural, and socio-economic backgrounds. Prior professional level experience in a law enforcement oversight/audit organization, bilingual Spanish, supervisory experience, and possession of the Certified Practitioner of Oversight (CPO) Credential are desirable qualifications. The position requires possession of a Juris Doctor Degree or equivalent from an accredited U.S. law school and current active membership in the State Bar of California.

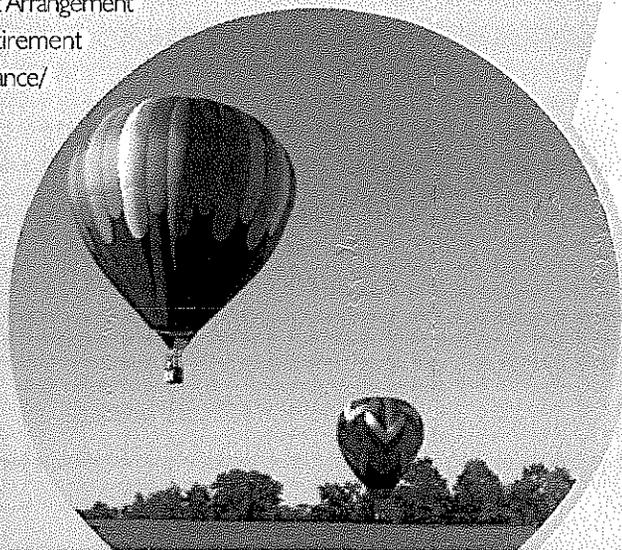
Candidates must not have been a sworn law enforcement officer within the last five years and not have any immediate family members (defined as spouse, child, sibling, or parent) who currently hold sworn law enforcement positions. A POST background investigation, including a thorough assessment of personal, employment, educational, criminal, and credit history is required prior to employment.

## COMPENSATION

The salary range is \$127,252-\$154,676 annually and is dependent upon qualifications. Sonoma County offers a competitive total compensation package including:

- Retirement: County Retirement Act of 1937. Retirement is fully integrated with Social Security. With the recent pension reform, new employees as defined and eligible will receive a 2.7% at 67 formula, or for those individuals who meet certain criteria, including establishing reciprocity and pursuant to PEPPRA, will receive 3% at 60.
- Paid Time Off: Competitive vacation accrual and additional management leave annually; 11 holidays per year; generous sick leave accruals and 100% of accrual balance converted to service credit at retirement.
- Health Plan: Choice of three health plans (PPO, EPO and HMO) with a County contribution toward the premium of approximately \$500 per month.
- Excellent dental, vision, disability, life insurance, professional development and more. Additional details on employment for management employees may be found at [http://www.sonoma-county.org/hr/pdf/salary\\_resolution.pdf](http://www.sonoma-county.org/hr/pdf/salary_resolution.pdf).
- A cash allowance (in addition to monthly salary) of approximately \$600 per month.
- IRS 457 Plan: Pre-tax employee contribution up to the IRS annual maximum.
- Retiree Medical: County contribution to a Health Reimbursement Arrangement to help fund post-retirement employee health insurance/benefits.

*Important Note: Benefits described herein do not represent a contract and may be changed without notice.*



## TO APPLY

If you are interested in this outstanding opportunity, please visit our website at [www.bobmurrayassoc.com](http://www.bobmurrayassoc.com) to apply online.

**Filing Deadline:  
November 6, 2015**

Following the closing date, resumes will be screened according to the qualifications outlined. The most qualified candidates will be invited to personal interviews with Bob Murray and Associates. Candidates will be advised of the status of the recruitment following finalists' selection. Finalist interviews will be held with the County of Sonoma. A select group of candidates will be asked to provide references once it is anticipated that they may be recommended as finalists. References will be contacted only following candidate approval.

If you have any questions, please do not hesitate to call Mr. Gary Phillips at:

(916) 784-9080



M005991

**From:** Silvio Dell"Angela  
**To:** Gibson, Diane G.; "Damon Martinez"  
**Cc:** "Jim Ginger"; "Martinez, Elizabeth (USANM)"; Sylvan, Chris; ralohnmulac@gmail.com; "Peter Simonson"; "Alan Wagman"; "Martinez, Elizabeth (USANM)"; "Jim Ginger"; "Nyira Gitana"; vanita.gupta@usdoj.gov; Hernandez, Jessica M.; lunar@cybermesa.com  
**Subject:** DISAPPOINTED IN YOUR DISMISSIVE-DISRESPECTFUL ATTITUDE TO US WHILE STILL TRYING TO AGAIN JUSTIFY USING CONGREGATION ALBERT FOR THIS PUBLIC MEETING  
**Date:** Saturday, October 24, 2015 2:30:48 PM  
**Attachments:** 9-15Albert.doc

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**TO: Councilor Gibson**

-

**Copies to many others not shown**

Your brief 10/23 response to me was a disrespectful and dismissive, *"They are our host and we are their guests."* In your 10/23 e-mail to both of us, you were again dismissive of our concerns.

What Alan Wagman said below to you was seemingly ignored as you chose to ignore what happened at the September meeting.

Your excuse in the 10/23 e-mail to both of us doesn't wash when you said, *"I hope you can understand that my choice was based upon location within District 7, its generous space, acoustics and quality sound, as well as their past hospitality to the District."*

In my last e-mail to you that expected you would change the meeting to a city community or senior center and also not invite APD, the APOA and Ms. Hernandez, I mistakenly gave you the benefit of the doubt believing you didn't know what happened at the September meeting at Congregation Albert. When researching my past e-mails (see attached), it turns out was wrong.

You and all of the Councilors (as well as others) were in fact provided Bcc copies of my 9-23 e-mails that documented what had happened including the comments also from Sarah and Ralph Arellanes.

In her 10/23 e-mail Nyira Gitana would make the following damning comments that you also ignored.

*"Like Donald Trump, that our "leaders" are stupid. Why didn't the brochure participants enter in a friendly, participatory manner - instead of pretending that they were guerrilla warriors of a sort? And now another forum is scheduled at the Temple. Which vigilantes, brochure participants, or guerrilla warriors will take offense at standing in line, or protest anything being said, discussed, etc.? Frankly, the entire issue of the reform process is becoming a circus with the elephants trumpeting*

**From:** [Skotchdopole, Paul A.](#)  
**To:** [POB; Mark T. Baker](#)  
**Cc:** [Contreras, Michelle](#)  
**Subject:** FW: Case Review Subcommittee Agenda 10-12-15 -FINAL  
**Date:** Friday, October 02, 2015 3:38:29 PM  
**Attachments:** [Case Review Subcommittee Agenda 10-12-15 -FINAL.docx](#)

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**From:** Contreras, Michelle  
**Sent:** Friday, October 02, 2015 3:06 PM  
**To:** Skotchdopole, Paul A.  
**Subject:** Case Review Subcommittee Agenda 10-12-15 -FINAL

Paul,

Please find attached Case Review Subcommittee Agenda for 10/12/2015. I am going to City Hall to post it.

Thanks.

Michelle

**CIVILIAN POLICE OVERSIGHT AGENCY  
POLICE OVERSIGHT BOARD  
CASE REVIEW SUBCOMMITTEE**

*Moira Amado-McCoy, Chair*      *Leonard Waits*  
*Jeffery Scott Wilson*  
Paul Skotchdopole, Assistant Lead Investigator

**POLICE OVERSIGHT BOARD  
CASE REVIEW SUBCOMMITTEE  
Monday, October 12, 2015 – 12:00 p.m.  
Plaza del Sol, 600 2nd Street NW –  
Basement Hearing Room, #160**

**A G E N D A**

- I. **Welcome and Call to Order: Subcommittee Chair Moira Amado-McCoy**
- II. **Approval of the Agenda**
- III. **Approval of the Minutes**
- IV. **Public Comments**
- V. **Review of Current Process -- Life of a Complaint**
- VI. **Discussion of New Ordinance Language vs. Current Processes**
  - a. **POB entry point**
  - b. **Legal clarification**
  - c. **Opportunity for discussion as related to "nonconcurrence"**
- VII. **General Discussion of Outcomes of 129 "backlogged" Cases**
- VIII. **Brief discussion of Future Direction**
  - a. **Initial reception of complaint**
  - b. **CRC's coordination with full monthly POB meetings**
  - c. **Open lines of communication with APD**
  - d. **Possibility of written position statement/action philosophy/mission/vision statement**
- IX. **Summary for Board Meeting 15 October**
- X. **Other Business and Committee Recommendations**
- XI. **Next Meeting – To be announced at meeting**
- XII. **Adjournment**

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** FW: Emergency motion in Han case  
**Date:** Saturday, August 29, 2015 4:51:29 PM  
**Attachments:** [D-2012-cv-2012-10367 Motion to Preserve E-Info 8,26,15.pdf](#)

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**TO: Councilors, media, DOJ and others**

Read the attached affidavit from former APD NM IPRA stonewaller Reynaldo Chavez. As the citizen who sent this to me says-the District Court needs to raid APD HQ ASAP.

APD likely had a role in the murder of Mary Han. One cop not only celebrated her murder but "damned to a special place in Hell" in his social media posting last year.

So PMR Inc's mere "auditors" of APD and consultant Greenwood (whatever he does) say that they are really going to change the culture of corruption within APD blessed by Perry and Berry?

Our nine Councilors really don't give a damn that the DA's office when not charging them won't release the likely incriminating video showing that two "hero" cops had murdered homeless Vietnam vet with PTSD Vincent Wood in early July 2013.

The POB now proposes to make a former cop from Milwaukee as its first choice to become the new Executive Director of the Police Oversight Agency and likely the Councilors will approve the cop.

The stench coming out of APD and the offices of his corrupt attorneys and the mayor is suffocating and yet the Councilors don't give one damn.

Silvio

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

**ELIZABETH WALLBRO**, as Personal  
Representative of the Estate of **MARY Y.C. HAN**,

Plaintiffs,

v.

No. D-202-CV-2012-10367

**THE CITY OF ALBUQUERQUE**; et al.

Defendants.

**PLAINTIFFS' EMERGENCY MOTION TO ORDER  
DEFENDANTS TO PRESERVE ELECTRONIC INFORMATION**

Plaintiffs by and through undersigned counsel of record, hereby moves this Court for an order requiring Defendants to immediately preserve electronic information by securing it in the custody of the Court or tagging into the New Mexico Department of Public Safety's Evidence Unit for safekeeping. In support of this Motion, Plaintiff hereby states:

1. On October 4, 2011, Katherine Han-Noggle, as daughter and personal representative of the Estate of Mary Y.C. Han, filed a Petition for Discovery with the Second Judicial District Court, Cause Number 2011 CV 09975.
2. On November 3, 2011, the Honorable Nan Nash ordered:

"The City of Albuquerque and APD shall preserve all records, reports, documents, photographs, and any other record or evidence in their possession, custody, or control relating to an emergency call concerning Mary Y.C. Han on November 18, 2010, and any subsequent response or investigation. The City of Albuquerque and APD shall not destroy, alter, amend, redact or issue new supplements to any records and/or documents, electronic or otherwise, to include but not limited to cellular phone records and/or texts and/or photographs relating in any manner to its response to an emergency call regarding Mary Y.C. Han on November 18, 2010 to

include any investigation(s) or documents generated.”

*See* Order attached hereto and incorporated herein as Exhibit 1.

3. At oral argument on July 31, 2012, the Honorable Nan Nash again ordered APD to preserve evidence and produce mobile phone datacards to Petitioner. *See* Transcript attached hereto as Exhibit 2 at 48:20-22.
4. Deputy City Attorney, Kathryn Levy, informed the Court that “[t]he City has provided the records it has.” *See* Transcript attached hereto as Exhibit 2 at 19:3-14.
5. In fact, Ms. Levy proposed to the Court that the cellular telephone datacards would be preserved. Exhibit 2 at 29:21-22.
6. Subsequent to the July 31, 2012 hearing, on September 19, 2012, Ms. Levy reversed her position and informed Plaintiffs’ counsel that the data contained on the cellular telephones had been destroyed. *See* correspondence attached hereto and incorporated herein as Exhibit 3.
7. Ms. Levy also produced an affidavit from Richard F. Campos, city employee, confirming that the City had failed to implement any policies and procedures to prevent the destruction of evidence on the cellular phones. *See* Affidavit of Richard Campos attached hereto and incorporated herein as Exhibit 4.
8. On August 25, 2015, counsel was informed that the Albuquerque Police Department has utilized an independent database to store information concerning high profile cases and that this database is stored on computer hard drives and backup upon compact disks. *See* Affidavit of Reynaldo Chavez attached hereto and incorporated herein as Exhibit 5.

9. Included in that database is information and documents relevant to the death of Mary Han on or about November 18, 2010. Exhibit 5.
10. Reynaldo Chavez was the public records custodian for the Albuquerque Police Department. Exhibit 5.
11. It is Mr. Chavez's opinion, based on his employment and experience with the Albuquerque Police Department, that the database will most likely be destroyed now that it is out of his control and possession. Exhibit 5.
12. Mr. Chavez also stated that Ms. Levy had taken deliberate action to prevent Plaintiffs from obtaining relevant information concerning Ms. Han's death and the involvement of Albuquerque Police Department personnel. Exhibit 5.
13. On August 25, 2015, counsel for Plaintiffs' emailed counsel for the Defendants requesting that they agree to prevent the destruction of the database. *See* Email attached hereto and incorporated herein as Exhibit 6
14. Counsel for Defendants did not respond to the request from Plaintiff's counsel.
15. Plaintiffs have reason to believe that the independent database which contains information relevant to these proceedings will be destroyed by the Defendants (particularly given the history of the Defendants to ignore Court orders) without immediate Court involvement.

WHEREFORE, Plaintiffs respectfully request this Court order the Defendants to protect and preserve the database that is referenced in Mr. Chavez's affidavit and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Rosario D. Vega Lynn

Rosario D. Vega Lynn

Vega Lynn Law Offices, LLC

PO Box 65513

Albuquerque, NM 87193

Telephone/Facsimile: (505) 227-5091

Email: [vegallynnlawfirm@aol.com](mailto:vegallynnlawfirm@aol.com)

Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of August 2015, the foregoing was filed electronically and a copy was served via email to counsel of record as follows:

Stephen French  
Philomena Hausler  
French & Associates, P.C.  
6739 Academy Road, Suite 200  
Albuquerque, NM 87109

(505) 843-7075

Email:  
[phausler@frenchlawpc.com](mailto:phausler@frenchlawpc.com)  
[sfrench@frenchlawpc.com](mailto:sfrench@frenchlawpc.com)

/s/ Rosario D. Vega Lynn

Rosario D. Vega Lynn

STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT  
COUNTY OF BERNALILLO

mjc

NO. 2011 CV 09975

IN RE: MARY Y.C. HAN

**ORDER REGARDING ALBUQUERQUE  
POLICE DEPARTMENT RECORDS AND DOCUMENTS**

THIS MATTER having come before the Court on matters raised by Raymond D. Schultz, Chief of Police, City of Albuquerque Police Department ("APD"), the Court having reviewed the pleadings, and heard arguments of counsel on November 3, 2011 and being otherwise advised in the premises, ORDERS as follows:

1. The City of Albuquerque and APD shall preserve all records, reports, documents, photographs, and any other record or evidence in their possession, custody, or control relating to an emergency call concerning Mary Y.C. Han on November 18, 2010, and any subsequent response or investigation. The City of Albuquerque and APD shall not destroy, alter, amend, redact or issue new supplements to any records and/or documents, electronic or otherwise, to include but not limited to cellular phone records and/or texts and/or photographs relating in any manner to its response to an emergency call regarding Mary Y.C. Han on November 18, 2010 to include any investigation(s) or documents generated.
2. APD shall fully and completely respond and provide to Petitioner the following documents or objects as listed on Petitioner's Subpoena Duces Tecum limited to APD's response to the emergency call regarding Mary Y.C. Han to Ms. Han's home located at 3022 Colonnade Court NW, Albuquerque, New Mexico 87107 on November 18, 2010:
  - Original 911 call recording to include but not limited to Paul Kennedy 911 call regarding Ms. Han and APD's dispatch air and traffic of the incident;

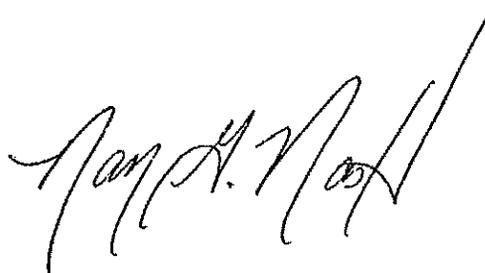


M006000

- Computer Aided Dispatch (CADs) records for entire incident involving Ms. Han in any manner;
- CADs for all APD officers and/or individuals requested to, or logged at, Ms. Han's home for the period of time APD officers and/or individuals were at Ms. Han's home;
- Any and all tapes for all department frequencies during time period APD personnel were at Ms. Han's home;
- Any and all frequencies, all air, including, but not limited to "tactical", "open space", "city tac" or other "interagency" frequencies regarding Ms. Han taken on November 18, 2010;
- Any and all inter-computer CADS and/or mobile data terminal (MDT) texting, messages, or "51s" transmitted during the time period each APD personnel was at Ms. Han's home;
- Any and all MDT information for November 18, 2010 regarding Ms. Han;
- Any and all data from mobile digital computer (MDCs) for November 18, 2010 regarding Ms. Han;
- Identification of the APD officer who was the scribe at Ms. Han's home, and copy of the scribe's report;
- An accounting of all sworn and civilian personnel present at Ms. Han's home, time of arrival and time of departure;
- Identification of all dispatchers and/or radio personnel on duty during the time of the call;
- Identification of sworn and civilian personnel present in possession of department or city issued cellular telephones who were present at Ms. Han's home;
- Any and all reports and/or "42s" from all sworn and civilian personnel present at the scene on November 18, 2010;
- Crime scene diagrams of the scene in Ms. Han's home;
- AutoCAD renderings and original total station data sets from the scene in Ms. Han's home;
- APD Officers' belt tapes who were present in Ms. Han's home on November 18, 2010, whether tagged by the officer or not;
- APD Officers' body camera data cards and/or transferred files limited to the APD Officers' who were present in Ms. Han's home on November 18, 2010;

- APD Officers' cellular phone data cards and/or electronic images limited to the APD Officers who were present in Ms. Han's home on November 18, 2010;
  - List of all evidence taken from Ms. Han's home on November 18, 2010 tagged and impounded by APD personnel;
  - Copies of any and all receipts for the property from Ms. Han's home and given to Mr. Paul Kennedy;
  - Copies of any and all receipts for the property given to anyone at the scene on November 18, 2010;
  - All APD standard operating procedures in force in November 2010 (to be produced in electronic format).
3. APD shall produce the materials subject to this Order by December 5, 2011.
4. This Court shall have continuing jurisdiction over the subject matter of this Order and over all parties covered by this Order.

IT IS SO ORDERED.



---

HONORABLE NAN NASH  
District Court Judge

SUBMITTED BY:

/ss/ November 3, 2011  
Rosario D. Vega Lynn  
Attorney for Petitioner

APPROVED AS TO FORM:

---

Kathryn Levy  
Deputy City Attorney

1 SECOND JUDICIAL DISTRICT COURT  
2 COUNTY OF BERNALILLO  
3 STATE OF NEW MEXICO

4 District Court No. CV 2011-9975

5 IN RE: MARY Y.C. HAN,  
6  
7

8  
9 TRANSCRIPT OF PROCEEDINGS

10 On the 31st day of July, 2012, at approximately  
11 10:30 a.m., this matter came on for a Motions hearing, before  
12 the NAN G. NASH, Division XVII, Judge of the Second Judicial  
13 District, State of New Mexico.

14 The Petitioner, KATHERINE HAN-NOGGLE, appeared by  
15 Counsel of Record, ROSARIO D. VEGA LYNN, Attorney at Law,  
16 1019 Second Street, NW, Albuquerque, NM 87102.

17 The CITY OF ALBUQUERQUE appeared by Counsel of Record,  
18 KATHRYN LEVY, City of Albuquerque Legal Department, P.O. Box  
19 2248, Albuquerque, NM 87103.

20 At which time the following proceedings were had:  
21  
22  
23  
24  
25

1 THE COURT: But I think there's some idea what  
2 they're going for.

3 MS. LEVY: But that's the problem, Your Honor, some  
4 idea. And the rule, itself, talks about a verified petition  
5 stating what the prongs of making their claim is. We have  
6 gone above and beyond in providing everything that both the  
7 Court ordered and what we ordered. Now I'm hearing that,  
8 somehow or other, personal records should be provided. As I  
9 stated, the cases are not on point. There is no lawsuit  
10 filed. There is no way for these individuals on their  
11 personal cell phones, whether used for business or not, to  
12 determine whether they need to file an objection. The City  
13 has been the respondent. The City has provided the records  
14 it has.)

15 It's fascinating to me that we have the respondent  
16 can say that Chief Schultz received eight phone calls or  
17 eight calls were made to his number. Well, none of those  
18 records say what the calls were about, so she has that  
19 information. Calls were made to the chief. He was out of  
20 town. Simply looking at one more log to say phone calls were  
21 or were not made on a certain date, doesn't make anything  
22 more or less likely. Similarly, telling this Court that  
23 people use their City phones and it shows that they took  
24 photos on some dates doesn't change anything. They don't --  
25 at this point, they're saying, if they took photos, would we

1 so I can appoint a special master. I -- the City can make a  
2 suggestion as to how those would be inspected, but if they're  
3 on -- I mean, there's an SOP that says you can't photograph;  
4 there are photographs that are referenced in the records that  
5 are provided.

6 MS. LEVY: Well, no, the SOP talks about taking  
7 personal photos at a crime scene, so she's made a tremendous  
8 leap as to what these photos would be. This is not as if you  
9 can't use the cell phone to take another photograph, for  
10 example. It's a crime scene.

11 THE COURT: Okay.

12 MS. LEVY: That's a major distinction.

13 THE COURT: Okay.

14 MS. LEVY: And I have, again -- and so I  
15 represented to counsel in a letter -- talked to everyone,  
16 except Tim Lonz and to a person -- every one of those people  
17 on that list did not take a photograph on that date. So I  
18 would argue preservation of those cards, but not production.  
19 Again, it's meaningless, it's expense.

20 THE COURT: So your point is that the cards should  
21 be preserved, but not produced at this point in time?

22 MS. LEVY: Yes, Your Honor.

23 THE COURT: And what about the -- pursuant to the  
24 *Ortiz* decision, at the very least, preservation of the mobile  
25 phone records for that date of these three individuals.

1 A. I have never seen Jacob Welsh since that day.

2 Q. Did you to ask Tim Lonz?

3 A. No.

4 Q. And we've already talked about Mr. Muniz. In the almost  
5 two years since Ms. Han's death, have you seen any  
6 photographs, anywhere, that were not department photographs,  
7 of her death?

8 A. No.

9 Q. Or in the newspaper?

10 A. No.

11 THE COURT: Thank you. You may step down. I  
12 think, given the testimony, what needs to be done is, there  
13 needs to be a direct inquiry made of these four individuals  
14 who have been identified.

15 MS. LEVY: I will do so, Your Honor.

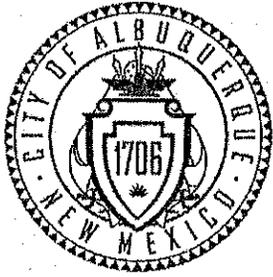
16 THE COURT: And they -- I think if their response  
17 is that they did not take any unauthorized department  
18 photographs, I think an affidavit reflecting that needs to be  
19 provided. With regard to the other -- that -- Mr. Lonz is  
20 number 4 on this list. With regard to Adams, Bates, Hoffman,  
21 Paiz, White, and Wilhelm, the Court is ordering the  
22 department to preserve those datacards.

23 With regard to the private phones that had calls  
24 coming in and out of the scene, I think for the date of  
25 the -- give me just one second. I think the -- pursuant to

TR - 48

SHANON R. MYERS, CCR, RPR, CRR  
OFFICIAL COURT REPORTER

M006007



# City of Albuquerque

## Legal Department

P.O. Box 2248 Albuquerque, NM 87103

*David Tourek, City Attorney*  
(505) 768-4500 -- Fax (505) 768-4440

Richard J. Berry, Mayor

David Tourek, City Attorney

HAND DELIVERED  
September 19, 2012

Rosario D. Vega Lynn  
1019 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102

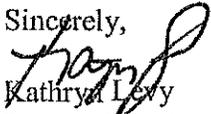
Re: *In re: Mary Y.C. Han*, Second Judicial Court No. 2011 CV 09975

Dear Ms. Vega Lynn:

Enclosed please find the mobile phone records for Robert Perry, Michael Muniz and Chief Schultz for November 18, 2010. Please note I have removed the first name on the Schultz record as it is a family member who assisted in obtaining the records.

We have Mr. Wilham's phones in our possession. I am enclosing materials showing when Marc Adams, Elizabeth Paiz, Allen Banks and Trish Hoffman received their phones (which is what the affidavits are based on). I have requested the property cards which may show when their prior phones were returned. I am also producing the material which shows when Darren White was issued a phone but that was only ordered through APD and he did not have a property card. There is no chain of custody document other than these. The APD property manager can provide an affidavit that when a phone is returned, it is wiped clean (if still usable) or thrown away. The number may be re-assigned to an individual but not the phone. There is no chain of custody for personal phones.

Please do not hesitate to contact me if you have any questions or comments.

Sincerely,  
  
Kathryn Levy  
Deputy City Attorney

Enclosure: as stated



M006008

STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT  
COUNTY OF BERNALILLO

NO. 2011 CV 09975

IN RE: MARY Y.C. HAN

**AFFIDAVIT OF RICHARD F. CAMPOS**

COMES NOW the undersigned, and being first duly sworn upon oath, states as follows:

1. My name is Richard F. Campos and I am over the age of 18 years.
2. I am employed by the City of Albuquerque Police Department as the Receiving Inspector in the APD Property Unit.
3. As part of my duties, I am responsible for the issuance of department owned cell phones to authorized personnel.
4. In 2011, it was the practice and procedure of my unit to note the name of the person to whom a cell phone was being issued on the Customer Receipt and have the person sign the receipt when the phone was picked up. The issuance of the phone may or may not appear on the department property card of the individual. The customer receipt form is maintained as the business record of the person to whom the phone was issued.
5. I do not note the return of cell phones on any list but instead determine if the phone is still usable or should be discarded. If the phone is capable of being reused, I "wipe it clean" (i.e. delete all information on any card). In most instances the phone itself is not re-issued to any individual but is used as a back up when someone's phone is broken or lost or a new phone has not come in.
6. Once someone retires or resigns or no longer has authorization for a department issued phone, I wait approximately three months before reassigning the number to other personnel. This



is done on an as needed or random basis.

FURTHER AFFIANT SAYETH NAUGHT.

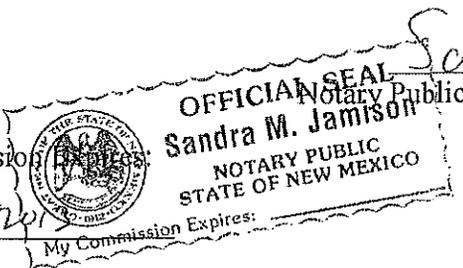
*Richard F. Campos*  
Richard F. Campos

STATE OF NEW MEXICO)

COUNTY OF BERNALILLO )

SIGNED AND SWORN to before me this 21<sup>st</sup> day of September, 2012 by Richard F. Campos.

My Commission Expires: 11-13-2012

 OFFICIAL SEAL  
Notary Public  
Sandra M. Jamison  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
My Commission Expires: \_\_\_\_\_

*Sandra M. Jamison*

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT

**ELIZABETH WALLBRO**, as Personal  
Representative of the Estate of **MARY Y.C. HAN**,

Plaintiffs,

v.

No. D-202-CV-2012-10367

**THE CITY OF ALBUQUERQUE**; et al.

Defendants.

**AFFIDAVIT OF REYNALDO CHAVEZ**

I, Reynaldo Chavez, Jr. being first duly sworn upon my oath affirm and hereby state:

1. I am over the age of eighteen.
2. I am not a party to the above-referenced proceedings.
3. Since June 2011, I was the records custodian for the Albuquerque Police Department (hereinafter "APD").
4. I have a Bachelor's degree in business administration, and a Master's degree in human resources. I have also completed post-Master's work in Management Information Systems (MIS).
5. In my capacity as records custodian, I developed and built databases for the APD to streamline production of public records pursuant to requests submitted to APD under the Inspection of Public Records Act ("IPRA").
6. That database is stored on an independent computer hard drive located in my office, on an external hard drive also located in my office, on back up cd-roms, and in printed form which are stored in file cabinets.



M006011

7. Both hard drives in my office hold in excess of four (4) Terrabytes of data and I began storing information responsive to IPRA requests on those hard drive during the course of my employment with APD and on the cd-roms.

8. Among the items in the database is information concerning cases the APD determined to be high profile.

9. The death scene of Mary Han to include but not limited to and any and all investigations, information, interviews, and photographs is included in that computer drive.

10. The Albuquerque Chief Administrative Officer, Robert Perry, knew of the existence of the computer drive as did former Deputy City Attorney, Kathy Levy.

11. I am concerned that the information stored on this independent computer drive, to include any and all information concerning Mary Han, will not be protected from destruction.

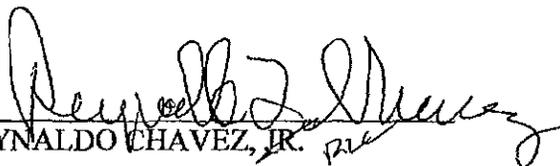
12. I have, in my capacity as the APD records custodian, observed that the current City administration will not preserve information concerning high profile cases and will conceal such information.

13. In December 2012, I was contacted by counsel for the Han Family, Rosario D. Vega Lynn, who requested specific information concerning the file created and maintained by the APD. Attached as Exhibit A is a true and correct copy of one email exchange between myself and Ms. Vega Lynn.

14. At the time, I was instructed by former city employee Kathryn Levy not to provide all the requested information to the Han Family.

15. I am aware that such information does exist and is kept on the database as listed above.

Further affiant sayeth not.

  
REYNALDO CHAVEZ, JR.

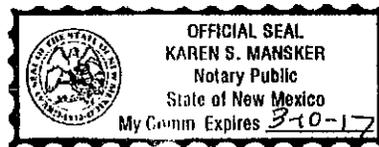
STATE OF NEW MEXICO        )  
  )SS.  
COUNTY OF BERNALILLO    )

Subscribed to and sworn before me on this 25<sup>th</sup> day of August 2015 by Reynaldo Chavez, proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in and that her signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

My Commission Expires: 3-10-17

*Karen S. Mansker*  
Notary Public



**From:** [Chavez, Reynaldo L.](#)  
**To:** [vegallynnlawfirm@aol.com](mailto:vegallynnlawfirm@aol.com)  
**Cc:** [City Clerk Staff; Bailey, Amy B.](#)  
**Subject:** IPRA / Michael Muniz - follow up /// 12/24/12  
**Date:** Monday, December 24, 2012 3:10:43 PM

---

Dear Ms. Vega Lynn,

The city will require more than three (3) business days to respond to your latest request.

We will respond to your latest request within 15 business days (per IPRA) from the time you submitted.

I have taken the liberty of copying the City Clerk who oversees IPRA compliance.

As always, please do not hesitate to contact me with any additional questions or concerns.

Good day Ma'am.

**Kind regards,**

**Reynaldo L. Chavez**  
**APD Records Custodian/Central Records Supervisor**  
**Office (505) 768-2007**  
**Cell: (505) 235-2160**  
**Fax: (505) 768-2540**  
**chavezr@cabq.gov**

---

-----Original Message-----

**From:** RVL [<mailto:vegallynnlawfirm@aol.com>]  
**Sent:** Monday, December 24, 2012 11:01 AM  
**To:** '[chavezr@cabq.gov](mailto:chavezr@cabq.gov)'  
**Subject:** FW: IPRA / Michael Muniz - follow up  
**Importance:** High

Dear Mr. Chavez

I sent the attached email on December 17, 2012 at 10:44 a.m. To date, I have not received a response so I am resending the original objections to the IPRA documents produced by APD. I ask that you respond by close of business today to the request as the 3 day response period has expired.

Thank you

Rosario

-----Original Message-----

**From:** [vegallynnlawfirm@aol.com](mailto:vegallynnlawfirm@aol.com) [<mailto:vegallynnlawfirm@aol.com>]  
**Sent:** Monday, December 24, 2012 10:57 AM  
**To:** Chavez, Reynaldo L.

**EXHIBIT**  
**A**

M006014

Subject: Re: IPRA / Michael Muniz

Dear Mr Chavez

I have reviewed the records and CD produced by APD on December 14th.

Please note that I only received one report authored by Field Investigator Muniz on November 18, 2010. The report was for a burglary. Yet, FI Muniz was in Ms Han's home on November 18th. Thus, please provide the following as required by IPRA:

1. All reports prepared by FI Muniz on November 18, 2010 to include: (a) the copperfire report, (b) date originally entered into tiburon or the database utilized by APD, (c) date(s) of supplements/amendments/edits and by whom to include identification of the individual and identification of the individual's rank or civilian title and time, (d) supervisor/Sgt approval to include date and time and (e) any and all individuals who have either accessed or retrieved the reports and/or computer file.

With regard to the photos on the CD, I informed Officer Torres on December 14th that I needed the jpg copies of the photos taken by FI Muniz on November 18th. The pdf provided by APD do not include the metadata. Please provide all photos in the possession and custody of APD in jpg format. This request includes any photos taken by FI Muniz which are on the camera memory.

Further, you indicated that emails concerning Ms Han in any manner were nonspecific to produce. I do not agree as I clearly requested emails from APD members (see below) and again request those emails be produced.

Please provide these records in electronic format as soon as possible.

Thank you for your attention.

Rosario Vega Lynn

-----Original Message-----

From: Chavez, Reynaldo L.  
To: Rosario Vega Lynn  
Subject: IPRA / Michael Muniz  
Sent: Dec 4, 2012 3:01 PM

Dear Ms. Vega Lynn,

This email will acknowledge completion of your public records request dated November 17, 2012 (Saturday) and received by my office on November 19, 2012 (Monday).

Please review the following.

M006015

“Please provide any and all incident reports/field investigation reports prepared by Michael Muniz from November 1 to November 30, 2010”; Multiple reports in excess of 308 pages. Available for review.

2. “Any and all electronic communications to include but not limited to emails and text communications by cellular phone sent by any member of the Albuquerque Police Department to anyone concerning Mary Han in any manner from January 1, 2010 to the present”;

Not possible to process. Emails have to be identified from one(1) individual to another (1) individual. Voluminous.

“Any and all correspondence (to include inter-office memoranda) concerning Ms. Han in the possession and/or control of the Albuquerque Police Department”; Not possible to process or produce.

“Provide any and all photographs in the possession or control of the City of Albuquerque concerning Mary Han in any manner to include a full and complete electronic copy of all of the photographs taken by Michael Muniz on November 18, 2010 concerning Ms. Han and/or her home located at 3022 Colonnade NW currently in the possession and control of the Albuquerque Police Department”; Available for review.

“Provide any and all internal complaints against any Albuquerque Police Department personnel initiated by/conducted by/or reviewed by Deputy Chief Paul Feist, Deputy Chief Allen Banks, Deputy Chief Beth Paiz, Deputy Chief Steve Warfield and/or Chief Raymond Schultz from January 1, 2010 to the present”. The documents requested are exempt from production pursuant to Sec. 14-2-1A(3), State ex rel. Newsome v. Alarid, 90 N.M. 790 (1977), and Cox v. New Mexico Dep’t of Public Safety, 148 N.M. 934 (Ct. App. 2010).

“I ask that you provide this information in electronic format.”

The available information was not available in electronic format. Incident reports require multiple processing steps (manual). Photographs are available via CD. Network restrictions limit size to be transmitted electronically. Current charges per Admin Instruction 1-7; 0.50 cents per page CDs - \$5.00 per copy Please be advised that you may review/inspect at

Law Enforcement Center  
400 Roma Ave. NW  
Albuquerque, NM 87102

Please contact Ms. Jackie Garza to schedule review @ 505.768.2141.

If purchasing documents and CD, please make payment (\$159.00) by cash. Payment may also be made by company check made payable to City of Albuquerque.

Please do not hesitate to contact me if you have any questions or comments.

M006016

Kind regards,

Reynaldo L. Chavez  
APD Records Custodian/Central Records Supervisor  
Office: (505) 768-2007  
Cell: (505) 235-2160  
Fax: (505) 768-2540  
[chavezr@cabq.gov](mailto:chavezr@cabq.gov)

From: Chavez, Reynaldo L.  
Sent: Monday, November 19, 2012 7:17 PM  
To: 'RVL'  
Subject: IPRA / Michael Muniz

Mr. / Ms. Vega Lynn

This email will acknowledge receipt of your public records request dated November 17, 2012. Please be advised we are reviewing your request to determine what public records are responsive and whether any exceptions to their production apply. We will continue our review and contact you prior to the expiration of fifteen (15) days from the receipt of your request. Please do not hesitate to contact me if you have any questions or comments.

Kind regards,

Reynaldo L. Chavez  
APD Records Custodian/Central Records Supervisor  
Office: (505) 768-2007  
Cell: (505) 235-2160  
Fax: (505) 768-2540  
[chavezr@cabq.gov](mailto:chavezr@cabq.gov)

From: RVL [<mailto:vegallynnlawfirm@aol.com>]  
Sent: Saturday, November 17, 2012 5:12 PM  
To: Chavez, Reynaldo L.  
Subject: FW: Public Records Request

Dear Mr. Chavez:

I would like to amend paragraph 1 as follows:

1. Please provide any and all incident reports/field investigation reports prepared by Michael Muniz from November 1 to November 30, 2010.

My apologies for any confusion.

Rosario

M006017

From: RVL [mailto:vegalynnlawfirm@aol.com]  
Sent: Saturday, November 17, 2012 4:28 PM  
To: 'chavezr@cabq.gov'  
Subject: Public Records Request

Dear Mr. Chavez:

Please accept this request as provided by the Inspection of Public Records Act, NMSA 1978, Section 14-2-1 et seq. Please provide the following public records:

1. Any and all incident reports/field investigation reports prepared by Michael Muniz from January 1, 2010 to the present;
2. Any and all electronic communications to include but not limited to emails and text communications by cellular phone sent by any member of the Albuquerque Police Department to anyone concerning Mary Han in any manner from January 1, 2010 to the present;
3. Any and all correspondence (to include inter-office memoranda) concerning Ms. Han in the possession and/or control of the Albuquerque Police Department;
4. Provide any and all photographs in the possession or control of the City of Albuquerque concerning Mary Han in any manner to include a full and complete electronic copy of all of the photographs taken by Michael Muniz on November 18, 2010 concerning Ms. Han and/or her home located at 3022 Colonnade NW currently in the possession and control of the Albuquerque Police Department;
5. Provide any and all internal complaints against any Albuquerque Police Department personnel initiated by/conducted by/or reviewed by Deputy Chief Paul Feist, Deputy Chief Allen Banks, Deputy Chief Beth Paiz, Deputy Chief Steve Warfield and/or Chief Raymond Schultz from January 1, 2010 to the present.

I ask that you provide this information in electronic format. Thank you for your attention.

Rosario D Vega Lynn  
Attorney  
Vega Lynn Law Offices, LLC  
1019 2nd Street NW  
Albuquerque, NM 87102  
(505) 227-5091  
(505) 299-0518 FAX

Confidentiality Note:

M006018

This is e-mail, and any attachment to it, contains privileged and confidential law firm information intended only for the use of the individuals(s) or entity named on the e-mail. If you receive this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments. Thank you.

**From:** R Lynn  
**To:** "Steve French"  
**Cc:** "Philomena Hausler"; "TJWilham@cabq.gov"  
**Subject:** Han v. CABO  
**Date:** Tuesday, August 25, 2015 2:16:00 PM

---

Hi Steve and Philomena:

I was just informed that APD has an independent database that Reynaldo Chavez was responsible for as IPRA custodian. My understanding is that this database includes information about Ms. Han's death and that Mr. Chavez's employment was terminated yesterday. I am writing to ask if you would be willing to agree to a stipulated Order whereby the APD agrees it will ensure that the database will not be altered or destroyed? I realize that Judge Nash's order probably includes this database since her order of November 23, 2011 stated as follows:

1. The City of Albuquerque and APD shall preserve all records, reports, documents, photographs, and any other record or evidence in their possession, custody, or control relating to an emergency call concerning Mary Y.C. Han on November 18, 2010, and any subsequent response or investigation. The City of Albuquerque and APD shall not destroy, alter, amend, redact or issue new supplements to any records and/or documents, electronic or otherwise, to include but not limited to cellular phone records and/or texts and/or photographs relating in any manner to its response to an emergency call regarding Mary Y.C. Han on November 18, 2010 to include any investigation(s) or documents generated.

Given the possibility that this language does not include a standalone database, I wanted to ask you for your position on this matter. Please let me know as soon as possible and I can prepare the joint motion/stipulated order.

Thank you

Rosario D Vega Lynn  
Attorney  
Vega Lynn Law Offices, LLC  
PO Box 65513  
Albuquerque, NM 87193  
(505) 227-5091  
(505) 227-5091 FAX (please wait for voice mail to pick up)

**Confidentiality Note:**

This is e-mail, and any attachment to it, contains privileged and confidential law firm information intended only for the use of the individuals(s) or entity named on the e-mail. If you receive this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments. Thank you.



M006020

**From:** [Mail Delivery System](#)  
**To:** [vegalynnlawfirm@aol.com](mailto:vegalynnlawfirm@aol.com)  
**Subject:** Successful Mail Delivery Report  
**Date:** Tuesday, August 25, 2015 2:16:24 PM  
**Attachments:** [details.txt](#)  
[Message Headers.txt](#)

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Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

Please direct further questions regarding this message to your e-mail administrator.

--AOL Postmaster

<TJWilham@cabq.gov>: delivery via

mxh-001b4001.gslb.pphosted.com[148.163.156.18]:25: 250 2.0.0 1weq8wu8bc-1  
Message accepted for delivery

<phausler@hauslerlegal.com>: delivery via aspmx.l.google.com[74.125.28.27]:25:

250 2.0.0 OK 1440533777 bx12si23272444pdb.198 - gsmtip

<sfrench@frenchlawpc.com>: delivery via ASPMX.L.GOOGLE.com[74.125.28.27]:25:

250 2.0.0 OK 1440533783 fn7si34726855pdb.166 -  
gsmtip

**From:** [Skotchdopole, Paul A.](#)  
**To:** [POB](#); [Mark T. Baker](#); [McDermott, Diane L.](#); [Davidson, Christopher](#); [O'Neil, Erin](#)  
**Subject:** FW: IA Policy  
**Date:** Friday, October 16, 2015 9:08:59 AM  
**Attachments:** [2-05 - NEWHIGHLIGHTS.doc](#)

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**From:** Sandoval, Mark  
**Sent:** Friday, October 16, 2015 9:06 AM  
**To:** Skotchdopole, Paul A.  
**Subject:** RE: IA Policy

This is the file we are currently reviewing. I am waiting for a definition on Apparent Criminal Misconduct and then plan to send the SOP out again prior to Wednesday's meeting. If you have questions, please let me know. Thank you.

Mark Sandoval

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**From:** Skotchdopole, Paul A.  
**Sent:** Friday, October 16, 2015 8:49 AM  
**To:** Sandoval, Mark  
**Subject:** IA Policy

Hi Mark,

POB member Brown is asking for a copy of the IA policy that we are currently working on as it is right now. Can you forward me a copy? Thanks in advance.

Paul



ALBUQUERQUE POLICE DEPARTMENT  
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Effective: xx/xx/xx Expires: xx/xx/xx Replaces: 06/10/08

## 15 Day Department Commentary

Please utilize the PowerDMS comment feature to consider these proposed policy revisions for the appropriated time period beginning

**10/06/2015**

and ending on

**10/20/2015**

Any disagreement should be voiced via a 'comment' rather than using the vote tool. Remarks will be taken into consideration to further develop the Department's Standard Operating Procedures Manual.

Your contribution is appreciated.

You will notice **GREEN**, **RED**, and **YELLOW** highlighted text.

The **RED** highlights indicate parts of the SOP that are proposed to be removed.

The **GREEN** highlights indicate proposed additions to the SOP.

The **YELLOW** highlights indicate parts of the SOP that are proposed to be moved to a different location.

*\*August 2014 – The SOP Review Committee gathered and began the policy manual overhaul. The intent of the on-going group is to clean up the SOP by proposing to remove all redundancies and outdated information, and to include current policy, procedure, and terminology.*

M006023



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SOP 2-05

Effective: xx/xx/xx Expires: xx/xx/xx Replaces: 06/10/08

## 2-05 INTERNAL AFFAIRS DIVISION [DOJ 62g]

### 2-05-1 Policy

The policy of the Internal Affairs Division is to provide the citizens of Albuquerque effective, constitutional policing through fair, thorough, and comprehensive administrative and criminal investigations of police misconduct, serious uses of force, and Department policies, practices, procedures, and training. The policy of the Internal Affairs Division is to provide the citizens of Albuquerque effective, constitutional policing through fair, thorough, and comprehensive administrative investigations of police misconduct, serious uses of force, and department policies, practices, procedures, and training.

### 2-05-2 Description

The Internal Affairs Division is separated into three distinct sections: the Force Investigation Team (FIT), the Critical Incident Review Team (CIRT), and the Internal Affairs Section (IAS). FIT is responsible for criminal investigations into all serious uses of force. CIRT is responsible for administrative review of all serious uses of force and critical incidents as they pertain to tactics, training, policy, supervision, performance, etc. IAS is responsible for all internal cases, administrative review of serious uses of force as they pertain to SOP compliance, the Early Intervention System, and maintenance of employee discipline files, and all administrative investigation employee records. [DOJ 63]

The Internal Affairs Division is separated into the following two distinct sections:

- A. The Critical Incident Review Team (CIRT). CIRT is responsible for administrative review of all serious uses of force and critical incidents as they pertain to tactics, training, policy, supervision, performance, etc.
- B. The Internal Affairs Section (IAS) is responsible for all internal cases, administrative review of serious uses of force as they pertain to SOP compliance, the Early Intervention System, maintenance of employee discipline files, and all administrative investigation employee records. [DOJ 63]

### 2-05-3 Goal

Complete thorough and comprehensive investigations into allegations of employee misconduct in order to maintain the integrity of the Department.

### 2-05-4 Objective

Maintain accurate and thorough records of the employee discipline process and Early Intervention System in order to provide the Department with statistical analysis of trends and activities to better the decision making process.

### 2-05-3 Definitions [DOJ 62a]

#### A. Critical Incident



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An extraordinary event which places lives and/or property in danger which requires the commitment and coordination of numerous resources to bring about a successful resolution.

B. Hospitalization

Admittance to a hospital or medical facility for treatment of a serious physical injury that resulted from an officer's use of force.

C. Multi-Agency Task Force

The investigative body comprised of, at a minimum, the New Mexico Department of Public Safety, the New Mexico State Police, the Bernalillo County Sheriff's Office, and the Albuquerque Police Department that is charged with conducting criminal investigations of critical incidents involving officer actions, such as officer-involved shootings. The Multi-Agency Task Force is governed by an inter-governmental agreement among participating jurisdictions and is responsible for consulting, as appropriate, with prosecuting authorities in New Mexico, including the Bernalillo County District Attorney's Office, the State Attorney General's Office, and the U. S. Attorney's Office.

A. Accidental Discharge

An accidental discharge is the unintended discharge, on-duty or not, of any firearm by APD personnel outside of a training environment or legal recreational activity.

B. Animal Shoot

An animal shoot is the intentional discharge of a firearm at any animal by APD personnel.

C. Anonymous Complaints

Anonymous complaints are complaints or allegations originating from persons who wish not to be identified or otherwise involved in the investigation of the incident they are reporting.

D. Apparent Criminal Misconduct

Put definition here

E. CIRP

CIRP is the acronym for the Critical Incident Review Process.

F. CIRT

CIRT is the acronym for the Critical Incident Review Team.

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G. CPC

CPC is the acronym for Citizen Police Complaint.

H. CPOA

CPOA is the acronym for the Civilian Police Oversight Agency.

I. Collateral Allegations

Collateral allegations are issues of concern that arise during an investigation and were not initially identified upon review of the incident.

J. Critical Incident

A critical incident is an extraordinary event which places lives and/or property in danger and requires the commitment and coordination of numerous resources to bring about a successful resolution.

K. CSS

CSS is the acronym for Crime Scene Specialist.

L. ECW

ECW is the acronym for Electronic Control Weapon.

M. EIS

EIS is the acronym for Early Intervention System

N. FI

FI is the acronym for Field Investigator.

O. FIT

FIT is the acronym for Force Investigation Team.

P. FRB

FRB is the acronym for Force Review Board.

Q. Hospitalization

Hospitalization is the admittance to a hospital or medical facility for treatment of a serious physical injury that resulted from an officer's use of force.

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R. IAS

IAS is the acronym for Internal Affairs Section.

S. In Custody Death

A death of a person while in the physical custody of an officer, or during the act of physically resisting an officer. The mere presence of an officer does not constitute physical custody.

T. IPRA

IPRA is the acronym for Inspection of Public Records Act.

U. MCST

MCST is the acronym for Major Crime Scene Team.

V. Multi-Agency Task Force

The Multi-Agency Task Force is the investigative body comprised of, at a minimum, Rio Rancho Police Department, the New Mexico State Police, the Bernalillo County Sheriff's Office, and the Albuquerque Police Department. The Multi-Agency Task Force is charged with conducting criminal investigations of critical incidents involving officer actions, such as officer-involved shootings.

W. OIS

OIS is the acronym for Officer Involved Shooting.

X. OMI

OMI is the acronym for Office of the Medical Investigator.

Y. Serious Use of Force

The following are considered serious uses of force:

1. All uses of lethal force by an APD officer.
2. All critical firearm discharges by an APD officer.
3. All uses of force by an APD officer resulting in serious physical injury or requiring hospitalization.
4. All head, neck, and throat strikes with an object or neck holds.
5. All uses of force by an APD officer resulting in a loss of consciousness.



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6. All canine bites by an APD service dog.
7. Three or more applications of an ECW on an individual during a single interaction, regardless of whether the applications are by the same or different APD officers; or applications longer than 15 seconds, whether continuous or consecutive.
8. Any strike, blow, kick, ECW application, or similar use of force against a handcuffed subject by an APD officer.
9. More than three strikes with a baton by an APD officer.

## Z. SME

SME is the acronym for Subject Matter Expert. An SME is a person who is an authority in a particular area or topic.

## AA. Third-Party Allegations

Third-party allegations are allegations originating from parties not involved in the incident under review.

## BB. TRB

TRB is the acronym for Tactical Review Board.

## CC. Walkthrough

A walkthrough is when investigators enter a scene to help understand timelines, locations of events, and location of evidence. The walkthrough is usually with a witness to the incident.

## 2-05-6 Rules and Responsibilities

### A. Internal Affairs Section

1. Monitoring, auditing, documenting, and providing statistical analysis of all allegations of misconduct against an employee of the department.
2. Maintenance and security of all records as they pertain to employee discipline, commendations, EIS, administrative cases, and use of force.
3. The investigation of all internal cases, unless assigned to the chain of command and for documenting and forwarding all citizen complaints to the Civilian Police Oversight Agency (CPOA).
4. Make and maintain 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.

IDOJ 165



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5. Managing EIS thresholds and timely notifications or alerts.

6. Maintenance of JAPro Software and access rights

7. Investigative Responsibilities

a. All internal administrative investigations as they pertain to compliance with the SOP. Less complex internal cases may be referred to the involved officer's chain of command for investigation as determined by the IAS lieutenant. Conflicts over investigatory responsibility will be decided by the Chief of Police.

b. All administrative investigations involving allegations of criminal misconduct.

c. All GIRT and FIT investigations will be reviewed by IAS for compliance with SOP.

B. Training

1. Investigators will receive training in the following: [DOJ 61]

a. Cultural Awareness/Diversity

b. Factors to evaluate credibility incorporating credibility instructions provided to jurors [DOJ 89]

c. Biased Based Policing/Profiling

d. CPOA

e. Citizen Complaints

f. Early Intervention System

g. JAPro and Blue Team software

h. Misconduct Investigations [DOJ 199]

i. APD policies and protocols

ii. Compelled statements

iii. Conducting parallel administrative and criminal investigations

iv. At least 8 hours minimum, annual, update training in misconduct investigations

2. Investigators will be trained in the following, at minimum, before conducting force investigations: [DOJ 61, 64]

a. Force investigation procedures

b. Call-out and investigative protocols

c. Proper roles of on-scene counterparts

i. Office of the Medical Examiner Investigator

ii. Major Crime Scene Team (MCST), Field Investigator (FI), Crime Scene Specialist (CSS)

iii. District Attorney's staff

iv. The Multi-Agency Task Force

v. City Attorney Staff

vi. CPOA

vii. Investigative equipment and techniques

viii. Force Investigation annual in-service training



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C. Personnel

1. IAS Staff [DOJ 63, 198]

- a. 1 Commander
- b. 1 Lieutenant
- c. 3 Sergeant Investigators
- d. 1 Sworn Investigator/Detective
- e. 1 Social Media Compliance Officer
- f. 1 Administrative Coordinator
- g. 2 Administrative Assistants

2. Commander

- a. Overall responsibility for the efficacy of the division and work product.
- b. In consultation with the Chief shall determine whether a civilian or internal complaint will be investigated criminally. [DOJ 180]
- c. Maintain separation between administrative and criminal investigations. [DOJ 62d, 186]
- d. Immediately notify the Chief when an investigation reveals criminal misconduct by APD personnel. [DOJ 138]
- e. Approve/Disapprove administrative investigations beyond the 2 month time limit through consultation with the Chief. [DOJ 71]
- f. Review all division reports to ensure that they are complete and that, for administrative investigations, the findings are supported using the preponderance of the evidence standard. [DOJ 63, 72]
- g. Order additional investigation when it appears that there is relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings. [DOJ 63, 72]
- h. For administrative investigations, where the findings are not supported by a preponderance of evidence, document the reasons for this determination and shall include this documentation as an addendum to the original investigation report. [DOJ 63, 73]
- i. When reviewing administrative cases, take appropriate action to address any inadequately supported determination and any investigative deficiencies that led to it. [DOJ 63, 73]
- j. Responsible for the accuracy and completeness of investigation reports prepared by the Internal Affairs Division. [DOJ 63, 73]
- k. After determining that a Use of Force Investigation is complete and the findings are supported by the evidence, forward the investigation file to the Force Review Board with copy to the Chief of Police. [DOJ 75]

3. CIRT/IAS Lieutenant

- a. Overall responsibility for the efficacy of CIRT/IAS and work product.

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- b. Notify the commander immediately of complaints of criminal misconduct by an agency employee, or serious injury or death of a police officer or citizen as a result of police actions.
- c. Plan and coordinate the daily activities and investigations.
- d. Inform the Chief and CPOA of the progress of major investigations.
- e. Assist in investigations when necessary.
- f. Assign cases for investigation.
- g. Ensure cases are properly and objectively investigated. [DOJ 63, 74]
- h. Review all completed cases and ensure cases are: [DOJ 63]
  - i. Grammatically correct.
  - ii. Findings are based on a preponderance of the evidence.
- i. Ensure mandated reports are completed and distributed on time.
- j. Drug Testing Coordinator.
- k. Prepare on-call roster and distribute it to Communications and staff.
- l. Maintain training requirements for CIRT/IAS personnel.
- m. Maintain separation between administrative and criminal investigations. [DOJ 62d, 186]
- n. On call as needed.
- o. Prepare annual personnel performance evaluations and take corrective/disciplinary actions when an employee repeatedly conducts deficient force investigations. [DOJ 74]
- p. Additional duties as assigned by the commander.

4. IAS Investigator

- a. Complete case assignments within time limits.
- b. Ensure completed cases are thorough and comprehensive.
- c. Be on call in rotation with other IAS investigators.
- d. Assist supervisors outside of the unit when they are conducting administrative investigations.
- e. Assist outside agencies when practical.
- f. Maintain confidentiality of all investigations.
- g. Maintain a working knowledge of the current employee contracts, City Merit Ordinance, and Department SOP.
- h. Identify issues of concern and make findings for each based on the preponderance of the evidence standard in cases being investigated.

5. Internal Affairs Coordinator

- a. Overall responsibility for the efficacy of the administrative functions of the section.
- b. Supervisory responsibilities for all Administrative Assistants assigned to the section.
- c. Ensure all outbound correspondence are properly formatted and grammatically correct.
- d. Ensure all records are up to date in IAPro and purged as needed.
- e. Solely responsible for IAPro and Blue Team password distribution and tier level access.

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- g. Maintain logs of all IPRA and legal requests
- h. Maintain logs of all CPC complaints received and internal cases being investigated
- i. Ensure EIS alerts are forwarded to the proper supervisor for the affected employees
- j. Prepare LEA reports
- k. Ensure all files are properly secured
- l. Maintain office supplies
- m. Assist Lieutenant with all reports
- n. Other activities as directed by the Lieutenant
- o. Ensure Citizen Police Complaint Forms are maintained and of sufficient quantity at all required outlets [DOJ 165]

6. Duties of the Administrative Assistant

- a. Assist the IA Coordinator with the administrative functions of the unit as assigned

7. Social Media Compliance Officer

- a. Proactively monitor popular social media to ensure employees are in compliance with APD policy
- b. Conduct social media background checks for all police applicants prior to them going before the Chief's Selection Committee
- c. Audit APD employees' driver's licenses to ensure they are current
- d. Check employees against police databases to ensure none have active warrants
- e. Assist with investigations as needed
- f. All other assignments as directed by the Lieutenant

D. Citizen Complaint Logs

- 1. All citizen complaints will be logged upon receipt by IAS and signed for by the CPOA representative upon collection. The log shall document:
  - a. The date the complaint was received by IAS
  - b. The date the complaint was retrieved by the CPOA
  - c. The initials of the CPOA representative collecting the complaint
  - d. The initials of the IAS employee who forwarded the complaint
  - e. The case number and/or complainant's name

E. Investigation

- 1. All investigations not involving CRT or FIT will be consistent with SOP 3-43
- 2. CRT and FIT investigations will also be investigated by the IAS. The IAS investigation will focus on SOP compliance and the investigator will do the following consistent with SOP 3-43 when applicable: [DOJ 49, 60]
  - a. Obtain an I number and link it to the CRT number in IAPro
  - b. Review all documentation, evidence collected, and interviews by CRT and FIT

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- c. Identify all apparent issues of concern
  - d. Conduct additional interviews of witnesses and involved personnel as necessary
  - e. Collect additional evidence as necessary
- Write a thorough and comprehensive report addressing each issue of concern justifying the findings based on the preponderance of the evidence standard

[DOJ 162]

It is not necessary to duplicate CIRT or FIT investigatory work; however, the IAS investigator will supplement those investigations with his/her investigation to make logical conclusions and findings of fact

i. The format of the IAS report will be written as follows, with variations depending on the complexity/simplicity of the case: [DOJ 62b]

- The entire report will be bound with a protective cover
- The first page shall be the Table of Contents
- Each section will have divider Tabs, the usual order will be:
  - o Table of Contents
  - o Investigative Synopsis
  - o Issues of Concern
  - o Conclusions/Findings (with justification for each)
  - o Supervisor Recommendation Form
  - o Investigation Narrative
  - o Supporting Documentation (individually tabbed)
  - o Photographs/Additional Evidence (individually tabbed)
  - o Digital Recordings of Interviews

• All Use of Force Investigations Reports by IAS will have the following:  
[DOJ 46.71a d.f.]

- A narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the officer's conduct based on the Internal Affairs Bureau's independent review of the facts and circumstances of the incident
- The IAS narrative evaluating the use of force, based on the evidence gathered, including a determination of whether the officer's actions complied with APD policy and state and federal law
- The complete disciplinary history of the target officers involved in the use of force

### 3. Evidence Collection [DOJ 62c]

a. MCST/CSS will be used to collect evidence when there is a criminal investigation  
All items will be tagged into Evidence

b. IAS investigators may take photographs, collect documents, collect other items and store them with the case file and/or upload them to IAPro when there is no criminal investigation  
IAS investigators collecting evidence will document in their report the date, time, location, and circumstances surrounding the collection of any items used in an



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Investigation to court standards for chain of custody and admissibility as evidence

c. Analysis of physical evidence will be made by Criminalistics by submitting form PD-420

4. District Attorney/USAO Consultation [DOJ 62e, 68]

a. Internal investigations will be stopped when there is apparent criminal conduct by an officer or evidence of criminal conduct by an officer is discovered until the following takes place:

i. The investigator will notify the IAS commander who will brief the Chief of Police

ii. The Chief of Police will notify and consult with the District Attorney, USAO, or FBI based on the case and seek direction on how to proceed [DOJ 67]

iii. The investigation will continue as per the direction of the District Attorney or USAO and the appropriate criminal investigatory agency has assumed the criminal investigation

iv. Administrative and criminal investigations will run concurrent after consultation with the appropriate prosecutorial entity unless otherwise directed by the Chief of Police [DOJ 68]

b. 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 and seek the approval of the Chief before taking a compelled statement [DOJ 186]

5. IAS will be called out and respond to the scene of any investigation when:

a. Apparent felony criminal misconduct by an APD employee is evident

b. GIRT or FIT supervisors request IAS

c. At the direction of the IAS lieutenant or higher authority

F. Records Management and Security [DOJ 284]

1. IAS shall be responsible for maintaining a reliable and accurate tracking system on all officers' use of force; all force investigations carried out by supervisors, the Internal Affairs Bureau, or Multi-Agency Task Force; and all force reviews conducted by the Force Review Board. APD shall integrate the use of force tracking system with the Early Intervention System database and shall utilize the tracking system to collect and analyze use of force data to prepare the Use of Force Annual Report and other reports, as necessary. [DOJ 80]

a. This will include all critical firearm discharges and discharges at animals in the EIS and document discharges in the Annual Report. [DOJ 23]

2. All documentation of internal investigations are confidential



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3. IAPro and Blue Team software will be used exclusively for all IAS investigations, EIS data, and CIRT investigations. [DOJ 80]

- a. IAPro will be password protected and stored on secure city servers.
- b. Password access to IAPro will be provided only to supervisors and IAS investigators as needed.
- c. Tier level access will be determined by need and not based on rank.
- d. FIT personnel are strictly prohibited from accessing IAPro or viewing its contents. [DOJ 60]
- e. Supervisors reviewing "hard copies" of investigations are responsible for the security and confidentiality while it is in their possession.

4. All documentation of internal investigations are intended for the exclusive use of the Chief of Police, the City Attorney, CPOA, or their designees.

5. Only the Chief, City Attorney, or a valid court order can allow the release of internal investigations in whole or part outside of the Department.

6. Employees receiving notification of proposed discipline may review the relevant IAS case file (without compelled statements by other officers or correspondence pertaining to communication with the CPOA) by:

- a. Reviewing the file in Internal Affairs after setting an appointment.
- b. Submitting a written request to the IAS lieutenant for a copy.
  - i. Employees are strictly prohibited from making additional copies.
  - ii. Only one copy of the recorded compelled statement will be provided.
  - iii. Case number must be provided in the request.
  - iv. Names of all persons intending to view the file must be in the request.

7. Case files leaving the office by non IAS personnel shall be logged with the following:

- a. Date out
- b. Area command/division
- c. Signature of person picking up the case
- d. IAS employee initials
- e. Case number

8. Case files returning to IAS will be logged by date returned.

a. Case files returned by the CPOA will have the findings of the Executive Director documented by Internal Affairs Bureau for tracking and analysis in IAPro. [DOJ 286]

9. Archive of Internal Affairs Records

- a. IAS and CIRT records will not be purged. All records will be maintained for statistical analysis and trend recognition.
- b. As custodian of records for the EIS system, SOP 3-49 will be adhered to.

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**G. IAS Office Security**

1. Personnel will ensure all sensitive documents they are working on are put away at the end of their work day.
2. The storage room and file room will be locked at the end of every work day.
3. All office doors that allow access from the outside will be locked at the end of business hours.
4. All computers will be password protected and shut down at the end of the workday.
5. Non IAS personnel will not be left unattended inside the office.
6. At least one sworn IAS personnel should be in the office during business hours unless an extreme circumstance mandates otherwise.
7. All inactive files will be kept in a locked file cabinet.

**H. Reports – Statistical Analysis**

1. Quarterly Reports are designed to provide statistics for IAS investigations

a. Contents of report

- i. Statistical data analyzing the number of IAS investigations
- ii. Disposition and status for IAS investigations
- iii. Synopsis of Use of Force/Firearm Discharge investigations
- iv. Summary letter

b. Distribution of report

- i. Citizens of Albuquerque
- ii. City Council
- iii. City CAO
- iv. CPOA
- v. Chief of Police
- vi. City Legal

2. Annual Reports

a. Contain the same information as the Quarterly Reports; however, they reflect the entire year. Distributions is as follows:

- i. City Clerk's Office
- ii. IAS
- iii. CPOA
- iv. APD website

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3. Annual Use of Force Report [DOJ 79a-m]

- a. Number of calls for service
- b. Number of officer-initiated actions
- c. Number of aggregate uses of force
- d. Number of arrests
- e. Number of custodial arrests that involved use of force
- f. Number of SWAT deployments by type of call out
- g. Number of incidents involving officers shooting at or from moving vehicles
- h. Number of individuals armed with weapons
- i. Number of individuals unarmed
- j. Number of individuals injured during arrest, including APD and other law enforcement personnel
- k. Number of individuals requiring hospitalization, including APD and other law enforcement personnel
- l. Demographic category
- m. Geographic data, including street, location, or Area Command

4. Annual Retaliation Report/Review [DOJ 496]

- a. The Internal Affairs Bureau and 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.
- b. Following such review, APD shall modify its policy and practice, as necessary, to protect individuals, including other APD personnel, from retaliation for reporting misconduct.

5. Grievance Analysis

- a. Annual analysis prepared by IAS of all grievances filed by employees and is given to the Chief of Police.

6. ECW Specific Records

- a. The number of ECW in operation and assigned to officers
- b. ECW uses will be included as uses of force for EIS purposes and in the Annual Report
- c. APD shall track all ECW laser painting and arcing and their effects on compliance rates as part of its data collection and analysis.
- d. Analysis shall include the following:
  - i. Determination of whether ECWs result in an increase in the use of force
  - ii. Whether officer and subject injuries are affected by the rate of ECW use
  - iii. Probe deployments shall not be considered injuries except when officers intentionally target a person's head, neck, or genitalia. [DOJ 38]

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**THE INTERNAL AFFAIRS SECTION (IAS)**

**2-05-4 IAS has the following goals and objectives:**

- A. IAS will strive to complete thorough and comprehensive investigations into allegations of employee misconduct in order to maintain the integrity of the department.
- B. IAS will strive to maintain accurate and thorough records of the employee discipline process and EIS in order to provide the department with statistical analysis of trends and activities to better the decision making process.

**2-05-5 IAS has the following duties and responsibilities:**

- A. IAS will monitor, audit, document, and provide statistical analysis of all allegations of misconduct against an employee or the department.
- B. IAS will maintain and secure all records as they pertain to employee discipline, commendations, EIS, administrative cases, and use of force.
- C. IAS will investigate all internal cases, unless assigned to the chain of command.
- D. IAS will document and forward all citizen complaints received to the CPOA.
- E. IAS will ensure complaint forms and informational materials, including brochures and posters, are available at appropriate government properties, including APD headquarters, area stations, APD and City websites, City Hall, public libraries, community centers, and the CPOA. (DOJ §165)
- F. IAS will manage EIS thresholds and provide timely notifications of alerts in accordance with the EIS SOP.
- G. IAS will maintain IPro access rights.
- H. IAS will track all internal administrative investigations.
- I. IAS will conduct all administrative investigations involving allegations of criminal misconduct by APD personnel.
- J. IAS will review all CIRT investigations referred to IAS for compliance with department policy, procedures, and rules.

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**2-05-6 IAS sworn personnel will be trained as follows:**

A. Investigators will receive training on the following topics prior to conducting internal investigations: (DOJ 61)

1. Cultural awareness/diversity

2. Factors to evaluate credibility incorporating credibility instructions provided to jurors. (DOJ 69)

3. Biased based policing/profiling

4. CPOA

5. Citizen complaints

6. EIS

7. IAPro software

8. Union representative's rights and responsibilities

9. Current sworn and civilian collective bargaining agreements

10. Misconduct Investigations to include the following sub-topics: (DOJ 1199)

a. APD policies and protocols

b. Compelled statements

c. Conducting parallel administrative and criminal investigations

d. At least 8-hours minimum, annual, update training in misconduct investigations

B. Investigators will be trained in the following topics, at minimum, prior to conducting force investigations: (DOJ 61, 64)

1. Force investigation procedures

2. Call-out and investigative procedures

3. Investigative equipment and techniques

4. Force investigation annual in-service training

5. Proper roles of on-scene counterparts, specifically the following:

a. OMI investigator

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- b. MCST, FI, CSS
- c. District Attorney's staff
- d. The Multi-Agency Task Force
- e. City Attorney staff
- f. CPOA

**2-05-7 IAS personnel staffing and responsibilities are as follows:**

**A. IAS Staffing levels are as follows: (DOJ 65, 198)**

1. 1 Commander
2. 1 Lieutenant
3. 1 Sergeant
4. 5 Detectives
5. 1 Social Media Compliance Officer
6. 1 Administrative Coordinator
7. 1 Administrative Assistant
8. 1 Use Of Force Analyst

**B. IAD Commander responsibilities are as follows:**

1. Ensure the efficacy of the division and work product.
2. In consultation with the chief, determine whether a civilian or internal complaint will be investigated criminally. (DOJ 180)
3. Maintain criminal and administrative case separation by ensuring criminal investigators do not have access to IAS and CIRT files and ensure administrative investigators do not share information with criminal investigators. (DOJ 62a, 186)
4. Immediately notify the chief when an investigation reveals apparent criminal misconduct by APD personnel. (DOJ 188)
5. Approve or disapprove administrative use of force investigations extending beyond the 2-month time limit through consultation with the chief. (DOJ 71)
6. Review all division reports to ensure they are complete.
7. Order additional investigation when it appears there is relevant evidence that may assist in resolving inconsistencies, improve the reliability and/or credibility of the findings, or where there is evidence of a collateral allegation falling under the purview of APD IAD. (DOJ 63, 72)
8. Take appropriate action to address any inadequately supported determination and remediate any investigative deficiencies by assigning the case for additional

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investigation or any other reasonable action when reviewing IAS and CIRT completed cases. (DOJ 63-74)

9. Be responsible for the accuracy and completeness of investigation reports prepared by IAS and CIRT. (DOJ 63-74)

C. CIRT/IAS Lieutenant responsibilities are as follows:

1. Ensure the efficacy of CIRT/IAS and their work product.
2. Notify the commander immediately of complaints of apparent criminal misconduct by an agency employee when serious injury or death of a police officer or citizen occurs as a result of police actions.
3. Plan and coordinate daily activities and investigations with subordinates.
4. Keep the chain of command informed on the progress of major investigations.
5. Assist in investigations when necessary.
6. Assign cases for investigation.
7. Ensure cases are properly and objectively investigated. (DOJ 63-74)
8. Ensure mandated reports are completed and distributed on time.
9. Act as the drug testing coordinator for the department.
10. Ensure conformance with training requirements for CIRT/IAS personnel.
11. Maintain separation between administrative and criminal investigations. (DOJ 62d 186)
12. Serve on call as needed.
13. Prepare annual personnel performance evaluations and take corrective or disciplinary actions when an employee repeatedly conducts deficient investigations. (DOJ 74)
14. Determine which cases will be referred to the chain of command for investigation.  
NOTE: The Chief of Police will determine investigatory responsibility when a conflict occurs.

D. IAS Sergeant responsibilities are as follows:

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1. Assist in investigations when necessary.
2. Review all completed cases and ensure cases are thorough, accurate, and grammatically correct.
3. Prepare the on-call roster and distribute it to Communications and IAD staff.
4. Serve on-call as needed.
5. Prepare annual personnel performance evaluations and take corrective or disciplinary actions when an employee repeatedly conducts deficient investigations.
6. Assist supervisors outside of the unit when they are conducting administrative investigations.
7. Maintain a working knowledge of the current employee contracts, City Merit Ordinance, and department SOP.

E. IAS Investigator responsibilities are as follows:

1. Complete case assignments within time limits.
2. Ensure completed cases are thorough and comprehensive.
3. Be on call in rotation with other IAS investigators.
4. Assist supervisors outside of the unit when they are conducting administrative investigations.
5. Assist outside agencies when practical and with supervisor approval.
6. Maintain confidentiality of all investigations.
7. Maintain a working knowledge of the current employee contracts, City Merit Ordinance, and department SOP.

F. Internal Affairs Coordinator responsibilities are as follows:

1. Overall responsibility for the efficacy of the administrative functions of the section.
2. Supervisory responsibilities for all administrative assistants assigned to the section.
3. Ensure all outbound correspondences are properly formatted and grammatically correct.
4. Ensure all records and information is up to date in IAPro.



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5. Be responsible for IPro password distribution and tier level access.
6. Maintain logs of all IPRA and legal requests.
7. Maintain logs of all CPC complaints received and forwarded to the CPOA.
8. Ensure EIS alerts are forwarded to the proper supervisor for the affected employee.
9. Prepare N.M. Law Enforcement Academy reports.
10. Ensure all files are properly secured.
11. Maintain office supplies in sufficient quantity to facilitate the proper function of the office.
12. Assist the lieutenant with all reports as needed.
13. Ensure CPC forms are maintained and of sufficient quantity at all required outlets.

**G. Administrative Assistant responsibilities are as follows:**

1. Assist the IA Coordinator with the administrative functions of the unit as directed.

**H. Social Media Compliance Officer responsibilities are as follows:**

1. Proactively monitor popular social media to ensure employees are in compliance with APD policy.
2. Conduct social media background checks for all police applicants prior to Chief's Selection Committee or at the direction of the recruiting sergeant.
3. Audit APD employees' driver's licenses to ensure they are current.
4. Check employees against police databases to ensure none have active warrants.
5. Assist with investigations as needed.

**2-05-8 IAS will handle citizen complaints of police misconduct by doing the following:**

- A. All citizen complaints will be forwarded to the CPOA for investigation as per City Ordinance 9-4-1-4(C) (3).

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B. All citizen complaints will be logged upon receipt by IAS and signed for by the CPOA representative upon collection. The log will document the following:

1. The date the complaint was received by IAS.
2. The date the complaint was retrieved by the CPOA.
3. The initials of the CPOA representative collecting the complaint.
4. The initials of the IAS employee who forwarded the complaint.
5. The case number and/or complainant's name.

**2-05-9 IAS Investigation procedures are as follows:**

A. All investigations not involving CIRT will be consistent with Complaints Involving Department Policy or Personnel SOP.

B. CIRT investigations will also be investigated by IAS if potential misconduct is identified. IAS investigations will focus on SOP compliance and the IAS investigator will do the following in accordance with Complaints Involving Department Policy or Personnel SOP when applicable: (DOJ 49, 60)

1. Obtain an administrative case number and link it to the CIRT number in IAPro.
2. Review all documentation, evidence collected, and interviews by CIRT or FIT.
3. Identify all apparent issues of concern.
4. Conduct additional interviews of witnesses and involved personnel.
5. Collect additional evidence.
6. Write a thorough and comprehensive report addressing each issue of concern that was identified as potentially being violated. (DOJ 162)

C. IAS call out procedures are as follows:

1. IAS will be called out and will respond to the scene of any investigation of an APD employee when:
  - a. Apparent felony criminal misconduct is evident.
  - b. Requested by the CIRT supervisor or as approved by IAS Lieutenant.
  - c. Accidental discharge of a firearm.
  - d. In-custody deaths.
  - e. Animal Shoots.
  - f. Traffic accidents resulting in a citizen death.



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D. Evidence Collection (DOJ 62)

1. IAS investigators may take photographs, collect documents, collect other items and store them with the case file and/or upload them to IAPro when there is no criminal investigation.
2. IAS investigators collecting evidence will document in their report the date, time, location, and circumstances surrounding the collection of any items used in an investigation to court standards for chain of custody and admissibility as evidence.
3. Analysis of physical evidence will be made by Criminalistics by submitting form PD-4201.

E. The IAS report will be written as follows, with variations depending on the complexity/simplicity of the case: (DOJ 62)

1. The entire report will be bound with a Smead no. R129 hard cover or similar.
2. Each section will have divider tabs containing letters in sequential order; however, not necessarily starting with "A." The usual order will be, depending on case complexity and/or content:
  - a. A table of contents that identifies each tab's contents to facilitate the ease of locating information and data.
  - b. An investigative synopsis containing the minimum of one paragraph sufficient enough to provide the reader with an understanding of the issues of concern and investigation.
  - c. The issues of concern which are the applicable SOP sections addressing the allegations and/or conduct.
  - d. The Supervisor Recommendation Form for supervisory comments and recommendations.
  - e. The investigation narrative will contain a detailed description of the evidence and why it is pertinent to the case. Interviews will be paraphrased in sufficient depth to provide a competent reader with all the known facts of the case and points of view of those interviewed. The narrative should enable the reader to make reasonable determinations and supported conclusions.
  - f. Supporting documentation shall be individually tabbed records, reports, memorandums, etc. that are pertinent to the case. This will include CIRT, FIT, and/or other police reports applicable to the investigation. Additionally, any documentation referenced in the narrative will be included when possible.
  - g. Pertinent photographs that accurately represent their content will be included; however, the location of all photographs will be included should the need to review them arise.
  - h. Digital recordings of interviews will be included to allow the reviewer to ascertain exact language, tone, and content of the interviews.



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- i. Any and all other items pertinent to the investigation will be included when possible, or at the minimum, their location should be documented for retrieval and/or review when applicable.
- j. The complete disciplinary history of subject personnel involved in the investigation. (DOJ 71f)

F. District Attorney/United States Attorney's Office (USAO) consultation procedures are as follows: (DOJ 62e, 65)

1. Internal investigations will be stopped when evidence of felony or misdemeanor criminal conduct by an officer is discovered. Minor traffic offenses are excluded.
2. The investigator will notify the IAD commander through the chain of command who will brief the chief.
3. The chief will notify and consult with the District Attorney, USAO, or appropriate agency based on the case and seek direction on how to proceed. (DOJ 67)
4. Administrative and criminal investigations will run concurrent after consultation with the appropriate prosecutorial entity, unless otherwise directed by the chief. (DOJ 68)
5. 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 and seek the approval of the chief before taking a compelled statement. (DOJ 69)

G. Accidental discharge of a firearm procedures are as follows:

1. Any weapon involved in an accidental discharge must be inspected prior to being returned to service by a department armorer.
2. The IA investigator will either coordinate a replacement for the employee or make arrangements for the firearm to be immediately inspected at the APD Range by a armorer.
3. If the accidental discharge involved a shotgun, a low lethality shotgun, or rifle, the firearm inspection shall be conducted during normal business hours and the firearm returned to the officer or their supervisor.
4. In all incidents involving an accidental discharge of a firearm, the IA investigator will obtain a memo from the APD Range Master documenting the results of the firearm examination.
5. The IA investigator shall be responsible for ensuring the memo is linked to IAPro in the appropriate case file.



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6. Accidental discharges of a weapon, resulting in no persons injured during a police operation, will not be vetted by the FRB or TRB.
7. This investigation will follow the normal process and be submitted to IAS.
8. If the officer's division commander recommends the involved officer receive additional training, the commander will work in conjunction with the Advanced Training Unit to schedule this training.
9. If the officer's division commander determines no policy violation occurred and no training is needed, the division commander will document all factors leading to the decision in a memo and add it to the case file.

H. Animal shoot investigative procedures are as follows:

1. The IA investigator will contact the on-scene supervisor to obtain a briefing and if necessary, complete a walkthrough of the scene.
2. IAS will contact and interview any cooperative witnesses to include the animal owner.
3. No inspection of the firearm is necessary by the APD armorer; however, an administrative processing will be completed and photographs taken by a Field Investigator/ Crime Scene Specialist. IAS personnel may attend the processing and may also request additional photographs be taken, as necessary.
4. The IA lieutenant will draft a memo, to be approved by the IAD Commander, to the FRB. The memo will include a summary of the incident.
5. The IA investigator will be responsible for routing the administrative report via IPro to the involved officer's division commander.
6. If it is deemed the FRB should be convened, FRB SOP will apply.

I. IAS will complete the firearm discharge report when shots are fired at a human being, an animal in self-defense, or to humanely euthanize an animal.

2-05-10 IAS records management and security procedures are as follows: (DOJ 284)

A. IAS is responsible for maintaining a reliable and accurate tracking system on all officers' use of force, all administrative force investigations, IAD investigations, and all force reviews conducted by the FRB. All critical firearm discharges and discharges at animals will be included. EIS data will be integrated and tracked on the same system. (DOJ 284)

B. IPro will be used exclusively for all IAS investigations, EIS data, and CIRT investigations. NOTE: IPro is a relational database containing all IAS, EIS, CIRT,



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and employee disciplinary data. IAPro links all data and provides EIS alerts. Refer to EIS SOP 3-49 for EIS information. Rules for IAPro are as follows:

1. IAPro will be password protected and stored on secure city servers.
2. Password access to IAPro will be provided only to supervisors and IAS investigators as needed.
3. Tier level access will be determined by need and not based on rank, upon approval by IAD Commander.
4. FIT personnel are strictly prohibited from accessing IAPro or viewing its contents.

C. All documentation of internal investigations is intended for the exclusive use of the Chief of Police, the City Attorney, CPOA, or their designees. Therefore, it shall be kept strictly confidential.

D. Only the Chief of Police, City Attorney, or a valid court order can allow the release of internal investigations in whole or part outside of the department.

E. Employees receiving notification of proposed discipline may review the relevant IAS case file excluding compelled statements by other officers or correspondence pertaining to communication with the CPOA by doing the following:

1. Set an appointment with IAS administrative staff to review the case in the IAS office.
2. Submit a written request to the IAS lieutenant for a copy.
  - a. Employees are strictly prohibited from making additional copies.
  - b. Only one copy of the recorded compelled statement will be provided.
  - c. The case number must be provided in the request.
  - d. The names of all persons intending to view the file must be in the request.

F. Supervisors reviewing paper copies of investigations are responsible for the security and confidentiality of the case while it is in their possession.

G. Case files leaving the office by non IAS personnel shall be logged with the following:

1. The date the case left the office.
2. The area command/division head who is reviewing the case.
3. The signature of person picking up the case.
4. The IAS employee initials who released the case.

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5. The case number will be on the log.

H. Case files returning to IAS will be logged by date returned.

1. Case files returned by the CPOA will have the findings of the Executive Director documented by IAS administrative staff for tracking and analysis in IAPro. BO

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**2-05-11 IAS and CIRT archive and records retention procedures are as follows:**

A. IAS and CIRT records will not be purged. All records will be maintained for statistical analysis and trend recognition.

B. IAS is the custodian of EIS records; therefore, SOP 3-49-3 will be adhered to for EIS records.

**2-05-12 IAS office security procedures are as follows:**

A. Personnel will ensure all sensitive documents they are working on are secured at the end of their work day by either shutting down their password protected computers or returning documents to their secured cabinets.

B. The storage room and file room will be locked at the end of every work day.

C. All office doors that allow outside access will be locked at the end of business hours.

D. All computers will be password protected and shut down at the end of the workday.

E. Non IAS personnel will not be left unattended inside the office. They will be escorted by IAS staff at all times while in the IAS office.

F. At least one sworn IAS member will be in the office during business hours unless an extreme circumstance mandates otherwise by the IAS lieutenant or commander.

G. All inactive files will be kept in a locked file cabinet.

**2-05-13 IAS reports and statistical analysis are as follows:**

A. Quarterly Reports are designed to provide statistics related to IAS investigations.

1. Contents of the Quarterly Report are as follows:

a. Statistical data analyzing the number of IAS investigations.

b. Disposition and status for IAS investigations.

c. Synopsis of use of force investigations.



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- d. Critical firearm discharge investigations including animal shoots.
- e. Summary letter.

2. Distribution of Quarterly Reports are as follows:

- a. Citizens of Albuquerque via <https://www.cabq.gov/police/internal-reports>.
- b. City Council.
- c. City Chief Administrative Officer.
- d. CPOA.
- e. Chief of Police.
- f. City Legal.

B. Annual Reports

1. Annual Reports contain the same information as the Quarterly Reports; however, they reflect the entire year. Distributions is as follows:

- a. Citizens of Albuquerque via <https://www.cabq.gov/police/internal-reports>.
- b. City Clerk's Office.
- c. IAS File.
- d. CPOA Executive Director.

C. The Annual Use of Force Report includes the following: (DOJ 79a-n)

1. The number of calls for service.
2. The number of officer-initiated actions.
3. The number of aggregate uses of force.
4. The number of arrests.
5. The number of custodial arrests that involved use of force.
6. The number of SWAT deployments by type of call out.
7. The number of incidents involving officers shooting at or from moving vehicles.
8. The number of individuals armed with weapons.
9. The number of individuals unarmed.
10. The number of individuals injured during arrest, including APD and other law enforcement personnel.
11. The number of individuals requiring hospitalization, including APD and other law enforcement personnel.
12. The demographic category of persons involved.
13. The geographic data, including street, location, or Area Command.
14. All firearm discharges to include animal shoots.

D. The Annual Retaliation Report/Review procedures are as follows: (DOJ 106)

1. The IAD commander and the CPOA Executive Director, or their designees shall review APD's anti-retaliation policy and its implementation annually. The review shall consider the alleged incidents of retaliation that occurred or were investigated.



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during the reporting period, the discipline imposed for retaliation, and supervisors performance in addressing and preventing retaliation.

2. Following each review, APD will modify its policies and practices, as necessary, to protect individuals, including other APD personnel, from retaliation for reporting misconduct.

3. Distribution of the report will be as follows:

- a. Chief of Police
- b. CPOA Executive Director
- c. IAD Commander

E. The Grievance Analysis Report procedure will be as follows:

1. The IA Coordinator will comprise a list of all APD employees who have filed a grievance for discipline they received.

2. The Grievance Analysis Report will be attached to the Annual Report.

3. Distribution is the same as the Annual Report.

F. ECW Specific Records will contain the following:

1. The number of ECW in operation and assigned to officers.

2. ECW uses will be included as uses of force for EIS purposes and in the Annual Report.

3. APD shall track all ECW laser painting and arcing and their effects on compliance rates as part of its data collection and analysis.

4. Analysis shall include the following:

- a. Determination of whether ECWs result in an increase in the use of force.
- b. Whether officer and subject injuries are affected by the rate of ECW use.
- c. Probe deployments shall not be considered injuries except when officers intentionally target a person's head, neck, or genitalia. (DOJ 38)

**2-05-14 Annual employee card audits procedures will be as follows:**

A. The IA Coordinator will schedule an annual meeting with every division head to review all employee cards. A division head may designate a lieutenant or civilian supervisor equivalent, no lower in rank, to attend the audit.

1. The division head will provide the cards for all of their subordinates for comparison to the retention cards on file in Internal Affairs.



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2. The division head and IA member will compare entries line by line on the cards and ensure both sets have the same entries starting from the last audit.
  3. In the case where an entry has been logged on the employee card and not in the retention card, the IA staff member will verify that a disciplinary document was initiated and was forwarded to IA. In the case where the IAS has the disciplinary document and it was not logged, the IAS staff member will be responsible for making the appropriate entry on the retention card.
  4. In the case where discipline was not initiated, or in the case where IAS did not receive the disciplinary document, the discrepancy will be noted on the retention card by the IA staff member. A copy of the retention card will be given to the commander being audited. It will be the responsibility of the appropriate commander to ensure that IAS receives the disciplinary document.
  5. Upon receipt of the disciplinary document, it will be the responsibility of the IAS staff member to make the appropriate entry in the retention card.
  6. In the case where an entry has been made on the retention card and not on the employee card, the IAS member will have the commander being audited make the appropriate entry and it will be the commander's responsibility to ensure that the affected employee initials the entry on their employee card.
- B. After the audit of each employee has been conducted, the IA member will enter the month and year on the employee and retention cards.
- C. The IA member conducting the audit will ensure that all employee card entries are purged after three years from the date of the occurrence of the incident as logged in the retention file card.  
NOTE: Nothing is purged from the retention card.

### **CRITICAL INCIDENT REVIEW TEAM**

#### **2-05-15 CIRT Policy**

It is the policy of the department that an examination of uses of deadly force and other high-risk police operations, as directed by the Chief, be conducted by CIRT. The purpose of this review is to improve both individual and the department's performance. This process is similar to an after-action review where the role is to dissect what was planned, what happened, why it happened, and what can be done differently to improve performance. To accomplish this, CIRT will evaluate decision making, tactics used, the actual use of force, and supervision. CIRT will identify any training needs (for the individual officer, squad, unit, section or on a department-wide basis) and/or any necessary changes to policies and practices.

CIRT has the added goal of highlighting superior performance in such incidents by validating the tactics applied and by educating the workforce on what occurred. The overall mission of



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CIRT is to minimize risks and maximize safety in future police operations through sharing lessons learned from the department's past experiences. (DOJ 63, 198)

**2-05-16 CIRT goals and objectives are as follows:**

- A. Develop, maintain, and enhance training to reduce risk and implement the most innovative training of any law enforcement agency.
  - 1. Through CIRT reviews, identify training needs of the agency and make approved recommendations to the appropriate sections for follow-up.
- B. Develop and maintain open communication across all levels of APD to maximize training and performance.
  - 1. Provide a briefing of major critical incidents as determined by the IAD commander.
  - 2. Recommend training and work with the Advanced Training Unit or other sections/details to assist in implementing new or improved training.
  - 3. Present an administrative review, to include a presentation, of critical incidents to either the FRB or involved officer's chain of command when applicable.
- C. Develop, maintain, and enhance standards and procedures to improve performance, knowledge, and risk management.
  - 1. Develop a tracking system and a statistical analysis of all deadly force incidents.
  - 2. Communicate with other agencies and identify benchmarks such as training, policies, procedures and best practices.
  - 3. Upon completion of a CIRT review, make recommendations, when applicable, to change policy or training procedures.
- D. Continually develop IAD personnel through training, education, and job opportunities to better the department.
  - 1. Annually identify training courses for CIRT personnel to maintain proficiency in critical incident investigations.

**2-05-17 CIRT staffing levels and responsibilities will be as follows: (DOJ 63, 198)**

- A. CIRT staffing levels will be as follows:
  - 1. 1 Lieutenant
  - 2. 1 Sergeant
  - 3. 4 Detectives
  - 4. 1 Administrative Assistant



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B. The CIRT lieutenant responsibilities are as follows:

1. Supervise, train and evaluate CIRT detectives;
2. Coordinate investigative timelines, reviews, investigative reports, and assure the quality of investigations within the team;
3. Develop and conduct training for other members of the department in CIRT related procedures;
4. Respond to incidents, on and off-duty, that meet the CIRT call-out requirements;
5. Plan, prioritize, assign, present, supervise, and review work completed within the unit;
6. Attend and participate in conferences, seminars, and meetings as needed to improve skills related to assignment.

C. The CIRT sergeant responsibilities are as follows:

1. Receive and assign cases;
2. Assist in the coordination of investigations and reviews;
3. Recommend training for members of the department;
4. Respond to incidents, on and off-duty, that meet the CIRT call-out requirements;
5. Formulate and write detailed and complex investigative reports;
6. Plan, prioritize, assign, present, supervise, review work completed within the unit, and conduct and coordinate follow-ups;
7. Ensure working papers are properly collected and maintained in support of audits or inspections;
8. Attend and participate in conferences and seminars as needed to improve skills related to assignment.

D. The CIRT detective responsibilities are as follows:

1. Conduct reviews of serious uses of force;
2. Review all Administrative Use of Force Data Report Forms completed for accuracy and compliance with IAPro requirements and to identify trends;
3. Respond to incidents, on and off-duty, that meet the CIRT call-out requirements;



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4. Observe the investigative process of a critical incident.
5. Review documentation and investigative files related to the critical incident and/or involved persons.
6. Conduct interviews with involved officers and witnesses.
7. Prepare detailed incident reviews.
8. Submit conclusions and recommendations to the Chief of Police, FRB, and/or TRB.
9. Present tactical and administrative reviews at CIRP proceedings.
10. Research problem areas in tactics, identifying patterns and problem areas in critical incidents, and benchmark best police practices.
11. Train and prepare personnel to participate in the CIRT process.

**E. The CIRT administrative assistant responsibilities are as follows:**

1. Answer phones, take messages, transfer calls, obtain and relay information from callers.
2. Schedule meetings and meeting locations for the lieutenant, sergeant, and detectives.
3. Coordinate scheduling for CIRP.
4. Create and maintain CIRT logs.
5. Proof read memos and articles created by CIRT personnel.

**2-05-18 CIRT training will be consistent with section 2-05-6 B.**

**2-05-19 CIRT investigatory responsibilities are as follows: (DO: 60)**

**A. All serious uses of force:**

**B. PIT maneuvers when:**

1. Resulting in death, serious injury, or major property destruction.
2. Attempted over 35 mph regardless of outcome.

**C. Intentional discharge of a firearm outside of legal recreational use or training.**



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- D. Officers killed in the line of duty or critically injured in a police operation.
- E. All traffic accidents resulting in death of a citizen and/or police officer resulting from APD police action.
- F. Active shooter incidents.
- G. Large scale civil unrest, demonstrations, riots .etc.
- H. Uses of force by officers above the rank of sergeant.
- I. Any incident at the discretion of the Chief of Police.

**2-05-20 CIRT call out procedures are as follows:**

- A. Communications will notify the on call CIRT supervisor of all situations meeting CIRT investigatory responsibility.
- B. The CIRT supervisor will obtain as much information as needed from Communications to ascertain whether CIRT is needed on scene.
- C. In the event the CIRT supervisor determines a need to be on scene, the CIRT supervisor will determine apparent needed resources and notifications, and adjust them accordingly after arrival.

**2-05-21 CIRT investigatory access is as follows:**

- A. At their discretion, CIRT will have access to all phases of any criminal investigation they are also investigating, with the following rules: (DOJ 60, 62, 186)
  - 1. CIRT will not participate in the criminal investigation interview of APD personnel nor be in the immediate area.
  - 2. CIRT may observe initial briefings at OIS scenes, if attended, but not question personnel.
  - 3. The criminal investigation takes priority over the CIRT investigation.

**2-05-22 CIRT incident review procedures are as follows:**

- A. The lead CIRT detective will initiate an IAPro entry and obtain a CIRT case number as soon as practical upon initiating an investigation.
  - 1. All documentation and evidence will be linked, scanned, and uploaded to IAPro when practical.



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B. All applicable, documentation pertinent to the case shall be gathered into a hard copy case file such as the following:

1. All reports and logs.
2. All interviews.
3. Training records.
4. Applicable SOP sections.
5. MCST/CSS diagrams and analysis, if available.
6. Pertinent photographs.
7. News media coverage.
8. Employee notices.
9. All pertinent videos.
10. Additional notes and miscellaneous documentation.

C. Serious use of force procedures are as follows:

1. CIRT shall complete an initial use of force data report related to a serious use of force through the chain of command to the Chief of Police as soon as possible; but in no circumstances later than 24 hours. (DOJ 70)
2. CIRT will complete its review and report its conclusions to the FRB.
3. CIRT will not interview employees until after CIRT has received a briefing by FIT.
4. In the circumstances where an employee provides a statement to FIT, CIRT may interview the employee later than 48-hours.
5. Prior to any compelled interviews, CIRT will provide employees with a 48-hour notification.
6. During CIRT's tactical/administrative review, the rights as stated in the Police Officer's Bill of Rights (NM Statute 29-14-4) are afforded to all department employees as well as current employee union contract.

D. Accidental discharge of a firearm procedures are as follows:

1. Any weapon involved in an accidental discharge must be inspected prior to being returned to service by a department armorer.
2. The lead CIRT case detective will either coordinate a replacement for the employee or make arrangements for the firearm to be immediately inspected at the APD Range by an armorer.
3. It will be the responsibility of CIRT to transport the firearm to the range for inspection.



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4. If no replacement is available and the officer is unable to perform his or her duties without it, depending on the type of firearm, the APD range will be called out to obtain a suitable replacement.
5. If the accidental discharge involved a shotgun, a low lethality shotgun, or rifle, the firearm inspection shall be conducted during normal business hours and the firearm returned to the officer or their supervisor.
6. In all incidents that CIRT investigates involving an accidental discharge of a firearm, the lead CIRT case detective will obtain a memo from the APD Range Master documenting the results of the firearm examination.
7. The CIRT detective shall be responsible for ensuring the memo is linked to IAPro in the appropriate case file.
8. Accidental discharges of a weapon, resulting in no persons injured during a police operation, will not be vetted by the FRB or TRB.
9. An incident presentation will be given to the involved officer's chain of command by the lead CIRT detective, to include their immediate supervisor through their area commander, following the completion and approval of the CIRT administrative report. The involved officer will also be present during the presentation.
10. Prior to the presentation, the lead CIRT case detective will be responsible for routing the CIRT administrative report via IAPro to the involved officer's division commander.
11. The involved officer will be afforded the opportunity to review the CIRT administrative report prior to the presentation to the chain of command.
12. If the involved officer's division commander determines that potential policy violations exist, which were identified by CIRT detectives, the commander will open an internal investigation. This investigation will follow the normal process and be submitted to IAS.
13. If the officer's division commander recommends the involved officer receive additional training, the commander will work in conjunction with the Advanced Training Unit to schedule this training.
14. If the officer's division commander determines no policy violation occurred and no training is needed, the division commander will document all factors leading to the decision in a memo and add it to the case file.

E. Interview procedures are as follows:

1. The interview of citizens will be consistent with SOP 2-23.



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2. Employee interviews will be consistent with the employee's applicable union contract.

**2-05-23 The CIRT awareness report description and distribution is as follows:**

- A. CIRT will author and disseminate an awareness report to department employees. This brief, early, preliminary report provides a general, factual summary of incident events, as known to detectives at the time of the initial briefing, and references any related policies, protocols, and/or training doctrines. The awareness report is not an incident review, but rather an additional training tool that can be utilized by supervisors to initiate briefing room discussions and better prepare officers who may face similar circumstances in the future.
- B. A copy of the awareness report, along with any related policies, protocols and/or training doctrines should be sent via Power DMS to all members of the executive staff, all commanders, lieutenants, sergeants, the communications director, and the technical services division director. The same documents should be posted in patrol briefing, and the awareness report uploaded to the CIRT intranet webpage.

**2-05-24 A CIRT post incident briefing procedure will be as follows:**

- A. Within 24-48 hours following a CIRT call out, an informal team briefing will be held in order to familiarize the entire team with the event. This briefing also serves as an opportunity to identify any potential issues, points to review, and questions to ask involved and witness officers.

**2-05-25 Employee notification of administrative review procedure is as follows:**

- A. Any officer who will be interviewed by CIRT will be provided the notification of employee administrative review in as timely a manner as practicable following a critical incident.
- B. Officers will be compelled to answer questions regarding knowledge of the facts and circumstances of the critical incident, regardless of whether or not a statement was provided to FIT.
- C. Each officer will be verbally admonished not to discuss the incident with any employee or persons involved in the administrative investigation until those persons have been interviewed by CIRT.
- D. Each officer will be directed not to disclose any facts of the investigation with anyone except those persons with designated departmental authority until interviewed by CIRT.
- E. Designated departmental authority will be extended to a representative of choice as allowed by The Rights of Peace Officers Statute, and the collective bargaining agreement.



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F. Once CIRT has completed all of their interviews, this admonishment will be lifted.

G. The division head and lower chain of command 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. NOTE: this will apply to all administrative investigations via city email. (DOJ 185)

**2-05-26 Chief's briefing procedure is as follows:**

A. The chief's briefing is presented by FIT investigators, however, the CIRT lieutenant, sergeant, and lead CIRT detective shall be in attendance.

1. The lead CIRT case detective, sergeant and lieutenant will familiarize themselves with all available information prior to the briefing.

2. It is the responsibility of the CIRT detective to provide the following involved officer's information to the CIRT lieutenant and IAD commander prior to the chief's briefing:

- a. Training records.
- b. Current area and unit of assignment.
- c. Duration assigned to unit.
- d. Current supervisor.
- e. Any previous officer involved shootings or documented uses of force.
- f. A brief summary of completed interviews.

3. Since FIT is not privy to the information garnered from compelled statements provided to CIRT, this information will be shared with the chief after FIT has finished their presentation and vacated the room. The CIRT lieutenant, sergeant and detective should also be prepared to report on the preliminary review of tactical, training, and administrative issues. (DOJ 60, 62d, 186)

**2-05-27 Critical incident internal briefings procedures are as follows:**

A. CIRT supervisory personnel will be briefed by CIRT personnel approximately 2 to 3 weeks following a critical incident.

1. The briefing will highlight the circumstances surrounding a critical incident, tactics and training employed by APD personnel, and applicable policies and procedures.

2. The lead CIRT case detective will be responsible for creating a brief presentation, which will include scene photographs and maps to assist in visualizing the incident when applicable.

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3. All personnel participating in an internal briefing will sign a confidentiality agreement.
4. A critical incident internal briefing form will be filled out for all internal briefings.
  - a. A copy will be placed in the hard copy case file.
  - b. A copy will be digitally attached to the electronic file in IAPro.

**2-05-28 CIRP procedures are as follows:**

- A. CIRT will conduct all CIRP presentations to the FRB and TRB.
- B. The completed CIRT case will be forwarded to the appropriate Commander for review consistent with IAB procedures prior to the presentation to the FRB and TRB.
- C. Any involved officer, along with his or her representative, will be afforded the opportunity to review the CIRT administrative report and FRB/TRB presentation prior to the scheduled hearing.
- D. It will be the responsibility of the lead CIRT case detective to schedule a meeting with the involved officer.
- E. The CIRT detective will provide notice to the officer's respective union; however, it will be the responsibility of the involved officer to ensure his or her representative attends the appointment or makes other arrangements with the CIRT detective.

**2-05-29 CIRT statistical analysis of categorical use of deadly force incidents are as follows:**

- A. This report provides a broad based assessment of person-oriented OIS for the most recent 5-year period. The report also examines animal-oriented OIS and deadly force events other than OISs, but on a 2-year basis. The intent is to incorporate standardized, 5-year timeframes for all elements of the report. Standard report layout includes the following components:
  1. Introduction.
  2. Executive summary.
  3. Preface.
  4. Person-oriented OIS section.
  5. Animal-oriented OIS section.
  6. Non-OIS deadly force events section and appendices, if any.
  7. Report content will be as follows:
    - a. Overview.
    - b. Time intervals between incidents.
    - c. Time and days of occurrence.
    - d. Locations of incidents.
    - e. Types of dispatched events.



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- f. Settings & outcomes.
- g. Environmental factors, for example, lighting conditions.
- h. Police presence.
- i. On-scene supervisors.
- j. Time on-scene prior to initial shots.
- k. Officer age/race/ethnicity/gender.
- l. Officer tenure.
- m. Officer duty assignments.
- n. Rank of all officers involved.
- o. Firearms employed by officers.
- p. Officer shots fired summary.
- q. Distances of initial shots fired.
- r. Targeted strikes.
- s. Accuracy of officers' shots.
- t. Related aspects to OIS incidents, for example, foot pursuits, low lethality force.
- u. Subject age/race/ethnicity/gender.
- v. Criminal backgrounds of subjects.
- w. Subject impairments, for example, drug and alcohol use.
- x. Mental state of subjects.
- y. Weapons employed by subjects.
- z. Subject shooting summary.
- aa. Threat levels associated with subject actions.
- bb. De-escalation techniques used and their effectiveness.

**2-05-30 CIRT yearly case statistics report to the training division are as follows:**

(DOJ 23)

A. Once a year CIRT will provide the APD training division with a breakdown of critical incident statistics from the previous year involving firearm discharges. The report will contain the following:

1. The number and types of incidents investigated by CIRT
2. The number of officers who discharged their firearms
3. The types of firearms discharged
4. The hit-to-miss ratio of handgun and/or rifle rounds fired by officers
5. The distance between the officer and suspect when shots were fired by the officer
6. The number of officer-involved shootings, excluding animal shoots that occurred by shift, area command, and the area of assignment for each involved officer
7. Whether cover was available or not available, and used or not used
8. Incident lighting conditions
9. The number of events in which an officer discharged his or her firearm while on the move, after a foot pursuit, and/or after gaining entry into a residence or structure
10. If the suspect was armed and if so, type of weapon
11. Injuries sustained by the suspect as a result of force used by an officer

**2-05-31 CIRT Administrative Reports procedures are as follows: (DOJ 625)**



A. Administrative Reports will compare the officer's actions against department policy, training, and best police practices when analyzing the reasonableness of the use of force including:

1. The severity of the crimes at issue.
2. Whether the subject poses an immediate threat to the safety of officers or others.
3. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.
4. The influence of intoxicants or the mental capacity of the subject.
5. The time available for an officer to make a decision.
6. The availability of officers' resources to de-escalate the situation.
7. The proximity or access of weapons to the subject.
8. The environmental factors and other exigent circumstances.
9. De-escalation techniques attempted.

B. OIS administrative report template is as follows: (DO 3-626)

1. Synopsis.

2. Persons involved to include:

- a. Officers involved.
- b. Supervisors (interviewed by CIRT, if applicable).
- c. Supervisors (interviewed by FIT, if applicable).
- d. Additional employees involved (interviewed by CIRT).
- e. Additional employees involved (interviewed by FIT, if applicable).
- f. Civilian witnesses.
- g. Suspect(s) involved.
- h. Detailed descriptions of injuries for involved participants.

3. Incident Chronology.

4. Staffing on date of the incident.

5. Investigative Narrative.

6. Analysis to include:

- a. Information Sharing.
- b. Communications (911, CAD, dispatch).
- c. Tactical issues.
- d. Use of deadly force to include:
  - i. Administrative Analysis.
  - ii. Drawing or exhibiting firearm.
  - iii. Backdrop assessment.
  - iv. Threat assessment.



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- v. Shots fired
- vi. Officer's action and APD policy

- e. Incident management
- f. Medical response
- g. Training review
- h. Involved officer to include an assessment of all equipment
- i. Department policy and procedure review

7. Recommendations to include:

- a. Subject matter experts
- b. Conclusions

8. Appendix A to include:

- a. Area command map
- b. Overview of recent OIS trends and area command

C. All other administrative reports will be modification of the OIS report making additions and/or subtractions as needed. (DOJ 62b)

D. All use of force reports will contain the following: (DOJ 71b-c)

1. Documentation of all evidence that was gathered, including names, phone numbers, addresses of witnesses to the incident, and all underlying use of force data reports.
2. In situations where there are no known witnesses, the report shall specifically state this fact. In situations where witnesses were present but circumstances prevented the author of the report from determining the identification, phone number, or address of those witnesses, the report shall state the reasons why. The report should also include all available identifying information for anyone who refuses to provide a statement.
3. The CIRT personnel information form provides CIRT detectives with personal officer information that may not be garnered during the officer's interview, but is a valued supplement, providing additional information that may be included in the CIRT administrative report and/or shared with the chief.
4. The names of all other APD officers or employees witnessing the use of force.
5. An assessment of the incident for tactical and training implications, including whether the use of force could have been avoided through the use of de-escalation techniques or lesser force options.
6. If a weapon was used by an officer, documentation that the officer's certification and training for the weapon were current at the time of the incident.



ALBUQUERQUE POLICE DEPARTMENT  
PROFESSIONAL ACCOUNTABILITY BUREAU ORDERS

SOP 2-05

Effective: xx/xx/xx Expires: xx/xx/xx Replaces: 06/10/08

E. Routing will be as follows:

1. Approved serious use of force reports will be routed as high priority via IPro to the assistant chief, majors, deputy chiefs, the commander of the involved officer, CPOA and the CIRT sergeant.
2. Accidental discharges and non-serious uses of force will be routed to the employee's commander.

**From:** [Silvio Dell'Angela](mailto:Silvio.Dell'Angela)  
**To:** [Romero, Annabelle J.](mailto:Romero,Annabelle.J)  
**Subject:** FW: IPRA response for Phase 1 due Thursday. New IPRA request for Phase 2  
**Date:** Wednesday, August 12, 2015 4:10:50 PM

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**Annabelle**

**Bcc to many including the media and councilors**

**I was told that you were a "Senior Adviser to the Mayor" up on the 11th floor up until a couple of years ago.**

**That explains a lot and seemingly justifies my perception that these \$15,000 citizen "collaboratives" of yours, UNM's and your Mayor's are nothing but scams.**

**Please comply with my IPRA requests**

**Silvio**

---

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]  
**Sent:** Tuesday, August 11, 2015 7:55 PM  
**To:** 'Romero, Annabelle J.'  
**Cc:** 'City Clerk Staff'; 'Hernandez, Jimmy S.'; 'info@nmfog.org'; 'Hoffman, Lou D.'; 'Eden, Gorden'; 'pmrinc@mac.com'; 'Yoshimura, Debra'  
**Subject:** IPRA response for Phase 1 due Thursday. New IPRA request for Phase 2

**Annabelle**

**Your response to my July 29 NM IPRA request is due this Thursday 8/13 and is available now and clearly also releasable public information.**

**I understand Phase 2 was very short and now completed. Therefore IAW the NM IPRA request the names of the attendees at the Phase 2 effort within the prescribed 15 days from today-NLT 8/26 and a copy of its report when published/posted on line.**

**All want believe that the money to UNM and to your office was well spent but understand most are skeptical believing it is just a PR distraction stunt and wished to be proved wrong.**

**We still haven't seen the results of UNM's study of how best APD could utilize their body recorders-something that could have been more credible if APD researched and adopted the successful SOPs/policies of other police forces such as that used by Rialto, California's PD.**

**Please manage this effort not only as a city employee but as a taxpayer as well.**

**Thank you**

**Silvio**

**For WE THE PEOPLE**

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**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]  
**Sent:** Wednesday, July 29, 2015 1:33 PM

M006066

**To:** 'Office of Diversity and Human Rights'; 'aromero@cabq.gov'  
**Cc:** 'dharris@cabq.gov'; 'Office of Diversity and Human Rights'; 'reygarduno@cabq.gov'; 'Mayor Berry'; 'dgibson@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'Eden, Gorden'; 'Office of Diversity and Human Rights'; 'Vanita.Gupta@usdoj.gov'; 'danlewis@cabq.gov'; 'kensanchez@cabq.gov'; 'trudyjones@cabq.gov'; 'kpena@cabq.gov'; 'Board of Regents' Office'; 'Yoshimura, Debra'; 'Norita10.na@gmail.com'; 'City Clerk Staff'; 'Hoffman, Lou D.'  
**Subject:** Ms. Anaya's comment and an apparently required NM IPRA request to get what I requested

Annabelle

Info also to the media, UNM Regents and others-sent to them Bcc

This Phase 1 effort was worst than a "dog and pony show"-as Nora described it while the referenced Phase I report prepared by UNM and those reports that will follow appear to be a waste of \$150,000 of our tax dollars. You avoided answering many of my questions in my July 26 e-mail below but merely sent the website reference to the UNM Phase 1 report.

I had asked for minutes of the meetings that would include the names of those attendees but these were never provided. I guess you now need a NM IPRA request to comply.

Therefore IAW the NM IPRA,

1. Request the opportunity to review or provide me with copies of the sign in sheets showing the attendees at these UNM conducted 22 "dialogues" and the names of those others aside from the four UNM folks who also participated in them.
2. Request the opportunity to review the resumes/qualifications of Dr. Guerin and his three likely graduate students, Tonnigan, Minssen and Torres to determine their qualifications to execute these Collaboratives.

I think UNM's Dr. Guerin was also given a contract to study APD's use of body recorders.

I would have thought rather than tasking UNM's Institute for Social Research, those from the Law School would have been more appropriate/knowledgeable in this reform area.

Preferably, honest retired APD officers like those four I mentioned and others who can make this more than just a data gathering effort resulting in no real changes to APD should have been hired as consultant to do this work. Those good cops if employed by us taxpayers would have had the prerequisite expertise to make this a meaningful outreach effort.

I'm sure you are aware of the tax dollars and the time of good volunteers that were wasted on the 2013 police oversight task force whose most critical January recommendations/reform of the citizens' police oversight process were ignored by both Cincinnati consultant Scott Greenwood, the Council but also the DOJ.

UNM's Dr. Bruce Perlman who was never mentioned in the Council's ordinance creating this oversight task force was nevertheless give the bulk of our tax dollars to manage the effort behind

the scenes.

I guess some of us who have been on the front lines writing to and meeting with the DOJ, Council and other city leaders and were the ones who ultimately were the ones (along with the national media) who ultimately brought the DOJ here were somehow not deemed to be the "safe" stakeholders.

I note the name of one of your chosen gatekeepers who authored the July 25 e-mail to fellow activist Isle Biel below extended her the invite to participate in this Phase 2 "Collaborative." I guess not inviting me and likely others known to be active in this long APD reform struggle was just an oversight. Informed people are apparently not welcomed.

Understand my issue is not with the good people at UNM given this task but with those in the Mayor's office and the leadership of APD who are perpetuating this charade trying to convince APD really cares what comes out of this effort.

As I said before, they did these Collaboratives in Cincinnati and reform there took seven long years because the collaborative were also likely just a PR effort with resulting recommendations that their police department, assigned DOJ monitor and DOJ investigators ignored.

Those in the media particularly the ones who attended the dialogues have a responsibility to also question this research effort given to UNM. I can recall them only covering one of these "dialogues." Maybe they thought they were also PR efforts by those in the Mayor's office.

They likely saw how the improper no bid contract by Schultz to employer TASER Inc. was covered up in the amended Internal Auditor's report because the Mayor was also involved by "greasing" this \$1.9 million contract for Schultz. As I said in previous e-mails, there is NO room for integrity in this Berry administration.

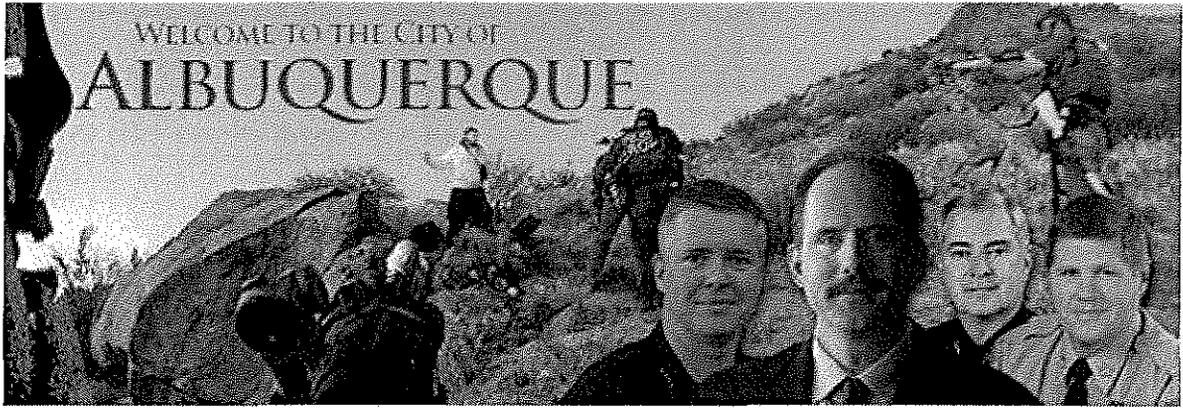
Meanwhile our Mayor remains in hiding, coming out of his cave on the 11<sup>th</sup> floor only to travel out of the city or to cut ribbons or do other meaningless PR tasks.

I await your reply to my IPRA request

Regards

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** Silvio Dell'Angela  
**To:** [freedomnewmexico@gmail.com](mailto:freedomnewmexico@gmail.com)  
**Cc:** Holland, Kim; Nancy Laflin; [crarasim@gmail.com](mailto:crarasim@gmail.com); Jeff Proctor KROE; Ryan Luby  
**Subject:** FW: IPRA Unit NOT so hard at work.  
**Date:** Monday, October 26, 2015 12:18:05 PM  
**Attachments:** photo.PNG

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Amen John. Defiance of our State law the NM IPRA is by APD is ignored so as to hide incriminating videos and other records from the public. Those at the NM FOG seemingly don't care

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**From:** John Dobbs [<mailto:freedomnewmexico@gmail.com>]  
**Sent:** Monday, October 26, 2015 12:02 PM  
**To:** [rluby@kob.com](mailto:rluby@kob.com)  
**Cc:** Kim Holland; Nancy Laflin; Charles Arasim; [Jeff.Proctor@krqe.com](mailto:Jeff.Proctor@krqe.com)  
**Subject:** IPRA Unit NOT so hard at work.

To Whom It May Concern,

Not sure if this is what should be being sent out on SnapChat & Facebook from APD employee's during working hours much less the type of material that can be seen in the pictures. This is from the revamped IPRA department. It does not look like they have much control of this unit at this point in time. With all that is going on I think these employees would have enough things to do then to spend any of their time on SM. Guess this is what you get when you leave TEMP employees do deal with high profile items and no real direction from supervisors since the permanent employees where railroaded by APD upper management. These are the capable hands that your IPRA request are left in.

John Dobbs  
Director Freedom New Mexico  
[freedomnewmexico@gmail.com](mailto:freedomnewmexico@gmail.com)

--

John Dobbs  
Director Freedom New Mexico  
[freedomnewmexico@gmail.com](mailto:freedomnewmexico@gmail.com)

**From:** Silvio Dell'Angela  
**To:** Silvio Dell'Angela  
**Subject:** FW: Joe Monahan's blog (Thursday) and ABQ Free Press  
**Date:** Friday, October 23, 2015 12:34:21 PM

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FYI

Having Eden blame all of the problems here on the criminal justice system insults our intelligence. See the ABQ Free Press on his ineptitude

Time to ID the judges and those assistant DA's who agree to these sweetheart deals for the repeat offenders/boomerang thugs and find out why. Not enough jail space-too many petty Marijuana users in them? What is APOA appeal to go back to old shoot first APD mentality and make no recordings?

APOA President Stephanie Lopez given a sweet deal by NM Law Enforcement Academy Board for her misconduct while Willoughby is promoting the "them against us" mentality in APD and calling out whistleblower honest APD cops as rats. Two disgraceful APOA leaders/characters.

Silvio

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**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Friday, October 23, 2015 11:54 AM  
**To:** 'Arthur Tannenbaum'  
**Cc:** 'jmonahan@ix.netcom.com'; 'editor@freeabq.com'; 'theeyeonalbuquerque@gmail.com'; 'PMRinc@mac.com'; 'avramwagman@gmail.com'; 'Mayor Berry'; 'Eden, Gorden'; 'dennis@freeabq.com'  
**Subject:** RE: Joe Monahan's blog (Thursday) and ABQ Free Press

Thank you Art

I also suggest that all including Dr. James Ginger read this week's 10/21 ABQ Free Press with numerous articles about the cesspool in APD. See <http://www.freeabq.com/>

Some must reads include the article "*Getting Rid of Bad Cops no Easy Task in N.M.*" by Dennis Domrzalski and former APD cop Dan Klein that provides examples of the punishments of honest cops that expose the wrongdoings of the bad ones like Eden's Deputy Chief Bill Roseman and how corrupt the NM Law Enforcement Board is in enforcing the blue code of silence.

Also Dan's article "*Debunking the Myth Of a War on Police*" and Dennis' article listing the bogus reasons why "*APD, DOJ Agree to Delay 35 Key Reforms.*"

Is our 4.5+ million dollar (merely "monitoring") man/ex-cop Dr. Ginger even paying attention?

Or is he just pretending that there will ever be real reform going on without an APD leadership change to include the removal of Al Capone-like (according to Dan) Perry, Eden and most on the APD Command staff?

M006071

Will Ginger and the DOJ also demand transparency including APD's compliance with our State law- the NM IPRA to expose the lies the bad APD cops and Eden tell?

Silvio

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**From:** Arthur Tannenbaum [<mailto:a.r.t.man@earthlink.net>]

**Sent:** Friday, October 23, 2015 10:11 AM

**To:** Silvio Dell'Angela

**Subject:** RE: Joe Monahan (Thursday)

Thursday, October 22, 2015

Losing Command And Control: Tragic Slaying Of 4 Year-Old Renews  
Questions About The Downward Spiral And The City's Leadership Or Lack Thereof

(image)

<[http://4.bp.blogspot.com/-](http://4.bp.blogspot.com/-WnL9lVkoQcc/ViguKkYnn3I/AAAAAAAAeQA/0hNC8O_EFHk/s1600/4b53267d-4c95-48d3-a6fe-d4c26835b246.jpg)

[WnL9lVkoQcc/ViguKkYnn3I/AAAAAAAAeQA/0hNC8O\\_EFHk/s1600/4b53267d-4c95-48d3-a6fe-d4c26835b246.jpg](http://4.bp.blogspot.com/-WnL9lVkoQcc/ViguKkYnn3I/AAAAAAAAeQA/0hNC8O_EFHk/s1600/4b53267d-4c95-48d3-a6fe-d4c26835b246.jpg)>

Lilly Garcia

Yet again Albuquerque collectively reels from the abhorrent--the abominable. But as repulsive as the road rage related murder

<<http://www.abqjournal.com/663184/news/family-of-4-year-old-girl-fatally-shot-set-up-go-fund-me-account.html>>

of 4 year old Lilly Garcia is, it is not isolated. It joins a horrid tally of exceptionally violent crime that has reshaped the very persona of the state's largest city.

No matter the outrage--the killing of little Lilly, the Motel 6 attack on the former CNN reporters, the drive-by shooting of a 17 year old in the NE Heights, the slaying of another 17 year old at a NE Heights skate park, the parental murder of 9 year old Omaree Varela, the Dept. of Justice forced in here because of a diseased APD, the FBI reporting a soaring violent crime and property rate--no matter the outrage it is nothing the city's leadership won't slink away from, shirking responsibility and not only refusing to implement the transformational change essential if the city is to ever climb back to anywhere near its former self, but refusing to even acknowledge there is a problem.

It was only Tuesday that we blogged of how ABQ Mayor Richard Berry remains blameless through this darkest period in modern city history that features not only a crime-caused disintegration in the social fabric, but a feeble economy that has our hopes for the future fleeing here faster than the state's emblematic roadrunners can run. We are well aware that the definition of insanity is doing the same thing over and over again and expecting different results, but if we and anyone else with a public megaphone doesn't continue to fight for change--to decry the apathy and aimlessness here--what purpose does the life and death of Lilly Garcia serve? Or that of Omaree Varela?

We turn it over now to our readers and Alligators of La Politica who so often say what others won't and what so indisputably needs saying. Up first an Alligator who calls to account ABQ Police Chief Gorden Eden and Mayor Berry:

Joe, it's a shame that Chief Eden chose in his news conference about the tragic death of Lilly Garcia to go yet again to the Berry talking points to divert attention away from Albuquerque's problems by saying the murder is "something we are starting to see throughout the nation."

No, Chief, the lawlessness we see in Albuquerque is worse than the rest of the nation. Look at the FBI stats and your record: How are you doing chief, on prosecuting those that shut down I-25 to do donuts? How are you doing on solving the West Mesa murders? Have you found the person that randomly shot up the downtown neighborhood three nights last week?

The police and the Mayor do not have command and control of the crime situation in Albuquerque and it has everything to do with the incompetence of those in charge and their inability to recognize that the crime we are facing is, in fact, exceptional and not something that happens everywhere else.

Late Wednesday an ABQ officer was shot  
<<http://m.kob.com/article.html#%21/59107/a7adebea4020fa4c975d6336af688581>>  
near Eubank and Central, giving the city an ever deeper chill in the wake of the Lilly Garcia shooting. The violence is as breathtaking as it is disturbing.

And more on Chief Eden's comments from this reader:

"This is one of those crimes that is unexplainable. It is 100% preventable; It did not have to happen. We need to rise up as a community and say enough is enough" so says APD Chief Gordon Eden after a 4 year old is killed in a road rage shooting. So exactly what is Chief Eden or even Mayor Berry going to do about it and gun violence? You will get nothing from Berry and Eden has absolutely no credibility as APD Chief. Eden has been in charge for close to two years. Under Eden, there are only 404 sworn APD officers out of 850 patrolling our streets and handling 69,000 911 priority 1 calls. Violent crime has spiked dramatically and Eden says APD is only going to get worse with still fewer officers over the next two years. APD needs a complete reorganization to get more cops patrolling the streets as deterrent to crime. The department is top heavy with overpaid management. It is likely the Federal Monitor for the Dept. of Justice will be reporting Albuquerque needs 1,300 sworn officers. But, hey, Berry says APD is on the right track with Eden in charge.

**FREEWAYS FROM HELL**

(image)  
<<http://2.bp.blogspot.com/-l7u2TD6uR0A/Vigx7j3OmBI/AAAAAAAAeQM/pudmRm7Ao5I/s1600/Unknown-1.jpeg>>  
Berry and Eden

We all know the city's freeways where Lilly was killed have become a "take your life into your hands" adventure with infrequent or no law enforcement of the speed limit which is treated as seriously as a stand-up comedian. More now from the Alligator pond:

This is the face of Austerity. Imagine if we did not have 432 fewer cops since Berry started his police austerity), there may have been an officer in a car on I-40 and by mere presence crimes would have been stopped. But we don't have those cops, you never see an officer as they

are swamped with calls and the bad people do whatever they want.

I honestly believe he intended to reduce APD by 300 cops because he was convinced he could show that the job could still be done without all the fat. Well, 6 years later we have Priority 1 calls response times up to 12 minutes (from 9 minutes). We have cops fleeing this department and it will not stop. This is what a community and police department look like when austerity is the policy.

The average response time to the most serious 911 calls has slowed from 8 minutes and 56 seconds in the 2010 fiscal year to 10 minutes and 43 seconds in the 2015 fiscal year, which ended in June. In 2010, there were 30,663 violent and property crimes in Albuquerque. In 2014, there were 35,371, according to FBI statistics. While APD is losing officers and trying to recruit new ones, the Bernalillo County Sheriff's Office is close to fully staffed.

Excellent point. Why is it that Mayor Berry and APD remain so mired in crisis while the Bernalillo County Sheriff's office under the command of Sheriff Manny Gonzales goes about its business competently and without costing us tens of millions of dollars in lawsuit settlements? Is Sheriff Gonzales interested in becoming APD chief? Someone at City Hall ought to ask him.

#### FRESH GOES STALE

For just a minute we thought there might be a chance that some fresh thinking would invade the city when it comes to revising the moribund convention business here but it was not to be  
<<http://www.abqjournal.com/663219/news/firm-decides-not-to-protest-abq-convention-contract.html>>:

Catalyst Creative CEO Mark Astone. . . will not protest a recommendation to award the city's "destination marketing and group sales and service" job to the Albuquerque Convention & Visitors Bureau despite his objections to the process. An ad hoc committee tasked with reviewing four bids has recommended awarding the contract to ACVB, a private, not-for-profit organization that the city has contracted since 1980. That recommendation has the support of key city officials, though it remains subject to City Council approval.

But Astone has questioned the process since the committee's recommendation was announced . He talked then about protesting but has since decided against it.

"It's clear now that the administration never had any intention of making a change and are prepared to do anything to keep the status quo, including violating their own ordinance."

Too bad Astone doesn't have the stomach for the fight that is needed to pry that contract from the cold, semi-dead hands of ACVB, but he probably has better things to do with his time--like service cities that are serious about attracting convention business.

#### THE BOTTOM LINES

In our Wednesday report on ABQ District Judge Judy Nakamura possibly

becoming a Republican member of the State Supreme Court, we got our commissions mixed up. A Legal Beagle writes:

Re: your story on Nakamura:

The "Judicial Standards Commission" disciplines judges for misconduct. Judicial "nominating" commissions screen qualified candidates for judicial vacancies and nominate them to the governor for appointment. You mixed 'em up.

While I can see some might view Gov. Martinez appointing a Republican to our Supreme Court to be some sort of exotic punishment or trip to the dog house, you really have no excuse to cause such confusion.

No, I do not have an excuse but I do have a wet noodle. I will now use it to self-administer ten lashes to my backside in atonement for my errant ways.

This is the home of New Mexico politics.

E-mail <<mailto:jmonahan@ix.netcom.com>> your news and comments. ([jmonahan@ix.netcom.com](mailto:jmonahan@ix.netcom.com) <<mailto:jmonahan@ix.netcom.com>>)

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-----Original Message-----

From: Silvio Dell'Angela

Sent: Oct 22, 2015 1:04 PM

To: 'Arthur Tannenbaum', 'Nick Estes', 'David Correia', 'Dinah Vargas', 'Steve Kramer', 'Alan Wagman'

Subject: RE: Save the Date

Art

I already Cc or Bcc all of the news outlets including the ABQ Free Press, Joe Monahan, the Eye on Albuquerque blogs and others. In the future, I'll also limit my address list to individuals

Stay well

Silvio

---

**From:** Arthur Tannenbaum [<mailto:a.r.t.man@earthlink.net>]

**Sent:** Thursday, October 22, 2015 9:42 AM

**To:** Silvio Dell'Angela; 'Nick Estes'; 'David Correia'; 'Dinah Vargas'; 'Steve Kramer'; 'Alan Wagman'

**Subject:** RE: Save the Date

Dear Silvio,

I hope this finds you well. As we are approaching the end of another city council Term I intend to seriously limit my involvement regarding politics or, more likely, eliminate it for the most part. Here is a suggestion that I hope may be taken in the spirit with which it is

M006075

intended: Instead of sending so many e-mails with multiple recipients perhaps you could submit your views to web sites such as Burque Media or possibly even start a blog, like this Monahan fellow....

With best wishes,  
Art Tannenbaum

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**From:** Silvio Dell'Angela  
**To:** Silvio Dell'Angela  
**Subject:** FW: LUIS VALENTINO, BRAD WINTER, DON DURAN, JOURNAL'S LEADERSHIP AND EDITORIAL BOARD AND THEIR PUPPET-MASTER THE EMBARRASSING GUV MARTINEZ  
**Date:** Monday, August 31, 2015 2:39:35 PM

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**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Monday, August 31, 2015 11:57 AM  
**To:** 'Board ED'; 'Christina.Albright@aps.edu'  
**Cc:** 'reedy@aps.edu'; 'ereed@kob.com'; 'cheild@abqjournal.com'; 'bwinter@cabq.gov'; 'Kathy Korte'; 'info@susanamartinez.com'; 'Board of Regents' Office'; 'news@dailylobo.com'; 'dherrera@abqjournal.com'; 'kwalz@abqjournal.com'; 'CB4inNM@gmail.com'  
**Subject:** LUIS VALENTINO, BRAD WINTER, DON DURAN, JOURNAL'S LEADERSHIP AND EDITORIAL BOARD AND THEIR PUPPET-MASTER THE EMBARRASSING GUV MARTINEZ

Christina

Info to all-many sent this Bcc. Also pass this to interim superintendent Reedy

**ONCE A LIAR-ALWAYS A LIAR**

"When I leave I will leave not asking for anything from anybody"-yet another lie told by Valentino. Once a liar-always a liar and yet it took three meetings for the embarrassing APS Board members to be shamed into finally saying no more. This disgraceful man deserved only what he had earned thus far-not \$80K more.

**WINTER WAS COMPLICIT**

What's being ignored by the media is that another Governor Martinez's puppet- Brad Winter still was there during this transition period to Valentino and likely knew all of it and said nothing. This told all that he was no better than Valentino. Brad likely worked with his puppet-master Guv Martinez to have UNMH fire Kathy Korte and get the Guv to help defeat her in her re-election bid.

It was likely Brad who recommended yet another attempted cover-up of APS corruption and getting rid of Moya. Also that the Board President Don Duran's daughter be hired buy his support. Also, why was the women from the search firm who "found" Valentino even hired? Why doesn't the media ask Brad what he knew/did while there during this transition period? Is this PhD elitist just a Teflon sacred cow here?

What about the Guv's puppets on the Journal's Editorial Board who recommended that Martinez

be kept on? They are part of the problem-embrace the culture of corruption here including APD's and Berry's.

#### TAX WASTING –UNJUSTIFIED SPECIAL SCHOOL ELECTIONS

All saw the low voting numbers by a letter writer in the Journal letter today. For years, I have advocated moving the unjustified (after women were given the right to vote in all elections 100 years ago) special tax wasting APS elections to the fall and held in conjunction with regular elections. There would be far better than the 4% turnouts. APS's leadership and the Board preferred these low turnouts-tax wastes.

Brooks ignored my repeated appeals as did Winter and Valentino. And yet Brad wants to be re-elected to the Council this fall. Are those in District 4 blind to all this in APS and his loyalty to Berry and Guv Martinez? Appears so.

Silvio

#### ***APS superintendent resigns, will receive \$80K settlement plus salary through Oct.***

*Updated: 08/31/2015 10:43 AM | Created: 08/27/2015 7:00 AM By: Elizabeth Reed, KOB.com*

*The Albuquerque Public Schools Board of Education voted to accept Superintendent Dr. Luis Valentino's voluntary resignation Monday. According to the voluntary resignation and settlement agreement signed by Valentino and the board, Valentino will receive a lump sum and sum-certain payment of \$80,000 plus his full salary and benefits according to the terms stated in his contract through Oct. 1, 2015--around \$120,000 in total. Valentino is solely responsible for the payment of all taxes owed on the settlement, if any.*

*View: [Valentino Resignation and Settlement Agreement](#)*

*"Given the parties' differing views of the current incidents and challenges in the district, and believing they have fundamental differences regarding the future of the district, an agreement has been reached which allows Dr. Valentino the ability to pursue other career interests and permits the board to hire another superintendent," school board member David Percy read the board's statement during the meeting.*

*The board announced Raquel Reedy will now serve as acting superintendent while the district searches*

for a new leader. Reedy currently serves as the associate superintendent for elementary education. Valentino started the job in July after an eight-month, nationwide search following the abrupt resignation of former Superintendent Winston Brooks last August. Valentino had a three-year, \$240,000 contract.

Read: Luis Valentino's Contract "When I leave I will leave not asking for anything from anybody," Valentino said at a news conference in May. "I believe that my work will demonstrate that I'll deserve whatever I've gotten to that point."

#### VALENTINO CAUGHT UP IN HIRING CONTROVERSY

Thousands of Albuquerque residents signed a petition demanding the board fire Valentino following reports that he ignored warnings about his deputy superintendent from the district's own human resources department. Former deputy superintendent Jason Martinez faces six child sex abuse charges in Colorado and did not complete a required APS background check before his resignation on Aug. 20. He was arrested in Denver Wednesday for violating the terms of his release on bond. Valentino has insisted he didn't know about Martinez's charges. He also maintained that the district's human resources department did not warn him multiple times that Martinez had not completed his background check. Martinez was brought in by Valentino in June. He had previously worked for Houghton Mifflin Harcourt, a publishing house, as well as in an instruction and technology administrator capacity at Denver Public Schools. Martinez also got caught up in an exchange between Valentino and APS chief financial officer Don Moya over an RFP intended to assess the district's information technology systems that were offered to a disgraced former DPS employee he had previously worked with in Denver. Moya was placed on administrative leave Aug. 7 after he was accidentally sent a message by Valentino saying Valentino was "going to go after" Moya for having too much say in the district's finances. Moya filed a whistleblower lawsuit against Valentino, the APS School Board and Public Education Department Secretary Hanna Skandera last Monday, claiming they violated the New Mexico Whistleblower Protection Act and committed civil conspiracy.

#### APS SUPERINTENDENT WOES

Valentino's resignation marks the second APS superintendent in a year to leave following controversy. Last year, former Superintendent Winston Brooks received a \$350,000 payout for leaving the district, and the reasons for his resignation still remain unclear. KOB and the Albuquerque Journal have both sued APS to access records connected to Brooks's resignation.

Valentino told KOB last week he did not think he would lose his job and said he did not plan to resign.

#### GROUPS REACT TO RESIGNATION

The Albuquerque Teachers Federation released the following statement after the announcement of Valentino's resignation: "This has been a difficult time for APS. Public trust has been eroded. The Board of Education and Dr. Valentino have reached a mutual agreement on his voluntary resignation. APS employees are ready to move forward." "Serious issues remain that are affecting APS students and teachers. We expect Acting Superintendent Raquel Reedy to direct her attention to these issues without delay. We stand ready to meet with Acting Superintendent Reedy to formulate a plan to address these serious concerns, such as, superfluous District-mandated testing; unnecessary paperwork requirements; the dysfunctional high school schedule; and others. Acting Superintendent Reedy should lead the District out of the recent crisis by focusing on the classroom, and take immediate steps to support educators who do the real work with our students."

**From:** Albright, Christina [<mailto:Christina.Albright@aps.edu>] On Behalf Of Board ED  
**Sent:** Monday, August 31, 2015 7:24 AM  
**To:** Silvio Dell'Angela  
**Subject:** RE: Thanks-RE: Brad Winter-the forgotten Governor puppet-one of the best reason for term limits. Board President Don Duran, Joe Monahan's postings and the Guv's puppets-Duran and others

Thank you for sharing your concerns. I forwarded your email to the Board of Education yesterday. Please let me know if I can be of further assistance.  
Christy Albright

*Be who you are and be that well. -Saint Francis de Sales*

Christy Albright on behalf of [Boarded@aps.edu](mailto:Boarded@aps.edu) | Albuquerque Public Schools | Board of Education Constituent Services  
Office: 505.880.3729 | [Christina.Albright@aps.edu](mailto:Christina.Albright@aps.edu) | PO Box 25704 Albuquerque, NM 87125-0704

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**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]  
**Sent:** Sunday, August 30, 2015 11:41 AM  
**To:** Board ED <[boarded@aps.edu](mailto:boarded@aps.edu)>; Albright, Christina <[Christina.Albright@aps.edu](mailto:Christina.Albright@aps.edu)>  
**Subject:** Thanks-RE: Brad Winter-the forgotten Governor puppet-one of the best reason for term limits. Board President Don Duran, Joe Monahan's postings and the Guv's puppets-Duran and others

Christina

The KKOB-770 call in talk show yesterday on this subject included calls from many APS teachers were disgusted with both the lying-unethical new Superintendent but the School Board's cowardice in not firing him, the Board President daughter and the search firm's person who found him. The host of the call in show Eric Straud (sp?) was equally disgusted and believed the Board will again betray us. I called in as well.

(Remainder omitted in interest of brevity)

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** FW: My 10/1 NM IPRA Request-yet another follow-up, Loretta Lynch-and more  
**Date:** Tuesday, October 06, 2015 2:42:57 PM  
**Attachments:** [10-5-15Lynch-damage control.doc](#)  
[10-1-15 Loretta Lynch.doc](#)

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## Neighborhood Leaders and others-FYI

Forwarded is an earlier e-mail I sent to many others today-most Bcc

We really thought the DOJ would be our saviors but as evidenced by the toothless APD reform agreement they blessed and also chosen toothless monitoring team-PRC Inc from SC made up of former police officers, we were betrayed.

The new US AG Loretta Lynch by her statements has proven to be just another incompetent D.C. bureaucrat-a willing enabler of the problem of out of control-unaccountable police forces nationwide.

I and likely others have repeatedly asked that she come here to see firsthand what's going on but she chooses to hide unless a fellow African-American is killed somewhere in the US.

Our new police oversight agency that includes four former police officers will also be another sick joke played on us. It will be even more toothless than the previous one.

Those who represent us on the Council also seem afraid to question what APD has been doing. They clearly are intimidated-fear retaliation. They have abdicated their responsibility to us.

While APD leaders have been beating their chests claiming they have body as well as other recorders for use by their officers, the fact is that they continue to refuse to release any incriminating recordings that would confirm that officers and their leadership were lying to justify their shootings and other uses of excessive force.

This is evidenced by the latest stonewalling by Chief Eden of my latest IPRA request for recordings of the shooting last Wednesday.

None of our elected NM State leaders also seem to care about any of this. Some of them-former police officers are even openly enablers of it.

The judicial system has failed us as well. Delaying the trial to 2016 of killer cops Boyd and Sandy who murdered homeless James Boyd (who was only trying to protect himself with his small knives against the vicious K-9 dog-Rex close to him) was clearly unjustified. This one year delay by the court was agreed to in hopes the jury here or elsewhere will set these two killer cops free.

It's sickening and most here feel helpless to do anything about it..

Respectfully,

Silvio  
For WE THE PEOPLE

### Chief Eden

(info to others shown and not shown)

See again our new US AG Loretta Lynch's latest 10/5 attempt at damage control (attached) after her embarrassing 10/1 statements-(also attached) that included some disgusted reader comments to it.

See who Ms. Lynch is looking to help her-none other than those cop organizations who have blessed police states throughout the US and are part of the problem. It's not surprising that she never mentioned citizen civil rights groups like the ACLU, transparency advocates like the NM Foundation for Open Government NM-FOG and others. **Like here, she is asking the foxes to guard the hen house-an insult to us all. See her comment below.**

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***"The Bureau of Justice Statistic (BJS) and the FBI are collaborating with major policing organizations, such as the International Association of Chiefs of Police (IACP), the Major Cities Chiefs of Police Association (MCCA), the Major County Sheriffs Association (MCSA) on defining data collections on police use-of-force and homicides by law enforcement officers."***

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I made an IPRA request to **YOU** six days ago on **October 1** to see the videos and hear the audios of the shooting by an APD officer last Wednesday (see Journal extract below). I have since sent you **THREE** follow-ups on October 2, 3 and 5 asking for the status of your response-all of which you ignored.

Since interim Chief Banks said publically in early 2013 to KOAT that lying by your officers was acceptable in order to protect themselves and other officers, all can assume once again you lied as well as your shooter last Wednesday when claiming the fleeing suspect aimed a gun at your shooter. If this was the case, why stonewall my request to see and hear the recordings? It's because you both lied.

**We can only assume that in every case Schultz and now you denied IPRA requests for videos of APD shootings, your shooters and their accomplices lied when claiming they were threatened-something you likely teach them to say as part of their training.**

You still have Tanner Tixier-Jeremy Dear's accomplice in the murder of Mary Hawkes as your spokesperson. No videos of that murder were made by either Dear or Tixier ever/made or released. That speaks volumes about how corrupt and unfit for this job you are.

*"Carjacking suspect shot at by officer gives SWAT team the slip*

*Albuquerque police search for a suspect near San Pedro and Karlson NE Wednesday morning.  
(Roberto E. Rosales/Journal)By **Robert Browman And Nicole Perez / Journal Staff Writers***

*"As the suspect fled the scene, he pointed the gun at one of our officers, who shot at the suspect an unknown number of times," Eden said. **Tixier said** he didn't know whether the suspect was struck by the gunfire. Eden didn't name the officer who fired but said he wasn't injured in the shooting and would be placed on paid administrative leave, as is standard in police shootings. Although shooting at a moving car is a violation of APD's policies, Eden said the officer had perceived a threat to his safety. "The person, while he was in a vehicle, pointed a firearm at the officer," Eden said. "The officer perceived a threat and responded according to this training."*

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I previously sent you copies of new US AG's 10/5 attempt at damage control to her earlier 10/1 statements **claiming transparency in all police shootings is essential for any reform**. Those are empty words merely to appease the naïve who accept the propaganda that all cops are heroes-are doing us a favor by putting on the uniform and also above the law as their badge is a license to kill.

Yet while doing so, she doesn't even require that her US Marshals be equipped with body recorders while her DOJ people here like Damon Martinez and the former cop "monitors" of APD reform in PMR Inc really don't care.

BCSO's disgraceful Sheriff Manny Gonzalez won't even ask for federal money to buy recorders so his deputies won't ever be held accountable for their shootings and other excessive uses of force.

Retired honest cop Dan Klein exposed you for the incompetent/corrupt person you are in his recent ABQ Free Press letter comparing your thug boss Perry to a Mafia leader and you and others there to his Mafia soldiers. The Eye on Albuquerque also damned your incompetence. **Not one honest APD cop respects you! You are just another Guv Martinez throwaway like your Mayor's personal attorney Jessica Hernandez.**

**More** of our tax dollars will be used to settle many other lawsuits against APD, one of the latest being filed by your former IPRA stonewaller Reynaldo Chavez for spilling his guts on your command staff's, your direction and the direction of city attorneys to withhold incriminating recordings of the Mary Han murder.

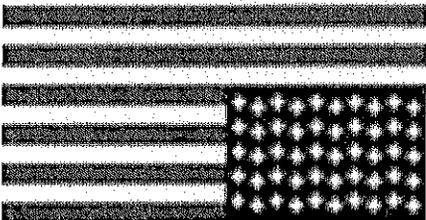
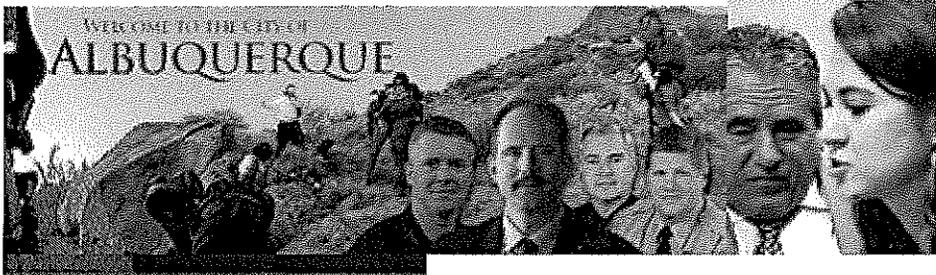
As reported in a "Live Leak" posting, you also directed the withholding of incriminating videos of Perez's and Sandy's murder of James Boyd so they would not be convicted next year.

I am still waiting for your response to my 10/1 IPRA request. Apparently you are confident that nobody on the Council has the guts to demand that you comply with this State law.

Disgusted,

M006083

Silvio  
For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** USDOJ-Office of Public Affairs (SMO) (JMD) [<mailto:USDOJ-Office.of.Public.Affairs@usdoj.gov>]

**Sent:** Monday, October 05, 2015 12:51 PM

**To:** USDOJ-Office of Public Affairs (SMO) (JMD)

**Subject:** ATTORNEY GENERAL LYNCH: USE-OF-FORCE DATA IS VITAL FOR TRANSPARENCY AND ACCOUNTABILITY



## Department of Justice

FOR IMMEDIATE RELEASE  
MONDAY, OCTOBER 5, 2015  
[WWW.JUSTICE.GOV](http://WWW.JUSTICE.GOV)

AG  
(202) 514-2007  
TTY (866) 544-5309

### ATTORNEY GENERAL LYNCH: USE-OF-FORCE DATA IS VITAL FOR TRANSPARENCY AND ACCOUNTABILITY

WASHINGTON—Today, in a press conference held at the Department of Justice, Attorney General Loretta E. Lynch reinforced the need for a national, consistent data on law enforcement interactions with the communities they serve, especially data collection on the use-of-force. The Attorney General noted that the department has already taken steps to improve the accuracy and consistency of use-of-force data from law enforcement.

“The department’s position and the administration’s position has consistently been that we need to have national, consistent data,” said Attorney General Lynch. “This information is useful because it helps us see trends, it helps us promote accountability and transparency,” said Attorney General Lynch. “We’re also going further in developing standards for publishing information about deaths in custody as well, because transparency and accountability are helped by this kind of national data.”

Currently, federal authorities publish annual figures on the number of “justifiable homicides” by law enforcement. But this reporting is voluntary and not all police departments participate, causing the figures to be incomplete. That’s why the Justice Department and the Obama Administration are taking steps to work with law enforcement to improve the process.

“This data is not only vital – we are working closely with law enforcement to develop national consistent standards for collecting this kind of information,” Attorney General Lynch added. The department has already taken steps to improve accurate accounts of use-of-force data from law enforcement: -The Bureau of Justice Statistics (BJS) and the FBI are collaborating with major policing organizations, such as the International Association of Chiefs of Police (IACP), the Major Cities Chiefs of Police Association (MCCA), the Major County Sheriffs Association (MCSA) on defining data collections on police use-of-force and homicides by law enforcement officers.

-The department also requires the records of police interactions when we enter into consent decree and collaborative reform agreements.

-The FBI recently announced that the Uniform Crime Reporting Statistics (UCR) will begin to collect data on non-fatal shootings between law enforcement and civilians.

BJS has been conducting work on new methods for not only identifying deaths in police custody (as defined by the Deaths in Custody Reporting Act (PL 113-242), where they will go further than what the newspapers and media reports on law enforcement homicides that are derived from open source records verifying that the media accounts are correct and complete. BJS will do this by surveying police departments, medical examiners' offices and investigative offices about the reports that it identifies from open source and using data from the multiple source to obtain a more accurate factual account of each incident. BJS will complete its methodology study by late 2015/early 2016 and then begin to stand up a national program on arrest related deaths.

The President's Task Force on 21st Century Policing and the President's Police Data Initiative also seek to encourage better data and record keeping for local law enforcement reinforces the administration's position on this need.

*Excerpts from the Attorney General's Press Conference:*

**ATTORNEY GENERAL LYNCH:** [L]et me be clear: police shootings are not minutiae at all and the department's position and the administration's position has consistently been that we need to have national, consistent data. Both on excessive force and on officer involved shootings is vital. The point I was trying to make at that conference related to our overall view of how we deal with police departments as part of our practice of enforcing consent decrees, or working with them and I was trying to make the point that we also have to focus on building community trust which is a very individual – very local – practice. Unfortunately, my comments gave the misperception that we were changing our view in some way about the importance of this data – nothing could be further from the truth. This data is not only vital – we are working closely with law enforcement to develop national consistent standards for collecting this kind of information.

**ATTORNEY GENERAL LYNCH:** [W]e do require it [data collection]. When we have consent decrees with departments and frankly we find it very, very useful as we look at data and trends and as we publish consent decrees we encourage other departments to do so. And frankly police departments also are finding it useful. Certainly the fact that we don't have a nationwide, consistent set of standards is – not only does it make our job difficult it makes it hard to see these trends and that's why it is so important to focus on these. And that's why we are working through the department's research arm – our Bureau of Justice Statistics and the FBI – are working with the leading police organizations; International Association of Chiefs of Police; Major Cities Chiefs; Major Counties Sheriffs; to look at these standards. And we're also going further in developing standards for publishing information about deaths in custody as well; because transparency and accountability are helped by this kind of national data.

###

15 – 1233

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS, PLEASE USE THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.

M006086

## Loretta Lynch: Government Shouldn't Require Reports of People Killed by Police

By Ciara McCarthy, Guardian UK 03 October 15

*The attorney general says local police are encouraged to maintain records on such killings, but improving police-community relations is more important*

**A**ttorney general Loretta Lynch says the federal government should not require police to report fatal shootings of civilians, sharply diverging from her predecessor Eric Holder's stance on police killings.

In a conversation with NBC journalist Chuck Todd on a range of criminal justice issues, Lynch said on Thursday that she does not support a federal mandate to report people killed by police.

"One of the things we are focusing on at the Department of Justice is not trying to reach down from Washington and dictate to every local department how they should handle the minutia of record keeping, but we are stressing to them that these records must be kept," she said at the Washington Ideas Forum, hosted by AtlanticLIVE and the Aspen Institute. Lynch said the Justice Department does "encourage" local departments to maintain records on police shootings but that improving police-community relations is more important. She noted that the small size of the average police department could make record-keeping difficult. "The statistics are important, but the real issues are: 'what steps are we all taking to connect communities ... with police and back with government?'" she said.

Todd pressed Lynch to comment on the lack of data, citing The Counted, the Guardian's project to track all deaths by police in 2015, as the best source for fatal interactions with police. "I'm not going to comment on news organizations keeping numbers," Lynch said in response. "I think they do a pretty good job **sometimes.**"

Lynch's statements show a sharp contrast from her predecessor's position on tracking police violence. Holder, the former attorney general who left office in April, has called the lack of official data "unacceptable". Before leaving office he called its collection the "first step" toward improving police-community relations.

"I've heard from a number of people who have called on policymakers to ensure better record-keeping on injuries and deaths that occur at the hands of police. I've also spoken with law enforcement leaders – including the leadership of the Fraternal Order of Police – who have urged elected officials to consider strategies for collecting better data on officer fatalities," Holder said in January. "Today, my response to these legitimate concerns is simple: We need to do both."

A spokesperson for the Department of Justice told the Guardian in a statement Friday that Lynch encouraged police to maintain records regarding police-civilian interactions. The spokesperson, Melanie Newman, also noted that the department requires such record-keeping when it enters into consent decrees with local agencies. "Her broader point was that while maintaining data to record police interactions is important, we should be focused on preventing those interactions by improving relationships between local law enforcement and their communities," Newman said.

In the wake of high-profile police killings of unarmed black men, many looked for data on how many people police kill each year only to find that was no reliable number. Police departments may

voluntarily submit information on "justifiable homicides" to the Federal Bureau of Investigation, which counted 444 of these deaths in 2014. Director James Comey resisted calls for a mandatory reporting system this week, calling for more data on fatal police shootings but maintaining the voluntary reporting system. "I don't have the power to require people to supply us with data," Comedy said at a roundtable with reporters on Thursday.

The Guardian has launched a project, The Counted, to track all people killed by police in 2015. As of Friday afternoon, 878 have been killed by law enforcement.

Comments

+19# NAVYVET 2015-10-03 09:55

I trust the Guardian more than local police departments.

+13# tedrey 2015-10-03 10:13

L. Lynch explains "We are stressing to them that these records must be kept," but that they needn't be reported. Is this a "don't ask, don't tell" deal?

+22# Merlin 2015-10-03 10:27

Either Lynch is totally oblivious, a person with elitist views, or a complete incompetent. Take your pick. This, (as was predicted,) is yet another terrible appointment by our "great chief." Lynch is just completely coping out on her responsibility to lead and seek justice.

+13# tref 2015-10-03 11:34

@Merlin

I'd say she's an idiot. With gun deaths in the US higher per capita than any other major country in the world, Lynch is insane to think we can rein in police killing civilians without accurately tracking the statistics. Had she been on the Supreme Court, she no doubt would have voted with the majority to gut the Civil Rights Act of 1964 because all those Confederate states are now reformed. She has totally ignored the fact that ONLY body cams and civilian camera phones were finally able to put the lie to police claims of "he resisted arrest so we had to kill him." The only way to nail roaches is to shine a light on them.

+17# Anonymot 2015-10-03 10:59

We were told, we believed that minority appointees and women appointees would be more humane and caring than men. Here's another dumb one. She sounds as bad as Holder. Who picks these lulus? Hillary?

+8# tm7devils39 2015-10-03 11:57

The "pickers"(Dem or GOP) pick people who they know will repress their moral and ethical principles (in order to keep their job) in deference to government (party line) dictates. Critical thinking ability is not a prerequisite for the job.

+25# mmalinco 2015-10-03 11:39

What has she been smoking? She expresses concern for the record-keeping burden this would impose on small police departments: how many fatal shootings are those, "small police departments," involved in each year that it could become a reporting and record-keeping burden?

**+13# skylinefirepest** 2015-10-03 11:56

mmalinco...perfectly stated. I've lived in small towns for most of my life and we've only had a couple of well justified shootings by police. What we need in this country is to put the bright lights on these instances so there's not a "swept under the rug" justification of a bad shooting.

**+16# randrjwr** 2015-10-03 12:09

Quoting: "Lynch said the Justice Department does "encourage" local departments to maintain records on police shootings but that improving police-community relations is more important. She noted that the small size of the average police department could make record-keeping difficult."It might not be so difficult if they didn't shoot so many people. **And, once again the chickens are consigned to care by the fox.**Ridiculous!!P.S. Sorry--didn't see mmalinco's post before I wrote this, so it is redundant; but I'll post it anyway to weigh in on the issue alongside mmalinco (who said it better than I did).

**+4# lewagner** 2015-10-03 12:26

(Vote for change. :)

**+6# Capn Canard** 2015-10-03 13:46

SHIT CAN Lynch NOW. She has proven herself not fit for service, she is someone who is not with the people as she snuggles up to powerful to insure her own future. But what about the rest of us?

**+4# Cirze** 2015-10-03 14:03

This is no surprise. I remember seeing her outed as a plant before she was confirmed. Like Arne Duncan and so many before her, she was picked to make these very bad decisions. Sometimes I think it's still a part of being that good Republican-lite choice of times past in order to woo Republican votes . . . but then I remember that that also has been outed long ago. Are we stuck permanently with the wrong template used by our already planted politicians?"This, (as was predicted,) is yet another terrible appointment by our "great chief." "

**+7# Archie1954** 2015-10-03 15:58

Already this new appointee is backing off protecting the people from the police. How wrong can she be?

**+4# Atliberty** 2015-10-03 21:03

The US government is just an organization designed to stand as middle men between the corporations and the people, they work for the corporations not the people. She is worse of a corporate police state stamp of approval than Holder was.

**+3# Shades of gray matter** 2015-10-03 21:37

Her policy position is AWFUL, and her rationale for it is preposterous. Has she no shame? Is she the Samantha Powers of domestic policy, policy rationale? Slick Willie thought by sliding to the Right, ex., re kkkops, he could undermine GOPers. Then W got elected twice and the House & Senate are in GOP hands. Hillary & Obama can't see that?

**+2# Banichi** 2015-10-03 23:15

I am sick to my stomach to read this story. I would not have believed any black person, male or female, could possibly have handed the primarily white police departments of this country a free pass to not have to be accountable for their actions. But here we are and she did. As far as Hillary and

Obama being able to see the results of a slow slide to the right NOT placating or "building bridges" with the GOP, if they don't know that by now, they are only demonstrating that there was no bridge to build in the first place. A GOP member of Congress has now admitted openly that the order was passed down after Obama's election to block everything he tried to accomplish. Obama could not have missed that fact in short order after his election, but he seemed to keep on trying to buy acceptance by giving away big pieces while getting little crumbs in exchange. The terms of passing the NDAA in exchange for ending 'Don't Ask, Don't Tell' are an example, and I mean no offense whatever to gays in the military in saying that. It is good that 'Don't Ask, Don't Tell' ended. The NDAA affects the entire country. I assert that both Obama and Hillary know very well what the elite's marching orders have been and are now. We are the only ones who keep on hoping that they might change their ways. Both Hillary and Obama have pushed for the finalization of the TPP and TPIP which would supersede any rights under the Constitution. Think they don't know that? THEY DO.

-  
**+2# Banichi** 2015-10-03 23:31

Whether it is the NDAA giving the military the right to pick up US citizens off the street at any time or place, or the TPP and TPIP having clauses which allow the corporations to sue the U.S., state or local governments for 'loss of potential profits' if laws or local ordinances prevent them from going after resources anywhere they want to (and this is regardless of the damage to the environment or citizens' health or any other reason; such suits will be decided in corporate tribunals with no regard to the sovereignty of any nation who signs the agreements) the direction is clear. I should not have to point it out to you. Hillary has been a member of the .01% for a long time, and has no commitment to anything else. What she says on the campaign for President means zero, just as Obama's campaign promises meant nothing. The only hope I have left for restoring the rule of law as delineated in the Constitution and Bill of Rights is the possible election of Bernie Sanders, folks. Otherwise we are stuck with people whose political loyalty is to a system that has only served to get us where we are today, and will not help the restoration of the Constitution, the middle class, or help the poor, or people of color (and that includes 'white'). This is the end result of a capitalist system with the power to enslave all of us with no accountability, get it?

-  
**+3# geraldom** 2015-10-03 21:50

Oh how I have come to hate Obama. I voted for the asshole in 2008. It seems that we have an Aunt Jane running the USDOJ. I thought that Janet Reno in the 2000 presidential election was bad enough when she refused to jump into the fray as U.S. AG to halt and investigate the stealing of the 2000 presidential election and the massive violations of the VRA at the time, but Loretta Lynch is getting up there. Obama is a lot smarter than this. If Obama was the president he claimed he was when he was candidate Obama, how can he screw up so badly with virtually all of his appointees and cabinet members?

-  
**+4# lfeuille** 2015-10-03 23:04

To Bernie Sanders: When you become president please make sure to appoint people who actually believe in your agenda.

-  
**-1# Shades of gray matter** 2015-10-04 09:15 The AG gets his/her ORDERS from the Prez.

**From:** [Skotchdopole, Paul A.](#)  
**To:** [POB; Edward Harness \(ed\\_harness@live.com\)](#)  
**Subject:** FW: NACOLE Travel Info - Per Diem and Reimbursable Expenses  
**Date:** Wednesday, September 30, 2015 10:08:59 AM

---

NACOLE attendees,  
You do not need to save your receipts for meals, but you do for everything else. Sorry for the miscommunication.

Paul

---

**From:** Barela, Veronica M.  
**Sent:** Wednesday, September 30, 2015 10:07 AM  
**To:** Skotchdopole, Paul A.  
**Subject:** RE: NACOLE Travel Info - Per Diem and Reimbursable Expenses

Paul,

No receipts for meals.

Thanks,

Veronica

---

**From:** Skotchdopole, Paul A.  
**Sent:** Wednesday, September 30, 2015 10:02 AM  
**To:** Barela, Veronica M.  
**Subject:** RE: NACOLE Travel Info - Per Diem and Reimbursable Expenses

So is the e-mail incorrect? To clarify, they DO need to save meal receipts?

Paul

---

**From:** Barela, Veronica M.  
**Sent:** Wednesday, September 30, 2015 10:01 AM  
**To:** Skotchdopole, Paul A.  
**Subject:** RE: NACOLE Travel Info - Per Diem and Reimbursable Expenses

Hello Paul,

That is correct. I stated in the email that they did not need to send me receipts for meals.

Thank you,

Veronica

---

**From:** Skotchdopole, Paul A.  
**Sent:** Wednesday, September 30, 2015 9:59 AM  
**To:** Barela, Veronica M.; 'moiraamado@gmail.com'; 'moira.amado-mccoy@edwardjones.com'; Jeannette V. Baca; Susanne Brown; Eric H. Cruz; Beth Mohr; David Ring; Leonard Waites  
**Subject:** RE: NACOLE Travel Info - Per Diem and Reimbursable Expenses

Veronica,

I thought that they do need to save receipts for meals. I thought that was what you told me on the phone

M006091

yesterday. Can you clarify? Thank you.

Paul

---

**From:** Barela, Veronica M.

**Sent:** Wednesday, September 30, 2015 9:57 AM

**To:** 'moiraamado@gmail.com'; 'moira.amado-mccoy@edwardjones.com'; Jeannette V. Baca; Susanne Brown; Eric H. Cruz; Beth Mohr; David Ring; Leonard Waites

**Cc:** Skotchdopole, Paul A.

**Subject:** NACOLE Travel Info - Per Diem and Reimbursable Expenses

Good morning All,

Upon your return from the NACOLE Conference, please scan and email me your hotel receipts as well as any transportation receipts for travel during your trip. Below I have provided the meal per diem rates at which you will also be reimbursed. You do not need to send me receipts for meals. When I receive your receipts, I will submit an expense report on your behalf which will be approved by our Travel Coordinator, Kerri Baum. Upon approval, you will receive your reimbursements.

Date	Breakfast	Lunch	Dinner	Incidentals	Notes
10/4/2015	\$12.00	\$18.00	\$36.00	\$5.00	
10/5/2015	\$12.00	\$18.00	\$36.00	\$5.00	
10/6/15	\$12.00	\$18.00	\$36.00	\$5.00	
10/7/15	\$12.00	\$18.00	\$36.00	\$5.00	
10/8/2015	\$12.00	\$18.00	\$36.00	\$5.00	

If you have any questions, please let me know.

Thank you,

*Veronica M. Barela*

City of Albuquerque

SAD Accountant

W: 505-768-3410/ F: 505-768-2264

One Civic Plaza, 8<sup>th</sup> Floor, Room 8010

Albuquerque, NM 87103

[ymbarela@cabq.gov](mailto:ymbarela@cabq.gov)

M006092

**From:** Silvio Dell'Angela  
**To:** Eden, Gorden  
**Cc:** Garduno, Rev; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; info@nmfog.org; Hernandez, Jessica M.; Mayor Berry; pmrinc@mac.com; POB; vanita.gupta@usdoj.gov; "Damon Martinez"; "Elizabeth Martinez"  
**Subject:** FW: NM IPRA Request-You have three days-NLT Monday to respond say whether you intend to comply  
**Date:** Monday, October 05, 2015 11:51:47 AM  
**Attachments:** Scan\_Doc0177.pdf

---

Chief Eden

I am still waiting for your reply telling me whether you intend to comply NLT 10/15.

When vetoing EC-15-433 *"Veto Message on R-15-243 Establishing a Policy that Enforcement of Laws Criminalizing Possession of One Ounce or Less of Marijuana for Adult Personal Use Shall Be a Low Law Enforcement Priority"* he would try to justify it in his 10/1 letter (scan 177 attached) by saying hypocritically that, *"Our police officers have taken an oath to uphold the laws of the State of New Mexico. I took the same oath. I take my oath seriously, and I will not place the fine men and women of the Albuquerque Police Department in a position where they are told to compromise their oaths and disregard State law."*

Yet it is apparently OK for you with the Mayor's and Ms. Hernandez's blessing to continue to ignore the NM IPRA-also a STATE LAW-just in case you all don't remember this.

I wonder whether even one City Councilor at Wednesday's Council meeting will ask you, Ms. Hernandez and CEO Perry why you continue to not comply with this important sunshine law.

The ONLY APD recording showing an actual APD shooting was the murder by Sandy and Perez of James Boyd in 2014. You couldn't let that happen again-I guess.

I await your reply

Silvio

For WE THE PEOPLE

---

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Saturday, October 03, 2015 11:48 AM  
**To:** 'Eden, Gorden'  
**Cc:** 'Mayor Berry'; 'info@nmfog.org'; 'pmrinc@mac.com'; 'Hernandez, Jessica M.'; 'POB@cabq.gov'; 'rbrowman@abqjournal.com'; 'nperez@abqjournal.com'; 'vanita.gupta@usdoj.gov'; 'Huntsman, Robert Y.'; 'Elizabeth Martinez'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'  
**Subject:** NM IPRA Request-You have three days-NLT Monday to respond say whether you intend to comply

M006093

Chief Eden

Info- others shown and not shown

Can I expect to see the requested recordings or yet just more APD stonewalling-saying all of your cops on scene of shooting too busy to turn on their recorders?

Reply soonest.

Cheers

Silvio

For WE THE PEOPLE

P.S.

Councilors-Do you even care?

Media-Do you care?

DOJ-Do you care?

PMR Inc-We all know that you toothless monitors don't care

Deputy Chief Huntsman-All area neighbors note the many signs on your lawn supporting Trudy Jones' re-election. She is running unopposed. Very revealing.

---

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Friday, October 02, 2015 12:57 PM

**To:** 'Eden, Gorden'

**Cc:** 'Mayor Berry'; 'POB@cabq.gov'; 'rbrowman@abqjournal.com'; 'nperez@abqjournal.com'; 'info@nmfog.org'; 'D'Val Westphal'; 'Hernandez, Jessica M.'; 'pmrinc@mac.com'; 'Damon Martinez'; 'vanita.gupta@usdoj.gov'; 'Brandenburg, Kari'

**Subject:** FW: NM IPRA Request

Chief Eden

I guess since we have depended on the ABQ Free Press, the Eye on Albuquerque and some TV reporters to tell us about the City's rampant stonewalling of IPRA requests, I guess Berry's personal attorney Ms. Hernandez has been told to come up with some damage control measure to try convince citizens that this Berry administration is really not the worst in the City's history and your APD not the most dangerous.

Reference the Journal editorial today-"City right to plug its pricey IPRA violation drain" telling us

M006094

that Mayor Berry's personal attorney now has a "team that focuses on IPRA processes and policies to establish and ensure consistency in what is supplied and what is denied." Is Kathryn Levy on Ms Hernandez's new damage control team?

Is Bill Roseman who was part of the stonewalling process when trying to justify in the absence of any recordings Jeremy Dear's murder of Mary Hawkes? Dear's accomplice in that murder was none other than your embarrassing spokesman Tanner Tixier who parroted Dear's lies that Mary really had a gun. Is Rob Perry also part of Jessica's "team"?

Does this "consistency" mean APD is again going to be permitted to find some bogus excuse for never releasing any video and audio recordings showing the actual APD shootings as has been your APD's history? No recordings-no proof of your officer(s) lying and thus no accountability.

With the exception of the since helmet video of the James Boyd murder by Perez and Sandy and State police audio exposing Sandy's pre-meditation two hours before shooting Boyd, there has not been even ONE (I repeat, not even ONE ) video showing any actual APD shooting.

See the attached "Live Leak" report from an honest APD cop saying you were complicit in withholding other incriminating recordings of the Boyd murder.

Claiming that your former NM IPRA stonewaller Reynaldo Chavez was just a disgruntled employee is just more embarrassing doubletalk on your part as Reynaldo finally spilled his guts that Hernandez's Levy and possibly you and others told him to bury the incriminating recordings proving the death of Mary Han was a murder and not a suicide.

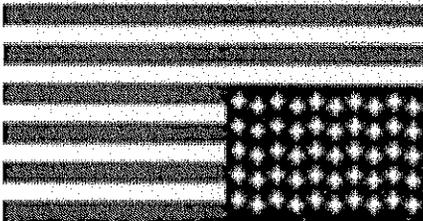
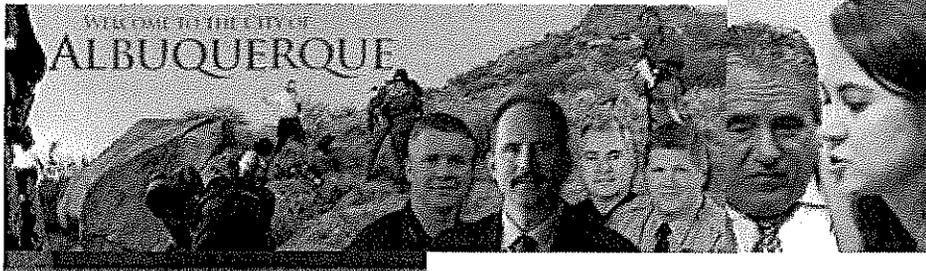
If (thus far cowardly/MIA from the public) James Ginger and his fellow former officers on PMR Inc. were really doing their jobs, they too would ask to see the videos of every shooting as should the DOJ and the media.

-  
My IPRA request below is another attempt to find out whether your APD shooter acted in self-defense as he claimed when shooting illegally at a fleeing car.

I am still waiting for a response to my IPRA request below. Also, check out the latest Eye on Albuquerque posting. It mentions you.

Silvio  
For WE THE PEOPLE

See "The worst cases of police brutality in September" at  
[http://thinkprogress.org/justice/2015/10/01/3706973/people-killed-police-september/?utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=tptop3&utm\\_term=2&utm\\_content=1](http://thinkprogress.org/justice/2015/10/01/3706973/people-killed-police-september/?utm_source=newsletter&utm_medium=email&utm_campaign=tptop3&utm_term=2&utm_content=1)



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

---

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Thursday, October 01, 2015 12:18 PM

**To:** 'Eden, Gorden'

**Cc:** 'Mayor Berry'; 'pmrinc@mac.com'; 'POB@cabq.gov'; 'rbrowman@abqjournal.com'; 'nperez@abqjournal.com'; 'info@nmfog.org'; 'theyeonalbuquerque@gmail.com'; 'jmonahan@ix.netcom.com'; 'Jeff.Proctor@krqe.com'; 'peter.stcyr@gmail.com'; 'koatdesk@hearst.com'; 'newsdesk@krqe.com'; 'news@kob.com'; 'editor@freeabq.com'; 'freedomnewmexico@gmail.com'; 'f.brilliant@yahoo.com'; 'cjames@kob.com'; 'ezucco@kob.com'; 'rluby@kob.com'; 'cjames@kob.com'; 'Chris.McKee@krqe.com'; 'ttixier@cabq.gov'; 'Hernandez, Jessica M.'

**Subject:** NM IPRA Request

Chief Eden

Info to others shown and not shown including our Councilors

IAW the NM Inspection of Public Records Act, request the opportunity to review all of the video and audio recordings of the latest shooting reported in the Journal article below.

Please copy Dr. Ginger and the media shown as CC addressees. I would assume that Ginger and the media would also want to see and hear the recordings.

Thank you

Silvio

For WE THE PEOPLE

Also see:

<http://www.abqjournal.com/362416/news/officer-fired-eight-shots-at-fleeing-suspect.html>

<http://www.abqjournal.com/296967/news/apd-chief-carjacking-suspect-was-armed-but-didnt-fire.html>

The first journal article discusses trigger-happy APD shooter Brian Pitzer while the second includes statement by interim Chief Banks who had said to KOAT in an earlier 2013 report that it was acceptable for police officers to lie to protect themselves. I assume the videos will prove that the officers didn't lie when saying the fleeing suspect was pointing a gun at them.

---

### Carjacking suspect shot at by officer gives SWAT team the slip

Albuquerque police search for a suspect near San Pedro and Karlson NE Wednesday morning. (Roberto E. Rosales/Journal)By Robert Browman And Nicole Perez / Journal Staff Writers

Published: Wednesday, September 30th, 2015 at 11:16am Updated: Wednesday, September 30th, 2015 at 10:31pm

*Kat Ramos heard it before she saw it. Bang! Bang! Bang! Bang! Bang! Then screeching tires. A car came barreling toward her, narrowly missing her son, who was playing with Legos on the sidewalk. She had just witnessed the Albuquerque Police Department's latest officer-involved shooting. Police say an APD officer opened fire at a carjacking suspect who was fleeing down Ramos' block in a car Wednesday morning. The suspect, who police said pointed a handgun at the officer, sped away and drove to a mobile home park in the Northeast Heights. SWAT officers worked throughout the day at the mobile home park to try to find the suspect and arrest him, only to find he wasn't there Wednesday night. The incident began when officers were called to Española and Grand NE around 10 a.m. after a security company gave them GPS data on a car that had been carjacked from a woman, said officer Tanner Tixier, an APD spokesman. Police Chief Gorden Eden said that when officers arrived at the scene, they took two suspects into custody, but that a third suspect jumped into a stolen vehicle and fled. "As the suspect fled the scene, he pointed the gun at one of our officers, who shot at the suspect an unknown number of times," Eden said. Tixier said he didn't know whether the suspect was struck by the gunfire. Eden didn't name the officer who fired but said he wasn't injured in the shooting and would be placed on paid administrative leave, as is standard in police shootings. Although shooting at a moving car is a violation of APD's policies, Eden said the officer had perceived a threat to his safety. "The person, while he was in a vehicle, pointed a firearm at the officer," Eden said. "The officer perceived a threat and responded according to this training." Ramos said she was drinking coffee with her neighbor and saw about six police cars in front of a house about a block down her street. Officers started making announcements over a loudspeaker. Then, she said, she saw a gray sedan weave through the police cars and speed down the street. An officer walking on the east side of the street raised his gun and pointed it at the car, which was fleeing ahead of him, Ramos said. Then she heard five shots. "The cop just opened fire, trying to take him out," she said. She said she couldn't see whether the suspect pointed a gun at the officer but said officers told her he did. Shannon O'Neil, who lives nearby, said he heard five shots, went outside and heard an older officer tell the other officers that he had missed the suspect. "He said something to the effect of,*



**CITY OF ALBUQUERQUE**  
Albuquerque, New Mexico  
Office of the Mayor

**EC-15-433**

Mayor Richard J. Berry

**INTER-OFFICE MEMORANDUM**

October 1, 2015

**TO:** Rey Garduño, President, City Council

**From:** Richard J. Berry, Mayor

**SUBJECT:** Veto Message on R-15-243 Establishing a Policy that Enforcement of Laws Criminalizing Possession of One Ounce or Less of Marijuana for Adult Personal Use Shall Be a Low Law Enforcement Priority

I have carefully considered and have exercised my veto authority on R-15-243, which passed at the City Council meeting of September 21, 2015, by a vote of 5 For and 4 Against.

New Mexico law has established by statute that possession of marijuana is a crime. Our police officers have taken an oath to uphold the laws of the State of New Mexico. I took the same oath. I take my oath seriously, and I will not place the fine men and women of the Albuquerque Police Department in a position where they are told to compromise their oaths and disregard State law.

For these reasons, I am vetoing this bill.

**From:** Hammer, Robin  
**To:** Rodgers, Shane  
**Cc:** Joanne Fine; Gonzalez, Arturo E.  
**Subject:** FW: Next ride along  
**Date:** Monday, July 06, 2015 8:57:07 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 [REDACTED]. 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:** Beth Mohr  
**Subject:** FW: Only 2 Weeks left to register!!! Investigation on the Internet - Register Now  
**Date:** Thursday, August 27, 2015 9:07:31 AM  
**Attachments:** [ACFE-NM - Investigating on the Internet-Updated.pdf](#)

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**Please pass this along to your colleagues, and register ASAP if you're interested, this entertaining and useful course will sell out:**

**Who Should Attend?** Anyone who has to look into people's backgrounds or perform due diligence searches, including:

Investigators, Fraud Examiners, Lawyers, Paralegals, Accountants & Auditors

Register now for the ACFE-NM's presentation of "Investigating on the Internet" with Cynthia Hetherington, MLS, MSM, CFE. We have limited space and this seminar is selling out fast, so please register now to save your spot! Enclosed is the registration flier. Please post the flier in your break room, and forward this email to anyone who might be interested.

**"Investigating on the Internet"**

Presented by Cynthia Hetherington MLS, MSM, CFE, CII

**DATE:** Friday, September 18, 2015

**PLACE:** Greater Albuquerque Assoc. of Realtors (GAAR)  
1635 University Blvd. NE Albuquerque, NM 87102

**TIME:** Registration & Breakfast 7:30 a.m. (Pre-registration required to attend)  
Program 8:30 a.m. – 4:30 p.m.

**INCLUDED:** Free copy of Ms. Hetherington's book: Guide to Online Due Diligence

**PRICE:** \$190.00 members/non-members (includes free Breakfast & Lunch)

**CPE CREDIT:** 8 Hours NASBA CPE (also ACFE, DHS, LPC and ASIS)  
**Delivery Method:** Group-Live  
**Field of Study:** Specialized Knowledge and Applications

How to Register: Fill out and mail the enclosed form with your check, or email ACFE-NM Director of Education Anne Layne at [acfenmchapter@gmail.com](mailto:acfenmchapter@gmail.com) or call Anne at 505-554-2968. You can also

register and pay via (non-governmental) Credit Card at <https://squareup.com/market/acfe-nm>

Cynthia Hetherington, MLS, MSM, CFE, CII

Cynthia Hetherington, MLS, MSM, CFE, - Cynthia has more than 20 years of experience in research, investigations and corporate intelligence. A noted authority and recipient of the 2012 'Speaker of the Year Award' by the Association of Certified Fraud Examiners ([www.ACFE.org](http://www.ACFE.org)). Her company, the Hetherington Group, is a national consulting, publishing and training firm specializing in intelligence, security and investigations.

One of the most respected online investigators, Cynthia combines her Master of Library Science, Master of Science in Management, experience as a Certified Fraud Examiner, and over 20 years of computer expertise, to establish her company in the online and Internet investigative industry.

Cynthia has been recognized for her work in overseeing national and international investigations for Fortune 500 companies and other organizations in the Middle East, Europe and Asia. Hetherington has provided numerous corporate security officials, military intelligence units, and federal, state and local agencies with training on online intelligence practices.

She is one of the foremost authorities on:

- Employee theft prevention and detection
- Intellectual property loss
- National and international online and database research
- Business fraud prevention and detection
- Asset location and recovery
- Cyber counterterrorism

Hetherington has authored:

- Business Background Investigations () Facts on Demand Press
- Manual to Online Public Records () Facts on Demand Press
- Web of Deceit: Misinformation and Manipulation in the Age of Social Media (contributing writer) (2011) Cyberage Books
- Guide to Online Due Diligence (2015) Facts on Demand Press

She is also the publisher of Data2know.com: Internet & Online Intelligence Newsletter and has co-authored articles on steganography, computer forensics, Internet investigations and other security-focused monographs for other industry publications.

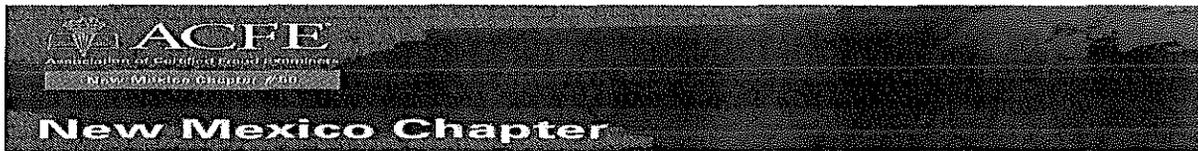
Beth A. Mohr, CFE, CAMS, MPA, PI  
Managing Partner  
McHard Accounting Consulting LLC  
933 San Mateo Blvd, NE 500-151  
Albuquerque, NM 87108  
[REDACTED] cell

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 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*



# "Investigating on the Internet"

Presented by Cynthia Hetherington MLS, MSM, CFE, CII

- DATE: Friday, September 18, 2015
- PLACE: Greater Albuquerque Assoc. of Realtors (GAAR)  
1635 University Blvd. NE Albuquerque, NM 87102
- TIME: Registration & Breakfast 7:30 a.m. (Pre-registration required to attend)  
Program 8:30 a.m. – 4:30 p.m.
- PROGRAM: The Internet can serve as either an aid or a curse to investigators depending on how you use it. Learn how to effectively use Internet resources, create proper search strategies, and run advanced Internet searches. Understand the limitations of what is available and how that can hurt your case. We will go on-line to some of the most productive sites that are available for conducting investigations. Learn how to deconstruct a Web site for intelligence, understand caching and how that can be your best lead, and use backdoors that are useful for your investigations.
- INCLUDED: Free copy of Ms. Hetherington’s book: Guide to Online Due Diligence
- PRICE: \$190.00 members/non-members (includes free Breakfast & Lunch)
  - CPE CREDIT: 8 Hours NASBA CPE (also ACFE, DHS, LPC and ASIS)
  - Delivery Method: Group-Live
  - Field of Study: Specialized Knowledge and Applications
  - Who Should Attend: Investigators, Fraud Examiners, Accountants & Auditors

## PRE-REGISTRATON REQUIRED

Use this form to register, or call Anne Layne at (505) 998-3213 or email [acfenmchapter@gmail.com](mailto:acfenmchapter@gmail.com)



Name of Attendee: \_\_\_\_\_

Agency/Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

You can also use your Non-Governmental\* credit card securely online at: <https://squareup.com/market/acfe-nm>

Mail your registration form with your check or PO for \$190.00 per attendee to:

ACFE-NM  
 PO Box 90511  
 Albuquerque, NM 87199

**REGISTER NOW! SPACE IS LIMITED ~ THIS SEMINAR WILL SELL OUT** in advance of the registration deadline.  
Last day to register, request a refund or to request substitution of participant is September 10, 2015

*\*P-Cards and Governmental credit cards typically do not work on this 3<sup>rd</sup> party site, please send a check or PO, or use personal credit card.*

**From:** Contreras, Michelle  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette Y. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown  
**Cc:** Mark Baker, Esq.; Gonzalez, Arturo E.; Funes, Ana R.; Davila, Natalee Z; Babcock, Jackie  
**Subject:** FW: Outreach Agenda  
**Date:** Friday, August 14, 2015 11:30:21 AM  
**Attachments:** Aug 17 2015 Outreach Agenda-PDF.pdf

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Good morning,

Please see attached the Outreach Subcommittee Agenda. Please feel free to contact our office if you have questions.

Thank you.

Michelle Contreras

**Michelle Contreras**

Senior Administrative Assistant  
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  
POLICE OVERSIGHT BOARD  
OUTREACH SUBCOMMITTEE**

*Dr. Jeannette Baca, Chair    Rev. Dr. David Z. Ring III*  
*Leonard Waites*  
Robin S. Hammer, Acting Executive Director

**POLICE OVERSIGHT BOARD  
OUTREACH SUBCOMMITTEE**

**Monday, August 17, 2015 – 2:00PM  
Plaza del Sol, 600 2nd Street NW –  
Basement, Hearing Room 160**

**AGENDA**

- I. **Welcome and Call to Order:** *Chair Dr. Jeannette Baca*
- II. **Approval of the Agenda**
- III. **Public Comments**
- IV. **Approval of the Minutes**
- V. **Discussion of Outreach Coordinator Job Search-**
- VI. **Discussion of Projects for Outreach Subcommittee and Outreach of Police Oversight Board as a whole**
- VII. **Other Business & Committee Recommendations:**
- VIII. **Next Meeting date to be determined at meeting**
- IX. **Adjournment**

**From:** Skotchdopole, Paul A.  
**To:** POB; Mark T. Baker  
**Subject:** FW: POB Contact Info  
**Date:** Monday, September 14, 2015 1:59:20 PM

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**From:** Edward Harness [mailto:ed\_harness@live.com]  
**Sent:** Monday, September 14, 2015 1:40 PM  
**To:** Skotchdopole, Paul A.  
**Subject:** POB Contact Info

Good Afternoon: I trust you had a good weekend. Could you forward the contact info for the POB members? Thanks!

Edward W. Harness  
Attorney & Counselor at Law  
[REDACTED]  
Milwaukee, WI 53202  
Call, Text, or Fax 1-877-243-9184

SuperLawyers WI Rising Star 2008-2010  
Milwaukee's Lifestyle Magazine Highest Rated Attorneys 2012 - 2015

THE INFORMATION CONTAINED IN THIS MESSAGE IS PERSONAL, CONFIDENTIAL AND MAY BE PRIVILEGED COMMUNICATION, IT IS SOLELY FOR THE ABOVE LISTED RECIPIENT(S). IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY THE SENDER AND IMMEDIATELY DESTROY AND DISPOSE OF THIS MESSAGE, THANK YOU!

**From:** Skotchdopole, Paul A.  
**To:** POB  
**Cc:** Hammer, Robin; Davidson, Christopher; McDermott, Diane L.; O'Neill, Erin; Contreras, Michelle; Gonzalez, Arturo E.; Mark T. Baker  
**Subject:** FW: PPRB - Items Passed  
**Date:** Thursday, July 30, 2015 5:49:43 PM  
**Attachments:** 3-01 - EDITED.doc  
3-06 - EDITED.doc  
02-33-EDITED.doc  
3-08 - EDITED.doc  
02-13.doc  
3-09.doc  
2-04.doc  
4-03.doc  
2-05.doc  
2-08.doc  
2-09.doc  
02-42.doc  
03-45.doc

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All,

These are the SOP's passed and published since my last update.  
Should you have any questions feel free to contact me at 924-3773.

Best Regards,  
Paul Skotchdopole  
Assistant Lead Investigator  
Civilian Police Oversight Agency  
924-3773



### **3-01 SPECIAL INVESTIGATIONS DIVISION**

#### **3-01-1 Mission**

The detectives and civilians of the Special Investigations Division (SID) are personally committed to providing high-level quality of service, ensuring officer safety and accountability, and promoting constitutional effective policing.

The Special Investigations Division operates in a manner that increases the likelihood of safely resolving critical incidents and high risk situations, prioritizes saving lives in accordance with the totality of circumstances, and provides effective command-level accountability.

#### **3-01-2 Organization**

##### **A. Sections and Units**

##### **1. Career Criminal Section:**

- a. Gangs
- b. Criminal Intelligence Unit
- c. Joint Terrorism Task Force
- d. Investigative Support Unit

##### **2. Narcotics Section:**

- a. Narcotics Unit(s)
- b. VICE
- c. Air Support Unit
- d. Meth Unit

##### **3. HIDTA:**

- a. Region I Task Force
- b. FBI/DEA/USMS Task Forces
- c. HSI Interdiction Unit
- d. Investigative Support Center

#### **3-01-3 Rules and Responsibilities**

##### **A. SID**

1. The division will be the Department's liaison to other Local, State, and Federal Law Enforcement Agencies. The division will assign detective(s) to participate with these federal partners as Task Force Officers at the discretion of the Division Commander.



ALBUQUERQUE POLICE DEPARTMENT  
INVESTIGATIVE BUREAU ORDERS

SOP 3-01

Effective: 07/16/15 Expires: 01/16/16 Replaces: 08/12/11

2. All SID detectives will be responsible for following the Department standard operating procedures on use of force, force reporting, and force investigations. The only exceptions to this will be for Task Force Officers as outlined in 3-01-3-D-3.
3. Each unit will have clearly defined mission and duties.
4. Each unit will be responsible for tracking investigative responses. This data will be entered into the Early Intervention System and included in the department's annual reports. This data will include the following:
  - a. The location
  - b. Number of arrests
  - c. Type of evidence/property seized
  - d. Whether forcible entry was required
  - e. Whether a weapon was discharged
  - f. Whether the person attempted to flee
  - g. Whether a person or domestic animal was injured or killed
5. Special Investigations Division units will not provide tactical responses to critical situations where a specialized tactical unit is required. Due to the nature of the work performed by units within the division, they will encounter critical situations that may or may not require a specialized tactical unit response. It will be the responsibility of the unit supervisor and/or operation supervisor to continually analyze the situation throughout the event to determine the need for specialized tactical assistance. The supervisor will maintain a direct line of communication with the specialized tactical unit supervisor to provide a situational briefing and to ensure a smooth transition if the tactical unit is requested.
6. When SID Detectives are assigned as case agents, or affiants of investigations requiring specialized tactical responses, the APD Tactical Search/Arrest Warrant Service Risk Assessment Matrix will be used as a guide for requesting/utilizing the Tactical Section.
7. After all critical incidents, SID personnel will conduct a critical incident debriefing as soon as all information is available to ensure any/all issues involving safety and training are addressed. This debriefing will include all SID supervisory personnel and will not be utilized for disciplinary purposes.
8. All Detectives assigned to SID will be issued an individual Unit handbook which will provide an outline of procedures to follow while working operations within SID. While the unit handbook cannot address every situation that will arise, it should be used as a guide and SID personnel will be required to follow the policies and procedures contained within.



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B. Career Criminal Section

1. The career criminal section will use proactive investigative techniques to target and arrest those involved in criminal activity, including fugitives. The primary focus of SID personnel will be targeting individuals who are actively engaged in violent and/or gang related crime. The career criminal section will enhance public safety by working with federal partners via Task Force Officers, in order to charge and prosecute offenders federally.
2. The career criminal section will also be responsible for the dissemination of information reference on-going or suspected criminal activity.

3. Gang Unit

- a. The Gang Unit is responsible for investigating all crimes involving individuals who are documented gang members or are suspected gang members identified through gang affiliations. The Gang Unit will upon request, provide assistance in identifying, locating and apprehending those individual gang members who are engaged in criminal activity.
- b. Duties:
  - i. The Gang Unit will have primary investigative responsibility for all gang-related crimes when requested.
  - ii. Detectives will be on call, on a rotating basis, for Field Services requests and full Violent Crimes call outs.
  - iii. The Gang Unit will be responsible for locating and apprehending fugitives that are known or suspected of being a gang member upon request. Fugitives can be identified as a result of Gang Unit investigations, or as a request for assistance from Violent Crimes and/or other Department personnel.
  - iv. The Gang Unit will be responsible for long-term gang investigations, and to liaison with Federal partners on gang-related investigations.
  - v. The Gang Unit will be responsible for documenting all suspected gang members via gang cards which will be entered into the "Gang Net" database.
  - vi. The Identities of detectives assigned to the Gang Unit should be kept confidential to maintain the effectiveness of the unit.

4. Strategic Criminal Intelligence Unit (SCIU)

- a. The mission of the Department's Strategic Criminal Intelligence Unit (SCIU) is through the analytical process, collect and assess information that is based on a criminal predicate. The purpose of collecting and assessing this criminal information is to provide the department with tactical and strategic intelligence on community conditions relating to criminal activity.
- b. Duties
  - i. The Department's SCIU will be responsible for gathering, maintaining, assessing, and disseminating criminal intelligence information. SCIU will conduct intelligence collection efforts for the purpose of verifying the criminal activities of any source. Once the presence of criminal activity has been

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established, the information will be disseminated to the investigative unit that specializes in that particular crime. The unit that specialized in that criminal activity will have primary investigative responsibility to prepare a case for prosecution.

- ii. The Department's SCIU will be responsible for creating background files on suspects/offenders involved in police shootings. This file will include the complete criminal history as well as copies of all police reports which will be turned over to the Chief of Police.
- iii. The Department's SCIU will be responsible for providing investigative support for complex criminal investigations to all law enforcement agencies upon request and approval by the SID Commander.
- iv. The Department SCIU will provide electronic and technological support to law enforcement personnel upon request and approval from the Section Lieutenant.
- v. The Identities of detectives assigned to the Strategic Criminal Intelligence Unit should be kept confidential to maintain the effectiveness of the unit.
- vi. Detectives assigned to the FBI Joint Terrorism Task force will be assigned to SCIU chain of command and will abide by 3-01-3-D-3 pertaining to SID Task Force Officers.

5. Investigative Support Unit

- a. The primary mission of the Investigative Support Unit is to assist units within the department by utilizing specialized investigative techniques in order to obtain evidence for the successful prosecution of crimes where traditional investigative methods have proven, or are likely to prove, unsuccessful.
- b. Duties:
  - i. The ISU Sergeant will prioritize requests for assistance to ensure that the cases that most negatively impact the community are addressed first.
  - ii. ISU Detectives will be trained and required to be proficient in mobile and foot surveillance techniques as well technology based surveillance.
  - iii. ISU may be requested to assist when complex or long term surveillance is required for the successful prosecution of an offender or criminal group.
  - iv. ISU will primarily focus on investigations involving ongoing criminal activity.
  - v. ISU Detectives will be trained and equipped to take enforcement action in reference to crimes that occur in their presence.
  - vi. In limited circumstances ISU Detectives may take over case responsibility for an investigation upon approval of the unit supervisor.
  - vii. ISU will assist in locating and apprehending fugitives that are identified as a result of their investigations and at the request of other investigative units within the department.
  - viii. The Identities of detectives assigned to the Investigative Support Unit should be kept confidential to maintain the effectiveness of the unit.

C. Narcotics Section

1. The APD Narcotics Section is tasked with the investigation of individuals and organizations involved in narcotics trafficking and Vice related crimes to include

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prostitution and human trafficking. The Section is responsible for investigations involving the promotion of coordinated narcotics enforcement efforts among various local, state and federal law enforcement agencies within the City of Albuquerque. The narcotics Section, through the combined efforts of local, state and federal agencies, will actively pursue those groups or individuals who manufacture, distribute or sell illegal drugs and/or promote prostitution, human trafficking and other vice related crimes within the City of Albuquerque.

## 2. Narcotics Unit

- a. The mission of APD Narcotics Unit(s) is to conduct investigations of individuals and organizations involved in narcotics trafficking. APD Narcotics Unit(s) will coordinate their efforts among various local, state and federal law enforcement agencies within the City of Albuquerque to maximize their effectiveness. APD Narcotics Units will actively pursue those groups or individuals who manufacture, distribute or sell illegal drugs within the City of Albuquerque.
- b. Duties
  - i. Narcotics Team(s) will address mid-level to street level trafficking complaints that are occurring in the City of Albuquerque.
  - ii. The Identity of Detectives assigned to the Narcotics Team(s) should be kept confidential to maintain the effectiveness of the Unit(s).
  - iii. The Narcotics Team(s) may assist other Law Enforcement Agencies, if requested, for specific operations that fall within the Narcotics Team(s) Mission Statement.
  - iv. All Narcotics Detectives will be on call, on a rotating basis, for Field Services requests.
  - v. Narcotics Detectives are required to participate in undercover operations.
  - vi. All Narcotics Detectives will maintain a Methamphetamine Lab Certification.
  - vii. Narcotics Team Members will provide training to sworn and civilian personnel as well as civilians about drug awareness.
  - viii. All Narcotics Detectives will be required to enter case information into the department's de-confliction software program to enhance officer safety.

## 3. Vice Unit

- a. The mission of the APD Vice Unit is to conduct investigations of individuals and organizations involved in human trafficking; prostitution related offenses, illegal gambling operations, liquor sales violations as well as narcotic related crimes that are occurring in the City of Albuquerque.
- b. Duties:
  - i. The Identities of detectives assigned to the Vice Unit should be kept confidential to maintain the effectiveness of the unit.
  - ii. The Vice Unit may assist other Law Enforcement Agencies, if requested, for specific operations that fall within the Vice Unit Mission Statement.
  - iii. The Vice Unit will be on call, on a rotating basis, for Field Services requests.
  - iv. Vice Unit Detectives are required to participate in undercover operations.



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- v. The Vice Unit will provide training to sworn and civilian personnel as well as civilians about human trafficking and prostitution awareness.
- vi. Vice Unit detectives will conduct "John Operations" to target quality of life issues, and will seize vehicles belonging to "Johns" in accordance with the applicable City ordinance.

#### 4. Meth Unit

- a. The mission of the APD Meth Unit is to provide expertise in the area of identification and dismantling of methamphetamine laboratories including the prosecution of those involved in the manufacturing and distribution of methamphetamines within the Albuquerque Metro area.
- b. Duties:
  - i. Meth Unit personnel will be solely responsible for ensuring all requests for assistance with suspected methamphetamine labs are handled by properly trained personnel.
  - ii. Meth Unit personnel will be responsible for providing clandestine lab training to APD personnel.
  - iii. Meth Unit personnel will be responsible for assisting all law enforcement personnel upon request in the area of clandestine lab prosecution.
  - iv. Meth Unit personnel will ensure that all equipment needed to identify and dismantle a clandestine laboratory is functioning properly to ensure personnel are protected.
  - v. Meth Unit personnel will coordinate the annual physicals with the City of Albuquerque for all clandestine laboratory certified personnel.
  - vi. Meth Unit personnel will work in conjunction with Region 1 to ensure that clandestine laboratory requests that occur within the jurisdiction of Region 1 are handled properly.

#### 5. Air Support Unit

- a. The main objective of the Air Support Unit is to provide assistance in the form of fixed wing or rotary blade aircraft.
- b. Duties:
  - i. The Air Support Unit will work dayshift and swing shift hours with the ability to respond to any emergency after normal operation hours.
  - ii. The Air Support Unit can be utilized for search and rescue operations in addition to surveillance missions.
  - iii. The Air Support Unit will follow and comply with all Federal, State and Municipal regulations involving the operation of aircraft.
  - iv. Air Support Unit Detectives will be considered uniformed Detectives with the ability to initiate narcotics investigations involving privately owned aircraft used in the connivance of contraband within the City of Albuquerque.
  - v. The Air Support Unit will provide support to all law enforcement agencies within the metro area upon approval of the Division Commander.
  - vi. The Air Support Unit will support requests from the Area Commands as well as the general public by providing static displays.



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D. HIDTA Section

1. It is the Goal of the HIDTA Section, to participate in federal task forces working toward the HIDTA goal of reducing drug trafficking and production in the United States, and to locate and apprehend fugitives from justice. To accomplish this goal APD will assign officers to federal task forces and act as a HIDTA fiduciary to procure, manage, and distribute funding in support of the Region I Narcotics Task Force. HIDTA Section officers will work in partnership with Federal, State, Local, and Tribal entities. The HIDTA section will also support the Investigative Support Center as it provides analysis, intelligence, and information sharing for HIDTA partners.
2. Investigative Support Center Mission
  - a. The mission of the New Mexico Investigative Support Center is to promote and facilitate the sharing and coordination of criminal intelligence between law enforcement agencies, and to support HIDTA enforcement initiatives. APD personnel assigned to the Investigative Support Center will follow the policies and procedures set forth by the ISC.
  - b. All detectives assigned to task forces through the HIDTA Section will adhere to 3-01-3-D-3.
3. SID Task Force Officers
  - a. Albuquerque Police Department's Special Investigations Division (SID) provides detectives to participate in Federal Task Force (TFO) positions. These include; FBI, DEA, ATF, USMS, and HSI. Detectives will be assigned to these positions based on available manpower, and the needs of the Department. These assignments will be at the discretion of the SID Commander.
  - b. The mission of the SID Federal TFO program is to enhance public safety through the reduction of violent crime and the disruption and dismantling of drug trafficking organizations (DTO) within the Albuquerque Metro Area.
  - c. Duties:
    - i. Each TFO will follow the mission and guidelines provided by the host Federal Agency.
    - ii. While working on any operation under the host Federal Agency, the TFO will follow all SOP and rules/regulations of that agency.
    - iii. Whenever an SID TFO is involved in a use of force incident during an operation under the host Federal Agency, the following procedures will apply:
    - iv. All use of force investigations and reporting will follow the federal host agency's policies and MOUs.
      - All use of force will be reported to both APD and the federal host agency's chain of command.
      - A SID supervisor will be responsible for contacting the APD Force Investigation Team, if necessary based on incident circumstances, and documenting all use of force utilizing standard Department forms.



- APD may also conduct concurrent force investigation(s) based on the seriousness of the incident.
- Whenever an APD TFO is working in any capacity other than under the host Federal Agency he/she will follow all APD SOP and rules/regulations.
- All use of force incidents will be documented by an SID Supervisor to be entered into the EIS system.
- If a use of force incident occurs outside the jurisdiction of APD, an SID supervisor will document the incident based on the Federal Host Agency's use of force report.
- All TFO duties will be clearly outlined and defined by SID operational manuals.
- The Identities of detectives assigned to Federal Task Forces should be kept confidential to maintain the effectiveness of the unit.

d. Chain of Command:

- i. Each TFO will follow their respective SID chain of command for all APD matters.
- ii. Each TFO will also be expected to follow the chain of command laid out by host Federal Agency.
- iii. Day to day operations will be dictated by the respective federal agency supervisor.
- iv. In the event of a conflict, the SID supervisor will have final authority.

E. Specialized Equipment

1. Detectives assigned to SID will be issued specialized equipment on the approved SID equipment list that is specific for their job duties. It will be the responsibility of the unit supervisor to ensure each detective is given the necessary equipment and proper training prior to use. All unit supervisors will conduct an equipment inspection on a quarterly basis to ensure personnel are adhering to the prescribed equipment list.
2. Logs of all SID issued equipment will be kept by the division and all property must be returned upon leaving the division. Upon internal transfer, it will be the detective's responsibility to return SID issued equipment to previous unit and obtain new SID issued equipment from new unit's supervisor.
3. Under no circumstances will any SID detective deploy or use any equipment they are not properly trained and/or certified to use.

F. Specialized Training

1. Detectives assigned to SID will receive specialized training based on unit needs and requirements. These include but are not limited to:

a. Vehicle Block Maneuver (VBM)



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- b. Meth Lab Certification
  - c. Undercover Operations
  - d. Surveillance Techniques
2. For all specialized training received by SID personnel, detectives must complete any and all certification and recertification courses prior to use. Specialized training and tactics taught to SID personnel are to be used only by SID personnel and while working in SID. Specific rules and procedures for specialized training will be handed out by unit supervisors. Section Lieutenants are responsible for adherence to certification and recertification policies.



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### 3-06 INVESTIGATIONS SECTION

#### 3-06-1 Policy

It is the policy of the Albuquerque Police Department Criminal Investigations Bureau to provide investigative services to the department by enforcing laws on violent crimes and property crimes. As a support function, the Bureau provides investigative support to both inter and intra law enforcement agencies.

#### 3-06-2 Definitions

##### A. Threat Mitigation

Prediction and prevention of future domestic incidents through proactive mitigation of threat(s) posed by identified offenders.

##### B. Behavioral Conduct Inhibitors

The offender's loss of employment, loss of parental rights, loss of status in the community, loss of marriage (divorce becomes final), loss of relationships, large loss of income or housing, the death of a family member, being served with an order of protection, and/or any single or cumulative substantial loss of person's established pattern of conduct in which they view as essential.

#### 3-06-3 Rules and Responsibilities

##### A. Administration

###### 1. Authority

a. The unit sergeant or the assigned detective will periodically advise the crime victim of the status of their case.

###### 2. Detective

a. An assignment that is not in any way to be considered a rank of permanent position.  
b. Assigned to individual units within the Investigative.

###### 3. Duty, Hours, Accountability

a. The Criminal Investigations workday will be in accordance with the immediate needs of the department and the deliverance of maximum service to the community at the direction of the unit supervisor.

###### 4. Working Attire, Equipment, and Grooming Standards

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- a. Unit supervisors will monitor the appearance of all assigned unit personnel and ensure that the personnel are in compliance with Department grooming standards.
- b. All detectives shall have access to all Department issued equipment consistent with their unit's mission and training. The list of approved equipment shall be maintained by the Deputy Chief of the bureau.

#### 5. On-Call Status

- a. Criminal Investigations provides service to the department by formulating on-call lists and making their services of the Bureau available when needed.
- b. It may be necessary because of the member's job assignment to either be routinely or temporarily placed in an "on call" status (as defined by the collective bargaining agreement).
- c. The unit supervisor will be responsible in determining the need for an "on call" status subject to the approval of the Deputy Chief.
- d. The detective will remain on call for one week. The unit supervisor will determine start and finish times.
- e. In the event of an emergency or other situation where a detective cannot complete the assigned "on call" period, they will notify the unit sergeant as soon as possible to arrange for a replacement. Until this contact is made, the detective "on call" will be responsible for any call out assignment.
- f. When in an "on call" status, detectives will ensure their availability for duty within one hour from notification of the request for assistance.
- g. Nothing in this section prohibits unit supervisors from calling out additional personnel for duty as the situation dictates. In the event of this occurring, personnel will make themselves available for service as soon as practical unless excused by the unit supervisor.

#### 6. Site Leases

- a. It is necessary to maintain the confidentiality and integrity of all leased off site locations for the security and safety of members. This will include the review and approval by the appropriate chain of command.

#### 7. Assignment of Follow-Up Investigations

- a. Criminal Investigations will review submitted unsolved felony cases and will initiate an investigation when solvability factors dictate the case may be unfounded or lead to an arrest or indictment.
- b. Report Review and Case Assignment
  - i. The unit sergeant will review each incoming Field Services report and determine if the case is to be followed up, and assign the case to a detective for investigation.
- c. Each investigative sergeant will utilize the department's case management system for case tracking, assignment, and status.



d. When conducting felony investigations, personnel should utilize best investigative practices.

8. Completed Cases

- a. The detective's sergeant and lieutenant prior to its distribution to the Records Section and District Attorney Liaison will review all cases.
- b. Cases involving police personnel will also be forwarded to Internal Affairs.

9. Use of Polygraph or Deception Detection Equipment

- a. Criminal Investigations shall use polygraph or deception detection equipment as necessary to further an investigation at the discretion of the unit supervisor.

10. Utilization of Interagency Task Forces

- a. Criminal Investigations will utilize and support the use of inter-agency task forces whenever practical and in the best in interest of the Albuquerque Police Department.
- b. When detectives are involved in a Federal task force, detectives will abide by the rules and procedures of the host agency.
- c. While assigned to such task forces, members will still be held accountable to the Albuquerque Police Department policy and procedures.
- d. If in the course of their assignment, members are assigned any equipment belonging to the lead federal agency (such as vehicles, radios, tape recorders, etc.) they will maintain the proper care and safety of the equipment as they would departmental equipment. Failure to do so may cause disciplinary action under the same sections for abuse of departmental equipment.
- e. The Chief of Police, or his appointee, are the only personnel within the department having the authority to sign or terminate agreements concerning joint operations with the Federal government.

B. Sex Crimes

1. Case Assignments

- a. The Sex Crimes Unit shall investigate all cases of Criminal Sexual Penetration and attempted criminal sexual penetration where the victim is 13 years of age or older.
  - i. If the victim is under 18 years of age at the time of the report and the suspect is a parent, guardian, current or former household member, the Unit shall not take case responsibility.
- b. The Unit shall assist with other sex crime cases when directed to do so by the Chief of Police.
- c. All cases coming to the attention of the Sex Crimes Unit Supervisor will be assigned according to solvability factors (i.e. knowledge of suspects name, location, physical evidence, etc.)



## 2. Call-Out Criteria

- a. The on-call sex crimes detective will be called out to assume investigative responsibility for any of the following criteria:
  - i. All in-custody cases.
  - ii. When the victim sustains a serious physical injury.
  - iii. Cases where the offender has forced entry into a residence and commits or attempts to commit CSP against the victim.
  - iv. Cases where the offender named has a prior sexual criminal history.
  - v. Any high profile or non-custody case where the offender has been possibly identified.
  - vi. Serial rapists (high profile) in which it is determined that the suspect is responsible for a large number of offenses even if solvability factors are not present.
  - vii. Non-custody cases in which solvability factors exist and the offender used deadly weapons.
  - viii. To assist outside agencies in their CSP investigations.
  - ix. Whenever directed to do so by the Sex Crimes Sergeant or on-call Violent Crimes Supervisor if the Sex Crimes Sergeant is not available.
- b. If an offender is arrested and booked into a detention facility, and a Sex Crimes detective is not called out to the scene by a field supervisor/officer prior to the offender being booked, the arresting officer will have case responsibility. However, Sex Crimes may assist the officer if deemed necessary.

## 3. On-Call Status

- a. Each detective will be placed on an on-call rotation list as the primary or secondary Sex Crimes detective.
- b. The primary Sex Crimes detective will be on call for one week. The primary Sex Crimes detective will respond to call-outs that meet the call-out criteria as outlined within this SOP section.
- c. The secondary Sex Crimes detective will be on call for one week. The secondary Sex Crimes detective will respond to all full Violent Crimes call-outs which are deemed a full Violent Crimes call-out by a field investigator or Criminalistics supervisor.
- d. Should the circumstances require additional manpower; detectives will contact the Sex Crimes sergeant or the on-call Violent Crimes supervisor if the Sex Crimes Sergeant is not available for approval.
- e. It will be the responsibility of the on-call detective to make themselves available 24 hours/day. If circumstances exist where a detective will be unable to respond to a call out, that detective will take the appropriate action to ensure that a replacement is made available and will notify communications immediately. The detective will also notify the Sex Crimes Sergeant of the change or the on-call Violent Crimes supervisor, if the Sex Crimes Sergeant is not available.



#### 4. Sex Crimes Sergeant

- a. The Sex Crimes Sergeant will be responsible for case assignment/management.
- b. Effectively track and identify serial cases.
- c. Prepare monthly activity reports for the CIB Lieutenant and Commander.
- d. Keep the CIB Lieutenant and Commander apprised of any high profile or significant investigations.
- e. Respond to incidents/call-outs involving police personnel.
- f. Conduct weekly briefings with Sex Crimes personnel.
- g. Ensure Sex Crimes detectives have the necessary equipment to perform their duties.
- h. Act as a liaison between outside agencies, Rape Crisis Advocates, SANE, and the Crime Lab.
- i. Assist with any training needs for the department, outside agencies, or businesses.
- j. Assist with any walk-ins at the Family Advocacy Center who are reporting CSP when a detective is not available.

#### 5. Sex Crimes Detective

- a. Respond to Sex Crimes call-outs meeting call out criteria.
- b. Assume case responsibility and conduct follow-up investigations.
- c. Prepare and complete necessary felony supplemental cases to submit to the District Attorney's Office.
- d. Prepare criminal complaints and/or arrest warrants when appropriate.
- e. Prepare and execute search warrants when applicable.
- f. Assist with any walk-ins at the Family Advocacy Center who are reporting CSP.
- g. Advise the Sex Crimes Sergeant of any high profile or significant investigations.
- h. Prepare and submit a monthly activity report.

#### C. Armed Robbery Unit

1. The Armed Robbery Unit will investigate robberies, armed robberies, and home invasions.
2. Robbery will investigate all home invasions in which a ruse, coercion or force upon a person is used to gain entry to commit the crime.

#### 3. Call-Out Criteria

- a. The on-call Armed Robbery detective shall respond to assume case responsibility and conduct follow up investigation based on the following:
  - i. All in-custody cases
  - ii. Cases when the victim/witness sustains a serious physical injury and the detective deems it necessary to respond to further the investigation
  - iii. Any high profile or non-custody cases where the offender has been possibly identified and the detective deems it necessary to respond to further the investigation



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- iv. To assist other law enforcement agencies with their robbery investigations
- v. Whenever directed by the Armed Robbery Sergeant or on-call Violent Crimes Supervisor if the Armed Robbery Sergeant is not available

4. Case Assignments

- a. All robbery cases should be submitted to the Armed Robbery Unit and will be reviewed and possibly assigned according to solvability factors (i.e. possible suspect name/moniker, license plate information, MO, etc.) Not all cases will be assigned to an armed robbery detective.
- b. The Armed Robbery Unit will not conduct or assume control of an investigation or maintain responsibility for cases under the following conditions:
  - i. If an offender is arrested and booked into a detention facility and an Armed Robbery detective was not called out to the scene by a Field Supervisor prior to the offender being booked.
  - ii. When an Armed Robbery Unit detective is called out and their initial fact-finding reveals the crime reported is not a robbery per state statute. If this occurs the detective will advise the on-scene Field Supervisor of this and it will be the on-scene Field Supervisor's responsibility for contacting the appropriate investigative unit for case responsibility.
  - iii. If a Field Supervisor approves an arrest of a robbery offender and wants the primary field officer to assume case responsibility for training purposes. The Field Supervisor will contact the on-call Armed Robbery detective to ensure the offender(s) is not currently being investigated on other cases.

5. On-Call Status

- a. Armed Robbery detectives will be placed on an on call rotation list. Each detective is required to be on call for one week as the primary Armed Robbery detective and one week for secondary which includes full Violent Crimes call outs. These call outs include Homicides, Suspicious Deaths, Officer Involved Shootings, In-custody deaths and any other violent crime deemed a full Violent Crimes call out by a Field Investigator/ Criminalistics supervisor. A detective can be moved up in rotation at the discretion of the Armed Robbery Sergeant due to case overload and/or emergencies. If moved, the detective will complete the remainder of the on call rotation and continue through their normal week of primary on call.
- b. Armed Robbery detectives shall respond to call outs when requested by a Field Services Sergeant/Officer if the information provided meets the criteria for a call out. The detective will immediately notify the Armed Robbery Sergeant of any call out during normal working hours and if during off duty hours, the next business day. If the call out involves serious injury, is high profile, or requires the Armed Robbery Sergeant's presence, detectives will immediately contact the Armed Robbery Sergeant or the on call Violent Crimes Supervisor, if the Armed Robbery Sergeant is not available.
- c. Should the circumstances require additional manpower; detectives will contact the Armed Robbery Sergeant or the on call Violent Crimes Supervisor, if the Armed Robbery Sergeant is not available, for approval.



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- d. It will be the responsibility of the on call detective to be available 24-hours a day during their on call rotation. If circumstances exist where a detective will be unable to respond to a call out, that detective is responsible for finding a replacement and notifying the Armed Robbery Sergeant or the on call Violent Crimes Supervisor, if the Armed Robbery Sergeant is not available; as well as Communications.

6. Armed Robbery Sergeant

- a. The Armed Robbery Sergeant will be responsible for case assignment/management based on the case review, leads or lack thereof, victim cooperation, etc.
- b. Effectively track and identify serial cases.
- c. Prepare monthly activity reports for the CIB Lieutenant and Commander.
- d. Keep the CIB Lieutenant and Commander apprised of any high profile or significant investigations.
- e. Conduct weekly briefings with Armed Robbery personnel.
- f. Ensure Armed Robbery detectives have the necessary equipment to perform their duties.

7. Armed Robbery Detective

- a. Respond to Armed Robbery call outs meeting call out criteria.
- b. Assume case responsibility and conduct follow-up investigations.
- c. Prepare and complete necessary felony supplemental cases to submit to the District Attorney's Office.
- d. Prepare criminal complaints and/or arrest warrants when appropriate. Prepare and execute search warrants when applicable.
- e. Keep the Armed Robbery Sergeant apprised of any high profile or significant investigations.
- f. Prepare and submit a monthly activity report.

D. Homicide Unit

1. The Homicide Unit policy is to assume the responsibility of cases involving homicides, officer involved shootings, unexplained deaths, questionable suicides or batteries that could result in death.
2. Assignments
  - a. The Homicide Unit will conduct the investigation and maintain responsibility for cases under the following conditions:
    - i. Death results from the injuries sustained
    - ii. Where injuries are of the nature that the victim is obviously not going to recover (i.e. coma, severe brain damage, paralysis, long term incapacitation).
    - iii. When a Field Investigator Supervisor makes a "Violent Crimes/Criminalistics Call-Out", the Homicide Unit will maintain case responsibility even if the victim survives and recovers.

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- b. The following guidelines will be used when a case is turned over to the Homicide Unit when an initial "Call-Out" was not made:
    - i. If the victim dies from the injuries sustained and there has not been an arrest made by the Impact Team or Other Unit, the Impact Team Supervisor and Lead Detective will meet with the Homicide Supervisor immediately to discuss the status of the case and case responsibility.
    - ii. If an arrest has been made before the victim dies, the Impact Team Supervisor and Lead Detective will meet with the Homicide Supervisor immediately to discuss the status of the case and case responsibility.
    - iii. In either situation, the Lead Detective from the Impact Team will be TDY to the Homicide Unit until the case is completed for up to 30 days.
  - c. Death of a Child
    - i. The Crimes Against Children Unit (CACU) will investigate all deaths that have resulted from child abuse.
      - The Homicide Unit may assist the Crimes Against Children Unit if requested by a supervisor, but case responsibility will stay with CACU.
      - Criminalistics Unit will process the scene for evidence in all Child Abuse Resulting In Death Cases.
  - d. Homicide of a child (Not the result of child abuse)
    - i. The Homicide Unit will conduct the investigation.
    - ii. Criminalistics Unit will process the scene for evidence.
    - iii. CACU may be notified to assist with these types of investigations.
3. Officer Involved Shootings
- a. Refer to SOP 2-31.
4. Debriefings
- a. The Homicide Unit will discuss the "Call-Out" the next working day or during the next weekly squad meeting, which ever is first.
  - b. The Case Agent from the Homicide Unit will schedule and conduct a debriefing within 7 days of the call-out, which will be attended by the following personnel:
    - i. Case Agent
    - ii. Homicide Sergeant (and Sergeant at the call-out if not the Homicide Sergeant)
    - iii. Criminalistics Lead Detective and Supervisor
    - iv. Assisting Detectives (Armed Robbery, Sex Crimes, Gangs, etc....)
    - v. District Attorney
    - vi. OMI Representative
  - c. The debriefing will be held at the Crime Lab Conference Room.
  - d. The Case Agent and Homicide Sergeant will meet with the Victim's family within 10 days of the homicide.
    - i. The Case Agent will keep the family apprised of any arrests and/or developments in the case.



ii. Detectives should utilize the District Attorney's Victim Impact Unit to assist with this process.

e. Officer involved shooting debriefing

i. Refer to SOP 2-31.

#### 5. Homicide Reports

- a. All reports generated by the Homicide Unit will be formatted as Closeout Supplementary reports per SOP 2-39.
- b. Cases will be completed for submission to the District Attorney's Office (DA's Office) within 45 to 60 days after the case is resolved (CBA, ED, UNFOUNDED, etc....).
  - i. Once an arrest has been made, the case agent will provide the DA's Office with all reports and documents available.
  - ii. The completed case will be hand-carried to the Homicide Case Screener at the DA's Office.
- c. Cases that are "active", not solved, will be completed (supped out) within 90 days of the exhaustion of all leads.
  - i. The initial investigation will be typed out and given to the Homicide Sergeant for review within 30 days of the call-out.
  - ii. As each lead is followed up, it will be put in writing within 72 hours and given to the Homicide Sergeant for review.
  - iii. The follow-up investigation will be placed in the initial investigation file.
  - iv. When all leads in a case are exhausted and the cases is inactivated, the entire case will be formatted as a "Closeout Supplemental Report" and kept in a file maintained by the case agent.
  - v. Any additional leads that are developed and followed up, will be added to the case within 72 hours.
  - vi. The case agent will maintain case responsibility as long as he/she is assigned to the Homicide Unit.
  - vii. Once the case agent leaved the Homicide Unit, the case will be turned over to the Cold Case Unit as a Supped-out Case.

#### 6. Homicide Cases

- a. All homicide cases will remain with the Homicide Unit. Detectives that transfer out of the Homicide Unit will be required to turn in all homicide cases before leaving. The transfer may be approved, but the detective will remain in the Homicide Unit in a TDY status until the cases are turned in and approved.
- b. In the case of a detective retiring out of the Homicide Unit, the detective will be moved to the Cold Case Unit approximately 6 month's prior to their retiring in order to finish out their current caseload. The Homicide Supervisor will open a position to replace the detective transferred to Cold Case.
- c. The Homicide Unit Supervisor will ensure that weekly and quarterly briefings are taking place regarding the status of active homicide cases.



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- d. The review process for homicide cases being forwarded to the Cold Case Unit will be as follows:
  - i. The homicide case will be initially reviewed by the Homicide Sergeant.
  - ii. The case will then be reviewed by the Cold Case Sergeant.
  - iii. The case will then be reviewed by the Violent Crimes Lieutenant. If all three of these supervisors agree that the case is a Cold Case, the case will be updated to Cold Case Status and reside with the Cold Case Unit.
  - iv. If there is contention whether or not the case is a Cold Case the Violent Crimes Lieutenant will make the final decision on where the case will be assigned.

## 7. Cold Cases

- a. The Cold Case Homicide Detectives will have investigative responsibility for all unsolved murders that are at least one year old from the time of the initial investigation in which all investigative leads have been exhausted by the principal investigator or at the request of a Violent Crimes Supervisor.
- b. The Cold Case Detective will:
  - i. Maintain all files on unsolved cold case criteria homicides in a secure environment.
  - ii. Maintain a data base tracking all homicide cases, both old and current.
  - iii. Assist officers, the District Attorney, or other agencies in documenting and/or directing information concerning cold case homicides.
  - iv. Conduct re-interviews or new interviews of witnesses, informants, or suspects and obtain formal statements as appropriate.
  - v. Prepare affidavits for arrest and/or search warrants.
  - vi. Coordinate the analysis of new forensic technologies with cold homicide cases.
  - vii. Prepare appropriate supplemental offense reports.
  - viii. Network with other agencies within the state of New Mexico and throughout the nation in reference to cold homicide cases.
  - ix. Maintain a working relationship with the New Mexico Survivors of Homicide support organization.
  - x. Assist the Violent Crimes Section when/or if necessary.
- c. The Cold Case Homicide Unit will notify the original primary detective (if still on the Department) when a case is worked, along with periodic progress updates. Under certain circumstances as determined by a Violent Crimes Supervisor, a case may be returned to the original detective for investigation or completion.
- d. Case Prioritization will be based upon the following:
  - i. Statutory Requirement
    - Statute of limitations has not run
    - Legal issues examined such as privileged conversation, spousal relationships, prior constitutional privileges invoked during the original investigation.



- ii. Solvability Factors
  - Completeness of case file including original report, Violent Crimes supplemental reports, Criminalistics crime scene and lab reports, neighborhood canvass forms, and autopsy reports.
  - Availability of evidence.
  - Witness statements
  - Suspect statements
  - Age of case
- iii. New Information
  - Crime Stopper tips
  - From another law enforcement agency
  - "Jail House" information
  - From other professional sources such as private investigators, attorneys, etc.
  - Request made by family members and/or acquaintances of the victim.
  - Media inquiries
- iv. As leads are developed and/or tips come in, the Cold Case Unit will report the lead or tip to the Homicide Sergeant and follow up on them.
  - The Cold Case Detectives will put the outcome of the lead or tip in writing within 72 hours and submit it to the Homicide Sergeant for review.
  - The written report will be included in the case.
- v. Should the lead or tip result in the case being cleared and/or an arrest is made, the Cold Case Detective will complete the case in the "Closeout Supplemental Report" format and submit it to the DA's Office.

## 8. On-Call Status

- a. On-call status for the on-call Sergeant, Primary Homicide Detective and Secondary Homicide Detective will be for a period of one week from 0800 hours on Friday to 0800 hours on Friday.
  - i. The primary detective will remain on call for the entire week or until he/she acquires two cases, whichever comes first.
  - ii. If the primary detective acquires two cases within the week of on-call, the Secondary Homicide Detective will assume the Primary On-Call.
  - iii. The initial Primary Homicide Detective will be removed from on-call status, the Secondary will assume Primary responsibility, and the next on-call detective on the rotation will assume the secondary role.
  - iv. The new primary will complete the remainder of the existing week of on-call and continue into their normal week of Primary on-call.
  - v. Should the new Primary acquire two cases, then the rotation will be moved as described above.



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- b. The Unit Sergeant, or designee, and the on-call primary and secondary detectives will respond to all call outs when requested by communications and/or a Field Investigator Supervisor.
- c. The on-call Detective and Sergeant will make themselves available 24 hours a day during their tour of on-call. If circumstances exist where an on-call employee would not be able to respond, the appropriate arrangements will be made for a replacement to be made available.

E. Family Abuse and Stalking Training Team (FASTT)

1. It is the policy of the Albuquerque Police Department to investigate all domestic violence and stalking crimes within the city of Albuquerque and to take appropriate action in those cases, to ensure the safety of victims.
2. Creation of the Family Abuse and Stalking Training Team
  - a. The Albuquerque Police Department recognizes the need for a specialized unit to investigate continuing and escalating forms of domestic violence and stalking, as well as to provide specialized training for department personnel. The department's goal is to reduce or eliminate domestic and stalking related homicides, chronic and repeat abuse, and/or other related offenses through early intervention, investigations resulting in criminal prosecution, surveillance and/or arrest operations, safety planning, high-risk restraining order service, disruptive interviews, and assistance to victims and advanced training for department personnel.
3. Unit Composition
  - a. The FASTT Unit is formed as a part of the Criminal Investigations Bureau, Violent Crimes Section.
  - b. One Sergeant, who reports to the Violent Crimes Lieutenant and Criminal Investigations Bureau Commander, directly supervises the FASTT Unit.
  - c. The FASTT Unit consists of a defined number of detectives and Victim Liaison personnel (designated by the Chief of Police or his representative) who are specially trained in the investigation of domestic violence, stalking and related offenses.
4. Interagency Cooperation
  - a. FASTT Unit detectives and department personnel will work in close cooperation with local victim's resource centers as well as the District Attorney's office for the protection of victims and the prosecution of offenders.
5. Domestic Violence Investigations
  - a. With the enormous amount of domestic violence complaints received each year by the Albuquerque Police Department, the FASTT Unit realizes it physically cannot investigate all cases. Primary investigative and enforcement responsibilities will remain with field officers and area command impact teams as has previously been

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established. The FASTT Unit will assume primary and follow up investigative responsibilities and function in the following capacities:

- i. Stalking – The FASTT Unit will conduct follow up investigation of all stalking cases, with exception of political stalking or stalking by the mentally disturbed. It is the Unit's understanding that the Intelligence Unit investigates political stalking, while the Crisis Intervention Team (CIT) works with the mentally disturbed. FASTT's goal is to focus on domestic violence stalking specifically, however, it is realized other stalking situations will arise where the suspect has some sort of romantic fixation upon the victim, yet no actual relationship exists. Field officers and impact detectives will still have initial enforcement responsibilities including arrest, summons or application for arrest warrant(s).
- ii. DV Repeat Offenders - The unit will ensure appropriate actions were taken by initial investigating personnel, then conduct a thorough follow-up investigation of assigned cases.
- iii. FASTT Unit Violent Crimes liaisons will be tasked with the initial review of all domestic violence and stalking related APD reports received, focusing on reports of threats to kill and/or overall increasing levels of lethality. The victim liaison will then utilize the appropriate threat assessment tool to gain investigative clarity through the examination of past and present police reports. Once all relevant offender history is documented, the finished offender packet will be given to the FASTT Sergeant for supervisory review. The FASTT Sergeant will then determine if a FASTT Detective will be assigned to work the case. Cases involving identified high lethality offenders will be given investigative priority due to the victim and community safety.
- iv. All of the following appropriate threat mitigation techniques shall be considered on a case by case basis:
  - Disruptive Interviews
  - Safety Planning
  - Surveillance
  - Order of Protection
  - Order of Protection Service Assistance
  - Investigative pressure
  - GPS Tracking (via search warrant)
  - Arrest and/or Search Warrants
- v. Q&A Resource – FASTT detectives will serve as a question and answer resource for other members of the Albuquerque Police Department, as well as assisting outside agencies upon request. Detectives will provide specialized information concerning domestic violence, stalking and related offenses, thereby assisting officers and other detectives in their investigations. Detectives will stay updated concerning the most recent legislative changes and efforts, procedures for obtaining emergency and temporary restraining orders via the District Court, as well as other related issues.
- vi. Training – FASTT Detectives will conduct advanced training for APD and other agencies as requested and approved via the chain of command.
- vii. Liaison with community groups – FASTT detectives will serve as community contacts and establish proactive relationships with domestic violence and



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victim's advocates groups. Detectives may be called upon to assist such groups with the drafting and presentation of proposed legislative actions and changes.

viii. Walk-In DV complaints at Albuquerque Family Advocacy Center (AFAC) – FASTT detectives will serve as the reporting contact for walk-in domestic violence complaints at the AFAC or from the Victim's Assistance Unit. This does not alleviate field officer's responsibilities to investigate and report domestic violence complaints by referring victims to the AFAC.

ix. Assistance to Victim Advocates – FASTT detectives will assist the Victim's Assistance Unit upon request with investigative or other law enforcement related functions. The FASTT Unit Sergeant and the Victim's Assistance Supervisor will resolve any conflicts, which might arise.

#### 6. Investigation of Domestic Violence Involving Police Personnel

- a. Investigation of domestic violence, stalking, harassment and other related complaints involving police personnel will be conducted as outlined in SOP 2-30.
- b. Primary investigative responsibility will remain with the on-duty FSB supervisor, one rank higher than the officer involved in the incident.
- c. The FASTT Unit will not assume investigative responsibility for officer involved domestic incidents unless directed by the Chief of Police, Deputy Chief of Police (Central Investigations Bureau), Commander (Central Investigations Bureau) or his representative or upon request from the appropriate area commander or his representative. Assignment of the FASTT Unit would be utilized;
  - i. Wherein there is a conflict of interest between the involved officer and the investigating supervisor.
  - ii. In the event of a case wherein it is determined utilization of the FASTT Unit would best serve the interest of the Albuquerque Police Department or the personnel involved.

#### 7. FASTT Supervisor

- a. Assign cases to FASTT personnel as deemed appropriate pursuant to the guidelines set forth within this SOP section.
- b. Effectively track assigned cases via a case management database.
- c. Ensure a sufficient number of detectives are assigned to a particular investigation.
- d. Supervise the activities of the FASTT Unit's civilian Violent Crimes victim liaison personnel.
- e. Review the completed Repeat Offender Packets and make appropriate case assignments regarding identified repeat high-risk offenders who have an escalating pattern of repeated domestic abuse, with priority given to cases which appear to be rapidly escalating in violence.
- f. Review and approve felony criminal complaints and application for arrest warrants pursuant to established department guidelines. (SOP 2-14)
- g. Review and approve all search warrants prior to their submittal to the District Attorney's Office.



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- h. Be present when search warrants are executed by FASTT detectives pursuant to established department policy. (SOP 2-16)
  - i. Prepare monthly activity reports to the Violent Crimes Lieutenant and CIB Commander
  - j. Keep the Violent Crimes Lieutenant and CIB Commander apprised of high profile or significant investigations.
  - k. Conduct weekly briefings of FASTT personnel.
  - l. Ensure FASTT detectives have the necessary equipment to perform their job functions.
  - m. Assign all reported domestic violence related APD cases involving 'threats to kill' to FASTT personnel for follow-up investigations.
  - n. Participate in the Violent Crimes Homicide Supervisor on-call roster rotation.
8. FASTT Detective(s)
- a. Will serve as the initial reporting officer and conduct pursuant investigations of walk-in domestic violence complaints received at the police department's AFAC.
  - b. When assuming the role of the initial investigating officer, will adhere to the provisions set forth in SOP 3-12 regarding domestic violence investigations.
  - c. Respond to any appropriate call-out received during the detective's normal working hours.
  - d. Assist victims of domestic violence in obtaining orders of protection through the District Court.
  - e. Assist victims of domestic violence in obtaining resources through the Victim's Assistance Unit as well as other local resources such as, but not limited to, the women's shelter.
  - f. Assist APD personnel with cases involving:
    - i. Stalking
    - ii. Domestic violence
    - iii. Domestic harassment
    - iv. Other domestic related crimes
    - v. Threats to kill
  - g. Review domestic violence cases committed within the city of Albuquerque.
  - h. At the discretion of the FASTT Sergeant, assume case agent responsibilities of assigned cases, then conduct follow-up investigations.
  - i. Prepare necessary reports and completed cases (felony case supplemental reports) to the District Attorney's Office.
  - j. Prepare criminal complaints charging arrested persons arising from the direct involvement in the arrest by the FASTT unit.
  - k. Prepare criminal complaints requesting summons or application for arrest warrants when appropriate.
  - l. Prepare and execute search warrants when appropriate.
  - m. Provide training regarding domestic violence and stalking for Field Services Bureau personnel, APD cadet classes, or outside agencies upon request.
  - n. Keep the FASTT Supervisor and chain of command informed of all high profile or significant investigations.



- o. Prepare and submit a monthly report regarding all assigned cases.
- p. Participate in the Violent Crimes Homicide on-call roster rotation.

9. Contacting FASTT Personnel

- a. The FASTT Unit can be reached between 0800 hours and 1630 hours, Monday through Friday at the AFAC.
- b. The FASTT Sergeant is on-call 24 hours a day, 7 days a week. FASTT Unit detectives should be utilized to guide and assist Field Services personnel on domestic violence, stalking, and/or harassment issues. The Communications Section will have contact numbers available for the FASTT Unit supervisor.
- c. After normal business hours, personnel may contact the on-call unit supervisor, with the approval of their immediate supervisor for assistance with the following;
  - i. Immediately needed specialized guidance and assistance involving escalating or repeated domestic violence and stalking cases. Field Officers should continue to utilize the impact detective in their respective area commands for assistance regarding felony domestic violence cases.
  - ii. Any significant, escalating, repeat offenses or stalking, which the initial investigating officer and supervisor determine require FASTT involvement and follow up. Contacting the FASTT Unit does not necessarily mean FASTT will assume investigative responsibility. Final assignment of such cases will be at the discretion of the FASTT Sergeant or appropriate supervisor via the chain of command.
  - iii. Any significant arrest the initial investigating officer feels FASTT should be aware of when attending felony arraignments.
  - iv. Involvement of police personnel in a domestic incident as outlined within this SOP section.
  - v. Any and all threats to kill involving cases of domestic violence and/or stalking shall be immediately forwarded by the reporting officer to the FASTT Unit for follow-up investigations.
- d. Request for training by department personnel should be made in writing via the requestor's chain of command.
- e. Requests for training by outside agencies should be made during normal business hours or via email to the FASTT Unit supervisor.

F. Missing Persons Investigations

- 1. It is the policy of the Missing Persons Unit to coordinate efforts to locate missing persons.
- 2. Review and log all incoming reports.
- 3. Audit the Daily Report from Staff Review to locate the reports that were not received.
- 4. Contact the reporting person or agency on each report and determine if the missing person has returned safely and/or gather accurate comprehensive information if the



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missing person is still outstanding.

5. Place telephone calls to various agencies to include some of the following, but not limited to:
  - a. Hospitals, mental health centers, Office of the Medical Investigator, alcohol treatment centers, or nursing homes.
  - b. Shelters: for the homeless, battered women, halfway houses, Salvation Army, free meal sites.
  - c. Hotels, motels, airlines, bus depot, train depot.
  - d. Relatives, friends, employers, co-workers.
  - e. Law Enforcement agencies or the Motor Vehicle Department.
6. Teletypes may be used when the need for assistance is requested from a number of law enforcement agencies.
7. If a missing person needs to be entered into NCIC, the proper documentation and/or written statement supporting the stated conditions must be obtained. Personnel will also follow the guidelines set forth in Department SOP Procedural Orders 2-28-2-1.
8. A supplemental report will be written when the missing individual has returned or whenever new information has been obtained indicating a change in the case status. Additionally, once the missing person is found, NCIC will be notified and the location cancelled.



## 2-33 CRIMES AGAINST CHILDREN

### 2-33-1 Policy

Department policy is to respond to child abuse and/or neglect, immediately. Allegations of child abuse and/or neglect will be thoroughly investigated.

### 2-33-2 Rules and Procedures

#### [7] A. Inter-Agency Cooperation

1. Department personnel will work in close cooperation with the New Mexico Children, Youth and Families Department (CYFD), Child Protective Services and the District Attorney's office (DA) for the protection of victims and the prosecution of offenders.

#### [7] B. Dispatched Officers' Responsibilities

1. If the following injuries are present, personnel will notify the Crimes Against Children Unit (CACU) immediately:
  - a. Inflicted Injury to a child 5 years old and under
  - b. Serious inflicted injury to a child less than 13 years old, when the offender is a household member.
    - i. Serious bruising likely to cause great bodily harm or death.
    - ii. Broken Bones
    - iii. Medical intervention is necessary for treatment of serious inflicted injuries.
    - iv. Inflicted internal injuries
    - v. Burns/Scalding
    - vi. Inflicted head injury requiring medical intervention.
    - vii. Serious neglect likely to cause great bodily harm or death.
  - c. All unattended deaths of children under eighteen years of age
    - i. Apparent SIDS
    - ii. Suicide
    - iii. Homicide by parent or guardian
    - iv. Any accidental death to include; drowning, drug or alcohol overdose
    - v. Apparent natural unattended death
2. The officer will secure the scene and await contact from the detective and possibly CYFD personnel.
3. Officers will conduct a complete and thorough preliminary investigation and will write reports (using the State of New Mexico Uniform Incident Report) on all cases (confirmed or suspected) of child abuse, neglect, abandonment, or cruelty to children. Per state statute 32A-4-3 officers will immediately notify CYFD when they have reasonable suspicion that a child is abused or neglected.



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- a. Officers will not use the word(s) "suspected" or "information" in the offense portion of the report. Reports should be titled as child abuse:
    - i. For non-confirmed cases of child abuse.
    - ii. When the reported child abuse occurred outside the jurisdiction of the department. Note: "Information" reports on children are available to the public.
  - b. Officers will forward a copy of their report to CYFD within 48 hours per state statute 32A-4-3
    - i. Referring a case to CYFD does not relieve the officer of the responsibility of completing a criminal investigation.
4. The CACU detectives may be called for assistance on any case involving:
- a. Non-felony crimes.
  - b. Requests for assistance from CYFD
  - c. Situations where there are questions about abuse and neglect.
5. Field Services officers will have case responsibility for misdemeanor child abandonment/cruelty to children.
- [7] C. Crimes Against Children Unit Responsibilities
1. The CACU will be called out to assume investigative responsibility for any of the following cases:
    - a. Child abuse or neglect resulting in death; or the child is likely to die.
    - b. Apparent Sudden Infant Death Syndrome (SIDS) deaths.
    - c. Child abuse or neglect causing injuries resulting in great bodily harm of a child less than 13 years of age (see NM State Statute, Section 30-1-12A).
    - d. All child deaths
    - e. Injury resulting in great bodily harm of a child less than 13 years of age that appears to have occurred accidentally.
  2. Criminal Sexual Penetration
    - a. Children less than 13 years of age.
      - i. The CACU will be notified immediately.
      - ii. Because of the complex nature of child sexual abuse, formal interviews of children less than 13 years of age will be investigated by the CACU.
    - b. The CACU will investigate all criminal sexual penetration cases where the suspect is a parent, guardian, or other family member, and the victim is under 18 years of age at the time of report.



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3. Criminal Sexual Contact

- a. Children less than 13 years of age.
  - i. The CACU will be notified immediately.
  - ii. Because the complex nature of child sex abuse, formal interviews of children less than 13 years of age will be investigated by the CACU.
- b. The appropriate area command Impact Unit will investigate criminal sexual contact of a minor 13 years old or older, regardless of how the offender is related to the victim.

4. Juvenile Abduction/Attempted Abduction

- a. Field Services personnel will contact their supervisor and will also contact the on-call Child Exploitation Detail detective who will assume on scene responsibility. The preliminary investigation (original report) will still be completed by Field Services personnel.
- b. The Field Services supervisor will coordinate the proper notification of investigative personnel and ensure that all officers involved complete their reports and submit them to the on-scene detective prior to leaving the scene.

[6] D. Taking Protective Custody of a Child

1. 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:
  - a. Is suffering from illness or injury
  - b. Has been abandoned
  - c. Is in danger from surroundings and removal from those surroundings is necessary.
2. In making a determination of removal for protective custody, officers will obtain all pertinent information, and review the need for removal with their supervisor.
3. When taking a child into custody the officer will:
  - a. Notify CYFD immediately.
    - i. A CYFD Child Protective Services caseworker can assist with placing the child in a temporary home.
    - ii. Immediate contact with CYFD is critical so custody petitions can be filed within 24 hours.
4. CYFD Requests
  - a. When CYFD requests that APD take custody of a child, the officer shall ask the caseworker for any documentation of abuse or neglect.



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- b. IF the caseworker has no documentation and the officer does not find reasonable grounds to remove the child, the officer shall:
  - i. Record the caseworker's statement before making the decision to remove the child
  - ii. Request that the caseworker get a court order to remove the child.
- c. The initial report will list the offense for which the child was taken into protective custody.
  - i. "Protective custody" is not an appropriate title, as protective custody cases are public record
  - ii. Records obtained from ACYFD are confidential and cannot be released to the general public or news media.

[6] E. Hospitalization of an Abused or Neglected Child

1. When hospitalizing an abused or neglected child is necessary:

- a. Officers will complete a police hold on the child with the assistance of CYFD.
- b. The child will not be removed unless authorized by a police officer of the agency that has been given custody of the child.

2. When a child is already hospitalized because of injuries, the following conditions apply:

- a. Officers may take the child into protective custody if the parents attempt to remove the child from the hospital.
- b. Officers have the legal right and responsibility to prevent the removal of the child in cases where the officer reasonably believes:
  - i. The parents are directly responsible for the injuries to the child.
  - ii. There appears to be danger to the physical well-being of the child.

[7] 3. Victims of child abuse may be photographed in all cases without the consent of the parents or legal guardian. Photographs will be taken, if possible when it will not interfere with the well-being of the child. A person from the hospital should be present.

[6] F. Arrest for Child Abuse

1. Before making an arrest for child abuse, officers should consider the safety and protection of the child. If the child can be removed from the environment in is preferred that a complete investigation be conducted prior to an arrest. Officers should consider:

- a. Whether the child is safe from the offender
- b. Whether the offender is a flight risk



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c. Whether the case can be fully investigated before it is presented to the grand jury, to include medical, psychological evaluations, and forensic interview of the child and witness.

2. All felony arrest warrants, search warrants, and psychological evaluations will be approved by the Assistant District Attorney assigned to the Family Crimes Division.

[N/A] 3. Domestic Abuse

a. Refer to Field Services SOP for duties of Police Officers

Note: Children have the same rights as adults and are granted the same protection as an adult under the Family Violence Protection Act. When children are present, their welfare should be determined.

[7] b. If domestic abuse against a child escalates to a felony, the CACU will be notified by the dispatched officer, before further investigation.

c. The investigating officer will contact CACU for determination of case responsibility during a domestic violence investigation, if it is determined that felony child abuse charges meeting the criteria of 2-33-2-B exist.

[N/A] 4. Citations may be issued for:

- a. Abandonment and cruelty to children
- b. Enticement

5. Citations should only be issued for violations occurring in the investigating officer's presence.

a. The use of a criminal summons is preferable in situations involving a misdemeanor that has already occurred.

[N/A] G. Child Molestation Reports

1. Child molestation refers to sexually oriented incidents or indecent exposure, enticement, obscene language, or criminal sexual contact of a minor.

2. Reports of child molestation that occurred on school property or while the victim was traveling to or from school will be handled as follows:

a. Officers will transmit (via service channel) pertinent suspect information to Albuquerque Public Schools (APS) Security for a radio broadcast.

3. All reports of child molestation will be recorded on a Uniform Incident Report form. Officers writing these reports will indicate that a copy will be sent to AOS Security in the agency optional use box (in the Status Distribution box).



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4. APS Security maintains a child molester file that is available to police officers, upon request. The information in these files is confidential and should be considered as an investigative aid, rather than confirmed factual data.

H. Forced Entry Search Warrants and/or Methamphetamine Labs

- [N/A] 1. If children are present at the scene of a search where forced entry is necessary and weapons may be drawn or where a methamphetamine lab is found, child abuse charges against the parents/guardians of those children may be justified.
- [7] a. In cases where child abuse charges are clearly justified, those charges will be filed at the time of the incident, and will be fully documented in the offense report.
- [7] b. In cases where the possibility of child abuse exists, either due to a "lab" situation or as a result of action the police were forced to take, the reporting officer will:
- i. Clearly document the danger to which the child was exposed.



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**3-08 PROPERTY CRIMES SECTION**

**3-08-1 Definitions**

A. Pawn Hold

A formal notification to the pawn shop that property within their business has been identified as being stolen or possibly stolen. This requires the pawnshops to hold the stolen property in the pawnshop until a detective can take custody of it.

B. Private Sector Partnerships

Albuquerque Retail Assets Protection Association (ARAPA), Contracting Industry Construction Alliance (CICA), Hospitality, Financial Institutions Security Officers Association (FISOA).

C. CONNECT Website and Alert Platform

The Community Oriented Notification Network Enforcement Communication Technology or CONNECT, is an interactive tool which links law enforcement to community partners to communicate about crime and public safety issues occurring in Albuquerque.

**3-08-2 Rules and responsibilities**

A. White Collar Crime Unit

1. It is the policy of the White Collar Crime Unit to conduct follow-up investigations on felony financial crime cases where an offender is not in-custody, a victim has been identified and suspect information exist, as well as complex cases with solvability factors.
2. On-Call Status
  - a. Detectives will be "on-call" on a rotating basis.
  - b. They will assume case responsibility involving in-custody cases when: a warrant is needed, multiple victims have been identified, multiple offenders are on-scene or the complexity of the case is time intensive. The on-call detective will be notified and will determine if they will assume case responsibility.
  - c. Conflicts regarding case responsibility will be resolved by the unit supervisor
  - d. The detective will handle incoming telephone inquiries and walk-in referrals with clearly identified victim and suspect information.
3. Detectives
  - a. Detectives will assist bank investigators as much as possible in cases involving APD.



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- b. Detectives will attempt to accommodate local organizations that could be the target of white collar crimes.
- c. Detectives may speak to local group reference white collar crimes.
- d. Detectives may also be assigned to lecture at the Police Academy.
- e. Ensure victims are notified of case updates.

B. Auto Theft Unit

1. It is the policy of the Auto Theft Unit to detect, identify, investigate, apprehend and prosecute persons involved in auto thefts. The Unit will handle and investigate the following: vehicles with altered, mutilated, or missing VIN's, altered or forged titles for motor vehicles, enforcement of criminal and administrative laws against any person or business engaging in any of the above matters. The Unit will promote training and education for law enforcement personnel and citizens to increase awareness and the prevention of auto theft. The Unit will work in conjunction with the State Motor Vehicles Dealer Licensing Division to administratively investigate the new and used car dealers and salvage industry. Detectives will be on-call for in-custody auto theft cases.
2. Sergeant
  - a. Maintain a procedure for the intake, tracking and disposition of vehicles that are towed, seized or forfeited in conjunction with an investigation.
  - b. Supervise and direct the Wrecker Services Unit.
  - c. Coordinate bait vehicle operations.
3. Detective
  - a. Investigate in-custody, AFIS and assigned cases.
  - b. Conduct UC operations and surveillance as directed by unit sergeant.
  - c. Conduct VIN inspections and assign New Mexico assigned VIN when applicable.
  - d. Conduct or assist in yard inspections/investigation.
  - e. Investigate "Chop Shops"
  - f. Ensure that all vehicles towed for Auto Theft have a final disposition.
  - g. Be available to be on-call on a rotating basis as determined by the unit sergeant.
  - h. Conduct Auto Theft training/prevention as directed by the unit sergeant.
  - i. Conduct bait vehicle operations
  - j. Maintain State VIN Inspector certification
4. Wrecker Services
  - a. Personnel will enforce the provisions of the City of Albuquerque Wrecker Ordinance that regulates rotational wreckers.
  - b. Will conduct yard inspections of the rotational wreckers quarterly as directed by the Auto Theft sergeant.
  - c. Will maintain a file of the tow yard inspection documenting findings and actions taken.

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- d. Personnel will check the vehicles that are towed by the participating wrecker companies through NCIC and maintain the 72-hour logs.
- e. Personnel will recover and remove vehicles from NCIC that are discovered stolen and towed by the rotational wreckers.

C. Burglary Unit

1. It is the policy of the Burglary Unit to concentrate its efforts towards the detection, identification, apprehension and prosecution of commercial and residential burglary offenders. Emphasis will be placed on complex investigations and property recovery.

2. On-Call Status

- a. Detectives will be on-call on a rotating basis.
- b. They will assume case responsibility involving in-custody cases when: a warrant is needed, multiple victims have been identified, multiple offenders are on-scene or the complexity of the case is time intensive. The on-call detective will be notified and will determine if they will assume case responsibility.
- c. Conflicts regarding case responsibility will be resolved by the Unit supervisor.

3. Sergeant

- a. Maintain MO files.
- b. Track Crime Stoppers tips and leads developed by pawn cards and AFIS hits.

4. Detective

- a. Conduct UC operations and surveillance as directed by unit sergeant.
- b. Conduct second contacts with victims of burglaries.
- c. Conduct burglary training/prevention as directed by the unit sergeant.
- d. Ensure victims are notified of case status.

D. Night Investigation Team (NITe)

1. It is the policy of the Night Investigations Team (NITe) to provide investigative support involving property crimes investigations during on-duty hours.
2. The primary objective of the NITe is to utilize technology to identify, track and arrest Property Crimes Offenders.

3. Sergeant

- a. Supervise and direct the bait item program.
- b. Coordinate and direct UC operations and surveillance.

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4. Detective

- a. Investigate residential/commercial burglaries, auto theft/receiving or transferring a motor vehicle calls that occur while on-duty in which an offender is in-custody.
- b. Conduct UC operations and surveillance as directed by the unit sergeant.
- c. Build, Maintain, deploy, and track bait items.
- d. Be available on-call on a rotating basis to track bait items.
- e. Assist all Area Command IMPACT Units in conducting directed activities to reduce the Property Crime issues in their Area Commands.
- f. Conduct directed activities throughout the city in order to reduce property crimes based on Crime Analysis statistics.

E. Organized Crime UNIT (OCU)

1. It is the policy of the OCU to identify, investigate, apprehend and seek prosecution of repeat offenders who commit crimes impacting private sector partnerships by utilizing the CONNECT website and alert platform.

2. Sergeant

- a. Monitor CONNECT platform and assignment of case investigations.
- b. Develop and maintain procedure for the intake, tracking and disposition of all cases received through the CONNECT platform.
- c. Supervise and direct all organized retail crime related undercover operations.
- d. Develop and maintain liaisons with private sector and community partners.
- e. Attend all required meetings with private sector partnerships.
- f. Initiate and direct pawnshop administrative inspections.
- g. Investigate and develop intelligence on organized retail crime trends and subsequently inform department personnel along with private sector partners.

3. Detective

- a. Review all postings on the CONNECT platform on a daily basis.
- b. Conduct frequent contacts with private sector partners and maintain liaisons with department personnel and other law enforcement agencies.
- c. Respond in a timely manner to questions and issues expressed by private sector partners either telephonically or electronically.
- d. Be familiar with the cultivation and development of Confidential Informants and demonstrate the ability to work in an undercover capacity.
- e. Attend all required private sector partnership meetings conduct presentations as assigned.
- f. Identify, document and focus on repeat organized retail crime offenders and organizations that commit crimes impacting the City of Albuquerque's business community.
- g. Respond to all "actionable" information posted on the CONNECT platform.

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F. Pawn Shop Detail

1. It is the policy of the Albuquerque Police Department to recover stolen property and seek prosecution of offenders through the enforcement of state statutes and city ordinances regulating all businesses with a pawn broker's license hereafter referred to as pawnshops.
2. All relevant pawn ticket data will be obtained from CAU.
3. Recovered Stolen Property
  - a. Stolen Property from Originating from within Albuquerque
    - i. All items placed on police hold will be documented through the current city pawn shop tracking vendor.
    - ii. Officers placing a hold on an item will forward a report to the Pawn Shop Detail by the end of their shift.
    - iii. A supplemental report or case will be completed when a stolen item is recovered at a pawn shop and will be taken out of NCIC.
    - iv. Rental property items alleged to be stolen and clear proof of ownership has not been established; will not be recovered by the Pawn Detail; it will become a civil issue. Detectives shall document these incidents and a police hold may be placed on the items pending civil actions.
  - b. Stolen property from other jurisdictions:
    - i. The Pawn Shop Detail will assist other agencies in placing holds on stolen or potentially stolen items.
  - c. Disposition of Property
    - i. All firearms recovered from pawn shops must be tagged into APD evidence until a Brady check is conducted. Property can be released to the owner only with the approval of the assigned detective and issuance of a property receipt.
4. Inspections and Violations
  - a. Violations of City Ordinances/ State Laws: The Pawn Detail will investigate all violations of state statute or city code involving pawnshops. Upon the completion of the investigation, the detective will submit the case to the City Clerk's office.
  - b. Inspection of Pawnshops
    - i. The Pawn Detail will conduct periodic inspections of each pawnshop. The results of the inspections will be recorded on an inspection form and appropriate action will be taken on any violations found. The detective will sign the inspection form and provide the business a copy of the inspection form after the business representative has signed it, acknowledging receipt. If the responsible party refuses to sign the inspection form, the detective will write refused in the area provided for the responsible party to sign and give them a copy.

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- ii. The Pawn Detail detective will keep a file on each pawnshop. The inspection form will be archived

G. Metal Theft Detail

1. It is the policy of the Albuquerque Police Department to recover stolen property and seek prosecution of offenders through the enforcement of the state statutes and city ordinances regulating all businesses with a State of New Mexico metal recycling license through the State of New Mexico Regulation and Licensing Department (RLD) hereafter referred to as metal recyclers.
2. Along with the Metal Theft Detail, the Crime Analysis Unit (CAU) will monitor metal recycler activity through the RLD website.
3. Recovered Stolen Property
  - a. Stolen property originating from within Albuquerque
    - i. Detectives placing a hold on an item will immediately notify the affected metal recycler and collect the item from the business by the end of the next working day.
    - ii. A supplemental report or case will be completed when a stolen item is recovered at a metal recycler. It will be taken out of NCIC if necessary.
    - iii. All property items alleged to be stolen and clear proof of ownership has not been established that is recycled will not be recovered by the Metal Theft Detail; it will become a civil issue. Detectives shall document these incidents with an informational report and a police hold may be placed on the items pending civil actions.
  - b. Stolen property from other jurisdictions:
    - i. The Metal Theft Detail will assist other agencies in placing holds on stolen or potentially stolen items. The detectives will coordinate the return of confirmed stolen property with appropriate agencies.
  - c. Disposition of Property
    - i. Property can be released to the owner only with the approval of the assigned detective and issuance of a property receipt.
4. Inspections and Violations
  - a. Violations of State of New Mexico RLD Regulations: The Metal Theft Detail will investigate all violations of state regulations involving metal recyclers. Upon the completion of the investigation, the detective will submit the case to the State of New Mexico Regulation and License Department. The case will be submitted to the City Clerk's office for review if a city metal recycler is in violation. The appropriate law enforcement agencies will be notified if violations are located at their metal recyclers.

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b. Inspection of Metal Recyclers

- i. The Metal Theft Detail will conduct periodic inspections of each metal recycler. The Metal Theft Detail will assist RLD Inspectors as needed on any other metal recycler inspections. The results of the inspections will be recorded on an inspection form and appropriate action if any violations found will be taken.
- ii. The Metal Theft Detail detective will keep a file on each metal recycler and the inspection form and any violations will be documented on a report. The inspections will be archived.

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SOP 2-13

Effective: 07/22/15 Expires: 01/22/16 Replaces: 06/25/13

**2-13 RESPONSE TO PERSONS AFFECTED BY MENTAL ILLNESS OR IN CRISIS**

**2-13-1 Policy**

Responding to situations involving individuals whom officers reasonably believe to be affected by mental illness or in crisis carries potential for violence; these situations require an officer to make difficult judgments about the mental state and intent of the individual. It also necessitates the use of special police skills, techniques, and abilities to effectively and appropriately resolve the situation.

This policy will establish guidelines and procedures to be followed when a person's behavior is indicative of mental illness or crisis.

**2-13-2 Definitions**

**A. Mental Illness**

An impairment of an individual's normal cognitive, emotional, or behavioral functioning, caused by physiological or psychosocial factors. A person may be affected by mental illness if he or she displays an inability to think rationally (e.g., delusions or hallucinations); exercise adequate control over behavior or impulses (e.g., aggressive, suicidal, homicidal, sexual); and/or take reasonable care of his or her welfare with regard to basic provisions for clothing, food, shelter, or safety.

**B. Grave Passive Neglect**

Failure to provide for one's basic personal needs, medical needs, or for one's own safety, to such an extent that it is likely to result in bodily harm.

**C. Certificate of Evaluation**

A document completed by a licensed physician, certified psychologist, or a qualified mental health professional licensed for independent practice who is affiliated with a community mental health center or core service agency, that certifies a person, as a result of a mental disorder, presents a likelihood of harm to him/herself or others and that immediate detention is necessary to prevent such harm.

**D. Crisis**

An individual's emotional, physical, mental, or behavioral response to an event or experience. A person may experience crisis during times of stress in response to real or perceived threats and/or loss of control and when normal coping mechanisms are ineffective.

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**2-13-3 Rules and Procedures**

**A. Response to Persons Affected by Mental Illness or in Crisis**

1. APD will ensure that crisis intervention certified responders or CIU will take the lead, once on scene and when appropriate, in interacting with individuals in crisis. If a supervisor has assumed responsibility for the scene, the supervisor will seek input of the crisis intervention certified responder or CIU on strategies for resolving the crisis when it is practical to do so. [DOJ 128]
2. Take steps to calm the situation. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet nonthreatening manner when approaching or conversing with the individual. Where violence or destructive acts have not occurred, avoid physical contact, and take time to assess the situation. Officers should operate with the understanding that time is an ally and there is no need to rush or force the situation.
3. Move slowly and do not excite the person. Provide reassurance that the police are there to help and that the person will be provided with appropriate care.
4. Communicate with the individual in an attempt to determine what is bothering him or her. If possible, speak slowly and use a low tone of voice. Relate concern for the person's feelings and allow the person to express feelings without judgment. Where possible, gather information on the individual from acquaintances or family members and/or request professional assistance if available and appropriate to assist in communicating with and calming the person.
5. Avoid topics that may agitate the person and guide the conversation toward subjects that help bring the individual back to reality.

**B. Emergency Mental Health Evaluation (NMSA 43-1-10)**

1. If an individual meets the criteria for an emergency mental evaluation, the officer will arrange transportation to a facility. If possible, the officer will, ascertain the individual's health care provider information and transport the individual to the appropriate facility.
2. When an individual is taken to a mental health facility the officer shall:
  - a. Ensure that the mental health staff has a detailed and accurate account of the incident surrounding the protective custody.
  - b. Complete and sign an application for emergency hospitalization.
3. If an individual is identified as dangerous to him/herself or others, the officer will guard the individual until the medical facility will assume responsibility for the subject.

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4. If an individual is physically injured or has a pre-existing medical condition requiring attention, physical medical care needs will take priority. The individual will be transported to a hospital emergency room. The hospital will assume responsibility for any mental health care intervention. The officer should still complete the application for emergency hospitalization.
5. Whenever an individual is transported to a mental health facility, this includes but is not limited to voluntary, involuntary, Certificates of Evaluation, grave passive neglect, is in crisis, or when the individual is under arrest, an Offense/Incident report and/or CIT contact sheet shall be initiated.
6. Officers who are provided with a Certificate of Evaluation concerning an individual, will attempt to verify the authenticity of the certificate by directly talking to the source in person or by calling the facility or doctor who issued the certificate.
7. In the event an officer determines that a person is suffering from mental illness or a crisis, but is not dangerous, the officer may request the assistance from COAST if the individual would likely benefit from further crisis intervention, linkage to services and/or education regarding services in the community.
8. When an officer has knowledge of a prisoner who has some kind of mental illness, they will notify the Metropolitan Detention Center (MDC) medic who can then notify Psychological Service Unit (PSU). The Officer will forward a copy of the Offense/Incident report to the CIT Area Sergeant Coordinator.

C. Jail Diversion Program

1. At times individuals who live with a mental illness may have contact with law enforcement for misdemeanor and/or petty misdemeanor crimes, including non-violent felonies. When possible those subjects may be better served by:
  - a. Issuance of a citation, or
  - b. Summons, submitting case or
  - c. Transport to a mental health provider.
  - d. The primary officer will retain case responsibility if a citation, summons, or case is submitted. CIU/COAST can assist if the individual needs follow-up intervention to deter future police contacts.
2. Officers should attempt to jail divert all misdemeanors and non-violent felonies when appropriate and absent of exigent circumstances.
  - a. This policy should not supersede instances where officers are mandated to make an arrest by law.
3. When sending a copy of the Offense Incident Report to Court Services, Officers will attach a note stating the subject may be a candidate for Mental Health Court.

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4. When appropriate, juveniles should be diverted from incarceration and linked with appropriate services such as transport to a mental health facility.

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SOP 3-09

Effective: 07/22/15 Expires: 01/22/16

**3-09 CRISIS INTERVENTION SECTION (CIS)**

**3-09-1 Description**

The units include the Crisis Intervention Unit (CIU), Crisis Outreach and Support Team (COAST), Crisis Intervention Clinician(s), and psychiatrist and the management of the Department's Crisis Intervention Team program.

**3-09-2 Rules and Responsibilities**

A. CIS Lieutenant

1. Responsible for the efficiency and effectiveness of the various units under his/her command and for coordinating their functions and activities.

B. [7]Crisis Intervention Section Sergeant

1. Will oversee the Crisis Intervention Unit as well as the COAST Unit.
2. Responsible for recruitment and training of CIT personnel.
3. Responsible for consultation and liaison between APD and mental health care providers, and working with the crisis outreach psychiatrist and other clinical personnel.
4. Ensures that crisis intervention information is collected and appropriately disseminated.
5. A liaison between the CIT Area Command Coordinator(s).

C. CIT Area Command Sergeant Coordinator

1. Will review and screen offense/incident reports from their area command when appropriate, and add notations to help determine follow up by the Crisis Intervention Unit detectives or COAST Unit and/or Crisis Intervention Unit Clinicians.
2. Help identify any deficiency in CIT personnel and training.

D. CIU Detectives will investigate:

1. Risk to Others: If a person's behavior is putting someone else's safety at risk. This is often associated with verbal threats to harm or kill someone else, disorderly conduct, assault, or other person crimes involving weapons.
2. Escalating Behavior: The person is not currently posing a risk to anyone else's safety, but is displaying behavior that is increasingly causing alarm to others through

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physical actions, threats, or property damage. If not addressed, the behavior will likely result in risk to self or others.

3. CIU detectives shall limit their intake to Police Referrals only, unless exigent circumstances exist. Those referrals should have the following criteria:
  - a. Availability of weapons
  - b. Substantiated statements to commit, or the actual commitment of a violent or dangerous act
  - c. Personal history, known or provided, that reflects prior violence under similar circumstances
  - d. Any corroborating information that would lead a CIU detective to believe the individual is a risk to others or displays escalating behavior.
  - e. CIU detectives will be on an on-call basis 24 hours a day to assist officers with the criteria listed above.
4. CIT detective will network and collaborate with numerous community health providers which include, but is not limited to the Mental Health Response Advisory Committee, Bernalillo Forensic Intervention Consortium (BFIC), National Alliance for Mental Illness (NAMI).
5. When utilizing specialized units, the field commander should strive, to the greatest extent possible, to support the specialized unit with manpower and resources sufficient to attain the specialized unit's objective.

E. COAST Specialists shall:

1. The Crisis Outreach and Support Team (COAST) will be utilized by officers to provide further crisis intervention, referrals to services, and education.
2. When an officer has determined the scene is safe and there is a need for COAST on scene, they will contact radio and request a COAST unit between the hours of 0830 and 1700. If an officer needs COAST after 1700 they can, with their supervisor's permission, contact the CIU supervisor.
3. COAST shall provide a reasonable effort to resolve the crisis that created the call-out. This may include frequent contacts, as well as police that are having several interactions with the person due to their behavior which may include dispatched calls, unfounded reports of crimes or self-initiated stops.
4. Risk to self: The person is at risk of harming him/herself.
5. Be responsible for taking cases referred to COAST, which are in addition to on-scene referrals, and have been assigned to them by the CIU Sergeant.
6. COAST Specialist will network and collaborate with numerous community mental health providers to ensure the appropriate intervention response. These providers



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include, but are not limited to the Mental Health Response Advisory Committee, Bernalillo Forensic Intervention Consortium (BFIC), and National Alliance for Mental Illness (NAMI).

7. Other referrals COAST may receive are a command or city leadership request for COAST to conduct follow up due to the additional time and resources required beyond patrol response.

F. COAST Specialists will not:

1. Provide long term or intensive case management or counseling services.
2. Provide victim's assistance in domestic violence cases.
3. Provide victim's advocacy services for victims of crimes.
4. Provide long-term follow up throughout the judicial process.
5. Provide comprehensive explanations or case management or follow up with victims/witnesses regarding the procedures involved in the prosecution of their cases.
6. Provide personal/family counseling services for department employees.
7. Transport violent or potentially violent individuals in their vehicles.



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SOP 2-04

Effective: xx/xx/xx Expires: xx/xx/xx Replaces: 05/10/06

## 2-04 RECRUITING UNIT

### 2-04-1 Policy

The policy of the Recruiting Unit is to recruit the most capable and qualified individuals to enter the selection process for the position of Police Officer, Lateral Officers, Reserve Officer, or Police Service Aide. The following has been established to maintain the process for the selection of the most capable and qualified applicants to attend the Albuquerque Police Academy. The recruiting of individuals will be without regard to race, color, national origin, disability, age, gender, sexual orientation, medical condition, or disabled veteran status.

### 2-04-2 Definitions

#### A. Candidate

An individual who has successfully passed all application steps, but has not yet been given an appointment to the Academy. May be interchangeable with applicant.

#### B. Process

The period of time from which the Recruiting Unit begins testing for an academy cadet class, until such time as all cadets are selected for that cadet class.

#### C. Qualified Applicant

An individual who has met the preliminary qualifications and filled out an interest card. May be interchangeable with candidate.

### 2-04-3 Responsibilities

#### A. Lieutenant

Monitors and directs all functions of the Selection & Training Section. Authorized and required to update, and modify rules and procedures set forth in the Section SOP manuals under his/her command.

#### B. Sergeant

Responsible to the Lieutenant of the Selection and Training Section. Monitors the procedures of the Recruiting Unit and is responsible for the direct supervision of assigned staff.

#### C. Officer/Detective/Community Service Aide (CSA)

Responsible for all assigned duties as determined by the Unit Sergeant and Section Lieutenant.

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D. Administrative Aide

Provide for the comprehensive support of all functions of the Section.

**2-04-4 Rules and Procedures**

A. Administration and Personnel

1. Sergeant

- a. Monitors the entire recruiting and selection process and supervises all assigned support staff.
- b. Responsible for orientation and training of unit recruiters and detectives.
- c. The Unit Sergeant will complete monthly statistics by the last day of each month.
- d. The Sergeant may delegate the task of maintaining statistics to a support staff member who will be responsible for:
  - i. Maintaining Recruiting and Selection statistics.
  - ii. A report by cadet class will be due 30 days after the start of the academy training.
- e. The Sergeant will be responsible for coordinating and all applicant medical examinations through Employee Health.
- f. The Sergeant will ensure that all State DPS forms are completed on each candidate and that each packet is prepared and delivered to DPS two weeks prior to the start of the academy.
- g. The following are the forms required by NM State DPS:
  - i. Form LEA-1: Application for Admission/Certification
  - ii. Form LEA-2: Employment Verification (original signatures)
  - iii. Form LEA-3: Medical Examination Procedures, Medical History (original signatures, dated within one year of admission to academy)
  - iv. Form LEA-4: Current Psychological Examination (original signatures, dated within one year of admission to academy)
  - v. Form LEA-5: Fingerprint Affidavit (original signatures)
  - vi. Form LEA-6: Applicant Affidavit (original signatures)
  - vii. Form LEA-8: Waiver of Liability (original signatures)
  - viii. Form LEA-9: Release of Information (original signatures)
  - ix. Notarized copy of high school diploma, G.E.D. certificate or college transcript.
  - x. LEA-12: Applicant Affidavit of US Citizenship.
  - xi. Notarized copy of current valid driver's license (if a cadet's license expires during the Academy a valid copy of the new license must be submitted at the time of issuance)
  - xii. Notarized copy of DD-214.

2. Detective/CSA Recruitment Duties

- a. Responsible for recruitment and handles all walk-in police applicants.

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- b. Attend, as assigned, any career fair, social gathering, or class for the purpose of recruiting police applicants.
- c. Will also serve as a background investigator. (See Unit S.O.P. Section for Background Investigator).
- d. Is required to be knowledgeable in personnel matters, especially Equal Opportunity and Affirmative Action and the American Disabilities Act (ADA) as it affects recruiting and selection and the management and operation of the Department.
- e. Is responsible for administering and scoring the beginning stages of the selection process.
- f. Is responsible for maintaining all display equipment, brochures, study packets, and other recruiting material and equipment.
- g. Is responsible for ensuring that there are sufficient and complete materials for all tests.
- h. Ensures that all elements of the selection process are administered, scored, evaluated, and interpreted in a uniform manner.

3. Detective/CSA Background Investigations

- a. Background investigators conduct extensive background investigations of a candidate's character, qualifications, and ability to perform as a police officer.
- b. Background investigators should be representative of the community and thoroughly trained in the content and use of the selection process.
- c. All background investigators will undergo training in background investigation through classroom and/or on-the-job training.
- d. Background investigators are charged with conducting all preliminary and follow up interviews of applicants/candidates, and review all Personal History Statements returned, ensuring they are complete and accurate.
- e. Will assist in the administering, scoring, and evaluating of the beginning stages of the selection process.
- f. Are responsible for the scheduling and completing of the selection process for candidates from the background investigation stage through the final selection for the Academy.
- g. Are responsible for ensuring that the final selection of candidates for academy classes has a clear understanding of the expectations during the academy of the physical and mental requirements.
- h. They should ensure that their candidate has picked up an orientation packet prior to the orientation.
- i. Coordinate with the Physical Wellness Unit for an applicant physical orientation after Chief's Selection.
- j. May also serve as a recruiter.

4. Administrative Aide II (Background)

- a. Performs all the duties of the Background Coordinator.
- b. Organizes and creates background folders, including background records checks.
- c. Sends out all prior residence letters, employment letters, and reference letters needed for background investigations.

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- d. Sends out termination letters, congratulation letters and orientation packets.
- e. Conducts Triple I checks, I.D. checks, NCIC checks and Records checks.
- f. Maintains files of current and previous classes.
- g. Updates and verifies results in the recruiting and background computer tracking system (PRCR).
- h. Assists the Unit Sergeant in the preparation of the appropriate New Mexico Law Enforcement Academy documentation packets for each cadet once the Academy class has been selected. This includes birth certificates, DD-214's, driver's licenses, high school diplomas, medical forms, etc. as outlined in the application for certification.
- i. Compiles class information to track each class and class statistics, from the interest card stage through OJT.
- j. Organizes and disseminates internal selection board study packets.
- k. Responds to Background information requests from other police departments.
- l. Enters all of the testing scores and maintains the applicant database. (PRCR)
- m. Performs other duties as assigned by the Recruiting supervisor or commander.

5. Administrative Aide (Recruiting)

- a. Answers telephones. Takes messages when necessary and/or refers callers to the appropriate recruiter, background investigator, or supervisor. If not related to recruiting, refers the caller to the appropriate agency or unit.
- b. Provides only basic information to potential applicants. All calls or walk-ins, where an applicant is interested in filling out an interest card or needs specific information, will be referred to a detective or CSA, when one is available.
- c. Mails out information packets, study guides, and other various documents.
- d. Enters and files interest applications.
- e. Updates and verifies results in the recruiting and background computer tracking system.
- f. Orders supplies for the Section once a month.
- g. Makes copies of necessary documents.
- h. Creates new forms or documents and update old forms or documents when necessary.
- i. Logs all incoming and outgoing mail.
- j. Prepares and maintains testing applicant list.
- k. Prepares materials for recruiting trips and job fairs.
- l. Performs other duties as assigned by the Unit supervisor or commander.
- m. Puts together civilian background folders.

B. Media Campaign

1. The Sergeant will coordinate the media campaign with the Section Commander and set up a concentrated recruitment effort through local media sources.
2. The annual recruitment campaign shall provide for specific activities in the following areas:

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- a. Print Media Advertising
  - b. Radio Advertising
  - c. Television Advertising
  - d. Develop of Recruitment Print Materials
  - e. Sponsoring of specific recruitment job fairs
  - f. Attendance of career and job fairs
3. All advertising done for Police Officer, Lateral Officer, Reserve Officer, or PSA positions will include the statement:
- a. "The City of Albuquerque is an equal opportunity and reasonable accommodation employer and does not discriminate on the basis of race, color, national origin, ancestry, disability, age, gender, sexual orientation, medical condition, Vietnam era or disabled veteran status."
4. Recruitment materials will include a description of duties, responsibilities, skills, education and physical requirements. To the extent possible, advertisements should depict women and minorities in law enforcement roles.
5. Statistical reports of recruiting activities and outcomes, including the number of applicants, interviewees, and selectees, and the extent to which the Unit has been able to recruit applicants with needed skills will be provided annually. Additionally, a report and discussion of any challenges to recruiting high-quality applicants will be provided on an annual basis. [DoJ 240]
- C. Selection Materials
1. All selection materials used are confidential and strictly for the use of assigned staff and shall be kept in a locked or secured area when not being used.
- D. Selection Standards and Qualification Criteria
1. The Recruiting Unit shall develop and implement an objective system for hiring and selecting recruits. [DoJ 236]
  2. The system shall establish minimum standards for recruiting and an objective process for selecting recruits that employs reliable and valid selection devices that comport with best practices and anti-discrimination laws. [DoJ 236]
  3. Lateral Police Officer
    - a. The lateral hire's history of using lethal and less-lethal force, civil or criminal action, use of force training records, and complaint history will be thoroughly researched. [DoJ 239]

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E. Selection Process

1. The Recruiting Unit shall ensure that thorough, objective, and timely background investigations of candidates for sworn positions are conducted in accordance with best practices and federal anti-discrimination laws. [DoJ 238]
2. APD's suitability determination shall include assessing a candidate's credit history, criminal history, employment history, use of controlled substances, and ability to work with diverse communities. [DoJ 238]
3. The Recruiting Unit shall require all candidates for sworn personnel positions, including new recruits and lateral hires, to undergo a psychological, medical, and polygraph examination to determine their fitness for employment. [DoJ 237]
4. The Recruiting Unit shall maintain a drug testing program that provides for reliable and valid pre-service testing for new officers and random testing for existing officers. [DoJ 237]
  - a. The program shall be designed to detect the use of banned or illegal substances, including steroids. [DoJ 237]

F. Other Background Investigations – Civilian Personnel

1. The Selection Unit is responsible for conducting background investigations on APD civilian employees.
2. Background Investigation of Civilian Personnel
  - a. Supervisors hiring an applicant for civilian positions are required to initiate the background investigation. Supervisors will obtain a waiver from the employee and obtain a complete personnel Integrity Questionnaire and Personal History Statement and attach the following documents:
    - i. Birth certificate, high school diploma or GED, school transcripts, certificates, DD-214, etc. that are asked for in the Personal History Statement, these documents, and waivers to the Recruiting Office.
  - b. The Selection Unit Sergeant will assign the file to a background investigator, who complete a standard civilian background file.
  - c. Background investigations should be completed prior to the hiring of civilian personnel.
  - d. Once a background has been completed, the file will be returned to Police Personnel/Payroll.

G. Information Management

1. The policy of the Selection and Training Section is to provide for the strict security and confidentiality of the recruitment and selection process. All information obtained

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by the Selection and Training Section is restricted to authorize personnel and will only be used and maintained for the purposes outlined in the Section Standard Operating Procedures. Under no circumstances will information be released without a court order. Strict adherence to the established information management procedures is required and mandatory for all assigned personnel involved in the selection process.

H. Confidentiality

1. All files and information obtained pertaining to background investigations are confidential. The Selection Unit will maintain the files of unsuccessful candidates. The files will remain in a secure facility until such time as they need to be accessed by authorized personnel.
2. Authorized Personnel
  - a. Personnel authorized to handle, or view background files is strictly restricted to assigned personnel of the Selection and Training Section or as authorized by the section commander.
3. Each member of the Section will be required to sign a confidentiality agreement.
4. Violation of the confidentiality agreement or procedures may result in disciplinary including immediate transfer and reassignment of the individual.

I. Request for Information

1. Cooperation with Other Law Enforcement Recruiting Units
2. Information will not be released on any applicant for any purpose except as a function of the recruiting process. Information requested by Recruiting Units of other Law Enforcement Agencies will be provided as follows.
  - a. Any request for information on an applicant from another law enforcement agency will be referred to the Selection Unit Sergeant.
  - b. Any request for information regarding an applicant must be accompanied by a copy of a waiver, signed by the applicant, from the agency which is making the request.
  - c. Background files may be reviewed in their entirety by the requesting agency's recruiting representative, but under no circumstances will copies be made of a background investigation. However, copies of PIQ's may be released to another law enforcement agency's recruiting representative with a valid applicant waiver. In these cases, release of the PIQ is only authorized by the Section Sergeant.
3. Applicant Request for File Information
  - a. Under no circumstances will any document from an applicant's file be released to an applicant unless it is an original document and is so authorized by the Unit

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Sergeant. All documents are otherwise the property of the Albuquerque Police Department. All information previously provided by the applicant may be given verbally to the applicant.

J. Community Outreach [DoJ 233]

1. The Recruiting Unit shall develop a strategic recruitment plan that includes clear goals, objectives, and action steps for attracting qualified applicants from a broad cross section of the community.
  - a. The recruitment plan shall establish and clearly identify the goals of APD's recruitment efforts and the duties of officers and staff implementing the plan.

K. Annual Reporting [DoJ 240]

1. The Recruiting Unit will report its recruiting activities and outcomes, including the number of applicants, interviewees, and selectees.
2. The extent to which the department has been able to recruit applicants with needed skills.
3. Report and discuss any challenges to recruiting high-quality applicants.



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## 4-03 EXPLOSIVE ORDINANCE DISPOSAL UNIT (BOMB SQUAD)

### 4-03-1 Policy

It is the policy of the Explosive Ordinance Disposal Unit (EOD) to provide a safe means of handling and disposing of explosives, dangerous ammunition and improvised explosive devices (IED), and to assist other agencies. The unit will also conduct crime scene investigations and process post-blast scenes including follow-up investigations and case presentation as needed.

To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, force will be used in accordance with the Constitution of the United States. Use of force is governed by SOP 2-52 and will be in accordance with the Constitution of the United States.

### 4-03-2 Objectives

- A. The EOD Unit will respond to and dispose of any device known to, or thought to contain explosive materials.
- B. The EOD unit will respond to bomb threats when a suspected or actual explosive device has been located or when assistance is needed in conducting a search with probability of a device existing.
- C. The EOD Unit will assist APD or other law enforcement agencies in the investigation of incidents involving explosives, improvised explosive devices or suspected explosive devices.
- D. The EOD Unit will also conduct follow-up investigations where an explosive device has detonated (post blast) and process the scene for possible evidence.
- E. The unit will destroy any evidence, weapons, and dangerous drugs at the request of the Evidence Unit or any authorized court.
- F. Instruct APD personnel in explosives recognition and bomb threat procedures and provide bomb threat management training to outside agencies and businesses.

### 4-03-3 Rules and Responsibilities

- A. Sworn Personnel [DOJ 94C, 94D, 100]
  - 1. Qualifications - sworn personnel who apply for a position with the EOD Unit understand that the position is strictly voluntary and must:
    - a. Not be color blind
    - b. Not be allergic to explosives



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- c. Be of the rank of Patrolman 1/C with a minimum of one year experience with the Department
- d. Give a minimum of a five-year commitment to bomb technician work after graduation from Hazardous Device School, (HDS) regardless of assignment(s)
- e. Demonstrate the ability to work competently under stressful conditions.
- f. Demonstrate the ability to work amiably with other members of the EOD Unit.
- g. Be able to pass the HDS application requirements and successfully graduate from HDS.
- h. Be in good physical condition and willing to maintain good physical condition. This will be tested quarterly. Bomb Suit Endurance Course will be conducted twice per calendar year, and the APD physical assessment will be conducted twice a year.
- i. Pass the department's physical assessment with a minimum overall score of 80% and no less than 60% in one category.
- j. Complete the Bomb Suit Endurance Course in twenty minutes or less, which will demonstrate the ability to work effectively while in the bomb suit.

2. Personnel must be willing to:

- a. Be on-call.
- b. Work varied and extended hours based on the needs of the unit.
- c. Respond to call-outs when not on call.
- d. Travel out of town.
- e. Must possess both mechanical and electrical aptitudes.

B. EOD Unit Supervisor [DOJ 94A, 100]

1. Inform the EOD Unit Lieutenant of unit operations and unit callouts.
2. Provide communications unit with a current on call roster with names, phone numbers and pager numbers of all EOD unit personnel.
3. Maintain liaison with EOD unit supervisors of the State Police, Sheriffs Department, Military, State and Federal agencies.
4. Be responsible for the proper storage of explosives and disposal of explosives when required. Ensure that explosives are not being stored in the EOD unit office area.
5. Be responsible for the maintenance of necessary records and filing of reports to designated personnel or agencies.
6. Coordinate the units activities at the scene of a bombing, accidental explosion, or related incident and submission of a supplemental report to the concerned investigating section or agency.
7. Ensure all unit equipment is maintained in serviceable condition.



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8. Conduct In-Service training for department bomb technicians and department personnel when requested.
9. Conduct bomb threat response training for department and civilian personnel when requested.
10. Conduct audits of the explosive storage magazines every six months during the second and fourth quarter of the year.
11. Complete monthly reports.
12. Conduct monthly vehicle inspections of EOD Unit Personnel.
13. Perform such duties or assignments as designated by the Section Commander.

C. EOD Member

1. Provide technical support, or conduct render safe procedures on all incidents involving explosives or improvised explosive devices.
2. Handle high probability bomb threats.
3. Provide bomb security for visiting dignitaries and special events.
4. Conduct scene investigations on incidents involving explosives, IEDs, suspect packages and post blast occurrences.
5. An original report will be written on all incidents where an IED or suspected device was rendered safe, or where an explosive device has detonated, or at the request of an outside agency, or the unit supervisor.
6. Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) or Bomb Arson Training System (BATS) reports will be filled out on all incidents covered under BATS guidelines. These reports will be submitted electronically to BATFE.
7. Significant Event Forms will be filled out by the primary technician on any EOD call out. This will be filled out and submitted prior to the end of shift.
8. Testify as an expert witness in State and Federal Courts.
9. Maintain all issued and unit equipment to ensure its serviceability when needed and maintain the bomb range.
10. Advise the EOD Unit Supervisor of all call outs, daily activities, equipment/supply needs and problems.
11. Give explosives recognition to police officers and civilian personnel when requested.



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12. Maintain liaison with EOD Units of the State police, Sheriff's Department, Military and Federal agencies.
13. Respond to any requests that come in through the amnesty program.
14. Respond to all amnesty calls with a police report and BATS entry.
15. All bomb technicians will submit overtime slips for EOD calls to the EOD Unit Supervisor.
16. Overtime will not be authorized unless approved by the EOD unit supervisor.

D. On-Call Status

1. Members of the EOD Unit will be available for calls twenty four hours a day, seven days a week.
2. The on call responsibility will rotate among all bomb technicians on a weekly basis.
3. A current on call roster will be prepared and maintained by the EOD Unit and given to the Communications Section Supervisor.
  - a. Any changes to the on call roster must be approved by the EOD Sergeant.
  - b. Requests for any on call changes will be submitted by the affected technician to the EOD Sergeant at least 24 hours prior to the date of the change.
  - c. On call changes may not be approved if the following guidelines are not met.
4. All EOD call outs will be handled by full time, HDS trained, EOD Unit personnel.
5. EOD Unit Commander or Sergeant will be notified of all EOD call outs, if possible, prior to responding to the call.

E. Unit Command Structure [DOJ 94A]

1. In the role of EOD personnel, all bomb technicians report to the EOD Unit Supervisor. Any EOD related business will be handled through the EOD Unit Supervisor.
2. At the scenes of an EOD call, the EOD Unit Sergeant, or if not present, the EOD Unit Commander, or the primary bomb technician will be in charge of the EOD operation.

F. Improvised Explosive Devices (IED)

1. The following steps are intended as a safety guide and may vary.
  - a. When possible, obtain as much information as is available before taking any action.

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- b. Upon arrival, the first technician on the scene will check if evacuation was conducted properly and ensure that scene perimeters have been established.
- c. After reviewing all available information, the decision will be made to render the device safe at the scene, blast in place, or remove it to a safe disposal area.
- d. On IED calls, or calls involving the recovery of explosives, a minimum of two bomb technicians will be utilized.
- e. Set up and test all equipment before approaching the suspected item.
- f. The utilization of untrained personnel on an IED or suspect device is prohibited.
- g. Call for and ensure that rescue and fire personnel are present at the scene before approaching an IED or suspected explosive device.
- h. Render safe procedures involving hand entry of IEDs will be restricted to life threatening situations only.
- i. If a scene is contaminated, appropriate protective clothing will be worn by all EOD personnel entering the immediate contamination area. Clothing to be worn includes protective suits, double layer surgical gloves, eye protection and respirator.
- j. Bomb Suits will be worn at the discretion of the primary bomb technician the scene, or the EOD Sergeant, for life threatening situations. Bomb Suits will be worn in all situations except when it is physically impossible, there is an explosive/flammable atmosphere, a potential of booby traps, or as situations demand.
- k. Use one man approach unless situations demand otherwise.
- l. When appropriate, X-RAY the IED
- m. An IED will be X-RAYED, as situations demand, prior to being moved.
- n. If an IED is to be moved, remote removal procedures will be utilized whenever possible.
- o. The use of a firearm is authorized to render an IED safe. The EOD Unit .22cal rifle or AR-15 will be used for this purpose.
- p. If a firearm is used for render safe purposes, an EOD Unit supplemental report will be written and a copy will be sent to the Internal Affairs unit within 48 hours of the call. The EOD Unit Sergeant will call Internal Affairs within 24 hours to notify them of the use of a firearm for RSP.
- q. If an IED is to be removed to a disposal area in the TCV, a marked police escort will be used.
  - i. One vehicle will be positioned two hundred feet behind the bomb trailer and one vehicle will be positioned two hundred feet in front of the trailer towing vehicle.
  - ii. The Field Services Supervisor at the scene will be advised of the route to be used.
  - iii. Escort vehicles will use their red lights and drive within the legal speed limits in a safe and prudent manner.
  - iv. Rescue and Fire units will follow the escort to the disposal site. Upon arrival at the chosen site, the escorting vehicles will be dismissed.
  - v. The rescue and fire vehicles will stand by until the IED is rendered safe. All unauthorized personnel will be cleared from the area.

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G. Technical Support

1. The EOD Unit will provide technical support to investigative personnel. Investigative responsibility for the incident will be determined in accordance with Department SOP. This technical support may include, but not limited to:
  - a. Complete search of the crime scene
  - b. Search areas for booby traps, physical evidence
  - c. Documentation, collection and handling of evidence
  - d. Crime scene documentation related to explosives, such as photographs and diagrams.
2. On all calls of a serious nature, additional bomb technicians may be called as needed.

H. Training [DOJ 92]

1. Initial/Proficiency bomb technician training:
  - a. Each bomb technician, including the EOD Unit Sergeant, will satisfactorily complete the FBI Hazardous Device School.
  - b. Each bomb technician will complete an on the job training program with experienced technicians until they exhibit proficiency to include, but not limited to:
    - i. PAN Disrupter set up and use.
    - ii. All x-ray set up and use.
    - iii. Bomb suit set up and use.
    - iv. Miscellaneous equipment set up and use.
    - v. Explosive recognition, commercial and military.
    - vi. Remote removal procedures, equipment set up and use.
    - vii. Firearms familiarization and use.
    - viii. Scene management.
    - ix. Training officer review.
    - x. Proficiency training will be conducted once a year during the second quarter of the calendar year.
    - xi. Testing will cover all aspects of the EOD function and equipment.
2. Refresher training:
  - a. Each bomb technician will attend bi-monthly training to remain up to date on the latest information.
  - b. Each training day will be coordinated by a bomb technician. This duty will rotate among all on call bomb technicians.
  - c. Each training session will be documented on a training report form by the technician conducting the training.
  - d. The unit supervisor will compile the training report forms and ensure they are entered into BATS.
  - e. The unit supervisor will maintain all training records and documentation.

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- f. A roster of attendance will be made for each training day.
  - g. All training lesson plans and attendance rosters will be maintained in the EOD Unit files.
  - h. Each bomb technician will attend outside refresher training when possible. This can include all regional IABTI seminars and FBI HDS refresher courses every three years.
  - i. Should remain current on bombing incidents through the FBI Bomb Data Center bulletins and reading current books and articles relating to the bomb disposal field..
- I. Bomb Technician Equipment
1. All unit equipment will be maintained and inspected by full time EOD personnel.
  2. The bomb van will be inspected weekly and restocked as needed. Report any maintenance or supplies needed to the EOD Supervisor.
    - a. Bomb Van
    - b. Bomb Suits
    - c. Bomb Tools to include; X-RAY, disrupters, hand tools etc.
    - d. Batteries removed or replaced, charged and tested
- J. Explosive Magazines
1. The explosive magazines are as follows:
    - a. Magazine A
      - i. Non evidentiary class 1.1 or less explosives, except detonators.
    - b. Magazine B
      - i. Evidentiary class 1.1 or less explosives, except detonators.
    - c. Magazine C
      - i. Supplies, class 1.1 or less, except detonators.
    - d. EOD safe (detonator magazine)
      - i. All evidentiary or non-evidentiary detonators.
  2. Entry Logs
    - a. Only EOD Unit personnel will have access to the explosive magazines
    - b. Entry logs will be filled out each time a magazine is entered.
  3. Evidence tagging into EOD magazines
    - a. EOD personnel will complete an APD evidence tag on all types of evidence to be stored in the evidence magazine.
    - b. The items will be logged on the magazine entry log as evidence.

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c. The hard copy and white copy will be attached to the item(s) being tagged. The yellow copy will be retained by the technician.

4. Audit of EOD explosive magazines

a. The contents of the magazines will be audited semiannually during the second and fourth quarters.

b. Each magazine and contents will be checked weekly. Magazine checks will be logged in the magazine log book.

K. Destruction of Hazardous Chemicals

1. The EOD Unit will not take possession of chemicals or other toxic substances, if according to the Environmental Health Division (EHD), the destruction of such materials poses a danger to the environment.

2. The EOD Unit will not take possession of or remove hazardous chemicals or toxic substances for disposal, unless it is deemed an explosive hazard.

3. The fire Department, Hazardous Materials Unit will be called.

4. The EOD Unit may support the AFD HAZMAT Unit as directed by the Section Commander.

5. When a question arises about the destruction of chemicals, the EHD will be contacted for advice.

L. Utilizing Kirtland Air Force Base EOD Unit

1. The Kirtland Air Force Base (KAFB) EOD Team may be utilized to assist on calls relating to military ordnance.

2. The EOD Unit supervisor or primary bomb technician will make any requests for KAFB EOD Team assistance.

3. When utilizing the KAFB EOD Team, the requesting bomb technician will respond to the scene of the call to provide liaison with KAFB EOD.

4. Large demolitions or contraband destructions may be coordinated with KAFB EOD.

M. EOD Range Protocol

1. The following Divisions/Agencies will be contacted prior to a large blast:

a. A memo will be sent by fax to the tower and Aviation Communications on scheduled blasts.

b. APD Communications- 833-7222 and the Airport Tower 30 minutes prior to blast 856-4900, 856-4903.

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- c. The explosive range limit will be 25 pounds or less of high explosives, unless prior arrangements have been made with the tower, but not more than 300 pounds of high explosives.
- d. A visual check of the area will be made prior to any detonation.
- e. Avoid detonations during inclement weather and thermal inversions, if possible.
- f. Only authorized EOD personnel, or persons authorized by an EOD supervisor or the EOD Unit Safety Officer will be allowed on the EOD Range during demolitions.
- g. Other agencies requesting use of the EOD range will be required to follow the above SOP and a minimum of two APD EOD technicians must be present on all detonations at the APD EOD range.
- h. The EOD technicians will ensure that a sufficient amount of explosives will be used on all demolitions in an effort to keep the range clean and to destroy any items as completely as possible.

N. Range Safety

1. All items to be destroyed will be delivered to the blast site by those persons requesting the demolition.
2. All demolitions will require a minimum of two bomb technicians.
3. The blasting officer will be responsible for the number, design, and timing of each blast.
4. The safety officer will oversee the operation making sure that all observers and techs are in safe areas during the demolition procedure. The safety officer will have the authority to stop all action if a safety problem is observed.
5. If APD evidence is being destroyed, inspections Unit personnel will be present at the disposal site.

O. Explosive Detector Canine (EDC)

1. Explosive Detector Canines will be trained on as many different explosive odors as possible.
2. The minimum explosive odor requirements are:
  - a. RDX
  - b. PETN
  - c. Smokeless powder
  - d. Black powder
  - e. TNT
  - f. Dynamite
  - g. Ammonium nitrate



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3. Explosive Detection Canine Handlers will certify with their canine once a year through the National Narcotics Detection Dog Association.
  4. Canine handlers will train with their EDC a minimum of four hours per week.
  5. The final determination on the use of the EDC will be at the discretion of the EDC Handler, and must be based on EDC training guidelines.
  6. EDC Handlers will abide by the K-9 SOP 4-12 as it applies to maintenance and handler compensation.
- P. Use of EOD on SWAT Activations
1. A Tactical Supervisor may authorize the deployment of the EOD Unit to a SWAT Activation for the purposes of:
    - a. Use of the EOD Robot(s)
    - b. Render Safe IED/Booby Traps/Failed NFDD
    - c. Explosive Entries
- Q. Annual Retention Review [DOJ 95, 96]
1. Each EOD team member will be subject to an annual review to ensure they are meeting the delineated criteria for their position.
  2. The annual review shall comprise of:
    - a. Review of the team member's Employee Work Plan by the chain of command
    - b. File review of the team member by the chain of command
    - c. Annual meeting with the Behavioral Sciences Division
  3. Should negative issues arise during this review, the team member will be subject to retraining, progressive discipline, and/or removal from the unit.
- R. Annual Policy Review [DOJ 95]
1. The supervisors of the Tactical Section will conduct an annual meeting every January to analyze the previous year. During this meeting the topics to be discussed will be policies, procedures, legal developments, training updates, operational evaluations, Use of Force Board recommendations and after action reviews. If any changes are required, those changes shall be implemented no less than 90 days from the review date.

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**2-05 INTERNAL AFFAIRS DIVISION [DOJ 62g]**

**2-05-1 Policy**

The policy of the Internal Affairs Division is to provide the citizens of Albuquerque effective, constitutional policing through fair, thorough, and comprehensive administrative and criminal investigations of police misconduct, serious uses of force, and Department policies, practices, procedures, and training.

**2-05-2 Description**

The Internal Affairs Division is separated into three distinct sections, the Force Investigation Team (FIT), the Critical Incident Review Team (CIRT), and the Internal Affairs Section (IAS). FIT is responsible for criminal investigations into all serious uses of force. CIRT is responsible for administrative review of all serious uses of force and critical incidents as they pertain to tactics, training, policy, supervision, performance, etc. IAS is responsible for all internal cases, administrative review of serious uses of force as they pertain to SOP compliance, the Early Intervention System, and maintenance of employee discipline files, and all administrative investigation employee records. [DOJ 63]

**2-05-3 Goal**

Complete thorough and comprehensive investigations into allegations of employee misconduct in order to maintain the integrity of the Department.

**2-05-4 Objective**

Maintain accurate and thorough records of the employee discipline process and Early Intervention System in order to provide the Department with statistical analysis of trends and activities to better the decision making process.

**2-05-5 Definitions [DOJ 62a]**

A. Critical Incident

An extraordinary event which places lives and/or property in danger which requires the commitment and coordination of numerous resources to bring about a successful resolution.

B. Hospitalization

Admittance to a hospital or medical facility for treatment of a serious physical injury that resulted from an officer's use of force.

C. Multi-Agency Task Force

The investigative body comprised of, at a minimum, the New Mexico Department of

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Public Safety, the New Mexico State Police, the Bernalillo County Sheriff's Office, and the Albuquerque Police Department that is charged with conducting criminal investigations of critical incidents involving officer actions, such as officer-involved shootings. The Multi-Agency Task Force is governed by an inter-governmental agreement among participating jurisdictions and is responsible for consulting, as appropriate, with prosecuting authorities in New Mexico, including the Bernalillo County District Attorney's Office, the State Attorney General's Office, and the U. S. Attorney's Office.

## 2-05-6 Rules and Responsibilities

### A. Internal Affairs Section

1. Monitoring, auditing, documenting, and providing statistical analysis of all allegations of misconduct against an employee or the department.
2. Maintenance and security of all records as they pertain to employee discipline, commendations, EIS, administrative cases, and use of force.
3. The investigation of all internal cases, unless assigned to the chain of command and for documenting and forwarding all citizen complaints to the Civilian Police Oversight Agency (CPOA).
4. Make and maintain 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.  
[DOJ 165]
5. Managing EIS thresholds and timely notifications of alerts.
6. Maintenance of IAPro Software and access rights.
7. Investigative Responsibilities
  - a. All internal administrative investigations as they pertain to compliance with the SOP
    - i. Less complex internal cases may be referred to the involved officer's chain of command for investigation as determined by the IAS lieutenant.
    - ii. Conflicts over investigatory responsibility will be decided by the Chief of Police.
  - b. All administrative investigations involving allegations of criminal misconduct.
  - c. All CIRT and FIT investigations will be reviewed by IAS for compliance with SOP.

### B. Training

1. Investigators will receive training in the following: [DOJ 61]

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- a. Cultural Awareness/Diversity
  - b. Factors to evaluate credibility incorporating credibility instructions provided to jurors [DOJ 69]
  - c. Biased Based Policing/Profiling
  - d. CPOA
  - e. Citizen Complaints
  - f. Early Intervention System
  - g. IAPro and Blue Team software
  - h. Misconduct Investigations [DOJ 199]
    - i. APD policies and protocols
    - ii. Compelled statements
    - iii. Conducting parallel administrative and criminal investigations
    - iv. At least 8 hours minimum, annual, update training in misconduct investigations
2. Investigators will be trained in the following, at minimum, before conducting force investigations: [DOJ 61, 64]
- a. Force investigation procedures
  - b. Call-out and investigative protocols
  - c. Proper roles of on-scene counterparts
    - i. Office of the Medical Examiner Investigator
    - ii. Major Crime Scene Team (MCST), Field Investigator (FI), Crime Scene Specialist (CSS)
    - iii. District Attorney's staff
    - iv. The Multi-Agency Task Force
    - v. City Attorney Staff
    - vi. CPOA
    - vii. Investigative equipment and techniques
    - viii. Force investigation annual in-service training
- C. Personnel
1. IAS Staff [DOJ 63, 198]
    - a. 1 Commander
    - b. 1 Lieutenant
    - c. 3 Sergeant Investigators
    - d. 1 Sworn Investigator/Detective
    - e. 1 Social Media Compliance Officer
    - f. 1 Administrative Coordinator
    - g. 2 Administrative Assistants
  2. Commander
    - a. Overall responsibility for the efficacy of the division and work product.
    - b. In consultation with the Chief, shall determine whether a civilian or internal complaint will be investigated criminally. [DOJ 180]



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- c. Maintain separation between administrative and criminal investigations. [DOJ 62d, 186]
- d. Immediately notify the Chief when an investigation reveals criminal misconduct by APD personnel. [DOJ 188]
- e. Approve/Disapprove administrative investigations beyond the 2 month time limit through consultation with the Chief. [DOJ 71]
- f. Review all division reports to ensure that they are complete and that, for administrative investigations, the findings are supported using the preponderance of the evidence standard. [DOJ 63, 72]
- g. Order additional investigation when it appears that there is relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings. [DOJ 63, 72]
- h. For administrative investigations, where the findings are not supported by a preponderance of evidence, document the reasons for this determination and shall include this documentation as an addendum to the original investigation report. [DOJ 63, 73]
- i. When reviewing administrative cases, take appropriate action to address any inadequately supported determination and any investigative deficiencies that led to it. [DOJ 63, 73]
- j. Responsible for the accuracy and completeness of investigation reports prepared by the Internal Affairs Division. [DOJ 63, 73]
- k. After determining that a Use of Force Investigation is complete and the findings are supported by the evidence, forward the investigation file to the Force Review Board with copy to the Chief of Police. [DOJ 75]

3. CIRT/IAS Lieutenant

- a. Overall responsibility for the efficacy of CIRT/IAS and work product.
- b. Notify the commander immediately of complaints of criminal misconduct by an agency employee, or serious injury or death of a police officer or citizen as a result of police actions.
- c. Plan and coordinate the daily activities and investigations.
- d. Inform the Chief and CPOA of the progress of major investigations.
- e. Assist in investigations when necessary.
- f. Assign cases for investigation.
- g. Ensure cases are properly and objectively investigated. [DOJ 63, 74]
- h. Review all completed cases and ensure cases are: [DOJ 63]
  - i. Grammatically correct
  - ii. Findings are based on a preponderance of the evidence
- i. Ensure mandated reports are completed and distributed on time.
- j. Drug Testing Coordinator.
- k. Prepare on-call roster and distribute it to Communications and staff.
- l. Maintain training requirements for CIRT/IAS personnel.
- m. Maintain separation between administrative and criminal investigations. [DOJ 62d, 186]
- n. On-call as needed.

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- b. Conduct social media background checks for all police applicants prior to them going before the Chief's Selection Committee
- c. Audit APD employees' driver's licenses to ensure they are current
- d. Check employees against police databases to ensure none have active warrants
- e. Assist with investigations as needed
- f. All other assignments as directed by the Lieutenant

D. Citizen Complaint Logs

1. All citizen complaints will be logged upon receipt by IAS and signed for by the CPOA representative upon collection. The log shall document:
  - a. The date the complaint was received by IAS
  - b. The date the complaint was retrieved by the CPOA
  - c. The initials of the CPOA representative collecting the complaint
  - d. The initials of the IAS employee who forwarded the complaint
  - e. The case number and/or complainant's name

E. Investigation

1. All investigations not involving CIRT or FIT will be consistent with SOP 3-43.
2. CIRT and FIT investigations will also be investigated by the IAS. The IAS investigation will focus on SOP compliance and the investigator will do the following consistent with SOP 3-43 when applicable: [DOJ 49, 60]
  - a. Obtain an I number and link it to the CIRT number in IAPro
  - b. Review all documentation, evidence collected, and interviews by CIRT and FIT
  - c. Identify all apparent issues of concern
  - d. Conduct additional interviews of witnesses and involved personnel as necessary
  - e. Collect additional evidence as necessary
  - f. Write a thorough and comprehensive report addressing each issue of concern justifying the findings based on the preponderance of the evidence standard. [DOJ 162]
    - i. It is not necessary to duplicate CIRT or FIT investigatory work; however, the IAS investigator will supplement those investigations with his/her investigation to make logical conclusions and findings of fact
    - ii. The format of the IAS report will be written as follows, with variations depending on the complexity/simplicity of the case: [DOJ 62b]
      - The entire report will be bound with a protective cover
      - The first page shall be the Table of Contents
      - Each section will have divider Tabs; the usual order will be:
        - Table of Contents
        - Investigative Synopsis
        - Issues of Concern
        - Conclusions/Findings (with justification for each)
        - Supervisor Recommendation Form



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- Investigation Narrative
  - Supporting Documentation (individually tabbed)
  - Photographs/Additional Evidence (individually tabbed)
  - Digital Recordings of Interviews
- All Use of Force Investigations Reports by IAS will have the following:  
[DOJ 46,71a,d,f]
    - A narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the officer's conduct based on the Internal Affairs Bureau's independent review of the facts and circumstances of the incident.
    - The IAS narrative evaluating the use of force, based on the evidence gathered, including a determination of whether the officer's actions complied with APD policy and state and federal law.
    - The complete disciplinary history of the target officers involved in the use of force.

3. Evidence Collection [DOJ 62c]

- a. MCST/CSS will be used to collect evidence when there is a criminal investigation
  - i. All items will be tagged into Evidence
- b. IAS investigators may take photographs, collect documents, collect other items and store them with the case file and/or upload them to IAPro when there is no criminal investigation
  - i. IAS investigators collecting evidence will document in their report the date, time, location, and circumstances surrounding the collection of any items used in an investigation to court standards for chain of custody and admissibility as evidence
- c. Analysis of physical evidence will be made by Criminalistics by submitting form PD-4201

4. District Attorney/USAO Consultation [DOJ 62e, 68]

- a. Internal investigations will be stopped when there is apparent criminal conduct by an officer or evidence of criminal conduct by an officer is discovered until the following takes place:
  - i. The investigator will notify the IAS commander who will brief the Chief of Police
  - ii. The Chief of Police will notify and consult with the District Attorney, USAO, or FBI based on the case and seek direction on how to proceed [DOJ 67]
  - iii. The investigation will continue as per the direction of the District Attorney or USAO and the appropriate criminal investigatory agency has assumed the criminal investigation

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iv. Administrative and criminal investigations will run concurrent after consultation with the appropriate prosecutorial entity unless otherwise directed by the Chief of Police [DOJ 68]

- 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 and seek the approval of the Chief before taking a compelled statement [DOJ 186]

5. IAS will be called out and respond to the scene of any investigation when:

- a. Apparent felony criminal misconduct by an APD employee is evident.
- b. CIRT or FIT supervisors request IAS.
- c. At the direction of the IAS lieutenant or higher authority.

F. Records Management and Security [DOJ 284]

1. IAS shall be responsible for maintaining a reliable and accurate tracking system on all officers' use of force; all force investigations carried out by supervisors, the Internal Affairs Bureau, or Multi-Agency Task Force; and all force reviews conducted by the force Review Board. APD shall integrate the use of force tracking system with the Early Intervention System database and shall utilize the tracking system to collect and analyze use of force data to prepare the Use of Force Annual Report and other reports, as necessary. [DOJ 80]
  - a. This will include all critical firearm discharges and discharges at animals in the EIS and document discharges in the Annual Report. [DOJ 23]
2. All documentation of internal investigations are confidential.
3. IAPro and Blue Team software will be used exclusively for all IAS investigations, EIS data, and CIRT investigations. [DOJ 80]
  - a. IAPro will be password protected and stored on secure city servers.
  - b. Password access to IAPro will be provided only to supervisors and IAS investigators as needed.
  - c. Tier level access will be determined by need and not based on rank.
  - d. FIT personnel are strictly prohibited from accessing IAPro or viewing its contents. [DOJ 60]
  - e. Supervisors reviewing "hard copies" of investigations are responsible for the security and confidentiality while it is in their possession.
4. All documentation of internal investigations are intended for the exclusive use of the Chief of Police, the City Attorney, CPOA, or their designees.
5. Only the Chief, City Attorney, or a valid court order can allow the release of internal investigations in whole or part outside of the Department.

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6. Employees receiving notification of proposed discipline may review the relevant IAS case file (without compelled statements by other officers or correspondence pertaining to communication with the CPOA) by:
  - a. Reviewing the file in Internal Affairs after setting an appointment
  - b. Submitting a written request to the IAS lieutenant for a copy
    - i. Employees are strictly prohibited from making additional copies
    - ii. Only one copy of the recorded compelled statement will be provided
    - iii. Case number must be provided in the request
    - iv. Names of all persons intending to view the file must be in the request
7. Case files leaving the office by non IAS personnel shall be logged with the following:
  - a. Date out
  - b. Area command/division
  - c. Signature of person picking up the case
  - d. IAS employee initials
  - e. Case number
8. Case files returning to IAS will be logged by date returned.
  - a. Case files returned by the CPOA will have the findings of the Executive Director documented by Internal Affairs Bureau for tracking and analysis in IAPro. [DOJ 286]
9. Archive of Internal Affairs Records
  - a. IAS and CIRT records will not be purged. All records will be maintained for statistical analysis and trend recognition.
  - b. As custodian of records for the EIS system, SOP 3-49 will be adhered to.
- G. IAS Office Security
  1. Personnel will ensure all sensitive documents they are working on are put away at the end of their work day.
  2. The storage room and file room will be locked at the end of every work day.
  3. All office doors that allow access from the outside will be locked at the end of business hours.
  4. All computers will be password protected and shut down at the end of the workday.
  5. Non IAS personnel will not be left unattended inside the office.
  6. At least one sworn IAS personnel should be in the office during business hours unless an extreme circumstance mandates otherwise.



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7. All inactive files will be kept in a locked file cabinet.

H. Reports – Statistical Analysis

1. Quarterly Reports are designed to provide statistics for IAS investigations

a. Contents of report:

- i. Statistical data analyzing the number of IAS investigations
- ii. Disposition and status for IAS investigations
- iii. Synopsis of Use of Force/Firearm Discharge investigations
- iv. Summary letter

b. Distribution of report:

- i. Citizens of Albuquerque
- ii. City Council
- iii. City CAO
- iv. CPOA
- v. Chief of Police
- vi. City Legal

2. Annual Reports

a. Contain the same information as the Quarterly Reports; however, they reflect the entire year. Distributions is as follows:

- i. City Clerk's Office
- ii. IAS
- iii. CPOA
- iv. APD website

3. Annual Use of Force Report [DOJ 79a-m]

- a. Number of calls for service
- b. Number of officer-initiated actions
- c. Number of aggregate uses of force
- d. Number of arrests
- e. Number of custodial arrests that involved use of force
- f. Number of SWAT deployments by type of call out
- g. Number of incidents involving officers shooting at or from moving vehicles
- h. Number of individuals armed with weapons
- i. Number of individuals unarmed
- j. Number of individuals injured during arrest, including APD and other law enforcement personnel
- k. Number of individuals requiring hospitalization, including APD and other law enforcement personnel
- l. Demographic category
- m. Geographic data, including street, location, or Area Command



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4. Annual Retaliation Report/Review [DOJ 196]

- a. The Internal Affairs Bureau and 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.
- b. Following such review, APD shall modify its policy and practice, as necessary, to protect individuals, including other APD personnel, from retaliation for reporting misconduct.

5. Grievance Analysis

- a. Annual analysis prepared by IAS of all grievances filed by employees and is given to the Chief of Police.

6. ECW Specific Records

- a. The number of ECW in operation and assigned to officers
- b. ECW uses will be included as uses of force for EIS purposes and in the Annual Report.
- c. APD shall track all ECW laser painting and arcing and their effects on compliance rates as part of its data collection and analysis.
- d. Analysis shall include the following:
  - i. Determination of whether ECWs result in an increase in the use of force.
  - ii. Whether officer and subject injuries are affected by the rate of ECW use.
  - iii. Probe deployments shall not be considered injuries except when officers intentionally target a person's head, neck, or genitalia. [DOJ 38]



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## 2-08 CRITICAL INCIDENT REVIEW TEAM

### 2-08-1 Purpose

The Critical Incident Review Team (CIRT) conducts administrative reviews following the use of deadly force or other high-risk critical incidents involving APD personnel. The purpose of the administrative review is to improve both individual and agency performance by examining what was planned prior to the incident, what happened, why it happened and what can be done differently to improve performance. CIRT evaluates decision-making, tactics, supervision, and the actual use of force. CIRT identifies any training needs for the individual, squad, unit, section or Department and/or any necessary changes to policies, practices, equipment and/or training. [DOJ 63]

### 2-08-2 Definitions

#### A. Accidental Discharge

Any unintended discharge, on-duty or not, of any firearm by APD personnel outside of a training environment or legal recreational activity.

#### B. Animal Shoot

Any intentional discharge of a firearm at any animal by APD personnel.

#### C. In-Custody Death

When a person dies while in physical custody of an officer, fleeing from an officer, to include motor vehicle accidents, or when contained by officers attempting to take them into custody.

#### D. Serious Use of Force

(1) all uses of lethal force by an APD officer; (2) all critical firearm discharges by an APD officer; (3) all uses of force by an APD officer resulting in serious physical injury or requiring hospitalization; (4) all head, neck, and throat strikes with an object or neck holds; (5) all uses of force by an APD officer resulting in a loss of consciousness; (6) all canine bites; (7) more than two applications of an Electric Conducted Weapon (ECW) on an individual during a single interaction, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different officers, or an ECW application for longer than 15 seconds, whether continuous or consecutive; (8) any strike, blow, kick, ECW application, or similar use of force against a handcuffed subject; and (9) more than three strikes with a baton.

#### E. Subject Matter Expert (SME)

A person who is an authority in a particular area or topic.



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F. Walkthrough

Investigators enter a scene to help understand timelines, locations of events, and location of evidence usually with a witness to the incident.

**2-08-3 Goals and Objectives**

A. Develop, maintain, and enhance training to reduce risk and provide the most innovative training of any law enforcement agency.

1. Through CIRT reviews, identify training needs of the agency and approved recommendations to the appropriate sections for follow-up.

B. Develop and maintain open communication across all levels to maximize training and performance.

1. Provide a briefing of major critical incidents as determined by the IA Bureau Commander.
2. Work with FIT to ensure timely reviews on critical incidents are completed.
3. Assist in developing training and working with the Advanced Training Unit or other sections/details.
4. Present an administrative review, to include a PowerPoint presentation, of critical incidents to either the FRB or involved officer's chain of command.

C. Develop, maintain, and enhance standards and procedures to improve performance, knowledge, and manage risk.

1. Develop a tracking system and a statistical analysis of all deadly force incidents.
2. Communicate with other agencies and identify benchmarks such as training, policies, procedures and best practices.
3. Upon completion of a CIRT review, make recommendations, when applicable, to change policy or training procedures.

D. Continually develop IA Division personnel through training, education, and job opportunities to better the organization.

1. Annually identify training courses for CIRT personnel to maintain proficiency in CIRT investigations.

E. CIRT Personnel

1. Staffing [DOJ 63, 198]

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- a. 1 Lieutenant
  - b. 1 Sergeant
  - c. 4 Detectives
  - d. 1 Administrative Assistant
2. Lieutenant
- a. Supervising, training and evaluating CIRT detectives
  - b. Monitoring and directing the investigations assigned to his/her personnel
  - c. Coordinating investigative timelines, reviews, investigative reports, and assuring the quality of investigations within the team
  - d. Developing and conducting training for other members of the Department
  - e. Responding to incidents, on and off-duty, that meet the CIRT call-out requirements
  - f. Planning, prioritizing, assigning, writing, presenting, supervising, and reviewing work completed within the unit
  - g. Attending and participating in conferences, seminars, and meetings as needed to improve skills related to assignment
  - h. Additional duties as assigned by the Division Commander
3. Sergeant
- a. Receiving and assigning cases
  - b. Assisting in the coordination of investigations and reviews
  - c. Developing and conducting training for other members of the Department
  - d. Responding to incidents, on and off-duty, that meet the CIRT call-out requirements
  - e. Formulating and writing detailed and complex investigative reports
  - f. Planning, prioritizing, assigning, writing, presenting, supervising, reviewing work completed within the unit, and conducting and coordinating follow-ups
  - g. Ensuring working papers are properly collected and maintained in support of audits or inspections
  - h. Attending and participating in conferences and seminars as needed to improve skills related to assignment
  - i. Additional duties as assigned by the section lieutenant
4. Detective
- a. Conducting reviews of serious uses of force
  - b. Responding to incidents, on and off-duty, that meet the CIRT call-out requirements
  - c. Observing the investigative process of a critical incident
  - d. Reviewing documentation and investigative files related to the critical incident and/or involved persons
  - e. Conducting interviews with involved officers and witnesses
  - f. Preparing detailed incident reviews
  - g. Submitting conclusions and recommendations to the Chief of Police
  - h. Presenting tactical and administrative reviews at the Critical Incident Review Process proceedings

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- i. Researching problem areas in tactics, identifying patterns and problem areas in critical incidents, and benchmarking best police practices
  - j. Training and preparing personnel to participate in the CIRT process
  - k. Additional duties as assigned by the section sergeant
5. Administrative Assistant
- a. Answering phones, taking messages, transferring calls, obtaining and relaying information from callers
  - b. Greeting visitors to the CIRT office
  - c. Preparing overtime/call-out/comp time paperwork for approval
  - d. Scheduling meetings and meeting locations for the lieutenant, sergeant, and detectives
  - e. Helping coordinate scheduling of the Critical Incident Review Process
  - f. Creating and maintaining CIRT logs
  - g. Proofing reports, memos, and articles created by CIRT personnel
- F. CIRT Training (additional to 2-05-6-B) [DOJ 64]
1. Ballistic Wounds & Medical Examiners Reports
  2. Handling Critical Incidents Other Than OIS
  3. Interview and Interrogation
  4. Officer Involved Shooting (OIS) Investigations
  5. Psychological Response to Critical Incidents
  6. Shooting Reconstruction
  7. Tactical Supervision and Operations
  8. Traffic Reconstruction (Optional)
  9. Homicide Investigations
- G. CIRT Investigations [DOJ 60]
1. Officer Involved Shootings
  2. Any use of deadly force
  3. PIT maneuvers when:
    - a. Resulting in death, serious injury, or major property destruction
    - b. Attempted over 35 mph regardless of outcome



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4. Intentional discharge of a firearm outside of legal recreational use or legal training
5. Unintentional discharge of a firearm in a police operation
6. The shooting of any animal for defensive or humanitarian reasons
7. In-custody deaths
8. Officers killed in the line of duty or critically injured in a police operation
9. All traffic accidents resulting in death of a citizen and/or police officer resulting from an APD personnel action
10. Active shooter incidents
11. Large scale civil unrest; demonstrations, riots
12. Uses of force by officers above the rank of sergeant
13. Any incident at the discretion of the Chief of Police

**2-08-4 Rules and Responsibilities**

**A. CIRT Call-Out**

1. Communications will notify the on call CIRT supervisor of all situations meeting CIRT investigatory responsibility.
2. The CIRT supervisor will obtain as much information as needed from Communications to ascertain whether CIRT is needed on scene.
3. In the event CIRT supervisors determine a need to be on scene, the CIRT supervisor will determine apparent needed resources and notifications, adjust them accordingly after arrival.

**B. CIRT Investigatory Access**

1. At their discretion, CIRT will have access to all phases of any criminal investigation they are also investigating with the following exceptions and rules:  
[DOJ 60, 62d, 186]
  - a. CIRT will not participate in the criminal investigation interview of APD personnel nor be in the immediate area
  - b. CIRT can only observe initial briefings at OIS scenes, if attended, and not question personnel
  - c. The criminal investigation takes priority over the CIRT investigation

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C. CIRT Incident Review

1. It is the policy of this department that an examination of uses of deadly force or other high-risk police operations, as directed by the Chief, will be conducted by a Critical Incident Review Team. The purpose of this review is to improve both individual and the agency's performance. This process is similar to an after-action review where the role is to dissect what was planned, what happened, why it happened, and what can be done differently to improve performance. To accomplish this, CIRT will evaluate decision making, tactics used, the actual use of force and supervision. CIRT will identify any training needs (for the individual officer, squad, unit, section or on a department-wide basis) and/or any necessary changes to policies and practices.
2. CIRT has the added goal of highlighting superior performance in such incidents by validating the tactics applied and by educating the workforce on what occurred. The overall mission of CIRT is to minimize risks and maximize safety in future police operations through sharing lessons learned from the Department's past experiences.
3. The lead CIRT detective will initiate an IAPro entry and obtain a CIRT case number as soon as practical upon initiating an investigation
  - a. All documentation and evidence will be linked, scanned, uploaded to IAPro when practical
4. All applicable documentation pertinent to the case shall be gathered into a hard copy case file
  - a. All reports and logs
  - b. All interviews
  - c. Training records
  - d. Applicable SOP sections
  - e. MCST/CSS diagrams and analysis
  - f. Photographs
  - g. News media coverage
  - h. Employee notices
  - i. Additional notes and miscellaneous documentation
5. CIRT shall complete an initial Use of Force Data Report through the chain of command to the Chief of Police as soon as possible, but in no circumstances later than 24 hours. [DOJ 70]
6. Serious use of Force
  - a. CIRT will complete its review and report on its conclusions at the Force Review Board. In furtherance of their review, CIRT may speak with employees who have been involved in a particular critical incident; however, CIRT will not interview employees until after CIRT has received a briefing by Force Investigation Team



(FIT). In the circumstances where an employee provides a statement to FIT, CIRT may interview the employee several weeks later. If an involved employee chooses not to provide a voluntary statement to FIT, then CIRT will begin their review at an earlier date. Prior to beginning any compelled interviews, CIRT will provide employees with the 48-hour Notification of Employee Administrative Investigation.

- b. During CIRT's tactical/administrative review, the rights as stated in the Police Officer's Bill of Rights (NM Statute 29-14-4) are afforded to all department employees as well as current employee union contract.

#### 7. Accidental Discharge

- a. Any weapon involved in an accidental discharge must be inspected prior to being returned to service. The lead CIRT case detective will either coordinate a replacement for the employee or make arrangements for the firearm to be immediately inspected at the APD Range. It will be the responsibility of CIRT to transport the firearm to the range for inspection. If no replacement is available and the officer is unable to perform his or her duties without it, depending on the type of firearm (i.e. handgun), APD range will be called out to obtain a suitable replacement. If the accidental discharge involved a shotgun, a low lethality shotgun, or rifle the firearm inspection shall be conducted during normal business hours and the firearm then returned to the officer or his or her supervisor.
- b. All incidents that CIRT investigates involving an accidental discharge of a firearm, the lead CIRT case detective will obtain a memo from Range staff documenting the results of the firearm examination. The CIRT detective shall be responsible for ensuring the memo is linked to IAPro in the appropriate case file.
- c. Accidental discharges of a weapon, resulting in no persons injured, during a police operation will not be vetted by the Use of Force Review Board or Tactical Review Board. An incident presentation will be given to the involved officer's chain of command, to include his or her immediate supervisor through his or her area commander, following the completion and approval of the CIRT Administrative Report. The involved officer will also be present during the presentation.
- d. Prior to the presentation, the lead CIRT case detective will be responsible for routing the CIRT Administrative Report via IAPro to the involved officer's area commander. The involved officer will be afforded the opportunity to review the CIRT Administrative Report prior to the presentation to his or her chain of command.
- e. If the involved officer's commander determines that potential policy violations exist, which were identified by CIRT detectives, the commander will open an I number. This I number will follow the normal process and be submitted to Internal Affairs. If the officer's bureau commander recommends the involved officer receive additional training, the commander will work in conjunction with the Advanced Training Unit to schedule this training.

#### 8. Animal Shoots

- a. CIRT personnel will contact the on-scene supervisor to obtain a briefing and, if necessary, complete a walkthrough of the scene. CIRT will also contact and interview any cooperative witnesses, to include the animal owner.



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- b. No inspection of the firearm is necessary. However, an administrative processing will be completed and photographs taken by a Field Investigator/ Crime Scene Specialist. CIRT personnel will attend the processing and may also request additional photographs be taken, as necessary.
- c. Once CIRT has completed a thorough review of the incident and the CIRT Administrative Report has been approved by the IA Bureau commander, a determination will be made whether or not the case will be presented to the Tactical Review Board.
- d. Once CIRT determines a Tactical Review Board is not necessary, the CIRT lieutenant will draft a memo, to be approved by the Bureau commander, to the FRB representative. The memo will include CIRT's conclusion and recommendation that the case be presented to the involved officer's chain of command, to include his or her immediate supervisor through the IAD commander. If this action is approved by the chairperson, the lead CIRT case detective will present the case within two 2 weeks of approval. The involved officer will also be present during the presentation.
- e. Prior to the presentation, the lead CIRT case detective will be responsible for routing the CIRT Administrative Report via IAPro to the involved officer's bureau commander. The involved officer will be afforded the opportunity to review the CIRT Administrative Report prior to the presentation to his or her chain of command.
- f. If it is deemed that a Tactical Review Board should be convened, the protocol outlined for all Tactical Review Boards will be followed.

9. Firearm Discharge Reports

- a. CIRT will complete the Firearm Discharge Report when shots are fired at a human being and/or an animal in self-defense; or to humanely euthanize an animal, excluding residential areas.

10. Civilian Witness and Officer Interviews

- a. Civilian interviews will be consistent with SOP 2-23
- b. Employee interviews will be consistent with the employee's applicable union contract
- c. CIRT Personnel Information Form
  - i. The CIRT Personnel Information form provides CIRT detectives with personal officer information that may not be garnered during the officer's interview, but is a valued supplement, providing additional information that may be included in the CIRT Administrative Report and/or shared with the Chief.

D. Awareness Reports

1. CIRT will author and disseminate an Awareness Report to the workforce. This brief, early preliminary report provides a general, factual summary of incident events, as known to detectives at the time of the scene walkthrough, and references any related policies, protocols, and/or training doctrines. The Awareness Report is not an incident review, but rather an additional training tool that can be utilized by

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supervisors to initiate briefing room discussions and better prepare officers who may face similar circumstances in the future.

- a. A copy of the Awareness Report, along with any related policies, protocols and/or training doctrines should be sent via Power DMS to all members of Executive Staff and all commanders, lieutenants, sergeants, the Communications director, and the Technical Services division director. The same documents should be posted in Patrol Briefing, and the Awareness Report uploaded to the CIRT intranet webpage.

E. CIRT Briefings

1. Within 24-48 hours following a CIRT call out, an informal team briefing will be held in order to familiarize the entire team with the event. This briefing also serves as an opportunity to identify any potential issues, points to review, and questions to ask involved and witness officers.

F. Employee Notification of Administrative Review

1. Any officer who will be interviewed by CIRT will be provided the Notification of Employee Administrative Review as timely as possible following a critical incident. Officers will be compelled to answer questions regarding knowledge of the facts and circumstances of the critical incident, regardless of whether or not a statement was provided to FIT. Each officer will be verbally admonished not to contact any employee or persons involved in the administrative investigation until those persons have been interviewed by CIRT. Each officer will be directed not to disclose any facts of the investigation with anyone except those persons with designated departmental authority until interviewed by CIRT. Designated departmental authority will be extended to a representative of choice as allowed by The Rights of Peace Officers statute, and the Collective Bargaining Agreement. Once CIRT has completed all of their interviews, this admonishment will be lifted.
2. 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.  
[DOJ 185]

G. Chief's Briefing

1. The Chief's briefing is presented by FIT investigators; however, the CIRT lieutenant, sergeant, and lead CIRT detective shall be in attendance.
  - a. The lead CIRT case detective, sergeant and lieutenant will familiarize themselves with all available information prior to the briefing.
  - b. It will be the responsibility of the CIRT detective to provide the following involved officer information to the CIRT lieutenant and IAD commander prior to the Chief's briefing:
    - i. Training records



- ii. Current area and unit of assignment
- iii. Duration assigned to unit
- iv. Current supervisor
- v. Any previous officer involved shootings or documented uses of force
- vi. A brief summary of completed interviews
  - Since FIT is not privy to the information garnered from compelled statements provided to CIRT, this information will be shared with the Chief after FIT has finished their presentation and vacated the room. The CIRT lieutenant, sergeant and detective should also be prepared to report on the preliminary review of tactical, training, and administrative issues. [DOJ 60, 62d, 186]

#### H. Critical Incident Internal Briefing

1. CIRT supervisory personnel will be briefed by CIRT personnel approximately 2 to 3 weeks following a critical incident.
  - a. The briefing will highlight the circumstances surrounding a critical incident, tactics and training employed by APD personnel, and applicable policies and procedures.
  - b. The lead CIRT case detective will be responsible for creating a brief power point, which will include scene photographs and maps to assist in visualizing the incident.
  - c. All personnel participating in an Internal Briefing will sign a confidentiality agreement
  - d. A Critical Incident Internal Briefing Form will be filled out for all internal briefings.
    - i. A copy will be placed in the hard copy case file
    - ii. A copy will be digitally attached to the electronic file in IAPro

#### I. Critical Incident Review Process (CIRP)

1. CIRT will conduct all CIRP presentations to the FRB and Tactical Review Board (TRB).
2. Any involved officer, along with his or her representative, will be afforded the opportunity to review the CIRT Administrative Report and a portion of the FRB/TRB PowerPoint presentation prior to the scheduled hearing. It will be the responsibility of the lead CIRT case detective to schedule a meeting with the involved officer. The CIRT detective will provide notice to the officer's respective union; however, it will be the responsibility of the involved officer to ensure his or her representative attends the appointment or makes other arrangements with the CIRT detective.

#### J. Statistical Analysis of Categorical Use of Deadly Force Incidents

1. This report provides a broad based assessment of person oriented OIS for the most recent 5 year period. The Report also examines animal oriented OIS and deadly force events other than OISs, but on a 2-year basis. The intent is to incorporate standardize, 5-year timeframes for all elements of the report by 2015. Standard report layout includes the following components: Introduction, Executive Summary,



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Preface, Person Oriented OIS section, Animal-Oriented OIS section, Non-OIS  
Deadly Force Events section and appendices, if any.

a. Report Content

- i. Overview
- ii. Time Intervals Between Incidents
- iii. Time & Days of Occurrence
- iv. Locations of Incidents
- v. Types of Dispatched Events
- vi. Settings & Outcomes
- vii. Environmental Factors (lighting conditions)
- viii. Police Presence
- ix. On-scene Supervisors
- x. Time On-scene Prior to Initial Shots
- xi. Officer Age/Race/Ethnicity/Gender
- xii. Officer Tenure
- xiii. Officer Duty Assignments
- xiv. Classifications of Officers (rank)
- xv. Firearms Employed by Officers
- xvi. Officer Shots Fired Summary
- xvii. Distances of Initial Shots Fired
- xviii. Targeted Strikes
- xix. Accuracy of Officers' Shots
- xx. Related Aspects to OIS Incidents / Foot Pursuits
- xxi. Related Aspects to OIS Incidents / Low Lethality Force
- xxii. Subject Age/Race/Ethnicity/Gender
- xxiii. Criminal Backgrounds of Subjects
- xxiv. Subject Impairments (drugs & alcohol)
- xxv. Mental State of Subjects
- xxvi. Weapons Employed by Subjects
- xxvii. Subject Shooting Summary
- xxviii. Threat Levels Associated with Subject Actions

K. Yearly CIRT Case Statistics [DOJ 23]

1. Once a year CIRT will provide the Firearms Training/ Range Master with a breakdown of critical incident statistics from the previous year involving firearm discharges. The report will contain the following:
  - a. The number and types of incidents investigated by CIRT
  - b. The number of officers who discharged their firearms
  - c. The types of firearms discharged
  - d. The hit-to-miss ratio of handgun and/or rifle rounds fired by officers
  - e. The distance between the officer and suspect when shots were fired by the officer
  - f. The number of officer-involved shootings, excluding animal shoots that occurred by shift, area command, and the area of assignment for each involved officer
  - g. Whether cover was available or not available, and used or not used

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- h. Incident lighting conditions
  - i. The number of events in which an officer discharged his or her firearm while on the move, after a foot pursuit, and/or after gaining entry into a residence or structure
  - j. If the suspect was armed and if so, type of weapon
  - k. Injuries sustained by the suspect as a result of force used by an officer
- L. CIRT Administrative Reports [DOJ 62b]
- 1. Administrative Reports will compare the officer's actions against the Department's use of force policy (SOP 2-52) and best police practices when analyzing the reasonableness of the use of force including the following:
    - a. The severity of the crimes at issue
    - b. Whether the subject poses an immediate threat to the safety of officer(s) or others
    - c. Whether the subject is actively resisting arrest or attempting to evade arrest by flight
    - d. The influence of drugs/alcohol or the mental capacity of the subject
    - e. The time available to an officer to make a decision
    - f. The availability of officers/resources to de-escalate the situation
    - g. The proximity or access of weapons to the subject
    - h. The environmental factors and other exigent circumstances
    - i. De-escalation techniques attempted
  - 2. OIS Administrative Report Template [DOJ 62b]
    - a. Synopsis
    - b. Persons Involved
      - i. Officers Involved
      - ii. Supervisors (Interviewed by CIRT, if applicable)
      - iii. Supervisors (Interviewed by FIT, if applicable)
      - iv. Additional Employees Involved (Interviewed by CIRT)
      - v. Additional Employees Involved (Interviewed by FIT, if applicable)
      - vi. Civilian Witnesses
      - vii. Suspect(s) Involved
      - viii. Detailed Descriptions of Injuries for Involved Participants
    - c. Incident Chronology
    - d. Introduction
      - i. Staffing on date of the incident
    - e. Investigative Narrative
    - f. Analysis
      - i. Information Sharing
      - ii. Communications (911, CAD, Dispatch)
      - iii. Tactical Issues
      - iv. Use of Deadly Force
        - Legal and Administrative Analysis
        - Drawing or Exhibiting Firearm



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- Backdrop Assessment
  - Threat Assessment
  - Shots Fired
  - Officer's action and APD Policy
- v. Incident Management
- vi. Medical Response
- vii. Training Review
- g. Involved Officer
- i. Assessment of Equipment, Firearms and Ammunition
  - ii. Department Policy and Procedure Review
- h. Recommendations
- i. Subject Matter Experts
  - ii. Conclusions
- i. Appendix A
- i. Area Command Map
  - ii. Overview of most Recent OIS and Area Command
3. Other Administrative Reports [DOJ 62b]
- a. All other administrative reports will be modification of the OIS report making additions/subtractions as needed
4. All Use of Force Reports Will Contain the Following: [DOJ 71b,c,e]
- a. Documentation of all evidence that was gathered, including names, phone numbers, addresses of witnesses to the incident, and all underlying Use of Force Data Reports. In situations in which there are no known witnesses, the report shall specifically state this fact. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number, or address of those witnesses, the report shall state the reasons why. The report should also include all available identifying information for anyone who refuses to provide a statement
  - b. The names of all other APD officers or employees witnessing the use of force
  - c. An assessment of the incident for tactical and training implications, including whether the use of force could have been avoided through the use of de-escalation techniques or lesser force options
  - d. If a weapon was used by an officer, documentation that the officer's certification and training for the weapon were current at the time of the incident



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5. Routing

- a. Approved serious use of force reports and animal shoots will be routed as high priority via IAPro to the Assistant Chief, Majors, deputy chiefs, the commander of the involved officer, CPOA, and the CIRT sergeant.
- b. Accidental discharges and non-serious uses of force will be routed to the employee's commander

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**2-09 FORCE INVESTIGATION TEAM (FIT)**

**2-09-1 Policy**

The Force Investigation Team (FIT) will provide thorough, accurate, and unbiased criminal investigations related to any and all Department members in order to provide transparency and accountability to the citizens of Albuquerque

**2-09-2 Definitions**

A. Serious Use of Force

(1) all uses of lethal force by an APD officer; (2) all critical firearm discharges by an APD officer; (3) all uses of force by an APD officer resulting in serious physical injury or requiring hospitalization; (4) all head, neck, and throat strikes with an object or neck holds; (5) all uses of force by an APD officer resulting in a loss of consciousness; (6) all canine bites; (7) more than two applications of an ECW on an individual during a single interaction, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different officers, or an ECW application for longer than 15 seconds, whether continuous or consecutive; (8) any strike, blow, kick, ECW application, or similar use of force against a handcuffed subject; and (9) more than three strikes with a baton.

B. Critical Incident

An extraordinary event which places lives and/or property in danger which requires the commitment and coordination of numerous resources to bring about a successful resolution.

C. Hospitalization

Admittance to a hospital or medical facility for treatment of a serious physical injury that resulted from an officer's use of force.

D. In-Custody Death

Death of a person while in physical custody of an officer, fleeing from an officer, to include motor vehicle accidents, or when contained by officers attempting to take them into custody.

E. Serious Use of Force

(1) all uses of lethal force by an APD officer; (2) all critical firearm discharges by an APD officer; (3) all uses of force by an APD officer resulting in serious physical injury or requiring hospitalization; (4) all head, neck, and throat strikes with an object or neck holds; (5) all uses of force by an APD officer resulting in a loss of consciousness; (6) all canine bites; (7) more than two applications of an ECW on an individual during a



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single interaction, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different officers, or an ECW application for longer than 15 seconds, whether continuous or consecutive; (8) any strike, blow, kick, ECW application, or similar use of force against a handcuffed subject; and (9) more than three strikes with a baton.

### 2-09-3 Rules and Responsibilities

#### A. Personnel

##### 1. Lieutenant

- a. Overall responsibility for the efficacy of the division and work product
- b. Supervise, train, and evaluate FIT sergeant(s)
- c. Ensure training of personnel is conducted, maintained, and updated as needed
- d. Assign cases as needed
- e. Monitor and direct the investigations assigned to his/her personnel
- f. Coordinate investigative timelines, reviews, investigative reports, and assure the quality of investigations within the team
- g. Develop and conduct training for other members of the department
- h. Respond to incidents, on and off-duty, that meet the FIT callout requirements
- i. Review actions of department members to ensure compliance with prescribed laws, rules, and regulations
- j. Formulate and write detailed and complex investigative reports
- k. Plan, prioritize, assign, write, present, supervise, and review work completed within the unit
- l. Attend and participate in conferences, seminars, and meetings as needed to improve skills related to assignment
- m. Assist the IAD commander by leading and/or attending meetings in his/her absence
- n. Keep the chain of command informed as needed
- o. Maintain separation between administrative and criminal investigations consistent with 2-09-3-D [DOJ 62d, 186]
- p. Additional duties as assigned by the IAD commander

##### 2. Sergeant

- a. Monitor and direct investigations assigned to his/her personnel
- b. Assist in the coordination of investigations and reviews
- c. Supervise and evaluate detectives and civilian employees
- d. Develop and conduct training for other members of the department
- e. Respond to incidents, on and off-duty, that meet the FIT callout requirements
- f. Review actions of department members to ensure compliance with prescribed laws
- g. Construct PowerPoint presentations
- h. Formulate and write detailed and complex investigative reports
- i. Plan, prioritize, assign, write, present, supervise, review work completed within the unit, and conduct and coordinate follow-ups



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- j. Ensure working papers are properly collected and maintained in support of audits or inspections
- k. Assist the lieutenant by leading meetings in his or her absence
- l. Attend and participate in conferences and seminars as needed to improve skills related to assignment
- m. Instruct in-service training
- n. Represent the department on committees essential to the function of the department
- o. Additional duties as assigned by the FIT lieutenant

3. Detective

- a. Be on call in rotation with other detectives
- b. Conduct the criminal investigative process of a critical incident
- c. Conduct officer, witness, and suspect interviews
- d. Arrest and/or submit cases against suspects to the district attorney's office
- e. Review documentation and investigative files related to the critical incident and/or involved persons
- f. Present criminal investigative findings to the district attorney's office for review
- g. Prepare detailed incident reviews
- h. Assist with the construction of PowerPoint presentations
- i. Present case facts at the Force Review Board
- j. Train and prepare personnel to participate in the FIT process
- k. Instruct in-service training
- l. Attend patrol briefings and discussing FIT as related to the workforce
- m. Maintain training requirements

4. Administrative Assistant

- a. Overall responsibility for the administrative needs of the unit
- b. Schedule meetings and meeting locations for the unit and take meeting minutes when necessary
- c. Maintain up to date status reports and logs on projects and cases
- d. Help construct and proofread PowerPoint presentations when necessary
- e. Maintain and secure all FIT operational documentation
- f. Create and maintain unit rosters
- g. Overall responsibility for office supplies
- h. All administrative duties as assigned by unit supervisors

B. Training

1. Training Prior to Assignment

- a. Arrest Affidavits
- b. Death investigations
- c. In depth criminal investigations
- d. Information management



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- e. Knowledge of crime scene investigation and forensic techniques
- f. Pen registers (current technology)
- g. Search warrant preparation and execution
- h. Surveillance basics
- i. Court testimony
- j. Photo array/lineups

2. Training When Assigned to Section – Before Performing Investigations [DOJ 64]

- a. Force investigations procedures
- b. Call out and investigative protocols
- c. Proper roles of on scene counterparts (Criminalistics, OMI, District Attorney staff, CPOA staff, etc.)
- d. Investigative equipment and techniques
- e. The factors to consider when evaluating credibility, incorporating credibility instructions provided to jurors [DOJ 69]

3. Training – Within 6 Months of Being Assigned

- a. Accurint/TLO/LexisNexis
- b. DNA overview and buccal swab collection
- c. Instructor development
- d. Investigation of officer involved shootings
- e. Leads online
- f. ECW certification
- g. Force Science
- h. Gangs in New Mexico
- i. Internal investigations
- j. Lead homicide investigator
- k. Instructor development
- l. K-9 use of force
- m. Armed law enforcement officers flying
- n. Use of force instructor
- o. Preventing police on police violence
- p. Pursuit awareness
- q. Stress/time management
- r. SWAT procedures
- s. Death and grief issues
- t. Force Investigation annual in service training [DOJ 63]

C. Response Criteria [DOJ 60]

1. Serious uses of force.
2. Uses of force by APD personnel of a rank higher than sergeant.
3. Uses of force reassigned to the Internal Affairs Division by the Chief of Police.

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4. In cases where the Internal Affairs Division initiates a criminal investigation in a use of force investigation.
  5. All in-custody deaths.
  6. An officers death/ or serious injury in the line of duty.
  7. Any use of force or force indicating apparent criminal conduct by an officer per the Chief of Police. [DOJ 65]
- D. Criminal and Administrative Investigations [DOJ 62d, 186]
1. FIT Personnel Strict Prohibitions
    - a. Access to IAS or CIRT offices unescorted by IAS or CIRT personnel
    - b. Access to IAPro software or any IAS or CIRT computer
    - c. Soliciting investigatory information from IAS or CIRT
    - d. Participating in, viewing, auditing, reviewing any IAS or CIRT interrogation of APD personnel
    - e. Viewing any case file, hard copy or digital, generated by IAS or CIRT
- E. Serious Uses of Force Investigations
1. In addition to all other duties CIRT/FIT and IAS, when applicable, will ensure the following actions take place during a Serious Use of Force investigation:  
[DOJ 62f, 69a-k]
    - a. Respond to the scene and consult with the on-scene supervisor to ensure that all personnel and subject(s) of use of force have been examined for injuries, that subject(s) have been interviewed for complaints of pain after advising the subject(s) of his or her rights, and that all officers and/or subject(s) have received medical attention, if applicable
    - b. Ensure that all evidence to establish material facts related to the use of force, including but not limited to audio and video recordings, photographs, and other documentation of injuries or the absence of injuries is collected
    - c. Ensure that a canvass for, and interview of, witnesses is conducted. In addition, witnesses should be encouraged to provide and sign a written statement in their own words
    - d. Ensure, consistent with applicable law, that all officers witnessing a serious use of force by another officer provide a use of force narrative of the facts leading to the use of force
    - e. Ensure that all officers involved in a use of force incident remain separated until each has been interviewed and never conduct group interviews of these officers
    - f. Review all Use of Force Reports to ensure that these statements include the information required by the DOJ Agreement and APD policy
    - g. Ensure that all Use of Force Reports identify all officers who were involved in the incident, witnessed the incident, or were on the scene when it occurred



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- h. Conduct investigations in a rigorous manner designed to determine the facts and, when conducting interviews, avoid asking leading questions and never ask officers or other witnesses any questions that may suggest legal justifications for the officers' conduct
  - i. Record all interviews
  - j. Consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible
  - k. Make all reasonable efforts to resolve material inconsistencies between the officer, subject, and witness statements, as well as inconsistencies between the level of force described by the officer and any injuries to personnel or subjects
  - l. Ensure all actions mandated by SOP 2-31 are reasonably met
2. Violent Crimes Division investigators may be used to supplement FIT investigators at the discretion of the FIT lieutenant during complex investigations involving multiple subjects. [DOJ 66]
  3. At the discretion of the Chief, a force investigation may be assigned or reassigned for investigation to the Multi-Agency Task Force or the Federal Bureau of Investigations, or may be returned to the Internal Affairs Bureau for further investigation or analysis. This assignment or re-assignment shall be confirmed in writing. [DOJ 76]
  4. Officer Involved Shootings/In Custody Death/Use of Deadly Force by Department Personnel.
    - a. SOP 2-31 will be adhered to.

F. FIT Report [DOJ 62b]

1. FIT reports will adhere to 2-39-6 Violent Crimes Supplemental Report Format for all serious use of force investigations.
2. FIT reports will adhere to SOP 2-10 Offense/Incident Report Form Instruction for all misdemeanor use of force investigations
  - a. FIT will generate a new report solely for the purpose of investigating misdemeanor allegations of police misconduct as it pertains to the use of force

G. Internal Affairs Division Scene Management [DOJ 62f]

1. OIS investigations by the Division will follow SOP 2-31 for scene management.
2. Non-OIS FIT investigations will follow SOP 2-24/2-30, as applicable.
3. IAS/CIRT will, in addition to their other requirements, ensure the following take place when applicable.

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ALBUQUERQUE POLICE DEPARTMENT  
PROFESSIONAL ACCOUNTABILITY BUREAU ORDERS

SOP 2-09

Effective: xx/xx/xx Expires: xx/xx/xx

- a. Medical needs surpass investigatory needs
- b. Additional resources are identified and obtained to complete a thorough and comprehensive investigation
- c. Search/arrest warrants are obtained when necessary
- d. The scene will be secured for evidence collection
- e. APD Personnel, witness or directly involved, have their rights respected consistent with law, policy, and union contract
- f. Witnesses are identified and secured for interviews consistent with SOP 2-23
- g. The investigation is not unnecessarily delayed
- h. Ensure the investigation proceeds in compliance with all laws and policy
- i. Ensure all personnel are meeting their requirements for their assigned duty
- j. All recognizable information and evidence is obtained prior to clearing the scene
- k. The scene is returned to the owner as soon as practical
- l. Monitor all phases of the investigation, as practical, to ensure the integrity of the investigation and the Department are not compromised
- m. Correct any deficiencies observed



## 2-42 HOSTAGE, SUICIDAL/BARRICADED SUBJECT, AND TACTICAL THREAT ASSESSMENT

### 2-42-1 Policy

In hostage, barricaded subject, and sniper situations, it is department policy to protect citizens and officers and to arrest the subjects involved with a minimal amount of danger.

### 2-42-2 Definitions

#### A. Barricaded Subject

A person or persons in a location that provides a means of spatial separation that assists them in avoiding apprehension from law enforcement.

#### B. Hostage Situation

One person holding another person against their will through the use or threat of force.

### 2-42-3 Rules

#### [7] A. Hostage

##### 1. Field Services Officers Duties and Responsibilities

- a. Notify a supervisor and Emergency Communications as soon as possible.
- b. Request immediate backup.
- c. Set up a containment perimeter, to exclude all pedestrian and vehicular traffic.
- d. Maintain radio contact.
- e. If deemed necessary, evacuate citizens from within the perimeter.
- f. If possible, begin dialogue with the suspect(s).
- g. Officers shall not:

- [3]
  - i. Exchange themselves for hostages or surrender their weapons.

##### h. Officers should not:

- i. Allow the offender(s) to leave the area with the hostages, except under the most extreme circumstances. If there is a possibility that the offender(s) can leave the area, preparations will be made to provide surveillance and control of travel routes.

##### 2. Field Services Supervisor Duties and Responsibilities

- a. Request sufficient manpower to handle the call.
- b. Set up a command post in an appropriate area.
- c. Call out the Tactical Team.
- d. Retain command until the arrival of the Tactical Team supervisor.
- e. Ensure that Field Services units maintain an outer perimeter.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-42

Effective: xx/xx/xx Expires: xx/xx/xx Replaces: 01/01/99

- f. If outside agencies are involved, ensure that proper communications are established and maintained.
  - g. Designate a news media area and assign a news media liaison officer.
  - h. Turn over command of the scene to the Tactical Team Section commander or Tactical Team supervisor upon their arrival. The Field Services supervisor will then only be responsible for maintaining the integrity of the outer perimeter.
  - i. Remain at the scene for the duration of the incident, reporting to the Tactical Team Section commander.
  - j. Secure a radio frequency for the operation.
  - k. Notify rescue, ambulance, fire dept., and/or make arrangements for surveillance equipment as needed, to stand by at the Command Post.
3. The Tactical Lieutenant will be notified as soon as possible.
- a. The safety of the hostages takes precedence over the time of the officers deployed and the inconvenience to the community.
  - b. If negotiations are moving in a positive direction and the hostages are not deemed to be in immediate danger, negotiations should continue.
  - c. The amount of force necessary to ensure the safety of the hostages is authorized when negotiations are moving in a negative direction and the lives of the hostages seem to be in peril.

B. Response to Suicidal and/or Barricaded Subjects

1. When an officer is dispatched to a call of a subject who is suicidal and/or barricaded and does not have felony criminal charges or presents an immediate threat to others, the following procedures shall apply. During a crisis situation, officer(s) should attempt to engage the individual in de-escalation techniques. This should not limit the officers(s) from using a reasonable amount of force based on the totality of circumstances to prevent harm to the individual or others.
2. Emergency Communications will ensure that the on-duty supervisor is dispatched to the call. If the supervisor is unavailable, another on-duty supervisor will be notified and dispatched.
3. Ensure that backup officers are present before initiating contact. The supervisor will ensure that a layered, less-lethal response is in place prior to making any contact with the subject, when possible. The supervisor should ensure that a CIT officer is on scene prior to contact being made, when possible.
4. Officers will make an attempt to obtain any information on the subject from family or friends. The RTCC will be contacted to obtain any available additional information on the location or subject(s).
5. Responding to the scene:

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ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-42

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- a. Officers responding to the scene should utilize invisible deployment as much as possible using cover and concealment.
  - b. Containment of the immediate area should be established as soon as possible to ensure the subject's safety and the officer's safety.
  - c. If family and/or friends are present at the location, every attempt should be made to separate them from the subject. Once the subjects are separated from the individual, the family member or friend(s) should be interviewed to gain additional information.
  - d. The supervisor and the CIT officer should consult and develop a plan of action prior to contacting the subject.
6. Communicating with the subject
- a. When contacting the subject, officers should evaluate all available information. Face-to-face contact shall not be attempted if subject is known to be armed or to have been armed in the past. Officers shall ensure that distance from the subject is considered based on the threat the subject poses. When possible, officers shall attempt to contact the subject via telephone. If unable to make contact via telephone, alternate means such as public address announcements, social media, or any other electronic communication shall be attempted. If contact is made:
    - i. Provide reassurance that the police are there to help and that appropriate care will be provided.
    - ii. Attempt to find out what the nature of the crisis the individual is experiencing
    - iii. While relating to the individual concerns, allow the subject to express their feelings.
    - iv. Do not threaten the individual with arrest or physical harm.
    - v. Attempt to guide the conversation towards topics that seem to ease the situation.
    - vi. Always be truthful; if the individual perceives deception, he/she may withdraw and further complicate the situation.
    - vii. Ask the subject to disarm themselves and follow the exit plan provided by the officers/supervisors on scene.
7. De-escalate the situation
- a. The supervisor on scene will ensure that every reasonable attempt has been made to contact the subject. If the subject refuses to make contact with officers on scene and remains barricaded, the supervisor will:
    - i. Ensure that an on-duty lieutenant responds to the scene.
    - ii. Ensure all available resources have been utilized in order to safely resolve the situation
    - iii. The supervisor will not escalate or make forced entry into the location or close distance on the subject.
    - iv. The supervisor will ensure that the family members, friends, and subject have been provided additional resources and services available to them. This will be documented by the on-body recording device. A list of these resources will be available through the RTCC.



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PROCEDURAL ORDERS

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Effective: xx/xx/xx Expires: xx/xx/xx Replaces: 01/01/99

- v. The supervisor will document (on-body recording device) advising the family, friends, or others involved of the dangers of contacting a suicidal and/or barricaded subject.
  - vi. After reasonable attempts have been made to contact the suicidal and/or barricaded subject without resolution and does not meet the criteria of 2-42-3-D, a lieutenant shall have officers withdraw from the area.
  - vii. When officers clear the call, officers cannot force the family, friends, or others involved to leave the area. The supervisor will ensure that any subject who lives at the location of the incident and cannot safely return, has been offered a safe location to stay for the night. Additional basic needs should also be considered.
  - viii. If the subject has pending misdemeanor charges or misdemeanor warrant, officers shall not make forced entry to affect the arrest. This does not prevent the officer from filing the appropriate criminal charges under state statute or city ordinance.
  - ix. The on scene supervisor will ensure that an original report includes: all supplemental reports, video or digital recordings, victim/witness statements, and any other pertinent documents related to the incident are submitted according to department policy. All reports and statements will be forwarded to the Crisis Intervention Unit by the end of their shift.
  - x. On scene supervisor will ensure a periodic watch is entered for each shift for a 24 hour period at the location. The watch is for area command information only not to be dispatched.
8. Pick up order/Certificates of Evaluation are civil orders. These orders will not supersede policy established in this section. Mental health orders cannot be used as a basis for forced entry to take the subject into custody. Refer to SOP 2-13-3-B for Emergency Health Evaluation.
- C. Use of Tactical Units in Response to Suicidal and/or Barricaded Subjects:
1. SWAT will only be contacted after the on-scene Lieutenant has assessed the scene and can articulate any of the following factors:
    - a. Subject has a confirmed felony warrant
    - b. The subject is currently in the commission of a violent felony crime.
    - c. Subject has a confirmed non-violent felony warrant, currently in the commission of a non-violent felony crime, and has a documented violent history.
    - d. Subject is armed with a firearm and the on-scene officer can articulate that the subject is discharging the firearm.
    - e. Subject is armed in a public area displaying an immediate threat of violence in the public area.
    - f. There is positive confirmation of the presence of an unwilling subject who is unable to leave the location of the suicidal and/or barricaded subject.
  2. The Tactical Lieutenant will have the final determination on the use of Tactical Units on all situations.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-42

Effective: xx/xx/xx Expires: xx/xx/xx Replaces: 01/01/99

a. Hostage Situations:

- i. The Tactical Lieutenant will be notified as soon as possible.
- ii. The safety of the hostages takes precedence over the time of the officers deployed and the inconvenience to the community.
- iii. If negotiations are moving in a positive direction and the hostages are not deemed to be in immediate danger, negotiations should continue.
- iv. The amount of force necessary to ensure the safety of the hostages is authorized when negotiations are moving in a negative direction and the lives of the hostages seem to be in peril.

D. Tactical Threat Assessment

1. The Tactical Lieutenant will be notified when: [DOJ 94, 101]

- a. A violent felon has barricaded him/herself
- b. All hostage situations
- c. Any active shooter incident
- d. Suicidal subjects as listed above
- e. Demonstrations where violent acts and/or property damage is occurring
- f. Any other violent incidents beyond the capabilities of the Field Services Bureau

2. Throughout the call the Tactical Lieutenant will continually monitor the threat assessment criteria to ensure that it meets policy and procedure.

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ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

SOP 3-45

Effective: xx/xx/xx Expires: xx/xx/xx Replaces: 03/16/11

### 3-45 REVIEW OF COMPLETED ADMINISTRATIVE INVESTIGATION CASES

#### 3-45-1 Policy

To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD 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. [DOJ 162]

#### 3-45-2 Rules

[5] A. Timeliness, Review, and Forwarding of Completed Cases

1. All investigations conducted by the Internal Affairs Bureau or the Civilian Police Oversight Agency (CPOA) 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. [DOJ 191]
2. All cases will be forwarded to the Division Head of the accused employee. The Division Head will review the identified SOP sections and may add additional SOP sections if appropriate. The Division Head, with input from the effected employee's chain of command, shall make a recommendation as to what discipline, if any, should be imposed. The Division Head will list all mitigating and aggravating circumstances, in detail, which were considered. If the Division Head recommends a level of discipline outside of that suggested by the Chart of Sanctions, the Division Head must include a written, detailed, justification for the deviation. The Division Head shall also consider whether non-disciplinary corrective action is appropriate in a case where discipline has been imposed. The Division Head will then be required to forward his/her recommendation along with the complete file to the appropriate Deputy Chief of Police. [DOJ 202f]
3. Internal Affairs will provide the CPOA Executive Director a copy of all officer involved shootings. Other internal cases will be sent to the CPOA Executive Director upon request as part of the CPOA Internal Affairs review process.
  - a. The Executive Director has the authority to make findings and recommend discipline 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

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ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

SOP 3-45

Effective: xx/xx/xx Expires: xx/xx/xx Replaces: 03/16/11

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. [DOJ 285]

4. APD 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. [DOJ 284]
5. All supervisors are responsible for the security and confidentiality of all cases in their possession for review. [DOJ 284]
  - a. The cases shall be stored in a locked drawer, file cabinet, etc., when not being reviewed.
  - b. Allowing others outside the chain of command to view the case or releasing information from the case outside the chain of command is strictly prohibited.

[7] B. Case Review by the Chain of Command

1. The Executive Director/Commander/Manager should review the identified SOP sections and may add additional SOP Sections if appropriate. The Executive Director/Commander/Manager may request additional information from the effected employee's chain of command to assist him/her in making a determination. The Executive Director/Commander/Manager should then make a finding of sustained, not sustained, unfounded or exonerated for each SOP section with a brief explanation of the factual basis for the finding.
2. The Executive Director/Commander/Manager, with input from the effected employee's chain of command, shall make a recommendation as to what discipline, if any, should be imposed. The Commander/Manager should list all mitigating and aggravating circumstances which were considered. If the Executive Director/Commander/Manager recommends a level of discipline outside of that suggested by the Chart of Sanctions, the Executive Director/Commander/Manager must include a written justification for the deviation. The Executive Director/Commander/Manager will then be required to forward his/her recommendation along with the complete file to the Deputy Chief of Police/Major. Under normal circumstances, the entire process shall not take longer than five days from the time of receipt until the time it is delivered to Internal Affairs.
3. In order to ensure that all cases are kept confidential, Executive Director/Commander/Manager will store all completed cases in a secure area while in his/her possession.

[N/A] C. Case Review by the Internal Affairs Unit

1. The Internal Affairs Unit will review the recommended discipline and certify if it is consistent with past discipline for similar findings.



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

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Effective: xx/xx/xx Expires: xx/xx/xx Replaces: 03/16/11

[N/A] D. Case Review by the CPOA Executive Director

1. The CPOA Executive Director shall review the case and shall indicate by letter whether the investigation was objective, fair, impartial, free from political influence, and otherwise in compliance with the CPOA Ordinance, and shall make recommendations as to whether disciplinary action should be taken. The CPOA Executive Director will then return the case and letter to the Internal Affairs Unit.

[N/A] E. Final Case Review

1. Upon return of the case from CPOA Executive Director, Internal Affairs will forward the case and CPOA Executive Director's recommendation(s) to the Deputy Chief/Major/Area Commander of the accused employee. The Deputy Chief/Major/Area Commander shall review the case, the supervisors' recommendations, and the CPOA Executive Director findings.
2. If the Deputy Chief/Major/Area Commander concurs with CPOA Executive Director's but modifies the chain's recommendation, the division commander and Internal Affairs shall be notified. The division commander shall take the necessary action in accordance with the Deputy Chief/Major/Area Commander's decision.
3. If the Deputy Chief/Major/Area Commander's recommendations do not concur with those of the CPOA Executive Director, the Deputy Chief/Major/Area Commander will notify Internal Affairs in writing. At that time, the appropriate Deputy Chief/Major/Area Commander will direct his/her staff to arrange for a meeting between the Deputy Chief/Major/Area Commander (and/or the Chief), the CPOA Executive Director, and the Internal Affairs Lieutenant to discuss and possibly reconcile any differences.
  - a. Internal Affairs Lieutenant or designee will attend said meeting to answer or address administrative review issues.
  - b. If the meeting does not produce a concurrence and/or compromise, Internal Affairs will be notified and written documentation of recommendations by both sides will be forwarded, with the case, to the Chief of Police for review and final disposition.
  - c. If the final decision by the Chief does not concur with CPOA Executive Director's findings, a letter will be sent by Internal Affairs to the Chief Administrative Officer to advise of the non-concurrence (as per Directive #3; Ordinance 0-61).

[N/A] F. Final Decision Authority

1. The Deputy Chiefs/Executive Director/Majors/Division Heads/Commanders have the authority to make the final decision on disciplinary actions not exceeding 39 hours of suspension.
2. Only the Chief has the authority to make the final decision on disciplinary actions exceeding 39 hours, demotions, and termination of employment.



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

SOP 3-45

Effective: xx/xx/xx Expires: xx/xx/xx Replaces: 03/16/11

G. Employee Case File Review

1. Employees may review their Internal Affairs Section case file in accordance with SOP 2-05.

M006216

**From:** Silvio Dell'Angela  
**To:** Joanne Fine; POB  
**Cc:** stop\_police\_violence\_in\_abq-request@lists.riseup.net  
**Subject:** FW: Police Oversight meeting tomorrow-Wed 5:30  
**Date:** Wednesday, July 29, 2015 1:10:45 PM

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FYI again-for meeting today

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**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Tuesday, July 28, 2015 12:29 PM  
**To:** 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'  
**Cc:** 'rhammer@cabq.gov'; 'POB@cabq.gov'; 'pmrinc@mac.com'; 'Tom Streicher'; 'Elizabeth Martinez'; 'Vanita.Gupta@usdoj.gov'; 'Damon Martinez'; 'Eden, Gorden'; 'stop\_police\_violence\_in\_abq-request@lists.riseup.net'  
**Subject:** RE: Police Oversight meeting tomorrow-Wed 5:30

#### Councilors

While the Police Oversight Agency (POA) website claims the Agency is committed to transparency, I don't see the resumes of the applicants for the Executive Director position posted on its website.

This secrecy is yet more of the same. When Mayor chose Robin Hammer to be the IRO years ago, intentionally not revealed to the Council was the lawsuit filed against her for alleged judicial misconduct while she worked for the DA. The Council after learning of this still did nothing-went along.

Also, neither PMR Inc.'s head APD reform monitor James Ginger nor Scott Greenwood were forced to come before the public at Council meetings to hear what we say-all with the blessing of our embarrassing US Attorney for NM Damon Martinez.

The old POC then was kept toothless, spoon fed only what Robin, her investigators-(one a former senior Belen cop) and the APD Chief wanted them to see.

Three good POC members quit after Berry's attorney David Tourek opined in a memo that IRO Hammer (contrary to the Oversight Ordinance) worked for the executive branch and not the citizens appointed to the POC. Robin liked it that way as did Chief Schultz and his successors and also the bad cops whose names were never revealed. The POB seems to be still toothless now.

Did Councilor Benton learn anything about police oversight throughout the US when he spent our taxpayers' dollars on two trips to the NACOLE conference?

Does he care or any of you care about the secrecy surrounding the qualifications of and selection by the POB for this most important POA Executive Director's job. Show us the resumes!

**Silvio**  
**For WE THE PEOPLE**

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**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)]

**Sent:** Monday, July 27, 2015 6:31 PM

**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)

**Subject:** [stop] Police Oversight meeting Wed 5:30

This Wed July 29th the new Police Oversight Board meets at 5:30. The main focus of the meeting is to hire a new executive director. The first part of the meeting is open to the public and a chance to hear about the candidates for the job. The POB then gives their recommendation to City Council who makes the final decision. The deliberations are not public.

Below is the agenda:

**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

Sent from my iPhone

M006218

**From:** Hammer, Robin  
**To:** POB  
**Cc:** "Mark T. Baker"  
**Subject:** FW: Resignation  
**Date:** Friday, July 10, 2015 4:29:08 PM

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Dear POB Members:

Below is the notice I received from Paul Cash, who is not in the office today.

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>

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**From:** Cash, Paul  
**Sent:** Friday, July 10, 2015 1:43 PM  
**To:** Hammer, Robin  
**Cc:** POB; Skotchdopole, Paul A.; McDermott, Diane L.; O'Neil, Erin; Davidson, Christopher  
**Subject:** Resignation

From: Paul M. Cash  
To: Robin Hammer  
RE: Resignation  
Date: July 10, 2015

Dear Ms. Hammer:

Please accept this correspondence as my formal resignation as the Analyst for the Civilian Police Oversight Agency, effective two weeks from today's date. My last day will be July 24, 2015.

Sincerely,

Paul Cash

**From:** [Silvio Dell'Angela](#)  
**To:** [Romero, Annabelle J.](#)  
**Cc:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](#); [Garduno, Rey](#); [Harris, Don](#); [Pena, Klarissa J.](#); [Jones, Trudy](#); [Gibson, Diane G.](#); [Sanchez, Ken](#); [Benton, Isaac](#); [Winter, Brad D.](#); [Lewis, Dan P.](#); [POB](#); [Nmmoon2004@aol.com](#); [Office of Diversity and Human Rights](#); [Eden, Gorden](#); [Moses, Karen](#)  
**Subject:** FW: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?  
**Date:** Tuesday, July 28, 2015 11:55:33 AM  
**Attachments:** [Garrity-page1.doc](#)  
[APDfwdAmicusCuriae.pdf](#)

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Annabelle

Do you plan to respond or are the answers to my questions too embarrassing?

Silvio

---

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]  
**Sent:** Monday, July 27, 2015 5:12 PM  
**To:** 'aromero@cabq.gov'  
**Cc:** 'macruz@hearst.com'; 'stop\_police\_violence\_in\_abq@lists.riseup.net'; 'cespinoza@cabq.gov'; 'ttixler@cabq.gov'; 'pmrinc@mac.com'; 'Eden, Gorden'; 'POB@cabq.gov'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgbson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'Bill Rehm'; 'lisa.torraco@nmlegis.gov'; 'kbrandenburg@da2nd.state.nm.us'; 'pmrinc@mac.com'; 'Mayor Berry'  
**Subject:** RE: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?

Annabelle

Info those shown and not shown including many neighborhood leaders. I await your response to my questions below.

Related to this matter was last night's story by KOAT's reporter Megan Cruz below showing that those interviewed mentioned only superficial-merely "interesting" proposed changes. My comments to it are highlighted below.

Among the info I asked for below is just who were those involved in these "22 dialogues" that you mentioned in your invite below? You should have a record of them and when they occurred

I await your response. Thank you

Silvio

M006221

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**“Residents spearhead change in APD Community policing councils provide new suggestions-updated 7:12 AM MDT Jul 27, 2015**

**ALBUQUERQUE, N.M.** —A major overhaul is in full swing for Albuquerque police. Last year, the Department of Justice found APD had a pattern of deadly force and ordered several changes, including a push for APD to be more community-oriented. To Michael Mora, that means, "doing more within the neighborhood." APD agreed, so it created what's called "community policing councils" across the city to find out what people think the department needs to change. Police said residents have already come up with some pretty interesting ideas." Just "interesting"? How about more than just interesting ideas like APD not editing and releasing full recordings of officers acts of excessive force including shootings rather than stonewalling NM IPRA requests? How about holding the far too many bad cops and their bad leadership accountable by charging and firing them? How about giving the citizens' Police Oversight Board real power? How about putting meaningful information into the current meaningless reports issued by Robin Hammer for the new Police Oversight Agency? Today's Journal article documenting the \$13k taxpayers spent to send not one-but four Cultural Services employees to an April Jazz Fest in New Orleans while running up lavish expenditures there that was first reported in a April or May KRQE story-a trip the four failed to report. Today's article also mentions two trips by Councilor Benton to attend conferences on civilian oversight-I assume the meetings were hosted by NACOLE. Apparently no changes to our weak oversight process resulted from those conferences after he came back. How about putting dash-cams back in APD vehicles. Mayor Chavez had them removed after they captured too much incriminating information shown on the "COPS" TV show that he also banned? How about clarifying the limitations of "privileged immunity" for officers really means? How about clarifying the limited protections offered officers by the 1967 Garrity vs. Supreme Court ruling as the DOJ did following their investigation of the Seattle PD. See page 1 of their letter attached. How about implementing the changes proposed by APD Forward in the Amicus Curiae sent to Judge Brack on 1/14/15 that Brack ignored? See page 1 attached "First, people said they thought the tint on some APD patrol cars was too dark."You can't see the police officer inside," said Albuquerque resident Robert Page. He said when you can't see the officer inside, it's hard to get to know who is patrolling the neighborhood."You know, you can't wave or smile at them, you have no idea and you miss that chance to interact," said APD spokesperson Celina Espinoza." APD officer Celina Espinoza who was

interviewed has thus far been an embarrassing spokesperson for APD as has Tanner Tixier-the former partner/accomplice of trigger happy and never make recordings cop Jeremy Dear in the murder of Mary Hawkes. We are getting tired of hearing from both. *"So APD measured the tints on all their car windows. It actually found some were too dark, so those windows are being fixed at the officers' expense. Why were the window tinted by the officers in the first place-something known by their leadership? "Another suggestion had to do with the department motto on the cars. Instead of "In Step With Our Community," residents requested "To Protect and Serve. APD officials said they think that's a "pretty good idea" too so the motto will change on the vehicles next year." Why wait until next year? I suggested this change numerous times to APD beginning in 2011. Previously all APD vehicles had "To Protect and Serve" on them but this was changed. Many believe because of their oppressive blue code of silence that punishes honest officers, the only "Community" APD has been in step with has been their own-the reason for the DOJ investigation. Further the new almost black \$40K Dodge Charger low reliability muscle cars don't even have a slogan on them. Any slogan means nothing if only there for PR purposes if APD ignores it-doesn't walk the talk. I also recommended why did APD not keep all of the APD cars white as were those earlier vehicles bought? At a Council meeting SW Mesa leader Louie Tafoya was also openly critical of the change to the black color but like me was ignored. Was the old white color not deemed intimidating enough by then Chief Schulz? "So while the top brass make a lot of huge reforms," What "huge reforms"? "the department wants you to know the little things matter, too."We can't transform the community ourselves," said Espinoza. APD'S job is not to transform the community but to transform themselves and now serve and protect the community.*

---

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Sunday, July 26, 2015 6:50 PM

**To:** 'aromero@cabq.gov'

**Cc:** 'Nmmoon2004@aol.com'; 'ilsebiel@icloud.com'; 'stop\_police\_violence\_in\_abq@lists.riseup.net'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'Elizabeth Martinez'; 'Damon Martinez'; 'Vanita.Gupta@usdoj.gov'; 'Eden, Gorden'

**Subject:** RE: [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

**Annabelle**

**Some added comments-questions.**

**It seems kind of late to invite we-the people to now "collaborate" after the words of the DOJ agreement defining its limitations and the limitations of the monitoring team have already been put in concrete. Not stated by you are the specific goals, what is the agenda and just what powers this "action planning session" of the Albuquerque Collaborative on Police Community Relations really has.**

**You mention 22 community dialogues already held. I'm not aware of any of them but only one public meeting hosted by Dr. James Ginger.**

M006223

Shouldn't the city website post the minutes of these 22 dialogues? Just what is to be determined during these Community Education, APD/Community Communication & Collaboration sessions?

More importantly, to what extent with this third group have any real influence over any "improvements to APD" since it was made quite clear to all including our City Councilors that the monitoring team PMR Inc. work for only those in the DOJ and Federal Judge Brack and have no obligation to listen to the Councilors or we-the people who they are supposed to represent.

The Councilors have been willing bystanders in the whole reform process thus far and have essentially ignored what changes to APD we have demanded.

Nor is consultant Scott Greenwood-and if still involved, his partner Tom Streicher obligated to comply with our demands but only to the wishes of the Mayor who contracted for their work over our objections.

Further, will local NAACP boss-now another of the Mayor's consultants- Harold Bailey be involved and if so, how?

It begs a question of skeptics like me whether this is just another Mayor Berry public relations ploy to give the illusion of real citizen involvement in the reform.

As the saying goes-fool me once-shame on you. Fool me twice-shame on me.

More specifics/details are needed Annabelle. I'm sure you have them to prove we will not be wasting our time if we choose to volunteer.

Thank you

Silvio

For WE THE PEOPLE

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**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] **On Behalf Of** Silvio Dell'Angela  
**Sent:** Saturday, July 25, 2015 1:23 PM  
**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)  
**Subject:** RE: [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

Thanks

---

**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] **On Behalf Of** Ilse Biel  
**Sent:** Saturday, July 25, 2015 12:38 PM  
**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)  
**Subject:** [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

Begin forwarded message:

M006224

**From:** [dono248@aol.com](mailto:dono248@aol.com)  
**Subject:** Fwd: INVITATION to the Albuquerque Collaborative on Police  
Community Relations Phase 2 Event 2 Action Planning  
**Date:** 25 July 2015 at 12:34:07 GMT-6  
**To:** [ilsebiel@icloud.com](mailto:ilsebiel@icloud.com)

Ilse

Would you want to post this to the STOP list serve ? Hoping we can get more attendees from a broader spectrum of our ABQ population, including homeless.....

LD

-----Original Message-----

**From:** nmmoon2004 <[nmmoon2004@aol.com](mailto:nmmoon2004@aol.com)>  
**To:** dono248 <[dono248@aol.com](mailto:dono248@aol.com)>  
**Sent:** Fri, Jul 24, 2015 10:59 pm  
**Subject:** Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

-----Original Message-----

**From:** Romero, Annabelle J. <[aromero@cabq.gov](mailto:aromero@cabq.gov)>  
**Sent:** Fri, Jul 24, 2015 7:12 pm  
**Subject:** INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

**Attached is an invitation to participate in an action planning session of the Albuquerque Collaborative on Police Community Relations. The outcome of the 22 community dialogues conducted in the past year resulted in recommendations that fell into three major categories, Community Education, APD/Community Communication & Collaboration, and Improvements to APD. If you wish to participate in and work on the action planning of the category of your choice as referenced you must register on line at <http://www.cabq.gov/mayor/police-outreach/community-outreach-meetings-application>.**

**The courtesy of a response is required no later than Monday, August 3, 2015 to ensure enough food is ordered for everyone. RSVP by responding to this email or calling 505-768-4712.**

**For more information or if you are a person with a disability and require a reasonable accommodation to observe or participate in this meeting, please contact Ms. Shannon Triplett as soon as possible at 505-768-4712 or email at [odhr@cabq.gov](mailto:odhr@cabq.gov).**

ANNABELLE J. ROMERO  
*Deputy Director, Office of Diversity and Human Rights*  
City of Albuquerque, New Mexico  
Office 505-768-3307 / Fax 505-768-4655 / v/tty 800-659-8331  
[aromero@cabq.gov](mailto:aromero@cabq.gov) / [www.cabq.gov](http://www.cabq.gov)

M006225



U.S. Department of Justice  
Civil Rights Division

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Special Litigation Section - PHB  
950 Pennsylvania Ave, NW  
Washington DC 20530

NOV 23 2011

The Honorable Michael McGinn  
Mayor  
City of Seattle  
600 4th Avenue, 7th Floor  
Seattle, WA 98124-4749

Re: United States' Investigation of the Seattle Police Department –  
Garrity Protections

Dear Mayor McGinn:

On March 31, 2011, the Civil Rights Division and the United States Attorney's Office for the Western District of Washington initiated an investigation of the Seattle Police Department ("SPD"), pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, as well as the anti-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d, and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.

At the beginning of our investigation, we committed to providing SPD with real time technical assistance to enhance SPD practices and procedures, and to ensure compliance with constitutional rights. During our meetings with Chief Diaz and the SPD command staff in May 2011 and September 2011, we advised that, if appropriate, we would provide in writing specific recommendations prior to completion of our investigation. In this letter, we convey our recommendations regarding SPD's practices relating to an officer's protections against self-incrimination pursuant to *Garrity v. New Jersey*, 385 U.S. 493 (1967).

*Garrity* provides important and fundamental protections for police officers, but its protections are limited. Our investigation has shown that SPD attempts to apply *Garrity* to all use of force and police involved shooting incidents. SPD's inappropriate blanket invocation of *Garrity* may result in the exclusion of important evidence from an investigation. Moreover, SPD's failure to shield criminal investigators from *Garrity* materials could taint and render unusable other critical evidence. These practices compromise both SPD's ability to supervise officers' use of force, and its ability to fully and efficiently conduct criminal and administrative investigations. Put simply: This practice makes it too difficult to quickly exonerate officers who have followed policy and to properly discipline officers who have not. Further, these practices compromise the ability of prosecutors or other outside agencies to adequately assess incidents and to hold officers accountable for their actions. The net effect of these consequences is diminished public trust in SPD.

---

M006226

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

1:14-CV-1025 RB/SMV

CITY OF ALBUQUERQUE,

Defendant.

***AMICUS CURIAE BRIEF OF APD FORWARD***  
**REGARDING COURT APPROVAL OF THE SETTLEMENT AGREEMENT**  
**BETWEEN THE CITY OF ALBUQUERQUE AND**  
**THE UNITED STATES DEPARTMENT OF JUSTICE**

Frances Crockett Carpenter  
Law Office of Frances Crockett  
118 Wellesley Dr. SE  
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Phone: (505) 314-8884  
Fax: (505) 265-1319  
[frances@francescrockettlaw.com](mailto:frances@francescrockettlaw.com)

Phillip B. Davis  
Phillip B. Davis Attorney at Law  
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Albuquerque, NM 87102-1959  
Phone: (505) 242-1904  
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[davis@swcp.com](mailto:davis@swcp.com)

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Kennedy Kennedy & Ives  
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Nancy Koenigsberg, Legal Director  
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Fax: (505) 256-3184  
[nkoenigsberg@drnm.org](mailto:nkoenigsberg@drnm.org)

Randi McGinn  
McGinn Carpenter Montoya & Love P.A.  
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Alexandra Freedman Smith  
Legal Director  
ACLU of New Mexico Foundation  
P.O. Box 566  
Albuquerque, NM 87103-0566  
Phone: (505) 266-5915 Ext. 1008  
Fax: (505) 266-5916  
[asmith@aclu-nm.org](mailto:asmith@aclu-nm.org)

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** FW: The self proclaimed "Heroes" luncheon yesterday and Schultz's former Commander Candelaria embarrasses himself  
**Date:** Monday, August 31, 2015 2:45:26 PM

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FYI

Dinah has been one of the hard-working champions of our reform movement and someone who the Councilors and others try to ignore or silence. See the attached about former APD cop now US Marshal Candelaria.

Silvio

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**From:** Dinah Vargas [mailto:[vargagirl@live.com](mailto:vargagirl@live.com)]  
**Sent:** Monday, August 31, 2015 1:49 PM  
**To:** Silvio Dell'Angela  
**Subject:** Re: The self proclaimed "Heroes" luncheon yesterday and Schultz's former Commander Candelaria embarrasses himself

Sent from Windows Mail

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**From:** [Silvio Dell'Angela](#)  
**Sent:** Friday, August 28, 2015 5:17 PM  
TO; Many Bcc

ALL

(Pass copy to self-proclaimed "hero" Candelaria)

So all police officers view themselves and expect to be viewed by citizens as heroes just for putting on the uniform and wearing a badge. While it was great to recognize Lou Golson at this not "heroes" luncheon, does Lou, a great cop consider himself a hero? I doubt it. Nor do the other great cops in APD want that designation unless it is deserved. NO

US Attorney Martinez relatively new US Marshal Conrad Candelaria who has the freedom to shoot people because he-(unlike US marshals in California and elsewhere) is not required to wear and use body cameras here. No recordings-no accountability-right Conrad? Yet he dares to claim that attacks on these self-proclaimed "heroes" deserve to be labeled as hate crimes merely because they wear a badge.

This former high level minion of former corrupt APD Chief Schultz insults our intelligence. Newsflash to Candelaria-heroes do heroic deeds and most heroes are those who put on a military uniform risking their lives in overseas wars. Are any of the GIs killed by friendly fire also considered as hate crimes?

M006228

Was Conrad one of the US Marshals to be sent twice to the home of Tony Pirard to threaten him because he dared to criticize his boss Damon Martinez, Judge Brack and others at council meetings like Gestapo thugs?

As seemingly part of the problem here, "hero" Conrad should read this week's ABQ Free Press that includes a good article by a great retired officer Dan Klein, other articles that exposes the corruption in our APD and our do nothing pretend mayor. Conrad might check out the Eye on Albuquerque's postings unless APD shut it down and also what Joe Monahan writes in his blog

The totally unqualified APD Chief Eden was a former US Marshal and never even supervised eight people much less eight hundred when this Mayor made him chief ignoring other applicants with eye-watering credentials.

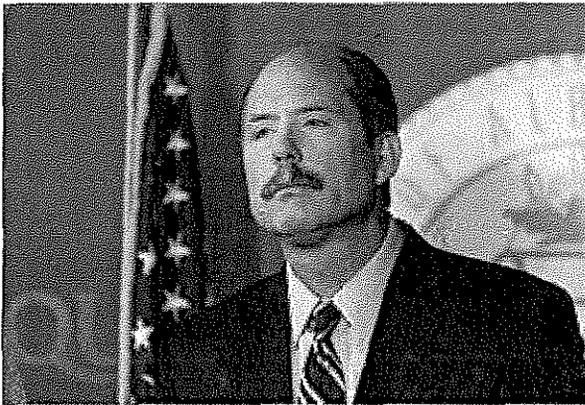
See my comments in red to Maggie's good coverage of the luncheon below. More than disgusted with the arrogant Conrad Candelaria

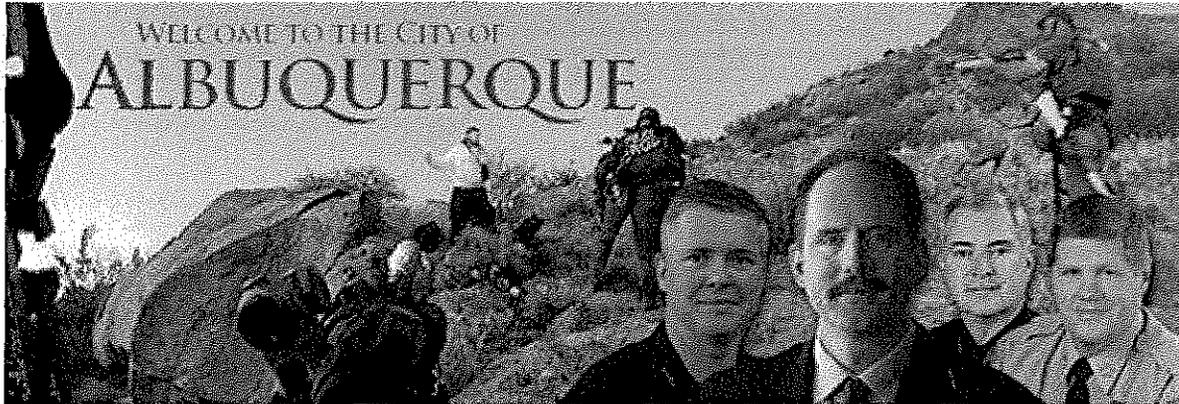
Silvio

For WE THE PEOPLE

296 3241

I served with real heroes in Vietnam in 1969-70 Conrad.





## THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY

### Attacks on police officers called 'hate crime'

By [Maggie Shepard / Journal Staff Writer](#) PUBLISHED: Friday, August 28, 2015 at 12:05 am



CANDELARIA: Calls for tougher penalties

*Law enforcement officers should qualify as a protected group under hate crime laws, U.S. Marshal Conrad Candelaria said Thursday during a lunch attended by area business leaders, high-profile law enforcement and elected officials. (NO-Conrad-those citizens who they murder and to date all get away with it should be called hate crimes. Who were these elected officials in addition to those mentioned below? Was the mayor or his CAO there?) Officers, he said, "are attacked and killed just because they wear a badge. That is a hate crime." His comments came in the wake of recent violence against local law enforcement, including several officers being rammed by vehicles and the recent shootings of two, one of them fatal. There should be "tougher and enhanced penalties" for attacks on officers, who he said should be a class protected by hate crime statutes. The statements drew loud applause from the 140 people at the New Mexico Business Coalition's annual Heroes Lunch. (Of course) The event honored with the group's Hero of the Year award Albuquerque Police Department officer Lou Golson, who survived being shot four times during a traffic stop in January. "It is a hero's desire ... to live purposefully," Candelaria said. (just to live purposely?) "Lou, your strength was tested and decisively*

*ruled heroic." The business group gave Golson and his wife, April Golson, a gift certificate for a weekend hotel stay and a plaque. "I have mixed feeling about this (award)," Golson, who is back on limited duty at the Albuquerque Police Department. "I happened to get in the way of a few bullets and I happened to fall down," he joked. (Golson is a class act-unlike Candelaria.) The group also honored Marc Powell, owner of Recarnation used car dealership, which presenters said donates 50 percent of its profits to charity; A. Blair Dunn, an attorney with Western Agriculture, Resource and Business Advocates; and state Reps. Yvette Herrell, R-Alamogordo, and Dona Irwin, D-Deming. Candelaria also called for law enforcement to embrace the often contentious relationship with reporters, "those who rightly question, petition and criticize under the First Amendment" of the U.S. Constitution. "We must accept the competitive interests of these two professions," he said. Competitive interests? Sheer B.S. Was Journal reporter Ryan Boetel's recent disgraceful fluff piece-hero portrayal of Dominique Perez one of Eden's murderers of homeless camper James Boyd not enough of an insult to our intelligence? This was the only murder by APD cops where recordings were ever released. Candelaria is a retired APD commander and took the post as marshal in 2010. (He was one of those Schultz's boys who got out when the bloodbath against citizens got into full swing at Schultz's direction- like Schultz's then Commander Huntsman-now APD's shadow Chief).. Also in attendance were APD Chief Gorden Eden, (who refuses to severely punish officers for failing to record and lies to justify his officers' shootings) state Corrections Secretary Gregg Marcantel, Bernalillo County Sheriff Manuel Gonzales, (another disgraceful cop who refuses to equip his deputies with body cameras) Rio Rancho Mayor Gregg Hull, state Land Commissioner Aubrey Dunn and several members of the state legislature.*

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** Father likely contributed to road rage shooting of his daughter as witness said in KOB report last night-Kudos to KOB  
**Date:** Wednesday, October 21, 2015 12:20:08 PM

---

## All

Knowing how many are armed in this city particularly the trigger-happy scum, it appears that the father who lost his daughter was reported last night by KOB to have possibly provoked the shooting by going out of his way to block from passing him the Toyota sedan driven by the shooter.

I assume APD's report below is based on that KOB eyewitness report last night.

Did the father also confirm to APD that he was repeatedly blocking the car driven by the shooter or didn't APD bother to ask?

Did the father of Lilly forget that he was driving in Albuquerque rather than in some civilized city? As Gomer Pyle said, "Stupid is as stupid does."

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### ***Police release suspect info in deadly road rage attack***

***Updated: 10/21/2015 11:07 AM | Created: 10/21/2015 10:05 AM By: Elizabeth Reed, KOB.com***

***"Albuquerque police have released more information about the suspect and his vehicle in a deadly road rage attack on Interstate 40 Tuesday. A 4-year-old girl, Lilly Garcia, was shot in the head during the incident near I-40 and Unser Tuesday afternoon. She later died at the hospital. Police believe the vehicle the shooter was driving is a maroon or dark red Toyota four-door sedan, possibly a newer model (2014 or 2015) Corolla or Camry. APD says it is a "sportier" model with a spoiler on the trunk and dark tinted windows. The car was displaying a gray UNM plate with the Lobo logo on the left-hand side and may contain the digits "200." Police say the suspect is a white male with a dark complexion, possibly Hispanic. He is in his mid-20s to early 30s and has short dark hair, possibly in a fade haircut. He has a thin manicured goatee around his mouth, a thin face, soft jaw and average build. He was wearing a black shirt with gold or yellow writing on it. Crime Stoppers has made a \$1,000 reward available for any information leading to the arrest of a suspect in this case. Anyone with any information is asked to call 843-STOP."***

---

Silvio

M006232

For WE THE PEOPLE

**From:** Contreras, Michelle  
**To:** Beth Mohr; Bullock, Nicholas; Contreras, Michelle; David Ring; Davidson, Christopher; Davila, Natalee Z; Eric H. Cruz; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Mark Baker, Esq.; McDermott, Diane L.; Molra Amado-McCoy; O'Neil, Erin; Skotchdopole, Paul A.; Stefoin (Moore), Samantha; Susanne Brown  
**Subject:** Final Agenda for Monday, September 28, 2015  
**Date:** Wednesday, September 23, 2015 4:45:47 PM

---

Dear POB Members:

Attached is the Agenda submitted by Leonard for Monday's meeting.

Please let me know if you have questions.

Thank you.

Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Bullock, Nicholas; Mark T. Baker; 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  
**Subject:** Final Agenda for Thursday, 9/10/15 POB Meeting  
**Date:** Sunday, September 06, 2015 6:24:19 PM  
**Attachments:** 9-10-2015 POB Agenda-FINAL-PDF.pdf

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Dear POB Members:

Attached is the Agenda submitted by Leonard for Thursday's 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>

**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, September 10, 2015 – 4:00 PM**  
**Vincent E. Griego Chambers**

- I. **Welcome & Call to Order** ~ Leonard Waites, Chair
- II. **Pledge of Allegiance** ~ Dr. Jeanette Baca
- III. **Approval of the Agenda**
- IV. **Approval of Minutes**
- V. **Public Comments**
- VI. **Discussion of City Council selection of Executive Director**
- VII. **Discussion of APD Retaliation Policy** -Investigator Paul Skotchdopole
- VIII. **Discussion and possible action of Rules and Procedures**- Mark Baker
- IX. **Outreach Sub-committee report** - Dr Jeannette Baca, Subcommittee chair
  
- X. **Meeting with Counsel re: Pending litigation (closed discussion)** Mark Baker  
Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7).
- XI. **Other Business**
- XII. **Adjournment** ~ *Next Regularly Scheduled POB meeting will be on Thursday, October 15, 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:** Silvio Dell'Angela  
**To:** Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; Jones, Trudy  
**Cc:** McKay, Dan; Hernandez, Jessica M.; "Peter Simonson"; POB; kbrandenburg@da2nd.state.nm.us; vanita.gupta@usdoj.gov; pmrinc@mac.com; "Elizabeth Martinez"; Zaman, Jon K.; Eden, Gordon  
**Subject:** Finally, some council members get upset  
**Date:** Friday, September 11, 2015 3:02:29 PM  
**Attachments:** CPC-2012-106.doc

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## Councilors

(all shown and not shown)

You all saw this article by Dan McKay in the Journal about Wednesday's meeting.

What's interesting is that Councilor Sanchez says that the city is in crisis one reason I have shown the US flag upside down that symbolizes this.

Yet you Councilors censored it from not only from being shown on GOV-TV but also took away from me the real flag I brought took first at the direction of former Council President Sanchez and this year our current Council President Garduno. The ACLU apparently didn't care about this denial of my First Amendment rights-fearing to alienate you and this corrupt administration. It's all about not impacting their money raising effort.

Most except the naïve and/or apathetic here realize that this crisis is NOT because of the alleged shortage of APD officers that still has not been proven by any objective manpower and reallocation study.

Instead, it's because of our corrupt leadership. This corruption begins in the Mayor's office and extends down to you nine, to the incompetent Eden and to all on his senior Command staff.

As many honest-but fearful of Eden's retaliation APD cops have told me and likely others, rather than give these overpaid Command staff officers pay increases, all should be sent packing. This should start with those at Wednesday's meeting now being sued by former APD NM IPRA stonewaller Reynaldo Chavez who he claims was told to bury incriminating public records on the murder of Mary Han.

That's not the only APD incriminating public records-recordings and other material that Reynaldo was directed to withhold- a defiant practice that began under Schultz when the APD bloodbath began.

If the Council, particularly Sanchez and Garduno had any integrity, they would turn their American flag in the chambers upside down-a US Flag Code approved sign of distress.

As I said in my response today to Dan McKay who also parroted all of the half truths or blatant lies told to justify the selection of ex cop Ed Harness Wednesday night, former cops control the now even more ineffective and embarrassing Police Oversight Agency/process that is now even

**a bigger joke than before.**

Berry, his brown shirt shadow Mayor Rob Perry, Eden, Huntsman, Garcia, Roseman, Jessica Hernandez and the others must love it as there will be even more cops never held accountable.

Let me give only one example of what happened in the past that you never saw publicized. See the attached **CPC-2012-106 in our District 8**. My Councilor Jones never gave one damn about this lack of police accountability.

A family is now grieving the death of their mentally impaired son while Schultz with the blessing of the IRO and POC never held the COAST or other involved officers accountable. Guess who was the unnamed IRO's investigator now working for Harness? Former Belen cop Paul Scotchdopole.

Any on the POB with any integrity should resign as three POC members did when former Berry attorney David Tourek opined in a 2013 memo that the IRO Hammer worked for the executive branch and not the POC.

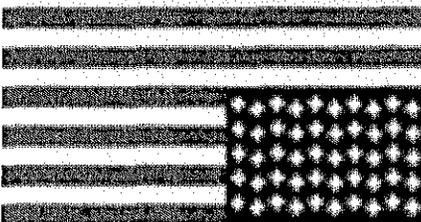
Finally, check out Joe Monahan's latest blog on Berry's and the Governor's buddy Darren White, the latest Eye on Albuquerque blog postings and this week's ABQ Free Press.

Disgusted-as are many here

Silvio

For WE THE PEOPLE

296 3241



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] **Sent:** Thursday, September 10, 2015 11:03 PM  
**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)

M006238

**Subject:** Re: [stop] Finally, some council members get upset

**Wow. Perry just proved himself to be a brown shirt.**

<http://www.abqjournal.com/641770/news/mayoral-administration-faces-harsh-criticism-for-apd-retention-bonuses.html>

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## Citizen Police Complaints Reviewed Third Quarter 2013

The Albuquerque Police Department provides for police protection, law enforcement, investigation, crime prevention, and maintenance of order in the community. In order to carry out their duties and responsibilities, the police are empowered with legal authority. To achieve success, the Department must win and retain the confidence and respect of the citizens it serves. Police officers do not act for themselves, but for the public. To that end, it is necessary to create and maintain a system through which the Department can be effectively directed and controlled. Written directives have been incorporated into Standard Operating Procedures (SOPs) to guide and direct department personnel in the performance of their duties. Violations of these provisions may result in disciplinary charges against personnel. Standard Operating Procedures are defined as written orders by the Chief of Police or a bureau, division, or section commander to define policy and direct procedures for specific situations or events. The following section lists each of the Citizen Police Complaints (CPCs) reviewed by the POC during the Third Quarter. Each CPC entry is formatted with the CPC number, the Complainant's City Council District and Neighborhood Association (NHA), the investigating organization (Independent Review Office or Internal Affairs), a brief synopsis of the complaint, the current case status, followed by each of the officers involved in the complaint, including their assigned APD area. The officers' actual names have been omitted, and for any given complaint, are referred to using alphabetic letters (A-Z). Within each officer listing is the SOP number involved, the SOP's general category, the case finding, the Chief/IRO Decision, and the case disposition. For any SOP non-concurrence between the Chief and IRO, additional levels of commentary relative to the POC, Chief, and CAO are listed.

**CPC-2012-106 District: 8, NHA: Glenwood Hills South Casa Grande - Investigator: IRO**  
Complainant called APD concerned for the welfare of her 21-year-old son. They noticed that their son's personal appearance had changed. Their son was experiencing delusions, hallucinations, and exhibiting signs consistent with Paranoid Schizophrenia. An APD officer went to the apartment and made contact with Complainant's son. Complainant relayed her concerns about her son to the officer and the officer told her that the police report will be forwarded to the COAST unit for follow-up. Later that evening, the Complainant and her husband went to their son's apartment because their son had agreed to go to the ER to undergo a psychological evaluation, but later changed his mind. Complainant called 911 and two officers arrived at the apartment and had placed their son in handcuffs. The officer announced that their son is going to jail for Domestic Violence against a family member. The Complainant and her husband told the officer that he needed medical help and the officer only seemed interested in taking her son to jail. The officer told her that they have the best psychiatrists in the jail and that her son would get the treatment that he needed, he would be drug-tested and have a psychiatric evaluation while he was in jail. Her son was not drug-tested in jail nor did he undergo an evaluation. He was booked and later released downtown. On March 27, 2012, a member of APD's Crisis Outreach and Support Team (COAST) called the Complainant and spoke about all of her concerns about her son. The member of the support team told Complainant that he would set up an appointment to meet with a Psychiatrist to see how they could get help for their son. The Complainant alleges that the system failed them and that the police and the COAST Team Member failed to intervene as they should have and could have prevented her son from taking his own life.

**Findings:**

**Officer: A APD Area: FH**

**SOP: 1-04-40 (Attitude)**

**IRO/Chief's Decision: Agreed**

**SOP: 1-02-2B 1 (Use of Discretion)**

**IRO/Chief's Decision: Agreed**

**Finding: Unfounded**

**Disposition: None**

**Finding: Unfounded**

**Disposition: None**

**From:** Beth Mohr  
**To:** Janet McHard  
**Subject:** For Rent: 2 BR/2Bath home in Ridgecrest/Parkland Hills \$1350 per month  
**Date:** Sunday, July 26, 2015 4:03:39 PM

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## **Gardner's delight, open & light, your own private cabin right in town**

**Rent: \$1350.00 per month (or \$1395 with Armed Response Security monitoring included) - Pets allowed <http://albuquerque.craigslist.org/apa/5142088395.html>**

**Close to UNM, Hospitals & Sandia**

Please send this to anyone who might be interested!

This beautiful home welcomes sunlight and nature inside with floor to ceiling south-facing, passive-solar windows. Every room in this house has natural light streaming through windows and three skylights. This house has been remodeled so that there are two huge bedrooms with tons of closet and storage space, each with its own adjacent bath - either could be the Master. The bathrooms are both recently updated; one with tub and one with huge walk-in shower -- that bathroom also features an electronically controlled radiant heater. Your feet will never be cold again!

The knotty pine walls and built-in bookcases add to the warmth of this lovely cabin retreat in the middle of town. Huge eat-in kitchen includes refrigerator with ice/water in the door, hookups for stackable washer & dryer. All tile and wood floors throughout. It's just a couple of blocks to the Ridgecrest green belt area; this is a great neighborhood for walking and running. This charming, distinctive home features a screened-in back porch with Saltillo tiles, overlooking a beautifully landscaped private backyard with in-ground sprinklers and bubblers all on a timer for the most enjoyment and the least fuss, and room for your vegetable garden. We'll pay the water bill - you garden to your heart's delight! Private front patio to enjoy your coffee - the perfect space for your container garden.

Enjoy the mature shade trees, rose bushes and a freestone peach tree surrounding a beautiful grass yard and flagstone patio. The peach tree is already loaded with fruit -- you will get amazing peaches this year. There is even a concrete slab for your hot tub, already wired for 240v! With a 6' cinder block wall and secure gate, this is a beautiful private oasis for meditating, gardening, and entertaining. Gas furnace/swamp cooler, security screen door means you can let the breezes through, and they are set up so you can have both heat and cooler working during transitional seasons. Detached one-car garage with light and power for your wood shop or a small car.

Rent is \$1350.00 per month, includes water/sewer/trash, or make it \$1395.00 with Armed Response security monitoring), \$1000 deposit, 1-year lease, Pets OK with \$250 non-refundable pet cleaning fee.

See the pictures on Craigslist here:

<http://albuquerque.craigslist.org/apa/5142088395.html>

Drive by and see it - but there's no sign out front:

4659 Idlewilde Lane SE, from Carlisle, take Ridgecrest Drive east to Valverde, turn left and make an immediate right on Idlewilde. Ignore the house numbers in this first block of Idlewilde, because the first block is considered east-west and the next block is considered north-south (this only make sense to the post office). Take Idlewilde for almost two blocks, you'll see 4659 on your left as the road turns. If you Google the address, the "street view" misses the house number by 4 houses too far west.

Beth A. Mohr, CFE, CAMS, MPA, PI  
Managing Partner  
McHard Accounting Consulting LLC  
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Albuquerque, NM 87108  
[REDACTED] cell  
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*The greatest obstacle to discovery is not ignorance - it is the illusion of knowledge. ~ Daniel Boorstin*

**From:** Silvio Dell'Angela  
**To:** Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.  
**Cc:** POB; Vanita.Gupta@usdoj.gov; "Elizabeth Martinez"; pmrinc@mac.com  
**Subject:** Former cop Ed Harness-a nice guy-but the clearly wrong guy-unqualified to be new POA's Executive Director. Please don't insult us by selecting Ed and not Jay Rowland  
**Date:** Thursday, August 06, 2015 10:43:03 AM  
**Attachments:** APDfwdAmicusCuriae.pdf  
Garrity-page 1.doc

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## Councilors

### Info to others shown and sent this Bcc

Before you vote on the new Executive Director, I suggest that you review the POB interviews with Harness, Rowland, and Sprague on the youtube posting below

<https://www.youtube.com/watch?v=hfqMznu-XRE>

You were willing to be left out of the negotiations with the DOJ who rammed with Judge Brack's help a toothless reform agreement and toothless monitor down our throats. Will you betray us again?

Nobody knows who picked the five candidates to be interviewed by the POB and why a second meeting on this was needed by the POB.

Silvio

For WE THE PEOPLE

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**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]  
**Sent:** Wednesday, August 05, 2015 11:36 AM  
**To:** 'POB@cabq.gov'  
**Subject:** The unqualified former Milwaukee cop Edward Harness is your first choice to be the next Executive Director of the Oversight Agency. What's the message that it sends to the people if the Councilors approve him?

**TO: POB Members**

### Info to Councilors, media and others not shown

Reference my earlier e-mail shown below that expected you to respect the people and select the only candidate that was truly qualified to serve as the next Executive Director (ED)-Jay Rowland. You interviewed the five on July 29 and after conferring for hours should have announced your ranking then. You did not. The public had lost confidence in the oversight process as only attorney Alan Wagman spoke on July 29.

Rather than making your choice(s) on the 29<sup>th</sup> many believe you instead chose to ask APD, those

Councilors who wanted to keep the oversight process a sham, the City's dictatorial Mayor and CAO just who they wanted. Of course these who wanted no real APD reform wanted a former cop even though Harness was completely unqualified for the job-had absolutely no related experience.

You then held another unnecessary POB meeting last night where **not even one citizen was willing to speak to you knowing it would be a waste of time. This says that you have lost our confidence.** You again went again into secret executive session/discussions.

You came out incredulously saying that former Milwaukee cop Edward Harness was your first choice followed by very experienced (but likely feared by APD Jay Rowland) and then made the also unqualified Edna Sprague your third choice. Those close to Edna say she has blessed everything cops do.

After once again reviewing Harness's responses to you last week it was again clear he had no clue of the problems with the oversight old process but spoke only in generalities trying to cover up his lack of qualifications for the job.

Does working for the Better Business Bureau show the proper police investigative experience? Neither Ed nor the others were ever asked what they thought was wrong with the old and current oversight process some of which the knowledgeable Jay Rowland discussed in detail without being asked.

Both the DOJ and Judge Brack ignored some of the required changes to the still flawed process documented in APD Forward's filed Amicus Curiae last January-first page of it is attached. Unlike Jay Rowland, neither Harness nor the other three ever discussed what should be the limitations of the 1967 "Garrity vs. Supreme Court" ruling that the DOJ opined to the Seattle Mayor but was ignored by the DOJ here. See page 1 of that opinion-attached. Nor did Ed or the other three discuss the police officers' "qualified immunity" that essentially gives them the benefit of doubt in any of their killings.

Harness restated his belief that a cop's life is more important than that of the average citizen-something it is NOT. Do you agree with that belief? This essentially gives cops the right to kill using the bogus excuse that they "felt threatened." Look at these same lies being told in court this week to try to justify Sandy's and Perez's murder of James Boyd.

Ed apparently never knew that under the current changed Ordinance that the Director and the POB cannot dictate discipline but that the APD Chief can ignore your recommendations offering up only some ridiculous excuses.

I guess Ed's only claim to fame was his alleged outreach ability-trade shows, police work with his local village association and his teaching of good financial practices to the poor. Again-he has no investigative experience other than responding to Better Business Bureau (BBB) complaints.

We already have one pro bad APD cop hired as a police oversight investigator while the two others were former employees of Target and Lowe's and have none. Robin Hammer who was sued for judicial misconduct while working for the DA was a bad enough selection by the Mayor (who she worked for) and Council and now you want a former out of town clueless cop Harness to replace

her?

The Councilors likely bothered to read the resumes of those many extremely qualified applicants for the APD Chief job before blessing the incompetent bureaucrat Eden. Likely the Councilors also never read the resumes of the five applicants for this Executive Director position-resumes we were not allowed to see for some unknown reason.

Realizing that this is a dictatorship here with the Councilors choosing to abdicate its role as an integral part of our government, the nine likely never reviewed the GOV-TV interviews with the five (handpicked by who?) candidates to see how they responded to the often too broad questions posed them by you on the 29<sup>th</sup>.

Choosing the clearly unqualified Edward Harness to be your first choice was disappointing to say the least. If this former cop is chosen, the oversight process will still be toothless-yet another example of disrespect shown to us citizens-the real stakeholders who want real reform from the ED-not the ones the Mayor chooses:

Time to rethink your choice.

Silvio

For WE THE PEOPLE

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]  
**Sent:** Thursday, July 30, 2015 1:42 PM  
**To:** 'POB@cabq.gov'  
**Cc:** 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'avramwagman@gmail.com'; 'rhammer@cabq.gov'  
**Subject:** YOUR INTERVIEWS FOR THE EXECUTIVE DIRECTOR OF THE POLICE OVERSIGHT AGENCY-THERE IS ONLY ONE CHOICE-JAY ROWLAND WHO WILL SERVE YOU, THE PEOPLE AND THE GOOD POLICE OFFICERS

**TO: The Honorable Police Oversight Board Members**

**Info to City Councilors and Bcc to others**

**After viewing your meeting on GOV-TV last night that included interviews of five candidates for the "Executive Director of POA, the following are some of my observations/questions:**

- 1. I assume that since current interim Executive Director Ms. Hammer was not interviewed, she did not apply for this POA Executive Director position or being considered as a sixth candidate**
- 2. The talk by attorney Alan Wagman was right on target saying essentially that this selection is critically important-that we don't need more of the same (translated-not another Robin Hammer)**
- 3. This position never required that it be an attorney when Ms. Hammer was hired for the IRO job since an attorney is already assigned to the IRO-yet all were attorneys.**

M006245

4. Who chose these five candidates who you interviewed and more importantly who decided that you had to send three of the five interviewed to the Council to pick one? Only one stood out!
5. You saw their resumes-something that should have also been posted on the website. One candidate-a former Colorado sheriff's deputy had conflicting-erroneous information on his resume
6. Two of the applicants were former law enforcement/police officers both of whom had beliefs like Ms. Hammer.

Your selection decision is easy.

The only candidate that stood head and shoulders above the other four was former IRO during 2002-2007 Jay Rowland.

Based on his demonstrated knowledge of this job and expected respect by both the many APD honest police officers and the people, only Jay should be nominated to the City Council.

The only other even remotely credible candidate of the other four interviewed was Edna Sprague.

After Edna has the opportunity to review all of the GOV-TV interviews today, she too would likely believe that Jay would be the right choice.

Regards

Silvio

For WE THE PEOPLE

P.S.

Jay would also be a great Mayor if he ever chose to run.



U.S. Department of Justice  
Civil Rights Division

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Special Litigation Section - PHB  
950 Pennsylvania Ave, NW  
Washington DC 20530

NOV 23 2011

The Honorable Michael McGinn  
Mayor  
City of Seattle  
600 4th Avenue, 7th Floor  
Seattle, WA 98124-4749

Re: United States' Investigation of the Seattle Police Department –  
Garrity Protections

Dear Mayor McGinn:

On March 31, 2011, the Civil Rights Division and the United States Attorney's Office for the Western District of Washington initiated an investigation of the Seattle Police Department ("SPD"), pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, as well as the anti-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d, and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.

At the beginning of our investigation, we committed to providing SPD with real time technical assistance to enhance SPD practices and procedures, and to ensure compliance with constitutional rights. During our meetings with Chief Diaz and the SPD command staff in May 2011 and September 2011, we advised that, if appropriate, we would provide in writing specific recommendations prior to completion of our investigation. In this letter, we convey our recommendations regarding SPD's practices relating to an officer's protections against self-incrimination pursuant to *Garrity v. New Jersey*, 385 U.S. 493 (1967).

*Garrity* provides important and fundamental protections for police officers, but its protections are limited. Our investigation has shown that SPD attempts to apply *Garrity* to all use of force and police involved shooting incidents. SPD's inappropriate blanket invocation of *Garrity* may result in the exclusion of important evidence from an investigation. Moreover, SPD's failure to shield criminal investigators from *Garrity* materials could taint and render unusable other critical evidence. These practices compromise both SPD's ability to supervise officers' use of force, and its ability to fully and efficiently conduct criminal and administrative investigations. Put simply: This practice makes it too difficult to quickly exonerate officers who have followed policy and to properly discipline officers who have not. Further, these practices compromise the ability of prosecutors or other outside agencies to adequately assess incidents and to hold officers accountable for their actions. The net effect of these consequences is diminished public trust in SPD.

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M006247

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

1:14-CV-1025 RB/SMV

CITY OF ALBUQUERQUE,

Defendant.

**AMICUS CURIAE BRIEF OF APD FORWARD  
REGARDING COURT APPROVAL OF THE SETTLEMENT AGREEMENT  
BETWEEN THE CITY OF ALBUQUERQUE AND  
THE UNITED STATES DEPARTMENT OF JUSTICE**

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**From:** Silvio Dell'Angela  
**To:** Silvio Dell'Angela  
**Subject:** Former vets Alex Horton and Gregg Benner-unlike warrior cops here and nationwide. Sandra Bland and some in our complicit media  
**Date:** Sunday, July 26, 2015 2:56:27 PM  
**Attachments:** Warning.doc  
7-24-15FairfaxCops.doc

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**TO: All Bcc-particularly APD's leadership, the DOJ and PMR Inc.'s "monitors"**  
(share with others if you wish)

RESPECT IS EARNED AND NOT AN ENTITLEMENT OF POLICE OFFICERS

In past e-mails I have been critical of comparisons between police officers and those military actually seeing combat-vets who don't see killing people as a blessed video game like sport.

We are repeatedly told that all who wear a police uniform put their lives in danger every day and thus are to be viewed as heroes and to be given honors befitting one doing something truly heroic even vets killed in battle. There are even some in this city who discourage APD from hiring former military vets painting all with a broad brush that they are dangerous and kill motivated.

Those of us who have been under fire in war zones and have seen too many people on both sides die often make the best police officers. This is particularly true of those USA, USAF and Navy military police officers who undergo a background check and often require a security clearance.

When my comrades and I were in Vietnam, any free Sunday was spent in the Saigon orphanages bringing food and clothing to these kids or out in the hamlets helping the other victims of war. Unless one is a barbarian, you come back from war with a greater respect for the sanctity of human life.

Outstanding Rio Rancho officer-former vet Greg Benner killed last May during a traffic stop was the best example of a former military vet who truly cared about saving and not taking peoples' lives when later putting on the police uniform.

IRAQ VET ALEX HORTON'S STORY

Attached is a July 24-15 opinion piece written by former Iraq vet Alex Bland that appeared in the Washington Post. It tells about what was done to him by the Fairfax VA police trained to be warrior cops believing they could do whatever they wanted with the full support of their leadership.

Two of Alex's more notable statements contradicts the mistaken belief here that police officers' lives are more important than that of the ordinary citizen.

***The culture that encourages police officers to engage their weapons before gathering information promotes the mind-set that nothing, including citizen safety, is more important than officers' personal security.***

*"Police officers should understand the risks in their jobs when they enroll in the academy, as well. That means knowing that personal safety can't always come first. That is why it's service. That's why it's sacrifice."*

Unlike vets, most police officers have take home cars and enjoy good pay and even better retirement benefits. They also get to go home to their families every night. How many cops would be willing to put on a military uniform and see the difference? Likely very few. Yet we are told that all are revered like gods.

At least one fired APD cop here with a checkered past who many say should be prison for murdering his wife was recently admitted to UNM law school. Fellow APD officers contaminated the crime scene-his home as they had done at murdered attorney Mary Han's home.

Why is anybody surprised as UNM Hospital after firing a brave outspoken former APD Board member Kathy Korte for daring to criticize a State legislator and the test requirements imposed by Santa Fe, they hired as \$50K consultant the son of a former state legislator "crony" knowing he had three DWIs.

One of the four angry writers to the Journal today called this hiring "*Corruption on display*" and damned UNM-a "*a second or third tiered university*" as a "*first-tier pork barrel for the state' political pois.*"

#### BETRAYAL BY THE DOJ AND NO REAL REFORM UNTIL BERRY LEAVES OFFICE ALONG WITH EDEN AND PERRY

Others and I have criticized the DOJ and Judge Brack who selected PMR Inc. made up primarily former police officers led by James Ginger in PMR Inc to merely "monitor"-suggest reforms to APD for \$4.5+ million over the next four years. Four years from now Ginger will likely claim that four years is not time enough time to reform APD and will ask for and get more money.

US Attorney for NM Damon Martinez even sent his US Marshals out twice to the home of one fellow critic of him and Brack to try to shut him up-much like in any police state. All of our city leaders downtown also looked the other way when the disgraceful Schultz threatened me and others.

Our cowardly leaders also looked the other way when it was revealed an APD Lieutenant was promoting "killology" classes for NM police officers reported in the NY Times exposed by KRQE. A vindictive father of a State police officer killed in 2005 promoted this "killology" training as well.

<https://www.washingtonpost.com/news/the-watch/wp/2014/11/20/albuquerque-police-lieutenant-advertises-killology-classes/>

Let us not forget Ray Schultz's TASER buddies former Cincinnati Police Chief Tom Streicher and attorney-Scott Greenwood, the latter hired for seven years to try to reform Streicher's PD after the DOD investigated it. The disgraceful Schultz had their contract "greased" by Mayor Berry to

negotiate with the DOJ with the cowardly Councilors willing to go along with this insulting charade.

The councilors also allowed Schultz while still on the city payroll to award a no bid likely illegal \$1.9 million contract with employer TASER in 2013 to be swept under the rug.

#### EDEN'S LEGACY

When the disgraceful Schultz, then deemed a possible political liability, was told by retire just before the last mayoral election, who did Berry hire to replace Schultz while ignoring 40+ other outstanding applicants for Chief?

It was none other than Governor Martinez throw-away-bureaucrat Gorden Eden who never even met the City's posted qualifications for the job. Schultz's SWAT/"death squad" boss Bob Huntsman was then brought out of retirement to run APD. Eden wasn't allowed to negotiate with the DOJ on behalf of his own department-leaving that job up to Tom Streicher and Scott Greenwood

It was Eden while in Santa Fe, who never considered firing his State cop Oliver Wilson who while running alongside a car driven by Jeanette Anaya after an illegal traffic stop emptied his gun into the vehicle killing her and almost killing her passenger.

"I feared for my life" was what Wilson and other NM cops are likely being taught to say as their convenient escape any accountability-get/stay out of jail free card.

Eden was the same man who hired warrior cop trainer Jack Jones to head the NM Law Enforcement Academy. See the attached "Warning" to all NM residents about Jones and the cops here posted last year on the "Daily Sheeple"

The "Warning" discusses yet another unjustified shooting-this time at the fleeing car driven by African American Oriana Farrell by Eden's State cop Elias Montoya a video that went viral nationwide. Killer Montoya was allowed to retire by Eden and then was hired by the Taos Sheriff's Department.

Yet APD is trying to get a good cop Dawne Roberto (who they fired) from ever serving ever as a police officer for allegedly revealing to the Eye on Albuquerque the corruption within APD. The oppressive blue code of silence here and within all police departments must be maintained at all cost. There is no room in PDs for honest cops.

#### AFRICAN-AMERICAN CITIZENS ALSO CONSIDERED HUMAN WASTE

In addition to Native Americans brutalized and often killed by police officers as discussed in my last e-mail, African Americans here are also treated with the same contempt/disrespect. One was fellow Vietnam vet Vincent Wood with PTSD murdered by two trigger happy APD cops who deemed him to be just human waste.

You all read of the exoneration of many other police officers who have shot black citizens

nationwide. The latest victim was Sandra Bland in Texas, also mentioned in Alex Horton article. My comrades in the Stop Police Violence in Albuquerque movement sent me and others the following website postings on Bland.

Nobody in their right mind believes she committed suicide in her cell after being arrested and also allege that the dash camera recording of her stop was altered-as APD does routinely here.

-----  
*"Texas state police have released the dash cam video of the violent cop assaulting and falsely arresting Sandra Bland. I had to watch it on mute because it's disturbing. The cop pulled a gun on her and yelled: "I will light you up!" <https://www.youtube.com/watch?v=KBmFCajjWYU> As you know, Sandra was found dead in her jail cell. DA is investigating is a homicide case."*

Another comrade sent me this posting.

[http://www.washingtonpost.com/blogs/wonkblog/wp/2015/07/22/what-cops-are-saying-about-the-sandra-bland-video/?tid=pm\\_business\\_pop\\_b](http://www.washingtonpost.com/blogs/wonkblog/wp/2015/07/22/what-cops-are-saying-about-the-sandra-bland-video/?tid=pm_business_pop_b)

*My understanding is that the cop pulled a Taser on Bland when he made the threat about lighting her up. It doesn't make it much better, but the threat makes more sense in the context of a Taser. When the cop called the report in to his supervisor, he claimed that he had gotten her out of the car in order to have her sign paperwork. As if. The real import of course is that none of this would be in the news but for Sandra Bland's death. **Just another day at the cop shop."***

#### THE COMPLICIT MEDIA

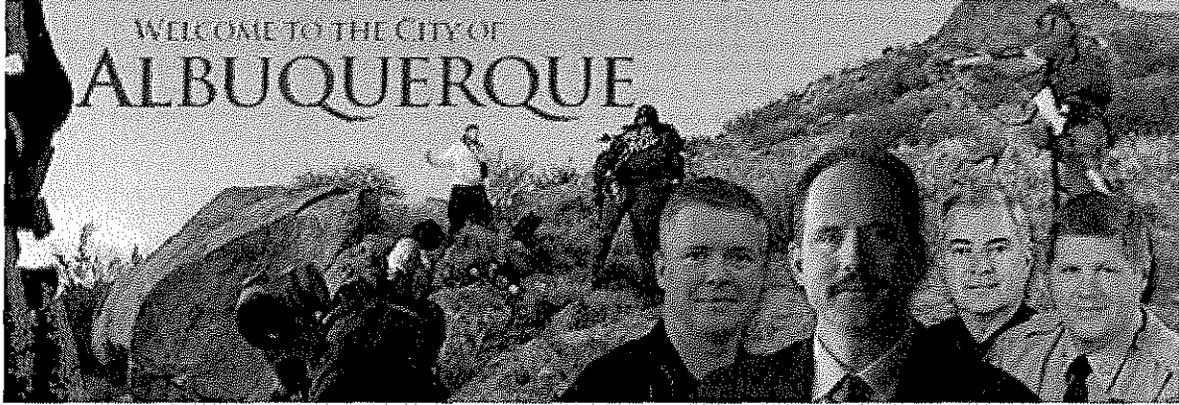
On July 25, I received the following from a comrade for real change in APD-something that seems to be wishful thinking because of far too much pro cop propagandists in the media. In this case, it concerned the Journal's partner-KOAT.

*"I got thoroughly disgusted with Nancy Laffin's report tonight reporting about taxpayers having to pay out millions for the Police murders of James Boyd, Chris Torres, Ken Ellis III & others. Of course they started off with James Boyd and his payout to his family members. Some voice tapes of James Boyd stated that he had been in the system since age 5. In short, Nancy was going to let people know how Boyd's family was putting that money toward mentally ill programs. She is going to follow the money and let taxpayers know where their money is going. "You taxpayers are paying for all this." What is never mentioned is why? Of course it's because the worst Police Department in the nation cannot keep their guns in the holster. The gun is the answer to everything. **Of course media cannot mention the decades of police corruption and abuse done to our Native American brothers and sisters as they continue to treat them like "Human Waste."** And of course our wonderful DOJ continues to stick it to the taxpayers by stating that Dr. Ginger and his crew will "monitor" the progress. **"(The remainder of it his message is omitted-but you get the point)***

-----  
**Does anybody here care?**

Silvio  
For WE THE PEOPLE

---



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

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# Warning to Residents of New Mexico: Your Police Are Being Taught to Use More Deadly Force

Posted on February 23, 2014 by [Lily Dane](#)



The [New Mexico State Police](#) and the [Albuquerque Police Department](#) have come under fire in recent years for unjustified use of excessive force and for police-involved shootings. Incidents have occurred with enough frequency in the state to trigger a [Department of Justice](#) investigation that launched in 2012 and is still ongoing.

The state's police forces have become infamous for [shooting at minivans full of kids](#) and for their penchant for [Roswellian anal-probing](#) of suspects. Yet, the man who designs the training programs for the state's police departments doesn't see a problem. In fact, he has instituted a curriculum that puts LESS restraint on officers in deciding when to use deadly force.

Jack Jones is the director of the Law Enforcement Academy. [The New Mexican](#) reports that he has been granted full control over the design of the basic training program: *In September, the state's eight-member Law Enforcement Academy Board, which is appointed by the governor and chaired by the attorney general, voted unanimously to change the [New Mexico Administrative Code](#) to give complete control over the curriculum to Jones. Greg Williams, an Albuquerque attorney and [president-elect](#) of the [New Mexico Foundation for Open Government](#), said before the board voted on the change, it had a process that included public involvement.*

*"What they did was to change the process so that the public could not be involved," he said.*

Some retired police officers and criminologists are questioning that change. They say having one person in charge of the curriculum isn't a good idea. They also have concerns about some of the tactics Jones is teaching: *"It would be out of the ordinary for one person to write [the curriculum] without other people having input," said Thomas J. Aveni, director of the Police Policy Studies Council, a New Hampshire-based group that studies*

use of force by law enforcement. And Phillip Gallegos, a former academy instructor, called the rule change a "dangerous precedent." "Now you have one person that is making the selection, and who is to say that person knows what a curriculum is supposed to be like," Gallegos said. Last July, Gallegos was fired for insubordination after he refused to teach new cadets some of the firearms training Jones wanted to implement:

"The statement that he made to us [instructors] in a [January 2013] meeting was, 'No, I want you guys teaching these guys how to make a car stop with a bullet.'" Gallegos said, "This is the thing — why are you shooting at a car? You should be shooting at the individual that is shooting at you." Jones tried to justify that part of the training like this: "We want them to see that if there's a threat that's inside a vehicle and they need to shoot at it, what happens to that round.

*They're wearing a gun and a badge protecting you [the public] against the violence. Don't you think they should be prepared for the most violent encounter that they can come up against?"*

Say what? Way to skirt around the question, Jones! Williams said that because of the high number of police shootings, the public deserves to know how officers are being trained. He added that the training documents can't be lawfully withheld unless there is an ongoing criminal investigation or some other exception.

**The New Mexican** filed a request under the Inspection of Public Records Act for a copy of the academy's new curriculum. Jones wasn't having it. He said he doesn't plan to release it because criminals could use the tactics taught to cadets against them. "I'll burn them before you get them," he told **The New Mexican**.

Jones says officers need to be prepared for violence and justifies training officers to use more force because there are so many bad guys out there:

***"Evil has come to the state of New Mexico, evil has come to the Southwest, evil has come to the United States."***

I agree with Jones' opinion that evil has arrived in New Mexico, but I doubt we agree on the source.

---

*Contributed by Lily Dane of The Daily Sheeple.*

*Lily Dane is a staff writer for The Daily Sheeple. Her goal is to help people to "Wake the Flock Up!"*

[https://www.washingtonpost.com/opinions/in-iraq-i-raided-insurgents-in-virginia-the-police-raided-me/2015/07/24/2e114e54-2b02-11e5-bd33-395c05608059\\_story.html?hpid=z3](https://www.washingtonpost.com/opinions/in-iraq-i-raided-insurgents-in-virginia-the-police-raided-me/2015/07/24/2e114e54-2b02-11e5-bd33-395c05608059_story.html?hpid=z3)

## **In Iraq, I raided insurgents. In Virginia, the police raided me.**

Alex Horton is a member of the Defense Council at the Truman National Security Project. He served as an infantryman in Iraq with the Army's 3rd Stryker Brigade, 2nd Infantry Division. I got home from the bar and fell into bed soon after Saturday night bled into Sunday morning. I didn't wake up until three police officers barged into my apartment, barking their presence at my door. They sped down the hallway to my bedroom, their service pistols drawn and leveled at me. It was just past 9 a.m., and I was still under the covers. The only visible target was my head.

In the shouting and commotion, I felt an instant familiarity. I'd been here before. This was a raid. I had done this a few dozen times myself, 6,000 miles away from my Alexandria, Va., apartment. As an Army infantryman in Iraq, I'd always been on the trigger side of the weapon. Now that I was on the barrel side, I recalled basic training's most important firearm rule: Aim only at something you intend to kill.

I had conducted the same kind of raid on suspected bombmakers and high-value insurgents. But the Fairfax County officers in my apartment were aiming their weapons at a target whose rap sheet consisted only of parking tickets and an overdue library book. My situation was terrifying. Lying face down in bed, I knew that any move I made could be viewed as a threat. Instinct told me to get up and protect myself. Training told me that if I did, these officers would shoot me dead. In a panic, I asked the officers what was going on but got no immediate answer. Their tactics were similar to the ones I used to clear rooms during the height of guerilla warfare in Iraq. I could almost admire it — their fluid sweep from the bedroom doorway to the distant corner.

They stayed clear of one another's lines of fire in case they needed to empty their Sig Sauer .40-caliber pistols into me. They were well-trained, their supervisor later told me. But I knew that means little when adrenaline governs an imminent-danger scenario, real or imagined. Triggers are pulled. Mistakes are made. I spread my arms out to either side. An officer jumped onto my bed and locked handcuffs onto my wrists. The officers rolled me from side to side, searching my boxers for weapons, then yanked me up to sit on the edge of the bed.

At first, I was stunned. I searched my memory for any incident that would justify a police raid. Then it clicked. Earlier in the week, the managers of my apartment complex moved me to a model unit while a crew repaired a leak in my dishwasher. But they hadn't informed my temporary neighbors. So when one resident noticed the door slightly cracked open to what he presumed was an unoccupied apartment, he looked in, saw me sleeping and called the police to report a squatter.

Sitting on the edge of the bed dressed only in underwear, I laughed. The situation was ludicrous and embarrassing. My only mistake had been failing to make sure the apartment door was completely closed before I threw myself into bed the night before. I told the officers to check my driver's license, nodding toward my khaki pants on the floor. It showed my address at a unit in the same complex. As the fog of their chaotic entry lifted, the officers realized it had been an unfortunate error. They walked

me into the living room and removed the cuffs, though two continued to stand over me as the third contacted management to confirm my story. Once they were satisfied, they left.

When I later visited the Fairfax County police station to gather details about what went wrong, I met the shift commander, Lt. Erik Rhoads. I asked why his officers hadn't contacted management before they raided the apartment. Why did they classify the incident as a forced entry, when the information they had suggested something innocuous? Why not evaluate the situation before escalating it? Rhoads defended the procedure, calling the officers' actions "on point." It's not standard to conduct investigations beforehand because that delays the apprehension of suspects, he told me.

I noted that the officers could have sought information from the apartment complex's security guard that would have resolved the matter without violence. But he played down the importance of such information: "It doesn't matter whatsoever what was said or not said at the security booth." This is where Rhoads is wrong. We've seen this troubling approach to law enforcement nationwide, in militarized police responses to nonviolent protesters and in fatal police shootings of unarmed citizens. The culture that encourages police officers to engage their weapons before gathering information promotes the mind-set that nothing, including citizen safety, is more important than officers' personal security. That approach has caused public trust in law enforcement to deteriorate.

It's the same culture that characterized the early phases of the Iraq war, in which I served a 15-month tour in 2006 and 2007. Soldiers left their sprawling bases in armored vehicles, leveling buildings with missile strikes and shooting up entire blocks during gun battles with insurgents, only to return to their protected bases and do it all again hours later. The short-sighted notion that we should always protect ourselves endangered us more in the long term. It was a flawed strategy that could often create more insurgents than it stopped and inspired some Iraqis to hate us rather than help us.

In one instance in Baghdad, a stray round landed in a compound that our unit was building. An overzealous officer decided that we were under attack and ordered machine guns and grenade launchers to shoot at distant rooftops. A row of buildings caught fire, and we left our compound on foot, seeking to capture any injured fighters by entering structures choked with flames. Instead, we found a man frantically pulling his furniture out of his house. "Thank you for your security!" he yelled in perfect English. He pointed to the billowing smoke. "This is what you call security?" We didn't find any insurgents. There weren't any. But it was easy to imagine that we forged some in that fire.

Similarly, when U.S. police officers use excessive force to control nonviolent citizens or respond to minor incidents, they lose supporters and public trust. That's a problem, because law enforcement officers need the cooperation of the communities they patrol in order to do their jobs effectively. In the early stages of the war, the U.S. military overlooked that reality as well. Leaders defined success as increasing military hold on geographic terrain, while the human terrain was the real battle. For example, when our platoon entered Iraq's volatile Diyala province in early 2007, children at a school plugged their ears just before an IED exploded beneath one of our vehicles. The kids knew what was coming, but they saw no reason to warn us. Instead, they watched us drive right into the ambush. One of our men died, and in the subsequent crossfire, several insurgents and children were killed. We saw Iraqis cheering and dancing at the blast crater as we left the area hours later.

With the U.S. effort in Iraq faltering, Gen. David Petraeus unveiled a new counterinsurgency strategy that year. He believed that showing more restraint during gunfights would help foster Iraqis' trust in U.S. forces and that forming better relationships with civilians would improve our intelligence-

gathering. We refined our warrior mentality — the one that directed us to protect ourselves above all else — with a community-building component. My unit began to patrol on foot almost exclusively, which was exceptionally more dangerous than staying inside our armored vehicles. We relinquished much of our personal security by entering dimly lit homes in insurgent strongholds. We didn't know if the hand we would shake at each door held a detonator to a suicide vest or a small glass of hot, sugary tea.

But as a result, we better understood our environment and earned the allegiance of some people in it. The benefits quickly became clear. One day during that bloody summer, insurgents loaded a car with hundreds of pounds of explosives and parked it by a school. They knew we searched every building for hidden weapons caches, and they waited for us to gather near the car. But as we turned the corner to head toward the school, several Iraqis told us about the danger. We evacuated civilians from the area and called in a helicopter gunship to fire at the vehicle.

The resulting explosion pulverized half the building and blasted the car's engine block through two cement walls. Shrapnel dropped like jagged hail as far as a quarter-mile away. If we had not risked our safety by patrolling the neighborhood on foot, trusting our sources and gathering intelligence, it would have been a massacre. But no one was hurt in the blast. Domestic police forces would benefit from a similar change in strategy. Instead of relying on aggression, they should rely more on relationships. Rather than responding to a squatter call with guns raised, they should knock on the door and extend a hand. But unfortunately, my encounter with officers is just one in a stream of recent examples of police placing their own safety ahead of those they're sworn to serve and protect.

Rhoads, the Fairfax County police lieutenant, was upfront about this mind-set. He explained that it was standard procedure to point guns at suspects in many cases to protect the lives of police officers. Their firearm rules were different from mine; they aimed not to kill but to intimidate. According to reporting by The Washington Post, those rules are established in police training, which often emphasizes a violent response over de-escalation. Recruits spend an average of eight hours learning how to neutralize tense situations; they spend more than seven times as many hours at the weapons range.

Of course, officers' safety is vital, and they're entitled to defend themselves and the communities they serve. But they're failing to see the connection between their aggressive postures and the hostility they've encountered in Ferguson, Mo., Baltimore and other communities. When you level assault rifles at protesters, you create animosity. When you kill an unarmed man on his own property while his hands are raised — as Fairfax County police did in 2013 — you sow distrust.

And when you threaten to Taser a woman during a routine traffic stop (as happened to 28-year-old Sandra Bland, who died in a Texas jail this month), you cultivate a fear of police. This makes policing more dangerous for everyone.

I understood the risks of war when I enlisted as an infantryman. Police officers should understand the risks in their jobs when they enroll in the academy, as well. That means knowing that personal safety can't always come first. That is why it's service. That's why it's sacrifice.

Twitter: @AlexHortonTX

**From:** Beth A. Mohr  
**To:** POB; Mark T. Baker; Green, Alan  
**Subject:** Fwd: Application for Director of CPOA  
**Date:** Friday, June 19, 2015 8:00:02 AM

---

Dear POB Members,

I'm sure you all know this, but I'll say it anyway for the record. We avoid contact with applicants outside of the City application process. We want to ensure that we treat everyone the same and that everyone gets the same information.

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*

*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.*

----- Original Message -----

Subject: Re: Application for Director of CPOA  
From: Alexander DeSantis <adesantis80@gmail.com>  
To: "Beth A. Mohr" <cabq.pob.mohr@gmail.com>  
CC:

Thank you, Ms. Mohr. I submitted my application through the online system as well.

I sincerely hope to have the opportunity to discuss my application with you at some point in the future.

Best Regards,

Alex DeSantis

On Thu, Jun 18, 2015 at 10:28 PM, Beth A. Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)> wrote:  
Sir, This Board is not able to accept applications. Please follow the process at [www.cabq.gov/jobs](http://www.cabq.gov/jobs) to apply. 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*

*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.*

Alexander DeSantis <[REDACTED]> wrote:

Dear Members of the Police Oversight Board:

I am writing to apply for Director of the Civilian Police Oversight Agency (CPOA) for the City of Albuquerque. As a cum laude graduate of Harvard Law School with significant leadership experience in police oversight and the investigative field, I am confident that I can be an asset.

Attached for your review, please find my cover letter and resume, outlining my experience and qualifications. I know that I can contribute to the CPOA, the Albuquerque Police Department and the City of Albuquerque more broadly.

I very much appreciate your consideration and look forward to speaking with you about my application.

Best Regards,

Alex DeSantis

[REDACTED]

[REDACTED]

**From:** Beth A. Mohr  
**To:** POB; Cash, Paul; Hammer, Robin  
**Subject:** Fwd: Approved process and timeline for hiring of CPOA Director  
**Date:** Sunday, June 28, 2015 10:22:07 AM

---

All- Please ensure these meetings are in your calendar, along with the regular POB meeting on July 9th. Chairs, you should hear from CPOA staff to assist you with agendas no later than 5 days before any meeting. 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.*

----- Original Message -----

Subject: RE: Approved process and timeline for hiring of CPOA Director  
From: "Cash, Paul" <pcash@cabq.gov>  
To: Beth Mohr <cabq.pob.mohr@gmail.com>, "Hammer, Robin" <rhammer@cabq.gov>, "Mark T. Baker" <mbaker@peiferlaw.com>, POB <pob@cabq.gov>, "Contreras, Michelle" <mcontreras@cabq.gov>, "Skotchdopole, Paul A." <pskotchdopole@cabq.gov>, "McDermott, Diane L." <dmcdermott@cabq.gov>, "O'Neil, Erin" <eoneil@cabq.gov>, "Davidson, Christopher " <christopherdavidson@cabq.gov>  
CC:

Ms. Mohr:

The following meetings/trainings have been scheduled:

**June 24, 2015:** 6:00-8:30 Training will be held in the Plaza del Sol Basement Hearing Room.

**June 25, 2015:** 1:30 Personnel Meeting will be held in the Plaza del Sol Basement Hearing Room.

**July 24, 2015:** 1:30 Personnel Meeting will be held in the Plaza del Sol Basement Hearing Room.

**July 29, 2015:** 5:30 Special Meeting for ED Interviews: The City Council chambers has been booked for the afternoon of July 29, 2015, GovTV is scheduled to broadcast the meeting at 5:30, and closed captioning has been called and a message was left concerning the meeting.

M006284

Paul

**From:** Beth Mohr [mailto:cabq.pob.mohr@gmail.com]

**Sent:** Friday, June 12, 2015 11:29 AM

**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; agreen@cabq.gov

**Subject:** Approved process and timeline for hiring of CPOA Director

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*

M006285

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 A. Mohr  
**To:** POB  
**Subject:** Fwd: August 29, 20115 POB Interview Session  
**Date:** Monday, August 03, 2015 12:50:35 PM

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FYI

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.*

----- Original Message -----

Subject: Re: August 29, 20115 POB Interview Session  
From: "D. L. Bradley" [REDACTED] >  
To: cabq.pob.mohr@gmail.com  
CC:

August 2, 2015

Dear Ms. Mohr,

Thank you for the information. Your prompt response is much appreciated.

A question asked me by a Board Member last Wednesday evening suggested to me that I unintentionally erred in completing my application (she noticed that the manner in which I lumped together attendance at institutions of higher education (Elmhurst College and Northern Illinois University) on the application suggested I was attending more than one at a time). I may also have done that with regard to employment.

For example, I believe I listed my employment with LOPDNM as 12/2003-present, and my employment with the Jefferson County Colorado Attorney's Office as 3/2005-1/2007. What was transpiring was employment with LOPDNM, Las Cruces Office (12/2003-3/2005), employment with the Jefferson County Colorado Attorney's Office (3/2005-1/2007), and return to the LOPDNM, Alamogordo Office (12/2007-present).

Similarly, when in private practice of the law in Colorado, I frequently would hold more than one set of employment responsibilities (e.g., CLE lecturer with Colorado Continuing Education, Member of a Board of Directors, Member of a Judicial Advisory Committee, Legislative Adviser, Member of a Citizens Advisory Committee for a Sheriff, and an Attorney in the private practice),

At the time I was attempting to be efficient, not realizing that the entries might be misinterpreted. I hope this may clarify any questions the Board may have regarding the

M006287

manner in which I completed the application.

As a side issue, to satisfy idle curiosity, what CLE/CPE subject/subjects were you teaching on Thursday, July 30, and to whom were they being addressed?

In conclusion, regardless of the POB's final decision, please allow me this opportunity to thank you for all your courtesies in completion of the application process. Please be assured that they were, and are much appreciated.

Yours truly,  
D. L. Bradley

Phone: [REDACTED]

E-mail: [REDACTED]

Alternate e-mail [REDACTED]

----- Original Message -----

From: Beth Mohr <cabq.pob.mohr@gmail.com>

To: "D. L. Bradley" [REDACTED] et>

Subject: Re: August 29, 20115 POB Interview Session

Date: Thu, 30 Jul 2015 16:49:11 -0600

Mr. Bradley,

Sorry I am just now able to get back with you. I was teaching CLE/CPE at a conference all day, and am just now able to return to my volunteer duties with the POB.

The POB spent quite a long time last night considering candidates. Our top three are very closely matched. We decided that we want to spend some time checking references and having the City do employment verifications and criminal history checks, we will then reconvene at another special meeting on Tuesday, August 4th, at 5 pm, in order to review reference checks and take a vote to rank the candidates. There is no need for candidates to attend this meeting.

I will contact you with our final decision. Thanks for your patience, -B

Beth A. Mohr, Volunteer  
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.

On Thu, Jul 30, 2015 at 4:25 PM, D. L. Bradley [REDACTED] wrote:

August 30, 2015

I

Dear Ms. Mohr,

I

My apologies for being unable to remain so that I might learn the Police Oversight Board's

M006288

decision with regard to the five applicants' candidacies for the position of Director of the Civilian Police Oversight Agency. Regretfully, I received an unexpected emergency call about 7:00 p.m. just after my interview, which call required an immediate return to Alamogordo/Ruidoso. By 9:30 p.m. I was on my way south on I-25, passing through Socorro to catch Hwy 380 at the San Antonio turn-off.

Â

I left an advisement with a lady in the foyer, but am unsure you received it.

Â

If you would be so kind as to advise the Board members of my appreciation for the time and trouble they took to meet with me, I would be thankful. Also, regarding the Board's final decision, an advisement would be much appreciated.

Â

Best regards,  
Duncan Bradley

phone:

Primary e-mail:

Secondary e-mail:

Â

---

### Buffett's Warning for YOU

4 in 5 Americans aren't taking his shocking advice. Click here now.

[fool.com](http://fool.com)

**From:** [Beth A. Mohr](#)  
**To:** [Mark T. Baker](#); [Hults, Samantha M.](#); [Joanne Fine](#); [Eric H. Cruz](#); [POB](#)  
**Subject:** Fwd: City of Albuquerque CPOA Director writing assignment  
**Date:** Thursday, July 23, 2015 10:57:15 PM  
**Attachments:** [Image001.png](#)  
[R Hammer CPOA Director Writing Assignment.pdf](#)

---

Please find Ms. Hammer's writing assignment attached.

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.*

----- Original Message -----

**Subject:** FW: City of Albuquerque CPOA Director Writing Assignment - Correction  
**From:** "Green, Alan" <[alangureen@cabq.gov](mailto:alangureen@cabq.gov)>  
**To:** Beth Mohr <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)>  
**CC:**

Beth,

Here is the email and Writing Assignment for Robin Hammer.

---

**From:** Robin Hammer [<mailto:hammer@> [REDACTED]]  
**Sent:** Thursday, July 23, 2015 2:27 PM  
**To:** Green, Alan  
**Subject:** Re: City of Albuquerque CPOA Director Writing Assignment - Correction

Mr. Green:

Attached please find my writing assignment.

Sincerely,

Robin Hammer

M006290

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**From:** "Green, Alan" <alangreen@cabq.gov>  
**To:** "hammertz@[REDACTED]" <hammertz@[REDACTED]>  
**Sent:** Monday, July 20, 2015 4:41 PM  
**Subject:** FW: City of Albuquerque CPOA Director Writing Assignment - Correction

Ms. Hammer,

This email to correct the due date for the Writing Assignment. In my earlier email I stated, "Please complete the Written Assignment and return to me preferably by Friday July 24<sup>th</sup>; however the final due date is no later than Saturday July 25, 2015." That date is incorrect.

Our preference is that the Writing Assignment be returned by noon on Thursday July 23<sup>rd</sup> if at all possible, but the Writing Assignment will be accepted no later than July 25, 2015.

Sorry for the confusion and any inconvenience this may have caused.

Alan Green

---

**From:** Green, Alan  
**Sent:** Monday, July 20, 2015 1:59 PM  
**To:** 'hammertz@[REDACTED]'  
**Subject:** City of Albuquerque CPOA Director Writing Assignment



P.O. Box 1293 Albuquerque New Mexico 87103  
**HUMAN RESOURCES**

Richard J. Berry, Mayor

July 20, 2015

Robin Hammer  
[REDACTED]  
Albuquerque, NM 87107

Dear Robin:

M006291

Thank you for your interest in the Civilian Police Oversight Agency Director position at the City of Albuquerque.

My name is Alan Green. I am the Employment Manager at the City of Albuquerque. I will be facilitating this step in the selection process.

This exercise requires the completion of the attached Written Assignment. Please complete the Written Assignment and return to me preferably by Friday July 24, 2015; however the final due date is no later than Saturday July 25, 2015. Additional instructions are included in the attachment.

If you have completed and returned the Writing Assignment by the due date you will be contacted to confirm your invitation for an interview, or notified you were not selected to move on to the next phase. Interviews will be conducted on Wednesday July 29<sup>th</sup> beginning at 5:30 PM Mountain Standard Time in the City Council Chambers. Please clear your calendar for this day and time. If you are selected for an interview, travel arrangements will be made when you are contacted.

If you have questions I can be contacted through this email address or by phone.

Sincerely,

Alan Green

[alangreen@cabq.gov](mailto:alangreen@cabq.gov)  
(505) 768-3715

**City of Albuquerque Police Oversight Board**  
**Questionnaire for Director of Civilian Police Oversight Agency Applicants**  
**Due No Later Than July 25, 2015**

You may add your answers to this document, or format your answers separately; please send your completed questionnaire as a PDF to [alangreen@cabq.gov](mailto:alangreen@cabq.gov) . The completed questionnaire must be submitted by end of day on the due date or the candidate will not be considered.

For this Written Assignment refer to the Settlement agreement/Consent Decree and related documents available at <http://www.cabq.gov/cpoa> or <http://www.cabq.gov/police> or <http://www.justice.gov/crt/about/spl/findsettle.php#newmexico>

Please provide the following information:

Name: **Robin S. Hammer**  
Firm/Employer: **City of Albuquerque**  
Address: [REDACTED], Albuquerque, NM 87107  
Phone: [REDACTED]

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?

**Based upon a review of the Settlement Agreement/Consent Decree, the most important goal of the CPOA and POB will be to facilitate transparency and trust between the community and the Albuquerque Police Department (APD). Community members requested the Department of Justice to review the APD's practices and procedures because of an outcry over APD's use of force and the community's distrust of APD. The CPOA can be an integral part of re-building trust. The CPOA could accomplish this through several means, including the hiring of the new Community Engagement Specialist to set up a community outreach program. The CPOA will assist with building trust between APD and the community by continuing to make improvements to the investigative process which I have begun and continue to develop.**

2. Please provide a specific example of an ethical conflict you encountered, how you handled it, and why, as well as the outcome.

**When I was working as a prosecutor, I encountered a criminal defense attorney who was failing to provide all the documents the attorney was required to turn over to the State. I could have immediately sent a Disciplinary Board Complaint, but instead I sat down with the attorney, explained the law and my concerns. I carefully listened to the attorney's position and concerns about the documents. The attorney agreed to provide the documents, and we resolved the matter in a non-confrontational manner.**

3. Give one or more examples of a challenge you encountered as a manager/supervisor, how you dealt with it and why.

**One challenge I encountered as a supervisor in the Independent Review Office was the lack of accurate and complete reports. My predecessor was strongly criticized for failing to provide accurate and thorough written reports. I met with all the stake holders, including APD Internal Affairs, City Council Staff, the Chief of Police, the computer database programmer, Police Oversight Commissioners, and my staff. With their input, I developed a format for written reports which was widely praised by City Council, the recipient of the reports. You may review my improvements in 2013 and 2014 on line at the CPOA website, [www.cabq.gov/CPOA](http://www.cabq.gov/CPOA)**

4. Which of your legal cases are you the most proud of and why?

**I am most proud of prosecuting the case of State v. Calvin Dean Peters. Mr. Peters was a serial rapist who victimized elderly woman. One of the elderly victims died awaiting identification of her assailant. This case was the first in New Mexico in which DNA evidence was the only identifying piece of evidence. I worked closely with the FBI laboratory to present this cutting-edge evidence and obtain a conviction against Mr. Peters.**

5. Describe your investigative philosophy.

**It is important for an investigator to gather as much information as possible from all sides of any allegation of wrongdoing. It is also important to assess the credibility and potential biases of witnesses. Most importantly, it is essential to be fair and impartial in all investigations.**

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?

**Based upon my almost three years of experience as the Independent Review Officer and now Acting Executive Director, I am uniquely qualified to be in charge of the CPOA. When I took over the Independent Review Office, there was a large backlog of cases, many of which were poorly and incompletely investigated. In addition there was no outreach and consensus building with community members and community groups. I have dedicated three years of hard work to gain support from community groups and individual citizens about the police oversight process. While there is a backlog of cases, I am taking effective steps to address these issues. For example, I created the position of Assistant Lead Investigator to put another staff member in charge of all investigations. This enables the staff investigators to have a direct supervisor present at all time to assist them with any issue or concern.**

7. What is your vision for the CPOA?

**The CPOA needs to assist the Police Oversight Board in its critical function of providing policy suggestions to the APD, through setting up lines of communication between community members to determine the needs and concerns of the City regarding APD. The CPOA staff needs to continue to improve the process and mechanisms to complete investigations in a professional and timely manner.**

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.

**My top five assets I bring to the this position are my criminal investigative experience; my knowledge of the stakeholders in APD, the City, the Police Union and the Community; my legal knowledge in the field; my work ethic; and my ability and desire to learn more. I have more than 20 years of legal experience in criminal and administrative investigations with a reputation for being fair and impartial. While investigations constitute a minority of the work for the entire CPOA as a whole, it is the majority of work for the CPOA administrative staff, and essential to the CPOA. Through more than 15 years as a prosecutor (including on the Judicial Standards Commission) and almost three years in this position, I possess good working relationships with APD personnel, the Police Union, and community groups. Through these relationships, I am able to assist the CPOA in all of its many missions. I have dedicated my life to public service and**

**strongly believe in hard work to accomplish the goal of improving service to our client, the public. Finally, I have the desire and ability to learn and improve. All systems and processes can always be improved. I am dedicated to making the CPOA the best it possibility can be.**

**One challenging area is my desire to not be confrontational. In an effort to get along with persons, sometimes I avoid conflict whether than addressing an issue. I have learned that careful communication is vital in managing interpersonal relationships and that if I have a problem with someone it's always best to try to resolve through discussion before taking other action.**

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.

**As discussed above, I have a successful relationship with the stakeholders involved in the CPOA. I have attended numerous community meetings, lectured community groups, met dozens of times with the Chief of Police, elected officials and police union leaders. I have built a good working relationship all the shareholders involved.**

**On more than one occasion when meeting with the APD Chief of Police, I disagreed with the Chief about the interpretation of an APD procedure. After careful discussion of both sides of the issue, the Chief and I came to a consensus regarding the policy on each of these occasions.**

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.

**David Cameron, Former Chair Police Oversight Commission**

[REDACTED]

**Worked with Pastor Cameron as member and Chair of Police Oversight Commission**

**Dr. Bruce Pearlman**  
**bpearlman@unm.edu**  
**(505) 277-3313**

**Worked with Dr. Pearlman while he was consultant on City Council Police Oversight Task Force**

**Linda Martinez, Former Chair Police Oversight Commission**

[REDACTED]

**Worked with Ms. Martinez as member and Chair of Police Oversight Commission**

Notice - If selected as a finalist for this position:

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.

**From:** Beth Mohr  
**To:** POB; Mark T. Baker; Hults, Samantha M.  
**Subject:** Fwd: FW: Police Oversight meeting tomorrow-Wed 5:30  
**Date:** Wednesday, July 29, 2015 1:57:51 PM

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POB - Just FYI - anyone who wishes information about the applicants must make the appropriate IPRA request to the City Clerk's office. Also, please keep in mind that your notes during the interviews, our scoring sheets, etc, are almost certainly public records subject to IPRA. Do be sure to keep this in mind while taking notes, and be sure to retain any such notes taking during any public meeting. See you soon, -B

Beth A. Mohr, Volunteer  
Albuquerque Police Oversight Board

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

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----- Forwarded message -----

**From:** Silvio Dell'Angela <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)>  
**Date:** Wed, Jul 29, 2015 at 1:10 PM  
**Subject:** FW: Police Oversight meeting tomorrow-Wed 5:30  
**To:** [joannefine413@gmail.com](mailto:joannefine413@gmail.com), [POB@cabq.gov](mailto:POB@cabq.gov)  
**Cc:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)

FYI again-for meeting today

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**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]  
**Sent:** Tuesday, July 28, 2015 12:29 PM  
**To:** '[reygarduno@cabq.gov](mailto:reygarduno@cabq.gov)'; '[dharris@cabq.gov](mailto:dharris@cabq.gov)'; '[kpena@cabq.gov](mailto:kpena@cabq.gov)'; '[trudyjones@cabq.gov](mailto:trudyjones@cabq.gov)'; '[dgibson@cabq.gov](mailto:dgibson@cabq.gov)'; '[kensanchez@cabq.gov](mailto:kensanchez@cabq.gov)'; '[lbenton@cabq.gov](mailto:lbenton@cabq.gov)'; '[bwinter@cabq.gov](mailto:bwinter@cabq.gov)'; '[danlewis@cabq.gov](mailto:danlewis@cabq.gov)'  
**Cc:** '[rhammer@cabq.gov](mailto:rhammer@cabq.gov)'; '[POB@cabq.gov](mailto:POB@cabq.gov)'; '[prrinc@mac.com](mailto:prrinc@mac.com)'; 'Tom Streicher'; 'Elizabeth Martinez'; 'Vanita.Gupta@usdoj.gov'; 'Damon Martinez'; 'Eden, Gorden'; '[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)'  
**Subject:** RE: Police Oversight meeting tomorrow-Wed 5:30

Councilors

M006296

While the Police Oversight Agency (POA) website claims the Agency is committed to transparency, I don't see the resumes of the applicants for the Executive Director position posted on its website.

This secrecy is yet more of the same. When Mayor chose Robin Hammer to be the IRO years ago, intentionally not revealed to the Council was the lawsuit filed against her for alleged judicial misconduct while she worked for the DA. The Council after learning of this still did nothing-went along.

Also, neither PMR Inc.'s head APD reform monitor James Ginger nor Scott Greenwood were forced to come before the public at Council meetings to hear what we say-all with the blessing of our embarrassing US Attorney for NM Damon Martinez.

The old POC then was kept toothless, spoon fed only what Robin, her investigators-(one a former senior Belen cop) and the APD Chief wanted them to see.

Three good POC members quit after Berry's attorney David Tourek opined in a memo that IRO Hammer (contrary to the Oversight Ordinance) worked for the executive branch and not the citizens appointed to the POC. Robin liked it that way as did Chief Schultz and his successors and also the bad cops whose names were never revealed. The POB seems to be still toothless now.

Did Councilor Benton learn anything about police oversight throughout the US when he spent our taxpayers' dollars on two trips to the NACOLE conference?

Does he care or any of you care about the secrecy surrounding the qualifications of and selection by the POB for this most important POA Executive Director's job. Show us the resumes!

Silvio

For WE THE PEOPLE

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**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [[mailto:stop\\_police\\_violence\\_in\\_abq-](mailto:stop_police_violence_in_abq-)

M006297

[request@lists.riseup.net](mailto:request@lists.riseup.net)]

**Sent:** Monday, July 27, 2015 6:31 PM

**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)

**Subject:** [stop] Police Oversight meeting Wed 5:30

This Wed July 29th the new Police Oversight Board meets at 5:30. The main focus of the meeting is to hire a new executive director. The first part of the meeting is open to the public and a chance to hear about the candidates for the job. The POB then gives their recommendation to City Council who makes the final decision. The deliberations are not public.

Below is the agenda:

**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

Sent from my iPhone

M006298

**From:** [Beth Mohr](#)  
**To:** [Contreras, Michelle](#); [POB; Hammer, Robin](#); [Mark T. Baker](#)  
**Subject:** Fwd: IMPORTANT Information Regarding 2015 Annual NACOLE Conference  
**Date:** Monday, July 27, 2015 8:34:48 AM

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Michelle - How are we doing on plans for the NACOLE conference for Board members who are able to attend? Should we send you our preferences for airline flights, presumably to and from Ontario, CA airport, which is about as close as we can get to Riverside. We'll then have to rent cars and drive an hour or two, depending on LA Metro traffic, to get there.

Also, are we registered, or should we do that ourselves? 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*

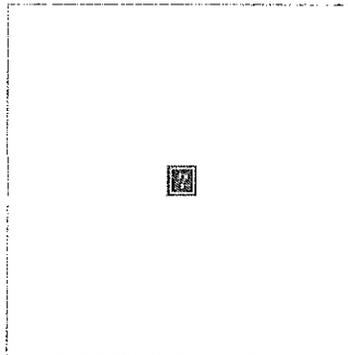
NOTICE: This email may be subject to disclosure under the New Mexico Inspection of Public Records Act. Please be thoughtful forwarding or replying to this email.

----- Forwarded message -----

**From:** NACOLE Director of Training & Education <[mcellhiney@nacole.org](mailto:mcellhiney@nacole.org)>  
**Date:** Mon, Jul 20, 2015 at 3:33 PM  
**Subject:** IMPORTANT Information Regarding 2015 Annual NACOLE Conference  
**To:** "Beth A." <[cabq.pob.mohr@gmail.com](mailto:cabq.pob.mohr@gmail.com)>

Important information regarding registration and hotels for the 2015 Annual Conference

[View this email in your browser](#)



**EARLY REGISTRATION DEADLINE FOR THE ANNUAL  
NACOLE CONFERENCE IS**

**JULY 31, 2015**

The early registration deadline for the 2015 Annual Conference is quickly

M006299

Symposium

**Our mailing address is:**

NACOLE  
P.O. Box 87227  
Tucson, AZ 85754

[Add us to your address book](#)

[unsubscribe from this list](#) [update subscription preferences](#)



**From:** Beth Mohr  
**To:** Leonard Waites; Scott S. Wilson; Joanne Fine; Eric H. Cruz; Moira Amado-McCoy; Jeannette V. Baca; susanne.brown37@gmail.com; David Ring; Mark T. Baker; Hults, Samantha M.; Hernandez, Jessica M.; Jacobi, Jenica L  
**Subject:** Fwd: Invitation to interview for Albuquerque CPOA Executive Director Position  
**Date:** Sunday, July 26, 2015 11:55:42 AM

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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*

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----- Forwarded message -----

**From:** richard brown [REDACTED]  
**Date:** Sun, Jul 26, 2015 at 10:24 AM  
**Subject:** Re: Invitation to interview for Albuquerque CPOA Executive Director Position  
**To:** Beth Mohr <cabq.pob.mohr@gmail.com>  
**Cc:** Alan Green <alangreen@cabq.gov>

Dear Beth,

As I explained in my phone message, I am formally requesting that my application be withdrawn from consideration for the position of Executive Director of the CPOA. After careful consideration, I don't believe that this position would be right for me. Nonetheless, I believe the job offers the incumbent an exciting opportunity to serve the Albuquerque community and to be on the ground floor of something that makes a real difference.

Please express my gratitude to the board and all involved for the opportunity to interview. I cannot stress enough that my decision is for purely personal reasons and is not based on any negative view of the job itself nor of the oversight structure currently in place. Thank you for your help in this matter.

cheers,  
J. Richard Brown

M006301

**From:** Leonard Waites  
**To:** Scott S. Wilson; Joanne Fine; Jeannette V. Baca; Beth Mohr; Mark T. Baker; Moira Amado-McCoy; Eric Cruz; [susanne.brown37@gmail.com](mailto:susanne.brown37@gmail.com)  
**Subject:** Fwd: Memos re: Work Plan  
**Date:** Friday, July 17, 2015 5:42:58 PM  
**Attachments:** [Work Plan Memo 7-16-15.pdf](#)

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----- Forwarded message -----  
From: "Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)>  
Date: Jul 16, 2015 4:28 PM  
Subject: Memos re: Work Plan  
To: "Leonard Waites" <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>  
Cc:

Chair Waites:

Pursuant to your directive, attached is my Memo regarding my Work Plan to complete the backlog of pending cases. Due to the size of the Status of Cases Memo, I will send it under separate cover.

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](tel:(505)924-3770)

Fax: [\(505\) 924-3775](tel:(505)924-3775)

<http://www.cabq.gov/cpoa>

M006302



*City of Albuquerque  
Civilian Police Oversight Agency*

Richard J. Berry, Mayor

Robin S. Hammer, Esq. Acting Executive Director

**Interoffice Memorandum**

July 16, 2015

**To:** Leonard Waites, Chair  
**From:** Robin S. Hammer, Acting Executive Director  
**Subject:** Work Plan

Pursuant to paragraph 2 of page 6 of the Letter of Reprimand issued to me, I am providing a work plan detailing the actions which I will implement to address the backlog of cases pending from 2012 up to and including May 2015. As you are aware, once a case is received, Assistant Lead Investigator Paul Skotchdopole reviews the matter, and assigns it in rotation to be investigated by the Civilian Police Oversight Agency (CPOA) Investigators to gather evidence, conduct interviews, select applicable Standard Operating Procedures (SOPs) and write reports. Once the assigned Investigator completes his or her work, he or she forwards the case for my review and to draft a proposed findings letter to be sent, along with the investigative file, to the Albuquerque Police Department for the Chief's review. In the vast majority of cases, I cannot complete my review of the investigative file and draft the proposed findings letter until the assigned Investigator completes their work. The exception are complaints which are based upon Officer-Involved Shooting cases, which are assigned directly to me to be completed concurrently with the underlying Officer-Involved Shooting review conducted by the Police Oversight Commission or Board.

Currently, I have only one case pending on my caseload, CPC 14-006. This case is a complaint filed by a Plaintiff's attorney about an Officer-Involved Shooting case. The underlying Officer-Involved Shooting case is still pending review by the Police Oversight Board. Once the Police Oversight Board (POB) Chair sets an Agenda to review the underlying Officer-Involved Shooting case associated with CPC 14-006, I will review the Albuquerque Police Department's OIS investigation of the matter and write a draft findings letter in this case.

Regarding the other remaining cases pending in the CPOA Administrative Office, I cannot complete my work until the assigned Investigators complete their investigations and reports. The vast majority of the backlogged-pending cases are assigned to Investigator Chris Davidson. For more than eighteen months, I, and Investigator Davidson's direct supervisor, Assistant Lead Investigator Skotchdopole, have been taking numerous steps to get Investigator Davidson to complete his assigned cases, to little or no avail. Prior to the July 2015 POB Meeting, Assistant Lead Investigator Skotchdopole and I had decided to seek the assistance of a contract investigative firm to take over the investigation of several of Investigator Davidson's cases in order to complete the cases. On July 13, 2015, I received approval from the appropriate City personnel to work with Robert Caswell Investigations (RCI) to assist in the investigations of Citizen Complaints. I will be forwarding approximately 26 cases to RCI to complete the investigations.

On July 10, 2015, I gave written instructions to all CPOA staff on steps necessary to complete the backlog of pending cases within 30 days. I requested all Investigators to provide a workable plan for each to complete their work to be forwarded to me, so I could review the case and draft a proposed findings letter. Below are the plans to complete their backlog of pending cases which each Investigator has provided to me and has agreed to comply with. As an Investigator or RCI completes an investigation and writes the required reports, I will draft my proposed finding, sending the case to APD for its review.

In addition, I am coordinating efforts with the Investigators' direct supervisor, Assistant Lead Investigator Skotchdopole, ensuring that he is working closely with each investigator to complete their assigned work as outlined. I have also required each Investigator to email Assistant Lead Investigator Skotchdopole each day with a brief description of the work that each Investigator completed for the day. Under the proposed plans, all backlogged cases should be completed within 30 days.

### I. Cases assigned to Investigator Paul Skotchdopole's

Assistant Lead Investigator Paul Skotchdopole has had the following outstanding cases assigned to him through May of 2015:

12-167  
13-255  
14-023  
14-060  
14-061  
14-213  
15-021  
15-058  
15-064  
15-071  
15-079

In order to address the backlog of cases that are over 90 days old, Investigator Skotchdopole has indicated that he will complete his assigned cases through the following means:

12-167: Mostly complete. Case was re-assigned from a previous terminated investigator. Two more SWAT Officers need to be interviewed so the case can be written up. There is no apparent SOP violation in the case investigation to date. This case will be turned over to RCI Investigations for the final two interviews and write up. When returned by RCI, the case will be forwarded to the Acting Executive Director for review and forwarded to APD. Expected time to completion: 30 days.

13-255: This case has been fully investigated. All interviews are done and summarized in the case file already. The case needs to have the report written. The investigation showed that none of the six officers complained of violated policy. This case will be turned over to RCI for write up. When returned by RCI, the case will be forwarded to the Acting Executive Director for review and forwarded to APD. Expected time to completion: 30 days.

14-023: This case has been fully investigated. All interviews are done and summarized in the case file already. The case needs to have the report written. The investigation showed that none of the officers complained of violated policy. This case will be turned over to RCI for write up. When returned by RCI, the case will be forwarded to the Acting Executive Director for review and forwarded to APD. Expected time to completion: 30 days.

14-060 and 14-061: These two cases were from separate complaints filed by a husband and wife over the same incident. The cases have been fully investigated. The cases need to be written up in their entirety. There are no SOP violations by the officers complained of. These cases will be turned over to RCI for write up. When returned by RCI, the cases will be forwarded to the Acting Executive Director for review and forwarded to APD. Expected time to completion: 30 days.

14-213: This case has been fully investigated. There were no SOP violations found. The case needs to be written up in its entirety. This case will be turned over to RCI for write up. When returned by RCI, the case will be forwarded to the Acting Executive Director for review and forwarded to APD. Expected time to completion: 30 days.

15-021: This case has been fully investigated. There were no SOP violations found. Investigator Skotchdopole is currently writing the case up. When the case has been written up in its entirety, Investigator Skotchdopole will forward the case to the Acting Executive Director for review and it will then be forwarded to APD. Expected Time to completion: 7 working days.

**A. The following cases assigned to Investigator Skotchdopole which are NOT past the investigative timeline**

15-058: Investigator Skotchdopole has received an extension of time to investigate this case. The complainant has been unresponsive to three phone calls and a certified letter to have him come in for an interview. The investigation will be conducted solely on the written complaint. The deadline due date is August 24, 2015. The case will be completed and turned in to the Executive Director before the due date. When the case has been written up in its entirety, Investigator Skotchdopole will forward the case to the Acting Executive Director for review and it will then be forwarded to APD. Expected Time to completion: 30 days

15-071: This case has been fully investigated. There are sustained violations of SOP against an officer and a Sergeant in this case. The 80 day deadline to complete the case imposed by the Acting Executive Director is Saturday, August 8, 2015. This case will be turned in to the Acting Executive Director on or before August 7, 2015. It will then be forwarded to APD. Expected time to completion: 23 days

15-079: This case still needs investigation. Investigator Skotchdopole will likely be seeking a 30 day extension as the officer has not been responsive to my request for an interview and the Citizen Complainant and his witnesses still need to be interviewed. The issue is the officer was rude. The 80 day due date is August 17, 2015 and Investigator Skotchdopole anticipates the investigation will be done by then but if he runs into problems, he will get the 30 day extension. Once he completes the investigation and write it up in its entirety, he will forward the case to the Acting Executive Director

for review. It will then be forwarded to APD. Expected time to completion: 30 to 60 days depending on whether or not Investigator Skotchdopole needs an extension.

**II. Cases Assigned to Investigator Chris Davidson**

The following cases are assigned to Investigator Chris Davidson and are past the 90-time limit:

091-13  
129-13  
142-13  
176-13  
190-13  
218-13  
249-13  
257-13  
018-14  
021-14  
038-14  
063-14  
066-14  
069-14  
081-14  
103-14  
129-14  
132-14  
162-14  
087-13  
253-13  
009-14  
058-14  
076-14  
093-14  
147-14

The following cases assigned to Investigator Chris Davidson were assigned through May 2015 and are within the time limit:

049-15  
053-15  
061-15  
066-15  
070-15  
074-15

**A. The following cases assigned to Investigator Davidson are being assigned to RCI to complete:**

091-13- Case is complete, RCI will write up the case- Expected completion: 30 days

129-13- Citizen has been interviewed, officers need to be interviewed. This case is being turned over to RCI for final interviews and write up. Expected completion: 30 days

142-13- Citizen only wanted written complaint to be used. CAD was searched for but nothing could be found. Officers remain unidentified. This case is being turned over to RCI to conduct further investigation. Expected completion: 30 days

176-13- Citizen has been interviewed. Officer identified and needs to be interviewed. This case is being turned over to RCI for completion. Expected completion: 30 days

190-13- This case needs to be fully investigated. This case is being turned over to RCI for investigation. Expected completion: 30 days

218-13- This case needs to be fully investigated. This case is being turned over to RCI for investigation. Expected completion: 30 days

249-13- The officer in this case has been interviewed. The citizen has not been interviewed. This case is being turned over to RCI for the citizen interview and write up of the case. Expected completion: 30 days

257-13- The citizens have been interviewed. The officer needs to be interviewed in this case. The case is being turned over to RCI for the officer interview and case write up. Expected completion: 30 days

018-14- The officer in this case has been identified but not interviewed. The case is being turned over to RCI for interview and case write up. Expected completion: 30 days

021-14- This case needs to be fully investigated. This case is being turned over to RCI for interviews and investigation. Expected completion: 30 days

038-14- This case needs to be fully investigated. This case is being turned over to RCI for interviews and investigation. Expected completion: 30 days

063-14- This case needs to be fully investigated. This case is being turned over to RCI for interviews and investigation. Expected completion: 30 days

066-14- This case needs to be fully investigated. This case is being turned over to RCI for interviews and investigation. Expected completion: 30 days

069-14- This case needs to be fully investigated. This case is being turned over to RCI for interviews and investigation. Expected completion: 30 days

081-14- This case needs to be fully investigated. This case is being turned over to RCI for interviews and investigation. Expected completion: 30 days

103-14- The citizen in this case has been interviewed but requested no letter be sent and did not provide an address. One officer has been interviewed. One other officer still needs to be interviewed in this case. This case is being turned over to RCI for officer interview and write up. Expected completion: 30 days

129-14- This case needs to be fully investigated. This case is being turned over to RCI for interviews and investigation. Expected completion: 30 days

132-14- This case needs to be fully investigated. This case is being turned over to RCI for interviews and investigation. Expected completion: 30 days

162-14- Officer has been interviewed in this case. Citizen needs to be interviewed. This case is being turned over to RCI to complete the citizen interview and write up. Expected completion: 30 days

\*\*\* Please note that in all cases being sent to RCI, all relevant CADS/Reports, lapel video has been requested and if accessible was placed in the files.

**B. The following cases are assigned to Investigator Davidson, who will investigate and complete:**

087-13- Complainant Benjamin Mitchell- Abuse of Power/Medical Response/Unlawful Detainment Have CAD/Police Report. This was a homicide investigation in which complainant was detained as a witness. This case has numerous officers involved and Investigator Davidson will determine which officers made contact with the complainant. This case will be made priority. Expected completion: 30 days

253-13- Complainant Adonus Encinas- Investigator Davidson has documentation and recordings of Mr. Encinas and attempted on numerous occasions to obtain more information and have Mr. Encinas come in for an interview. Mr. Encinas scheduled an interview and no called/no showed for the appt. The case does not list any specific officers and just states APD harasses him. Investigator Davidson will send a certified letter to Mr. Encinas today 7/15/15 informing him Investigator Davidson needed to move forward and if no response is received, case will be administratively closed as per Paul Skotchdopole's direction. Expected completion: 10 days

009-14- Complainant Tyrone Foster- Investigator Davidson has have lapel video and the officer has been interviewed. Negative contact on the complainant. Investigator Davidson will send a certified letter to complainant requesting his call or presence, if no response he will use the written complaint and write up the case. Expected completion: 20 days

058-14- Complainant Murat Tutar- Officer and complainant have been interviewed. Investigator Davidson will complete the written portion of this case. Expected completion: 5 days

076-14- Complainant Marsella Duarte- Use of force/wrongful arrest/conduct- Investigator Davidson is scheduling interviews with officers involved. Investigator Davidson is sending a certified letter to complainant to request interview.

Expected completion: 30 days

093-14- Complainant Felicia Whitechurch- wrongful arrest/conduct- Officer has been interviewed, lapel video reviewed. Investigator Davidson will send a certified letter to complainant requesting interview, if no response will utilize written complaint to close this case. Expected completion: 20 days

147-14- Complainant Judith Millioen- Use of force- Officers unknown. Investigator Davidson will gather all information and contact complainant to help assist in identifying the officers involved. Expected completion: 30 days

**C. The following cases are assigned to Investigator Davidson and not past their timelines. Investigator Davidson will complete these investigations:**

049-15- Complainant Cynthia Bernier- conduct case- Interview has been completed at location (witness). Officers have not been identified as of yet. Complainant has been contacted, did not want to come in for interview. Complainant filed as third party and would not give me contact information regarding her son. CAD request was sent but no officers were logged out at location. Investigator Davidson is attempting to follow-up with the cashier to see if she knows Officers names. Extension has been filed and approved by Chief, due to unidentified officers at this time. Expected completion: 20 days

053-15- Complainant Carmella Nodal- conduct/use of force- Target Officer and witness officer have been interviewed, lapel video viewed. Waiting on one other witness officer interview. Investigator Davidson has attempted to contact the complainant on numerous occasions without response. Investigator Davidson will send a certified letter asking for contact with him, if not he will utilize the written complaint to close the case. Extension was filed and approved by the Chief due to one officer needing to be interviewed and complainant. Expected completion: 30 days

061-15- Complainant Margaret Stephens- Driving complaint speeding- Investigator Davidson pulled CAD for the Officer. Officer was responding to an auto theft in progress. Investigator Davidson contacted the complainant and spoke to her husband. Investigator Davidson was informed complainant was out of town for the week and will call upon arriving back in town. Case should be mediated or administratively closed once speaking with complainant. Expected completion: 15 days

066-15- Complainant Adonus Encinias (also see 253-13 above)- police harassment- Officer has been interviewed and investigation has shown that APD was not responsible in this case. BCSO and Probation and Parole were the agencies involved. Investigator Davidson has made numerous attempts to contact Mr. Encinias, he no call no showed for an appt. Investigator Davidson will send him a final certified letter asking for contact and will administratively close this case. Expected completion: 15 days

070-15- Complainant Pearl Flores- Civil Dispute- Officer identified and awaiting interview. Also awaiting interview of citizen. CAD and report requested. Due date is September 12, 2015

074-15- Complainant Karen Gallardo- Use of force/conduct- All officers have been interviewed, citizen has been interviewed. Case file is complete. Investigator Davidson will type this case up and have it turned before due date of 8/23/15.

### III. Cases Assigned to Investigator Diane McDermott

Investigator Diane McDermott has had the following outstanding cases assigned to her through May of 2015:

224-14  
232-14  
004-15  
008-15  
020-15  
027-15  
028-15  
029-15  
039-15  
060-15  
065-15  
069-15  
073-15

224-14: All interviews have been completed in this case. Several interview summations have been written up, but three are still pending write up. The case needs to have the report written and some proofreading. Investigator McDermott will write up the case by 8/7/15, unless this case forwarded to RCI for completion, then it would be 30 days.

232-14: All interviews have been completed in this case. One interview remains to be summarized. The case needs to have the report written and some proofreading. Investigator McDermott will write up the case by 8/7/15, unless this case is forwarded to RCI for completion, then it would be 30 days.

004-15: Investigator McDermott believes all interviews have been completed in this case. One summation remains to be completed. The case needs to have the report written and some proofreading. Investigator McDermott will write up the case by the week ending 7/31/15, unless this case is forwarded to RCI for completion, then it would be 30 days.

008-15: All interviews have been completed in this case. Two interviews remain to be summarized. This case needs to have the report written and some proofreading. Investigator McDermott will write up the case by the week ending 7/31/15, unless this case is forwarded to RCI for completion, then it would be 30 days.

020-15: All interviews have been completed in this case. One interview remains to be summarized. The conclusions and findings have been started, as of this moment, there does not appear to be any violations. Investigator McDermott will write up the case by 7/20/15.

027-15, 028-15 and 029-15 are all filed by the same person about the same incident about different officers. All interviews have been completed in this case. One interview summary remains to be completed. The case needs to have the report written and most of the proofreading has been completed. Investigator McDermott will write up the case by 7/27/15, unless these cases are forwarded to RCI for completion, then it would be 30 days.

**A. The following cases are assigned to Investigator McDermott and not past their timelines:**

039-15: All interviews have been completed in this case. One interview remains to be summarized. The case needs to have the report written and some proofreading. Investigator McDermott will write up the case by 7/24/15.

060-15: Most of the interviews have been completed in this case. A city employee still needs to be talked to, who is not APD. The 90-day deadline is 8/9/15. If an extension is needed it will be requested soon.

065-15: This case is currently being investigated. The citizen and a witness have been interviewed. The main officer is scheduled. The 90-day deadline is 8/9/15. If an extension is needed it will be requested soon.

069-15: This case is currently being investigated. The citizen has been interviewed. The main officers have all been interviewed. The citizen complained about additional dates that Investigator McDermott is still trying to figure out. The 90-day deadline is 8/17/15 and Investigator McDermott will be requesting an extension.

073-15: This case is currently being investigated. It is connected to the three cases 27-15, 28-15 and 29-15. The officer has been interviewed. The citizen has indicated she wanted to say more, but has not responded to my latest message. The 90-day deadline is 8/18/15. If an extension is needed it will be requested soon.

**IV. Cases Assigned to Investigator Erin O'Neil**

Investigator Erin O'Neil has had the following outstanding cases assigned to her through May of 2015:

CPC047-15  
CPC068-15  
CPC072-15  
CPC076-15

CPC047-15: Investigator O'Neil has received an extension of time to investigate this case. All interviews have been conducted and Investigator O'Neil is typing the case up now. It should be completed no later than close of business Tuesday, July 21, 2015.

**A. The following cases are assigned to Investigator O'Neil and are NOT past the investigative timeline**

CPC068-15: This case is in the process of being investigated. The original target Officer was misidentified, which required further investigation to determine the correct target Officer. Investigator O'Neil has reviewed the lapel camera video tapes from the incident and interviewed the complainant. Investigator O'Neil interviewed the Officer on July 15, 2015. Investigator O'Neil does not anticipate any SOP violations by this Officer as the main complaints were against AFD personnel. The 80-day deadline to complete the case, imposed by the Acting Executive Director is August 2, 2015. The case will be completed and turned in to the Acting Executive Director by July 31, 2015.

CPC072-15: This case is in the process of being investigated. Investigator O'Neil has interviewed the complainant and one Officer. Investigator O'Neil still needs to interview one Officer who has been in training and on vacation. The third involved Officer is no longer and APD employee. There have been issues with obtaining lapel video from this incident due to the Officer's equipment malfunctions. Investigator O'Neil does not anticipate any SOP violations by the two Officers still employed by APD. The 80-day deadline to complete the case, imposed by the Acting Executive Director is August 6, 2015. The case will be completed and turned in to the Acting Executive Director by August 6, 2015.

CPC076-15: This case is in the process of being investigated. Investigator O'Neil has interviewed the complainant and one Officer. Investigator O'Neil still needs to interview one Officer who has been on vacation. Investigator O'Neil has reviewed some of the lapel video but have another video to review. Investigator O'Neil does not anticipate any SOP violations. The 80-day deadline to complete the case, imposed by the Acting Executive Director is August 16, 2015. The case will be completed and turned in to the Acting Executive Director by August 14, 2015.

**From:** [Leonard Waites](#)  
**To:** [Beth Mohr](#); [Mark T. Baker](#); [Moira Amado-McCoy](#); [Jeannette V. Baca](#); [POB](#); [Eric H. Cruz](#); [Scott S. Wilson](#); [susanne.brown37@gmail.com](#); [Joanne Fine](#); [David Ring](#); [Leonard Waites](#)  
**Subject:** Fwd: RE: FW: Performance Evaluations  
**Date:** Friday, July 31, 2015 7:18:50 PM

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----- Forwarded message -----

**From:** "Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)>  
**Date:** Jul 31, 2015 10:55 AM  
**Subject:** RE: FW: Performance Evaluations  
**To:** "Leonard Waites" <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>  
**Cc:**

Leonard,

Thanks for getting back to me.

Robin

**From:** Leonard Waites [<mailto:phamason.lw@gmail.com>]  
**Sent:** Friday, July 31, 2015 10:47 AM  
**To:** Hammer, Robin  
**Subject:** Re: FW: Performance Evaluations

Robin please follow the directive of Director Scott.  
Leonard

On Jul 30, 2015 5:18 PM, "Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)> wrote:

Leonard,

In the Letter of Reprimand, I was directed to complete all outstanding performance evaluations for my staff. Today, I was directed by Mary Scott, Human Resources Director not to complete any staff performance evaluations. If the Board wishes for me to complete performance evaluations as it directed, you will need to resolve this issue with Ms. Scott. Otherwise, City Ordinances and Regulations require me to follow Director Scott's directive and not conduct any performance evaluations for my staff.

Please let me know if you have any questions or wish to discuss this further.

M006313

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>

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**From:** Scott, Mary L.  
**Sent:** Thursday, July 30, 2015 3:09 PM  
**To:** Hammer, Robin  
**Subject:** FW: Performance Evaluations

Hi Robin,

Please see the attached memo regarding employee evaluations for CPOA staff. Thanks

Mary L. Scott, SPHR

Director Human Resources

M006314

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:** [noreply@cabq.gov](mailto:noreply@cabq.gov) [<mailto:noreply@cabq.gov>]

**Sent:** Thursday, July 30, 2015 2:11 PM

**To:** Scott, Mary L.

**Subject:** Attached Image

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>



*City of Albuquerque  
Civilian Police Oversight Agency*

Richard J. Berry, Mayor

Robin S. Hammer, Esq. Acting Executive Director

**Interoffice Memorandum**

July 16, 2015

**To:** Leonard Waites, Chair

**From:** Robin S. Hammer, Acting Executive Director

**Subject:** Status of Cases

Pursuant to paragraph 1 of page 6 of the Letter of Reprimand issued to me on July 9, 2015, I am providing a written status of all cases received from June 2012 up to and including May 2015 prepared at my direction by CPOA Analyst Paul Cash. This case status chart contains

- a) the case number
- b) status of the case
- c) date the complaint was received
- d) date the matter was assigned an investigator
- e) the 90 day due date
- f) whether an extension was given by the Chief of Police
- g) date investigator or IA gave file to IRO/Executive Director
- h) date case was given to APD
- i) date matter given to POC/POB or if no Board review
- j) date letter was provided to the citizen or if still pending
- k) name of investigator or IA who was assigned the case

Also attached is an explanation of the columns of the Status of Cases chart. Two facts are significant to note: First, while the former Independent Review Office and the current Civilian Police Oversight Agency Administrative Office has maintained a database of most of the dates Analyst Cash provided in this Status of Case chart, Analyst Cash chose to hand-type all of the dates into the chart, rather than import the data which had been entered at or near the time of the event. Thus, the information contained in this chart is subject to human error. Second, the date the Investigator gave the case to the IRO/Executive Director (Column G) was never recorded in the IRO database. The information provided in Column G is self-reported by each investigator, in some cases years after the fact.

	A	B	C	D	E	F	G	H	I	J	K
	Case #	Status	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen	Inv.
1											
2	11-254	Active	12/30/2011	12/30/2011	3/29/2012						IA
3	12-102	Resol.	6/5/2012	6/6/2012	9/4/2012		Unknown	8/21/2012	2/21/2013	2/27/2013	TF
4	12-105	Resol.	6/11/2012	6/12/2012	9/10/2012		Unknown	7/3/2012	8/9/2012	8/10/2012	TF
5	12-106	Resol.	6/11/2012	6/12/2012	9/10/2012		11/13/2012	4/2/2013	8/8/2013	8/9/2013	PS
6	12-108	Resol.	6/12/2012	6/13/2012	9/11/2012		Unknown	9/12/2012	3/14/2013	3/18/2013	TF
7	12-110	Resol.	6/14/2012	6/15/2012	9/13/2012		3/10/2014	3/18/2014	5/13/2014	5/14/2014	PS
8	12-112	Resol.	6/21/2012	6/21/2012	9/19/2012		Unknown	6/23/2014	8/14/2014	8/15/2014	TF
9	12-116	Resol.	7/2/2012	7/5/2012	10/3/2012		Unknown	11/14/2012	12/13/2012	12/19/2012	TF
10	12-118	Resol.	7/7/2012	7/9/2012	10/7/2012		10/31/2012	5/13/2013	6/13/2014	6/14/2013	DM
11	12-119	Resol.	7/8/2012	7/9/2012	10/7/2012		Unknown	5/15/2013	7/11/2013	7/12/2013	TF
12	12-122	Resol.	7/10/2012	7/10/2012	10/8/2012		10/9/2012	10/16/2013	11/14/2013	11/15/2013	DM
13	12-124	Resol.	7/12/2012	7/13/2012	10/11/2012		Unknown	5/23/2013	9/12/2013	9/13/2013	TF
14	12-125	Resol.	7/13/2012	7/16/2012	10/14/2012		9/7/2012	11/16/2012	5/13/2014	5/14/2014	PS
15	12-126	Resol.	7/15/2012	7/16/2012	10/14/2012		12/6/2012	5/13/2013	6/14/2013	6/15/2013	DM
16	12-129	Resol.	7/17/2012	7/17/2012	10/15/2012	Y	1/2/2013	5/13/2013	6/13/2013	6/14/2013	DM
17	12-132	Resol.	7/17/2012	12/12/2012	3/12/2013	Y	12/4/2013	1/15/2014	3/13/2014	9/24/2014	DM
18	12-136	Resol.	7/18/2012	7/23/2012	10/21/2012		Unknown	8/16/2013	9/12/2013	9/13/2013	TF
19	12-137	Resol.	7/18/2012	7/23/2012	10/21/2012		12/20/2012	5/15/2013	7/11/2013	7/12/2013	PS
20	12-138	Resol.	7/19/2012	7/23/2012	10/21/2012	Y	5/2/2013	5/13/2013	7/11/2013	7/12/2013	DM
21	12-140	Resol.	7/20/2012	7/23/2012	10/21/2012		Unknown	5/13/2013	9/12/2013	9/13/2013	TF
22	12-142	Resol.	7/24/2012	7/26/2012	10/24/2012		11/7/2012	5/13/2013	7/11/2013	7/12/2013	DM
23	12-144	Resol.	7/25/2012	7/27/2014	10/25/2014		10/10/2012	8/16/2013	10/10/2013	10/11/2013	PS
24	12-147	Resol.	7/27/2012	7/30/2012	10/28/2012	Y	4/22/2013	7/1/2013	8/8/2013	8/9/2013	DM
25	12-149	Resol.	7/29/2012	7/30/2012	10/28/2012		Unknown	8/16/2013	11/14/2013	11/15/2013	TF
26	12-150	Resol.	7/30/2012	7/31/2012	10/29/2012		1/6/2013	3/26/2013	4/11/2013	4/15/2013	PS
27	12-151	Resol.	7/31/2012	7/31/2012	10/29/2012	Y	11/21/2012	3/25/2013	2/13/2014	2/14/2014	DM
28	12-153	Resol.	7/30/2012	8/2/2012	10/31/2012		Unknown	4/24/2013	6/13/2013	6/14/2014	TF
29	12-154	Resol.	8/2/2012	8/3/2012	11/1/2012		Unknown	8/21/2013	11/14/2013	11/15/2013	TF

	A	B	C	D	E	F	G	H	I	J	K
	Case #	Status	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen	Inv.
1											
30	12-157	Resol.	8/6/2012	8/7/2012	11/5/2012		4/22/2013	8/19/2013	9/12/2013	9/13/2013	DM
31	12-159	Resol.	8/6/2012	8/7/2012	11/5/2012		5/28/2014	8/28/2014	no review	9/22/2014	PS
32	12-160	Resol.	8/7/2012	8/7/2012	11/5/2012	Y	4/28/2014	6/23/2014	no review	9/11/2014	DM
33	12-162	Resol.	8/10/2012	8/14/2012	11/12/2012		Unknown	5/15/2013	6/13/2013	6/14/2013	TF
34	12-165	Resol.	8/13/2012	8/14/2012	11/12/2012		5/14/2013	5/23/2013	7/11/2013	7/12/2013	DM
35	12-167	Active	8/17/2012	8/20/2012	11/18/2012	Y					PS
36	12-168	Resol.	8/20/2012	8/21/2012	11/19/2012		8/8/2013	8/19/2013	10/10/2013	10/11/2013	PS
37	12-171	Resol.	8/21/2012	8/22/2012	11/20/2012	Y	2/21/2014	6/25/2014	no review	9/11/2014	DM
38	12-172	Resol.	8/21/2012	8/23/2012	11/21/2012		Unknown	5/13/2013	6/13/2014	6/14/2013	TF
39	12-173	Active	8/23/2012	8/24/2012	11/22/2012		12/21/2012				PS
40	12-176	Resol.	8/28/2012	8/29/2012	11/27/2012		6/20/2014	6/24/2014	no review	9/11/2014	PS
41	12-180	Resol.	8/30/2012	8/31/2012	11/29/2012		Unknown	5/13/2013	6/13/2013	6/14/2013	TF
42	12-181	Resol.	8/20/2012	8/21/2012	11/19/2012		3/27/2014	6/23/2014	no review	9/29/2014	PS
43	12-183	Resol.	9/5/2012	9/7/2012	12/6/2012	Y	12/17/2013	1/14/2014	3/13/2014	3/14/2014	DM
44	12-184	Resol.	9/7/2012	12/12/2012	3/12/2013	Y	12/3/2013	2/18/2014	no review	9/11/2014	DM
45	12-185	Resol.	9/12/2012	9/13/2012	12/12/2012		3/18/2014	6/24/2014	7/10/2014	7/11/2014	PS
46	12-186	Resol.	9/12/2012	9/17/2012	12/16/2012	Y	10/22/2013	2/18/2014	4/10/2014	4/11/2014	DM
47	12-187	Resol.	9/13/2012	9/17/2012	12/16/2012		Unknown	5/13/2013	6/13/2013	6/14/2013	TF
48	12-189	Resol.	9/18/2012	9/19/2012	12/18/2012	Y	5/31/2013	10/16/2013	1/9/2014	1/10/2014	DM
49	12-190	Resol.	9/19/2012	9/24/2012	12/23/2012		2/19/2014	2/20/2014	4/10/2014	4/11/2014	CD
50	12-198	Resol.	10/3/2012	10/3/2012	1/1/2013		5/22/2013	5/28/2013	7/11/2013	7/12/2013	PS
51	12-201	Resol.	10/16/2012	10/22/2012	1/20/2013	Y	3/4/2014	6/23/2014	no review	9/12/2014	DM
52	12-202	Resol.	10/15/2012	12/12/2012	3/12/2013	Y	10/14/2013	1/2/2014	2/13/2014	2/14/2014	DM
53	12-203	Resol.	10/16/2012	12/12/2012	3/12/2013		3/20/2014	6/23/2014	8/14/2014	8/15/2014	PS
54	12-204	Resol.	10/16/2012	10/19/2012	1/17/2013		4/4/2013	9/26/2013	11/14/2013	11/15/2013	PS
55	12-207	Resol.	10/23/2012	10/24/2012	1/22/2013	Y	3/4/2013	10/6/2014	no review	10/6/2014	DM
56	12-210	Resol.	10/29/2012	10/30/2012	1/28/2013		3/18/2013	8/21/2013	12/12/2013	12/13/2013	PS
57	12-214	Resol.	11/2/2012	11/5/2012	2/3/2013		3/21/2014	3/26/2014	5/13/2014	5/14/2014	PS

	A	B	C	D	E	F	G	H	I	J	K
	Case #	Status	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen	Inv.
1											
86	13-035	Resol.	2/28/2013	3/1/2013	5/30/2013		6/11/2013	7/1/2013	8/8/2013	8/9/2013	PS
87	13-040	Resol.	3/12/2013	3/18/2013	6/16/2013		6/20/2013	7/2/2013	9/12/2013	9/13/2013	CD
88	13-041	Resol.	3/13/2013	3/14/2013	6/12/2013		6/4/2014	7/11/2014	8/14/2014	8/15/2014	DM
89	13-046	Resol.	3/19/2013	3/20/2013	6/18/2013	Y	6/27/2013	6/28/2013	8/8/2013	8/9/2013	DM
90	13-051	Resol.	3/19/2013	3/26/2013	6/24/2013		8/16/2013	8/19/2013	10/10/2013	10/11/2013	PS
91	13-052	Resol.	3/25/2013	3/26/2013	6/24/2013		8/9/2013	8/16/2013	10/10/2013	10/11/2013	CD
92	13-053	Resol.	3/26/2013	3/29/2013	6/27/2013		7/8/2013	1/16/2014	2/13/2014	2/14/2014	DM
93	13-055	Resol.	3/24/2013	3/25/2013	6/23/2013		5/24/2013	5/31/2013	10/10/2013	10/11/2013	CD
94	13-056	Resol.	3/27/2013	4/3/2013	7/2/2013	Y	7/12/2013	1/17/2014	2/13/2014	2/14/2014	DM
95	13-057	Resol.	3/28/2013	4/3/2013	7/2/2013		10/18/2013	2/3/2014	3/13/2014	3/14/2014	PS
96	13-058	Resol.	4/1/2013	4/2/2013	7/1/2013		9/22/2014	10/10/2014	no review	10/3/2014	CD
97	13-059	Resol.	4/2/2013	4/3/2013	7/2/2013	Y	7/23/2013	7/31/2013	9/12/2013	9/13/2013	DM
98	13-061	Resol.	4/3/2013	4/4/2013	7/3/2013		6/28/2013	6/28/2013	8/8/2013	8/9/2013	PS
99	13-064	Resol.	4/9/2013	4/10/2013	7/9/2013		1/12/2015	2/2/2015	no review	2/2/2015	CD
100	13-065	Active	4/10/2013	4/10/2013	7/9/2013		4/16/2015	N/A			CD
101	13-066	Resol.	4/10/2013	4/15/2013	7/14/2013		5/20/2013	2/3/2014	3/13/2014	3/14/2014	DM
102	13-069	Resol.	4/15/2013	6/17/2013	9/15/2013		8/7/2013	8/19/2013	10/10/2013	10/11/2013	PS
103	13-070	Resol.	4/15/2013	4/17/2013	7/16/2013		10/29/2013	1/28/2014	3/13/2014	3/14/2014	CD
104	13-075	Resol.	4/17/2013	4/18/2013	7/17/2013	Y	7/16/2013	2/3/2014	5/13/2014	5/14/2014	DM
105	13-078	Resol.	4/19/2013	4/24/2013	7/23/2013		6/24/2013	2/3/2014	3/13/2014	3/14/2014	PS
106	13-079	Resol.	4/22/2013	4/24/2013	7/23/2013		11/10/2014	11/26/2014	no review	11/26/2014	CD
107	13-081	Resol.	4/24/2013	5/1/2013	7/30/2013		2/3/2014	2/3/2014	3/13/2014	3/14/2014	PS
108	13-084	Resol.	4/30/2013	5/1/2013	7/30/2013		7/10/2013	2/3/2014	3/13/2014	3/14/2014	DM
109	13-087	Active	5/2/2013	5/3/2013	8/1/2013						CD
110	13-088	Resol.	5/2/2013	5/3/2013	8/1/2013		5/28/2013	10/16/2013	11/14/2013	12/13/2013	DM
111	13-090	Resol.	5/4/2013	5/6/2013	8/4/2013		7/29/2013	2/18/2014	4/10/2014	4/11/2014	PS
112	13-091	Active	5/6/2013	5/8/2013	8/6/2013						CD
113	13-092	Resol.	5/6/2013	5/8/2013	8/6/2013		7/23/2013	8/13/2013	9/12/2013	9/13/2013	DM

	A	B	C	D	E	F	G	H	I	J	K
	Case #	Status	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen	Inv.
1											
58	12-216	Resol.	11/5/2012	11/6/2012	2/4/2013	Y	6/2/2014	6/24/2014	no review	12/19/2014	DM
59	12-219	Resol.	11/7/2012	11/7/2012	2/5/2013		3/19/2014	6/23/2014	7/10/2014	7/11/2014	PS
60	12-222	Resol.	11/13/2012	11/14/2012	2/12/2013	Y	12/30/2013	2/18/2014	4/10/2014	4/11/2014	DM
61	12-227	Resol.	11/15/2012	11/16/2012	2/14/2013		12/12/2013	1/14/2014	3/13/2014	3/14/2014	DM
62	12-229	Resol.	11/26/2012	12/3/2012	3/3/2013		4/1/2014	6/23/2014	no review	9/29/2014	PS
63	12-230	Resol.	11/27/2012	12/3/2012	3/3/2013		2/26/2014	6/24/2014	no review	9/11/2014	DM
64	12-233	Resol.	11/29/2012	12/4/2012	3/4/2013		3/18/2014	7/22/2014	no review	9/12/2014	DM
65	12-236	Resol.	12/3/2012	12/3/2012	3/3/2013		3/23/2013	10/15/2013	11/14/2013	11/15/2013	PS
66	12-237	Resol.	12/3/2012	12/7/2012	3/7/2013		10/25/2013	1/15/2014	no review	9/24/2014	DM
67	12-239	Resol.	12/8/2012	12/11/2012	3/11/2013		2/8/2013	10/22/2013	11/14/2013	11/15/2013	PS
68	12-240	Active	12/10/2012	12/11/2012	3/11/2013						IA
69	12-241	Active	12/10/2012	12/11/2012	3/11/2013						IA
70	12-243	Resol.	12/11/2012	12/12/2012	3/12/2013		2/7/2013	5/13/2013	6/13/2013	6/14/2013	DM
71	12-247	Resol.	12/12/2012	12/13/2012	3/13/2013		4/17/2013	5/23/2013	7/11/2013	7/12/2013	DM
72	12-249	Resol.	12/17/2012	12/20/2012	3/20/2013		3/10/2014	6/23/2014	no review	9/11/2014	DM
73	12-251	Resol.	12/17/2012	1/4/2013	4/4/2013		6/12/2013	7/1/2013	9/12/2013	9/13/2013	PS
74	12-258	Resol.	12/27/2012	12/28/2012	3/28/2013		3/21/2013	7/25/2014	no review	9/22/2014	PS
75	12-259	Resol.	11/26/2012	3/6/2013	6/4/2013		4/2/2013	10/15/2013	11/14/2013	11/15/2013	CD
76	13-008	Resol.	1/17/2013	1/18/2013	4/18/2013		5/24/2013	5/28/2013	8/8/2013	8/9/2013	PS
77	13-010	Resol.	1/23/2013	1/25/2013	4/25/2013	Y	6/13/2013	6/24/2013	8/8/2013	8/9/2013	DM
78	13-017	Resol.	2/4/2013	2/5/2013	5/6/2013		6/27/2013	8/6/2014	no review	9/11/2014	CD
79	13-019	Resol.	2/6/2013	2/8/2013	5/9/2013	Y	6/18/2013	1/17/2014	2/13/2014	2/14/2014	DM
80	13-022	Resol.	2/11/2013	2/12/2013	5/13/2013		8/6/2013	2/18/2014	5/13/2014	5/14/2014	CD
81	13-024	Resol.	2/17/2013	2/20/2013	5/21/2013		7/1/2013	8/20/2013	10/10/2013	10/11/2013	PS
82	13-025	Active	2/17/2013	2/20/2013	5/21/2013		Unk.	N/A			IA
83	13-029	Resol.	2/21/2013	2/26/2013	5/27/2013	Y	6/28/2013	2/18/2014	6/12/2014	6/13/2014	DM
84	13-030	Resol.	2/22/2013	2/26/2013	5/27/2013		5/30/2013	8/16/2013	10/10/2013	10/11/2013	PS
85	13-033	Resol.	2/26/2013	3/1/2013	5/30/2013		7/7/2014	8/4/2014	no review	9/12/2014	DM

	A	B	C	D	E	F	G	H	I	J	K
	Case #	Status	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen	Inv.
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114	13-094	Resol.	5/8/2013	5/9/2013	8/7/2013		11/12/2013	2/6/2014	3/13/2014	3/14/2014	CD
115	13-095	Active	5/10/2013	5/14/2013	8/12/2013						IA
116	13-096	Resol.	5/12/2013	5/14/2013	8/12/2013		7/17/2013	2/3/2014	3/13/2014	3/14/2014	DM
117	13-097	Resol.	5/13/2013	5/14/2013	8/12/2013		8/6/2013	2/6/2014	3/13/2014	3/14/2014	PS
118	13-099	Resol.	5/17/2013	5/20/2013	8/18/2013		2/17/2015	3/2/2015	no review	3/2/2015	CD
119	13-100	Resol.	5/19/2013	5/21/2013	8/19/2013	Y	8/29/2013	9/23/2013	11/14/2013	11/15/2013	DM
120	13-101	Resol.	5/23/2013	5/28/2013	8/26/2013		8/13/2013	8/13/2013	9/12/2013	9/13/2013	PS
121	13-102	Resol.	5/24/2013	5/28/2013	8/26/2013		1/23/2015	3/2/2015	no review	3/2/2015	CD
122	13-104	Resol.	5/27/2013	5/28/2013	8/26/2013	Y	9/4/2013	2/18/2014	4/10/2014	4/11/2014	DM
123	13-106	Resol.	5/28/2013	5/28/2013	8/26/2013		8/13/2013	8/15/2013	10/10/2013	10/11/2013	PS
124	13-107	Resol.	5/28/2013	6/5/2013	9/3/2013		2/25/2015	3/2/2015	no review	3/2/2015	CD
125	13-109	Resol.	5/31/2013	6/6/2013	9/4/2013		8/20/2013	8/29/2013	10/10/2013	10/11/2013	PS
126	13-111	Active	6/4/2013	6/6/2013	9/4/2013		5/5/2015	N/A			CD
127	13-112	Resol.	6/5/2013	6/6/2013	9/4/2013	Y	9/13/2013	9/25/2014	no review	9/24/2014	DM
128	13-116	Resol.	6/9/2013	6/11/2013	9/9/2013		8/28/2013	1/16/2014	2/13/2014	2/14/2014	PS
129	13-119	Active	6/12/2013	6/12/2013	9/10/2013		6/16/2015	6/29/2015			CD
130	13-120	Resol.	6/14/2013	6/17/2013	9/15/2013		8/19/2013	6/23/2014	8/14/2014	8/15/2014	DM
131	13-122	Active	6/26/2013	6/26/2013	9/24/2013						IA
132	13-129	Active	6/26/2013	6/28/2013	9/26/2013						CD
133	13-132	Active	6/27/2013	6/28/2013	9/26/2013		4/17/2015	4/28/2015			CD
134	13-135	Resol.	7/1/2013	7/1/2013	9/29/2013		10/7/2013	2/3/2014	3/13/2014	3/14/2014	PS
135	13-137	Resol.	7/4/2013	7/8/2013	10/6/2013		7/10/2013	8/6/2014	no review	9/11/2014	CD
136	13-142	Active	7/16/2013	7/19/2013	10/17/2013						CD
137	13-143	Resol.	7/17/2013	7/19/2013	10/17/2013		8/14/2013	8/15/2013	9/12/2013	9/13/2013	DM
138	13-145	Resol.	7/17/2013	7/19/2013	10/17/2013		8/26/2013	6/19/2014	7/10/2014	7/11/2014	CD
139	13-147	Resol.	7/19/2013	7/25/2013	10/23/2013		10/28/2013	2/18/2014	7/10/2014	7/11/2014	PS
140	13-148	Resol.	7/19/2013	7/25/2013	10/23/2013		6/24/2014	7/7/2014	8/14/2014	8/15/2014	CD
141	13-149	Resol.	7/22/2013	7/26/2013	10/24/2013		7/10/2014	8/6/2014	no review	9/11/2014	CD

	A	B	C	D	E	F	G	H	I	J	K
	Case #	Status	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	ltr to Citizen	Inv.
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142	13-150	Resol.	7/22/2013	7/26/2013	10/24/2013	Y	11/1/2013	2/18/2014	4/10/2014	4/11/2014	DM
143	13-151	Resol.	7/22/2013	7/29/2013	10/27/2013		10/30/2013	2/18/2014	4/10/2014	4/11/2014	PS
144	13-157	Resol.	8/1/2013	8/2/2013	10/31/2013		10/7/2013	2/18/2014	4/10/2014	4/11/2014	DM
145	13-159	Active	8/5/2013	8/6/2013	11/4/2013						IA
146	13-160	Resol.	8/5/2013	8/6/2013	11/4/2013		10/25/2013	12/17/2013	2/13/2014	2/14/2014	PS
147	13-161	Active	8/6/2013	8/8/2013	11/6/2013						CD
148	13-164	Resol.	8/8/2013	8/13/2013	11/11/2013		11/7/2014	11/25/2014	no review	11/26/2014	CD
149	13-165	Resol.	8/9/2013	8/13/2013	11/11/2013		10/17/2013	2/3/2014	3/13/2014	3/14/2014	DM
150	13-168	Resol.	8/12/2013	8/13/2013	11/11/2013		12/6/2013	12/17/2013	2/13/2014	2/14/2014	PS
151	13-169	Resol.	8/5/2013	8/6/2013	11/4/2013		12/17/2013	12/19/2013	2/13/2014	2/14/2014	PS
152	13-171	Active	8/14/2013	8/16/2013	11/14/2013						CD
153	13-172	Resol.	8/14/2013	8/16/2013	11/14/2013	Y	11/22/2013	1/16/2014	5/13/2014	5/14/2014	DM
154	13-174	Resol.	8/15/2013	8/16/2013	11/14/2013		11/18/2013	12/9/2013	1/9/2014	1/10/2014	PS
155	13-176	Active	8/16/2013	8/19/2013	11/17/2013						CD
156	13-178	Resol.	8/19/2013	8/20/2013	11/18/2013	Y	11/26/2013	3/6/2014	5/13/2014	5/14/2014	DM
157	13-182	Active	8/23/2013	8/29/2013	11/27/2013		3/10/2015	4/28/2015			CD
158	13-184	Resol.	8/26/2013	8/30/2013	11/28/2013		11/5/2013	2/18/2014	3/13/2014	3/14/2014	DM
159	13-189	Resol.	9/3/2013	9/6/2013	12/5/2013		12/10/2013	12/19/2013	4/10/2014	4/11/2014	PS
160	13-190	Active	9/4/2013	9/6/2013	12/5/2013						CD
161	13-192	Resol.	9/5/2013	9/10/2013	12/9/2013		11/13/2013	2/18/2014	no review	11/20/2014	DM
162	13-198	Resol.	9/16/2013	9/18/2013	12/17/2013		8/28/2014	9/24/2014	no review	9/24/2014	CD
163	13-201	Resol.	9/19/2013	9/30/2013	12/29/2013		12/16/2013	12/19/2013	2/13/2014	2/14/2014	PS
164	13-202	Active	9/20/2013	9/24/2013	12/23/2013						CD
165	13-207	Resol.	9/30/2013	10/1/2013	12/30/2013		6/28/2014	9/22/2014	no review	9/22/2014	CD
166	13-209	Resol.	9/30/2013	10/7/2013	1/5/2014		10/30/2014	11/15/2014	no review	11/26/2014	CD
167	13-217	Resol.	10/22/2013	10/23/2013	1/21/2014		4/23/2014	8/29/2014	no review	9/11/2014	PS
168	13-218	Active	10/22/2013	10/23/2013	1/21/2014						CD
169	13-223	Resol.	10/31/2013	11/4/2013	2/2/2014		2/20/2014	2/24/2014	4/10/2014	4/11/2014	PS

	A	B	C	D	E	F	G	H	I	J	K
	Case #	Status	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen	Inv.
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171	13-232	Resol.	11/14/2013	11/19/2013	2/17/2014	Y	2/13/2014	6/26/2014	no review	9/22/2014	DM
172	13-236	Resol.	11/19/2013	11/20/2013	2/18/2014		2/25/2014	2/26/2014	6/12/2014	6/13/2014	PS
173	13-242	Resol.	12/4/2013	12/5/2013	3/5/2014		1/27/2014	6/23/2014	7/10/2014	7/11/2014	DM
174	13-243	Resol.	12/4/2013	12/5/2013	3/5/2014		2/25/2014	3/14/2014	5/13/2014	5/14/2014	PS
175	13-246	Resol.	12/12/2013	12/16/2013	3/16/2014		2/6/2015	3/2/2015	no review	3/2/2015	CD
176	13-247	Resol.	12/15/2013	12/17/2013	3/17/2014		2/18/2014	6/23/2014	7/10/2014	7/11/2014	DM
177	13-248	Resol.	12/16/2013	12/17/2013	3/17/2014		1/14/2014	1/14/2014	2/13/2014	2/14/2014	PS
178	13-249	Active	12/17/2013	12/17/2013	3/17/2014						CD
179	13-250	Resol.	12/17/2013	12/18/2013	3/18/2014	Y	3/26/2014	6/2/2014	7/10/2014	7/11/2014	DM
180	13-251	Resol.	12/10/2013	12/20/2013	3/20/2014		3/25/2014	3/26/2014	5/13/2014	5/14/2014	PS
181	13-253	Active	12/23/2013	12/31/2013	3/31/2014						CD
182	13-254	Resol.	12/24/2013	1/3/2014	4/3/2014	Y	4/11/2014	6/2/2014	no review	9/12/2014	DM
183	13-255	Active	12/30/2013	12/31/2013	3/31/2014						PS
184	13-257	Active	12/27/2013	1/6/2014	4/6/2014						CD
185	13-258	Resol.	12/30/2013	1/7/2014	4/7/2014	Y	4/16/2014	6/25/2014	no review	9/12/2014	DM
186	13-259	Resol.	12/31/2013	1/7/2014	4/7/2014		3/31/2014	6/25/2014	7/10/2014	7/11/2014	PS
187	14-003	Resol.	1/6/2014	1/6/2014	4/6/2014		4/15/2014	9/24/2014	no review	9/24/2014	CD
188	14-004	Resol.	1/6/2014	1/6/2014	4/6/2014		4/15/2014	9/22/2014	no review	9/24/2014	CD
189	14-005	Resol.	1/8/2014	1/9/2014	4/9/2014		3/19/2014	3/26/2014	5/13/2014	5/14/2014	DM
190	14-006	Active	1/6/2014	1/14/2014	4/14/2014		N/A				RH
191	14-007	Resol.	1/9/2014	1/14/2014	4/14/2014	Y	6/4/2014	6/19/2014	7/10/2014	7/11/2014	PS
192	14-009	Active	1/13/2014	1/14/2014	4/14/2014						CD
193	14-010	Resol.	1/13/2014	1/15/2014	4/15/2014		2/21/2014	8/26/2014	no review	9/22/2014	DM
194	14-014	Active	1/20/2014	1/22/2014	4/22/2014		4/22/2015	4/28/2015			CD
195	14-016	Resol.	1/21/2014	1/23/2014	4/23/2014		4/2/2014	6/26/2014	no review	9/12/2014	DM
196	14-017	Resol.	1/21/2014	1/23/2014	4/23/2014		3/25/2014	6/25/2014	no review	9/11/2014	PS
197	14-018	Active	1/22/2014	1/24/2014	4/24/2014						CD

	A	B	C	D	E	F	G	H	I	J	K
	Case #	Status	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen	Inv.
1											
198	14-019	Resol.	1/23/2014	1/27/2014	4/27/2014	Y	5/8/2014	8/26/2014	no review	9/24/2014	DM
199	14-021	Active	1/28/2014	1/29/2014	4/29/2014						CD
200	14-023	Active	1/29/2014	1/30/2014	4/30/2014	Y					PS
201	14-025	Resol.	1/31/2014	2/5/2014	5/6/2014	Y	6/17/2014	6/20/2014	no review	9/22/2014	DM
202	14-028	Resol.	2/6/2014	2/7/2014	5/8/2014	Y	6/17/2014	6/20/2014	no review	9/22/2014	DM
203	14-030	Resol.	2/11/2014	2/13/2014	5/14/2014		5/13/2014	6/19/2014	no review	9/22/2014	PS
204	14-035	Active	2/20/2014	2/21/2014	5/22/2014		5/13/2015	6/30/2015			CD
205	14-036	Resol.	2/23/2014	2/25/2014	5/26/2014	Y	7/25/2014	8/6/2014	no review	9/11/2014	DM
206	14-037	Resol.	2/3/2014	2/25/2014	5/26/2014		5/22/2014	6/19/2014	8/14/2014	8/15/2014	PS
207	14-038	Active	2/24/2014	2/25/2014	5/26/2014						CD
208	14-040	Resol.	2/24/2014	2/25/2014	5/26/2014	Y	9/4/2014	9/9/2014	no review	10/7/2014	DM
209	14-042	Resol.	2/26/2014	2/26/2014	5/27/2014		3/25/2014	3/25/2014	4/10/2014	4/11/2014	PS
210	14-043	Resol.	2/28/2014	2/28/2014	5/29/2014		6/17/2014	6/20/2014	no review	9/11/2014	PS
211	14-048	Resol.	3/10/2014	3/10/2014	6/8/2014		6/25/2014	9/24/2014	no review	9/24/2014	CD
212	14-051	Resol.	3/12/2014	3/12/2014	6/10/2014		6/11/2014	6/13/2014	no review	9/12/2014	PS
213	14-053	Resol.	3/11/2014	3/17/2014	6/15/2014		6/28/2014	8/4/2014	no review	9/11/2014	CD
214	14-057	Resol.	3/17/2014	3/19/2014	6/17/2014		7/10/2014	8/5/2014	no review	9/22/2014	PS
215	14-058	Active	3/17/2014	3/18/2014	6/16/2014						CD
216	14-059	Resol.	3/20/2014	3/21/2014	6/19/2014		3/28/2014	8/5/2014	8/14/2014	8/15/2014	DM
217	14-060	Active	3/20/2014	3/21/2014	6/19/2014	Y					PS
218	14-061	Active	3/20/2014	3/21/2014	6/19/2014	Y					PS
219	14-063	Active	3/21/2014	3/26/2014	6/24/2014						CD
220	14-064	Resol.	3/24/2014	3/27/2014	6/25/2014		7/30/2014	9/24/2014	no review	9/24/2014	DM
221	14-065	Resol.	3/25/2014	3/25/2014	6/23/2014		6/18/2014	6/19/2014	8/14/2014	8/15/2014	PS
222	14-066	Active	3/26/2014	3/27/2014	6/25/2014						CD
223	14-067	Resol.	3/31/2014	4/2/2014	7/1/2014	Y	12/12/2014	12/12/2014	no review	12/22/2014	DM
224	14-068	Resol.	3/28/2014	3/28/2014	6/26/2014		6/19/2014	6/20/2014	7/10/2014	7/11/2014	PS
225	14-069	Active	3/30/2014	4/4/2014	7/3/2014						CD

	A	B	C	D	E	F	G	H	I	J	K
	Case #	Status	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen	Inv.
1											
226	14-073	Resol.	4/8/2014	4/8/2014	7/7/2014	Y	7/11/2014	7/21/2014	no review	10/3/2014	DM
227	14-076	Active	4/8/2014	4/9/2014	7/8/2014						CD
228	14-077	Resol.	4/8/2014	4/11/2014	7/10/2014		10/23/2014	11/20/2014	no review	11/20/2014	DM
229	14-081	Active	4/14/2014	4/17/2014	7/16/2014						CD
230	14-084	Resol.	4/19/2014	5/6/2014	8/4/2014		7/23/2014	7/24/2014	no review	9/22/2014	PS
231	14-087	Resol.	4/29/2014	5/1/2014	7/30/2014		5/14/2014	9/24/2014	no review	9/24/2014	CD
232	14-089	Resol.	5/2/2014	5/6/2014	8/4/2014		10/28/2014	11/18/2014	no review	11/20/2014	DM
233	14-090	Resol.	5/6/2014	5/8/2014	8/6/2014		8/18/2014	9/9/2014	no review	9/24/2014	PS
234	14-093	Active	5/10/2014	5/15/2014	8/13/2014						CD
235	14-096	Resol.	5/14/2014	5/20/2014	8/18/2014		8/12/2014	8/25/2014	no review	9/22/2014	DM
236	14-097	Resol.	5/19/2014	5/20/2014	8/18/2014		9/26/2014	9/29/2014	no review	9/29/2014	PS
237	14-098	Active	5/16/2014	5/20/2014	8/18/2014		N/A	N/A			RH
238	14-101	Resol.	5/27/2014	5/27/2014	8/25/2014		7/17/2014	8/5/2014	no review	9/12/2014	PS
239	14-102	Resol.	5/27/2014	5/29/2014	8/27/2014		8/5/2014	8/28/2014	no review	9/22/2014	DM
240	14-103	Active	5/27/2014	5/29/2014	8/27/2014						CD
241	14-107	Active	6/3/2014	6/3/2014	9/1/2014						IA
242	14-108	Resol.	6/3/2014	6/3/2014	9/1/2014		7/22/2014	8/26/2014	no review	9/22/2014	CD
243	14-109	Resol.	5/31/2014	6/5/2014	9/3/2014		8/26/2014	9/9/2014	no review	10/7/2014	PS
244	14-112	Active	6/5/2014	6/5/2014	9/3/2014		Unk.	N/A			IA
245	14-115	Resol.	6/5/2014	6/10/2014	9/8/2014	Y	10/20/2014	11/18/2014	no review	11/20/2014	DM
246	14-116	Resol.	6/6/2014	6/6/2014	9/4/2014		8/27/2014	9/25/2014	no review	9/22/2014	PS
247	14-119	Resol.	6/10/2014	6/13/2014	9/11/2014		9/8/2014	9/9/2014	no review	9/30/2014	DM
248	14-121	Resol.	6/19/2014	6/20/2014	9/18/2014		9/11/2014	9/12/2014	no review	12/12/2014	PS
249	14-123	Resol.	6/13/2014	6/23/2014	9/21/2014	Y	12/31/2014	1/30/2015	no review	1/30/2015	DM
250	14-127	Resol.	6/23/2014	6/24/2014	9/22/2014	Y	12/4/2014	12/19/2014	no review	12/19/2014	DM
251	14-129	Active	6/30/2014	Unk.							CD
252	14-132	Active	7/2/2014	7/7/2014	10/5/2014						CD
253	14-139	Resol.	7/14/2014	7/17/2014	10/15/2014		10/9/2014	11/17/2014	no review	11/20/2014	PS

	A	B	C	D	E	F	G	H	I	J	K
	Case #	Status	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen	Inv.
1											
254	14-140	Resol.	7/18/2014	7/21/2014	10/19/2014		11/13/2014	11/26/2014	no review	11/26/2014	DM
255	14-141	Active	7/18/2014	7/21/2014	10/19/2014		N/A	N/A			RH
256	14-143	Resol.	7/21/2014	7/22/2014	10/20/2014		9/26/2014	10/1/2014	no review	9/29/2014	CD
257	14-144	Resol.	7/21/2014	7/22/2014	10/20/2014		8/11/2014	8/25/2014	no review	11/20/2014	PS
258	14-146	Resol.	7/24/2014	7/25/2014	10/23/2014		11/25/2014	12/29/2014	no review	12/29/2014	DM
259	14-147	Active	7/24/2014	7/25/2014	10/23/2014						CD
260	14-148	Resol.	7/28/2014	7/29/2014	10/27/2014		10/3/2014	10/6/2014	no review	10/6/2014	PS
261	14-149	Resol.	7/29/2014	7/30/2014	10/28/2014		1/8/2015	2/2/2015	no review	2/2/2015	DM
262	14-153	Resol.	8/4/2014	8/5/2014	11/3/2014		9/22/2014	9/29/2014	no review	9/29/2014	CD
263	14-154	Resol.	8/5/2014	8/5/2014	11/3/2014		11/10/2014	11/18/2014	no review	11/20/2014	PS
264	14-156	Resol.	8/14/2014	8/19/2014	11/17/2014		10/24/2014	11/19/2014	no review	11/20/2014	CD
265	14-159	Resol.	8/20/2014	8/21/2014	11/19/2014		11/19/2014	11/20/2014	no review	1/30/2015	PS
266	14-160	Resol.	8/20/2014	8/21/2014	11/19/2014		11/18/2014	11/26/2014	no review	11/26/2014	DM
267	14-161	Resol.	8/18/2014	8/27/2014	11/25/2014		10/1/2014	10/6/2014	no review	10/6/2014	DM
268	14-162	Active	8/25/2014	8/26/2014	11/24/2014						CD
269	14-164	Resol.	8/26/2014	8/27/2014	11/25/2014		11/21/2014	N/A	no review	2/2/2015	PS
270	14-165	Resol.	8/27/2014	8/28/2014	11/26/2014		10/2/2014	11/18/2014	no review	11/20/2014	CD
271	14-166	Resol.	8/29/2014	9/2/2014	12/1/2014		12/2/2014	12/29/2014	no review	12/19/2014	PS
272	14-167	Resol.	8/29/2014	9/3/2014	12/2/2014	Y	12/10/2014	12/22/2014	no review	12/22/2014	DM
273	14-168	Resol.	9/2/2014	9/3/2014	12/2/2014		11/13/2014	11/18/2014	no review	11/20/2014	CD
274	14-169	Resol.	9/5/2014	9/9/2014	12/8/2014		9/26/2014	10/1/2014	no review	9/29/2014	PS
275	14-170	Active	9/8/2014	9/9/2014	12/8/2014		Unk.	N/A			IA
276	14-172	Resol.	9/9/2014	9/10/2014	12/9/2014		1/27/2015	2/3/2015	no review	2/2/2015	DM
277	14-173	Resol.	9/11/2014	9/12/2014	12/11/2014		11/10/2014	12/29/2014	no review	12/29/2014	CD
278	14-175	Resol.	9/12/2014	9/19/2014	12/18/2014		1/30/2015	2/2/2015	no review	2/2/2015	PS
279	14-176	Active	9/15/2014	9/23/2014	12/22/2014	Y	4/3/2015	4/28/2015			DM
280	14-177	Resol.	9/18/2014	9/25/2014	12/24/2014		11/14/2014	12/30/2014	no review	12/30/2014	CD
281	14-178	Resol.	9/16/2014	9/25/2014	12/24/2014		12/15/2014	12/20/2014	no review	12/22/2014	PS

	A	B	C	D	E	F	G	H	I	J	K
	Case #	Status	Rec. Date	Assigned	Due Date	Ext.	Inv. To ED	ED to APD	Date to POC/POB	Ltr to Citizen	Inv.
1											
282	14-180	Resol.	9/16/2014	9/25/2014	12/24/2014		12/18/2014	1/16/2015	no review	12/30/2014	CD
283	14-181	Resol.	9/19/2014	9/26/2014	12/25/2014		12/18/2014	1/9/2015	no review	12/22/2014	PS
284	14-182	Resol.	9/20/2014	9/30/2014	12/29/2014		11/20/2014	11/26/2014	no review	11/26/2014	DM
285	14-183	Resol.	9/25/2014	9/30/2014	12/29/2014		10/17/2014	11/17/2014	no review	11/20/2014	CD
286	14-184	Resol.	9/29/2014	9/30/2014	12/29/2014		12/23/2014	12/29/2014	no review	12/29/2014	PS
287	14-186	Resol.	10/1/2014	10/7/2014	1/5/2015	Y	3/3/2015	3/13/2015	3/12/2015	3/13/2015	DM
288	14-187	Resol.	10/2/2014	10/6/2014	1/4/2015		12/19/2014	1/8/2015	no review	12/30/2014	CD
289	14-188	Resol.	10/3/2014	10/7/2014	1/5/2015		12/11/2014	1/2/2015	no review	12/19/2014	PS
290	14-189	Resol.	10/3/2014	10/7/2014	1/5/2015	Y	1/30/2015	2/2/2015	no review	2/2/2015	DM
291	14-190	Resol.	10/3/2014	10/6/2014	1/4/2015		11/25/2014	12/3/2014	no review	12/4/2014	CD
292	14-192	Resol.	10/7/2014	10/10/2014	1/8/2015		1/6/2015	N/A	no review	1/30/2015	PS
293	14-194	Resol.	10/15/2014	10/21/2014	1/19/2015		12/10/2014	2/2/2015	no review	2/2/2015	CD
294	14-195	Resol.	10/15/2014	10/21/2014	1/19/2015		1/12/2015	1/30/2015	no review	1/30/2015	PS
295	14-196	Resol.	10/21/2014	10/23/2014	1/21/2015		2/2/2015	3/13/2015	3/12/2015	3/13/2015	DM
296	14-196	Resol.	10/21/2014	10/23/2014	1/21/2015		2/2/2015	3/13/2015	3/12/2015	3/13/2015	DM
297	14-197	Resol.	10/24/2014	10/27/2014	1/25/2015		11/20/2014	2/2/2015	no review	2/2/2015	CD
298	14-198	Resol.	10/24/2014	10/27/2014	1/25/2015		2/25/2015	2/26/2015	no review	2/26/2015	PS
299	14-198	Resol.	10/24/2014	10/27/2014	1/25/2015		2/25/2015	2/26/2015	3/12/2015	42061	PS
300	14-200	Resol.	10/28/2014	10/29/2014	1/27/2015		12/12/2014	1/13/2015	no review	12/29/2014	CD
301	14-202	Active	11/1/2014	11/3/2014	2/1/2015	Y	3/27/2015	4/28/2015			DM
302	14-203	Resol.	11/2/2014	11/3/2014	2/1/2015		12/8/2014	1/9/2015	no review	12/19/2014	CD
303	14-204	Active	10/30/2014	11/4/2014	2/2/2015		3/6/2015	4/28/2015			PS
304	14-205	Active	11/3/2014	11/5/2014	2/3/2015		12/9/2014	N/A			DM
305	14-206	Resol.	11/4/2014	11/5/2014	2/3/2015		12/1/2014	12/19/2014	no review	12/19/2014	CD
306	14-207	Active	11/6/2014	11/7/2014	2/5/2015	Y	3/21/2015	4/20/2015			PS
307	14-209	Resol.	11/14/2014	12/22/2014	3/22/2015	Y	2/9/2015	3/13/2015	3/12/2015	3/13/2015	DM
308	14-209	Resol.	11/14/2014	11/18/2014	2/16/2015		2/19/2015	3/13/2015	3/12/2015	3/13/2015	DM
309	14-210	Active	11/17/2014	11/18/2014	2/16/2015		3/21/2015	4/28/2015			PS

**From:** [Contreras, Michelle](#)  
**To:** [Joanne Fine](#)  
**Subject:** RE: Dropbox Account  
**Date:** Monday, October 26, 2015 9:30:06 AM

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Ok, try this one. <https://www.dropbox.com/sh/mjlv7fbhjkbobv/AADQF6qVoAlfe9RG00YlhyJGa?oref=e>

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**From:** joannefine413 [mailto:joannefine413@gmail.com]  
**Sent:** Monday, October 26, 2015 9:27 AM  
**To:** Contreras, Michelle  
**Subject:** RE: Dropbox Account

It says the link does not exist.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Contreras, Michelle" <[mcontreras@cabq.gov](mailto:mcontreras@cabq.gov)>  
**Date:** 10/26/2015 9:20 AM (GMT-07:00)  
**To:** Joanne Fine <[joannefine413@gmail.com](mailto:joannefine413@gmail.com)>, Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>  
**Cc:** "Harness, Edward" <[E37004@cabq.gov](mailto:E37004@cabq.gov)>  
**Subject:** Dropbox Account

Good morning,

Twice, I sent you both a link from the Dropbox account. The first one says Robin Hammer sent you a link but it was actually me that sent it to you. I have changed the account to reflect Edward Harness as the Dropbox owner. After I changed the name to Ed, I resent you the link again.

Please let me know if you have questions.

Thanks.  
Michelle

**From:** Leonard Waites  
**To:** Dr. Moira McCoy POB; Scott S. Wilson; Joanne Fine; Mark T. Baker; Beth Mohr; [susanne.brown37@gmail.com](mailto:susanne.brown37@gmail.com);  
Jeannette V. Baca; David Ring; Eric Cruz  
**Subject:** Fwd: Weekly Status Update  
**Date:** Friday, July 17, 2015 5:42:37 PM

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This is what I have received from Ms. Hammer:

----- Forwarded message -----  
From: "Hammer, Robin" <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)>  
Date: Jul 16, 2015 4:48 PM  
Subject: Weekly Status Update  
To: "Leonard Waites" <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>  
Cc:

Chair Waites:

Pursuant to your direction, I am providing you with a weekly status update. I have completed my findings letters and/or Memos all the cases which the CPOA Investigators have submitted to me. Since July 9, 2015, I have written the proposed draft letters/memos and completed the following cases:

014-15

063-15, and

055-14

If you wish to review these or any letter pending review by the Police Oversight Board, you view these at the following DropBox link, which I created at the request of the Case Review Subcommittee Chair Moira Amado-McCoy for that subcommittee's use:

<https://www.dropbox.com/sh/mjlvc7fbhjkbovb/AADQE6qVoAlfe9RGQ0YlhyJGa?dl=0>

Please let me know if you have any questions.

Thanks,

Robin Hammer

M006330

**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*  
*Leonard Waites                Jeffery Scott Wilson        Susan Brown*  
Robin S. Hammer, Acting Executive Director

DATE  
Via Certified Mail

Korinne Matzke  
[REDACTED]  
Los Lunas, NM 87031

**Re: CPC #002-15**

Dear Ms. Matzke:

The complaint you filed against Officer D. of the Albuquerque Police Department (APD) was received by our office on January 5, 2015 for an incident which occurred on September 16, 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. The CPOA made findings of whether the Albuquerque Police Department (APD) 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. 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**

Korinne Matzke reported that her ex-boyfriend was arrested on July 13, 2012 by Albuquerque Police Department Officer D.. Ms. Matzke stated that her ex-boyfriend was involved in a Domestic Violence incident with his new girlfriend on that date. Ms. Matzke stated that when Officer D. arrested Ms. Matzke's ex-boyfriend, Officer D. seized a .45 caliber handgun. Ms. Matzke claimed that the handgun that was seized and held in evidence belonged to her, that she bought it. Ms. Matzke further explained that when she and her ex-boyfriend broke up, her ex-boyfriend took the gun, but never gave it back to her. Ms. Matzke claimed that she talked to Officer D. and explained that the gun was hers and that she wanted it back when the criminal case was over. Ms. Matzke stated that after the case worked its way through the court system, Ms. Matzke tried to get her gun back but she found out that Officer D. had released the gun to her ex-boyfriend's brother. Ms. Matzke alleged that the gun should not have been released to anyone except the rightful owner which was Ms. Matzke.

**I. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER D.'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, a review of court and evidence records, a review of the police report wherein the gun was seized, an interview with Ms. Matzke, an interview with Roy Torres, the man whom the gun was released to, and an interview with Officer D..

- A) The CPOA reviewed Standard Operating Procedure Order 2-08-13 entitled "Disposition Of Evidence" regarding Officer D.'s conduct, which states in part:

*The APD Evidence Unit will follow guidelines in NM State Statutes and require written disposition authorization from...the investigation officer...as appropriate before the disposition of property or evidence held by this department...The investigation officer must authorize disposition in felony cases, in which the District Attorney's Office has indicated that they will not pursue adjudication. The investigating officer must authorize the release of evidence...*

Ms. Matzke claimed that the handgun that was seized and in held evidence belonged to her, that she bought it, and when she and her ex-boyfriend broke up, her ex-boyfriend took the gun but never gave it back. Ms. Matzke claimed that she talked to Officer D. and explained that the gun was hers and that she wanted it back when the criminal case was over. After the case worked its way through the court system, Ms. Matzke tried to get her gun back but she found out that Officer D. had released the gun to her ex-boyfriend's brother. Ms. Matzke alleged that the gun should not have been released to anyone except the rightful owner which was Ms. Matzke.

The CPOA Investigator interviewed Ms. Matzke and Officer D.. The Investigator also reviewed the police report, the history of the court case, and documents from the APD. Evidence Unit. Ms. Matzke admitted that she never actually spoke with Officer D. but her new husband did. The investigation revealed that Officer D. spoke to a man who identified himself as Ms. Matzke's new boyfriend or husband on more than one occasion in 2013. That man said that Ms. Matzke had given the gun to her ex-boyfriend as a gift. The Federal Firearms Transaction Form showed the gun was purchased by Ms. Matzke in December 17, 2007, one week before Christmas. It is possible, based on the evidence that the gun was purchased as a gift. Ms. Matzke said that she and her ex-boyfriend broke up in January of 2011. Ms. Matzke said that she made little effort to get the gun back at that time and she never reported the gun as stolen.

In July of 2012, over a year after the break up, Ms. Matzke's ex-boyfriend was arrested and the gun was seized as evidence in that case. Court records showed that the arrested man, from whom the gun was seized, Ms. Matzke's ex-boyfriend, was charged with several felonies which were later dropped by the District Attorney. Felony charges were dropped in February of 2013. Officer D. confirmed the felony charges had been dropped. Ms. Matzke or no one

**Letter to Ms. Matze**

**DATE**

**Page 3**

else offered proof to Officer D. that Ms. Matzke was the lawful owner of the gun. The only evidence of Officer D. had was that Ms. Matzke's ex-boyfriend was the owner of the seized gun at the time of the incident. Ms. Matzke admitted that she had never taken legal action or filed a stolen firearm report with the police to get her handgun back from her ex-boyfriend.

Ms. Matzke now disputes the ownership of the gun. This is a civil matter between Ms. Matzke and her ex-boyfriend.

Officer D. stated that sometime after the charges were dismissed, Officer D. received a call from the man from whom the handgun was seized, Ms. Matzke's ex-boyfriend. The Ms. Matzke's ex-boyfriend told Officer D. that the felony charges had been dropped and that Ms. Matzke's ex-boyfriend wanted his gun released to his brother. Because the gun was no longer needed as evidence, and since the officer had permission from the man from whom the gun was seized to release it, Officer D. authorized the release of the handgun to the brother of the arrested man, Ms. Matzke's ex-boyfriend. The brother of the Ms. Matzke's ex-boyfriend was cleared through NCIC and there was nothing preventing APD or Officer D. from releasing the gun to the brother.

There is no Albuquerque Police Department Standard Operating Procedure which specifically states that evidence can only be released to the person from whom the evidence was seized. In fact, it is common that people send others to pick up evidence when they are unavailable to do so themselves. The Evidence Unit has the responsibility of ensuring that the officer has authorized the release of the evidence, and in the case, the officer did. In the case of releasing a firearm, the person to whom the firearm is released must be eligible to possess a firearm. In this case, the records show the brother who picked up the gun was eligible to pick up the firearm from evidence.

The CPOA finds with regards to the allegation made by Ms. Matzke about Officer D.'s conduct that the allegation was EXONERATED, because the investigation determined, by a preponderance of the evidence that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Officer 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> .

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.

M006334

**Letter to Ms. Matze**

**DATE**

**Page 4**

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

Raymond Romero

Albuquerque, NM 87123

**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

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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.

Letter to Mr. Romero

April 10, 2015

Page 3

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> .

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**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**      *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

Royce Vaughn  
[REDACTED]  
Albuquerque, NM 87105

**Re: CPC # 004-15**

Dear Mr. Vaughn:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on January 14, 2015, for an incident, which occurred on January 10, 2015. 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. Vaughn wrote his attorney advised he should stop giving his children to his ex-wife because of his ex-wife's constant violations of the custody order. On his ex-wife's next scheduled visit, he did as his attorney advised and did not bring the children. Mr. Vaughn wrote he received a call from Officer C. who threatened if he did not bring the children for their visit, Officer C. would arrest him for custodial interference. Mr. Vaughn wrote based on the threat he brought the children and met police. Mr. Vaughn wrote he told Officer C. the problems with his ex-wife violating the order. Mr. Vaughn wrote Officer C. threatened him again with jail. Mr. Vaughn alleged that Officer C. took away his right to protect his children. Mr. Vaughn wrote his ex-wife always bragged about knowing officers and she always got away with things.

The CPOA Investigator interviewed Mr. Vaughn. Mr. Vaughn repeated in his interview that his attorney advised he should not turn the children over to his ex-wife because of her numerous violations of the custody order. Mr. Vaughn stated Officer C. threatened him with arrest over the phone if he did not bring his children to his ex-wife. Mr. Vaughn stated he met with Officer C. to avoid jail. Mr. Vaughn explained to Officer C. how his ex-wife violated the order. Mr. Vaughn stated he brought his paperwork, but Officer C. did not look at it. Mr. Vaughn stated he told Officer C. he had concerns about his children, but Officer C. did not call CYFD. Mr. Vaughn stated he turned his children over for their visit to avoid jail based on Officer C.'s threat. Mr. Vaughn claimed his ex-wife always bragged about knowing officers and getting what she wanted.

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

The CPOA Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, the Albuquerque Police Report, Officer C.'s lapel video and the CPOA Investigator's interviews of Mr. Vaughn and Officer C..

(A) The CPOA reviewed Standard Operating Field Services Order 3-14-7A regarding Officer C.'s conduct, which states:

*Officers responding to custody disputes where a Parenting Plan or Court Order regarding timesharing is in place, will limit the response to restoring order between the parties. Officers will not order or force the removal of the child from the current custodial parent. Officers will advise the parties to seek legal advice on the matter and completely document the incident in a report.*

Mr. Vaughn stated his ex-wife often violated the court order. Mr. Vaughn stated his attorney informed him he should not turn over his children to enforce the order. Mr. Vaughn claimed Officer C. threatened to take him to jail and charge him with custodial interference if he did not take his children to his ex-wife. Mr. Vaughn claimed Officer C. violated his rights to protect his children. Mr. Vaughn stated it was a civil matter and Officer C. had no business threatening him. Mr. Vaughn stated Officer C. did not listen to him or review his information about all the times his ex-wife violated the order.

The lapel video and the court order supported that it was Mrs. Vaughn's time to have her children. The lapel video showed Mrs. Vaughn had the court appointed person present for the supervised visit. The lapel video showed Officer C. gave Mr. Vaughn the opportunity to comply with the order and avoid charges. The lapel video showed no one threatened arrest or jail that day and Mr. Vaughn extrapolated that meaning. The lapel video showed Officer C. explained the difference between how violations of the custody order could be civil or criminal, but Mr. Vaughn did not listen. The lapel video showed Mr. Vaughn had a folder of paperwork with him, but did not specifically try to show Officer C. anything where she refused. The lapel video showed Mr. Vaughn expressed general concerns about his children

and talked about past incidents that CYFD had been involved in. The lapel video showed the children were not reluctant to see their mother. Officer C. documented both sides of the incident and advised both sides to seek court input for any violations. Since Mr. Vaughn complied with the order, Officer C. did not consider filing charges. Officer C. did not force Mr. Vaughn to comply, but explained it was in his best interests to do so and what to do in the future.

The CPOA finds the allegation of a violation of this SOP against Officer C. was **UNFOUNDED**, which means the alleged misconduct did not occur.

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

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

Mr. Vaughn complained his ex-wife claimed she knew several police officers and could do whatever she wanted because of it.

The lapel video showed Officer C. was very sympathetic to Mr. Vaughn's frustration, but treated both parties the same. Officer C. provide each of them the advice to follow the order and call police at the time if the order was not being followed. Differences needed to be sorted out by the court.

The CPOA finds the allegation of a violation of this SOP against Officer C. was **UNFOUNDED**, which means the alleged misconduct did not occur.

Your complaint and these findings will be placed in Officer C.'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> .

**Letter to Mr. Vaughn**

**DATE**

**Page 4**

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

M006343

## **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

Renetta Harrison  
[REDACTED]  
Albuquerque, NM 87108

**Re:    CPC # 005-15**

Dear Ms. Harrison:

The complaint you filed against Officer C. of the Albuquerque Police Department (APD) was received in our office on January 20, 2015, regarding an incident that occurred January 9, 2015.

### **I. THE COMPLAINT**

Ms. Harrison wrote in her complaint that on January 9, 2015 her brother called the police to have her removed from her mother's home. Ms. Harrison left the home and then went to a nearby substation and spoke with an unknown officer. That officer told her that a report on the incident where she was asked to leave the home would likely not be filed. Later, Ms. Harrison found out that a report had been filed on the incident. Ms. Harrison complained that the police report should not have been filed after she was told that it was likely that a report would not have been filed.

### **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. On January 21, 2015 the CPOA Administrative Assistant called you for information before the complaint could be assigned to an Investigator for investigation. You told the Administrative Assistant at that time that you changed your mind and you did not want your complaint to be investigated. You told the Assistant to shred your complaint. In an effort to further assist you and to make sure that you did wish to withdraw your complaint, a CPOA Investigator contacted you and discussed your complaint with you. The CPOA Investigator explained that it was within the officer's discretion as to whether or not they would file a police report on the incident. You told the CPOA Investigator that you had been told to vacate your mother's home without reason and that you did not think that it was proper for the officer to ask you to leave the home. When the CPOA Investigator asked you if you wanted to proceed with the complaint investigation so the investigation could be resolved, you said you did not know what you wanted to do. You received another call at that time and ended the call with the CPOA Investigator. You called the CPOA Investigator back and you spoke with him. You told the CPOA Investigator that you were

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undecided if you wanted to pursue the matter and you told the CPOA Investigator that you would have to think about it and you would call him back. The CPOA Investigator told you that our office would be willing to investigate the case and that we would wait for you to call back and let us know how you wanted to proceed with the matter.

### **III. FINDINGS AND CONCLUSIONS**

Your complaint contained an allegation of a possible minor policy violation by Officer C. You were told that our office was willing to conduct a thorough investigation into the matter, but you stated that you were undecided as to how you wanted to proceed. You told the CPOA Investigator that you would call back and let him know if you wanted to proceed with the investigation. You never called back. By law, we only have 90 days from the time a complaint is filed to complete an investigation. The 90 day time frame to complete the investigation has passed. The Acting Executive Director reviewed the complaint you filed. Since your complaint only contained an allegation of a minor policy violation by Officer C., and since the time period for investigation has expired, the CPOA will be administratively closing your complaint. No further investigation will occur at this time. Even though your complaint is being administratively closed at this time, you may contact our office if you would like to provide us with additional information, or you want to re-open the complaint. If the complaint is re-opened there will be an additional 90 day investigative time period granted so that the complaint can be thoroughly investigated. Should you wish to re-open your complaint please contact our office at (505) 924-3770.

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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*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Jennifer Otte

Albuquerque, NM 87196

**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

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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.

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..

Letter to Ms. Otte

DATE

Page 11

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,

M006356

**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

M006357

**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

Albuquerque, NM 87112

**Re: CPC # 008-15**

Dear Ms. Baca:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on January 20, 2015, for an incident, which occurred on December 31, 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**

Sandra Baca wrote a person was being rude to her and tried to run her over, but she did not call police right away. Ms. Baca wrote that when she did call police she told Officers P. and W. that she knew her neighbor was involved because she recognized the vehicle. Ms. Baca alleged that the officers refused to go to her neighbor's home. Ms. Baca complained that Officer W. grilled her and talked about two years ago. Ms. Baca wrote she did not want to talk about the past. Ms. Baca wrote the officers did not want to do anything when all she wanted was for the officers to talk to her neighbor. Ms. Baca wrote the officers acted as if it was her fault. Ms. Baca wrote the officers should have made a police report. Ms. Baca wrote the officers should have investigated her neighbor.

M006358

The CPOA Investigator interviewed Ms. Baca. Ms. Baca repeated her written complaint that she called police because of the incident at the grocery store. Ms. Baca stated she saw the car at the neighbor's house, but did not call police until much later because she did not want to stress her mother. Ms. Baca alleged the officers refused to investigate the situation and twisted her story. Ms. Baca claimed the officers accused her of being the problem. Ms. Baca stated Officer W. brought up the past of numerous other occasions when Ms. Baca had called the police to investigate her same neighbor. Ms. Baca stated that Officer W. should have focused on the current situation, that the many other time Ms. Baca had called the police for the same issue. Ms. Baca stated Officer P. did not do a police report when she wanted one. Ms. Baca stated she wanted the officers to investigate her neighbor. Ms. Baca alleged the offices were confrontational and rude.

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

The CPOA Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Officer P.'s lapel video, Officer W.'s lapel video, and the CPOA Investigator's interviews of Ms. Baca, Officer P., and Officer W..

(A) The CPOA reviewed Standard Operating Procedure Order 2-24-3(F)(1-5) regarding Officer P.'s conduct, which states:

- 1. 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.*

Ms. Baca claimed Officer P. did not go to her neighbor's house to investigate her allegations. Ms. Baca stated the car that almost ran her over was at her neighbor's house when the officers were there. Ms. Baca stated Officer P. refused to do a police report to document the problems with her neighbor even when she asked. Ms. Baca stated a detective knew all the problems her one neighbor caused, but the officers refused to investigate that neighbor.

The lapel videos showed Ms. Baca alleged that her neighbor was involved in an incident that occurred about twelve hours earlier in the day. The lapel videos showed Ms. Baca insisted the vehicle involved was at her neighbor's house earlier. The only description she had of the vehicle was its color and possibly a model. The color of the vehicle she provided to the officers was different from what she provided in her interview. The lapel videos showed she told the officers she did not obtain a license plate number, but she said in her interview she had the number, but could not presently find it. Ms. Baca said in her interview the vehicle was still at her neighbor's house when officers arrived, but the lapel videos showed she told the officers the vehicle was gone. The lapel videos showed Ms. Baca said she had witnesses, but they were not available to the officers. Officer P. made the decision not to disturb the

neighbor late at night when there was no credible information to show their involvement. The lapel videos showed Ms. Baca did not want Officer P. involved in the investigation anymore. The lapel videos showed Ms. Baca said an APD detective was helping her with the neighbor issues, but she did not know the detective's name or contact information for Officer P. to follow up. The lapel videos showed Ms. Baca told Officer P. to leave. The lapel videos showed Ms. Baca never requested a police report. Officer P. documented several notes on the CAD. Ms. Baca has a long history of complaints against her neighbor. Ms. Baca is assigned a CIT detective to assist her with her issues, including issues with her neighbor.

The CPOA finds Officer P.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the alleged conduct did occur, but did not violate APD policies, procedures, or training.

(B) The CPOA reviewed Standard Operating General 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.*

Ms. Baca stated the officers accused her of being the problem and that she was wrong. Ms. Baca stated the officers criticized her and accused her of lying. Ms. Baca stated Officer P. defended her neighbor because the neighbor was ill. Ms. Baca stated the officers were confrontational and rude.

The lapel videos showed Officer P. did not call Ms. Baca a liar or discount her allegations. The lapel videos showed Ms. Baca was the first to bring up her neighbor being ill; Officer P. did not defend the neighbor. The lapel videos showed Officer P. was professional and interested in assisting Ms. Baca, but Ms. Baca became angry and accusatory.

The CPOA finds the allegation of a violation of this SOP against Officer P. was **UNFOUNDED**, which means the alleged misconduct did not occur.

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

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

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

Ms. Baca stated the officers accused her of being the problem and that she was wrong. Ms. Baca stated the officers criticized her and accused her of lying. Ms. Baca stated Officer W. defended her neighbor because the neighbor was ill. Ms. Baca stated Officer W. kept

**Letter to Ms. Baca**

**DATE**

**Page 4**

bringing up things from two years ago, which was unnecessary. Ms. Baca stated the officers were confrontational and rude.

The lapel videos showed Officer W. did not call Ms. Baca a liar or discount her allegations. The lapel videos showed Ms. Baca was the first to bring up her neighbor being ill; Officer W. did not defend the neighbor. The lapel videos showed Officer W. was professional and interested in assisting Ms. Baca, but Ms. Baca became angry and accusatory. Officer W. brought up his past contact with Ms. Baca because she did the same thing as before, became angry when questioned at all.

The CPOA finds the allegation of a violation of this SOP against Officer W. was **UNFOUNDED**, which means the alleged misconduct did not occur.

Your complaint and these findings will be placed in Officer P.'s and Officer W.'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

cc: Albuquerque Police Department Chief of Police

M006361

# **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

Jenise Brito  
[REDACTED]  
Albuquerque, NM 87112

**Re:    CPC # 009-15**

Dear Ms. Brito:

The complaint you filed against Officer J. of the Albuquerque Police Department (APD) was received in our office on January 21, 2015, regarding an incident that occurred on October 16, 2014.

## **I. THE COMPLAINT**

Ms. Brito wrote in her complaint that on October 16, 2014 at about 4:00 PM, she had gone to the Smith's grocery store located at 200 Tramway Boulevard SE to shop. Ms. Brito has a disability and has a service dog named Chillee, who helps her deal with her disability. While Ms. Brito was shopping, she spoke with and interacted with a few friendly people. About 45 minutes into the shopping trip, Ms. Brito was approached by a man who appeared to be very angry who identified himself as the store manager. The man asked Ms. Brito if Chillee was a service animal and Ms. Brito told the manager that she was. Ms. Brito wrote that the manager insisted that the dog was not a service animal and asked for documentation and for the dog's certification, all of which is prohibited by American with Disabilities Act (ADA). Even after Ms. Brito answered his questions, the manager demanded that's he leave the store. A Store Security Guard was called over. Ms. Brito wrote that the men continued to harass Ms. Brito while she held onto her basket. Ms. Brito wrote that at some point, the men grabbed her basket and twisted it in such a manner that her arm was twisted as well. Ms. Brito alleged that the Security Guard then shoved her and her dog out the door. The store Manager called the police and Officer J. responded. Ms. Brito alleged that Officer J. was rude and insensitive to her situation. When Ms. Brito reviewed the police report, she did not think that it accurately reflected what had taken place at the store. Ms. Brito felt that Officer J. was unprofessional and unreasonable.

## **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 reviewed the police report, the Computer Assisted Dispatch (CAD) report, and Officer J.'s lapel camera video recording of his response to the call for service. The Investigator

M006362

**Letter to Ms. Brito**

**DATE**

**Page 2**

also reviewed the information submitted with your complaint. Before the Investigator could look further into your complaint, you called the CPOA on May 5, 2015, and requested to withdraw your complaint. You told the CPOA staff member who spoke with you that you had been over the incident in your mind and had come to the conclusion that both you and the officer were still a little unfamiliar with the situation that had unfolded at the store. You said that you felt that Officer J. was new to being exposed to the ADA laws and in looking back, Officer J. could have handled the situation worse than what he did. You said that you had reviewed the situation and you felt that since the officer was so new to the situation that the officer did not deserve to have the complaint filed against him. You stated that at the time, you were just angry and frustrated with the other people involved in the incident and not with the officer. You stated that you did not want to get the officer in trouble. You asked that the CPOA Investigator speak with the officer to let him know that you did not mean to stir up any problems but that you hoped that in the future that everyone could work together to avoid situations like this one from happening.

### **III. FINDINGS AND CONCLUSIONS**

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. The CPOA Investigator spoke with Officer J. and conveyed to him your desire to withdraw your complaint and that you had hoped that the situation had enlightened Officer J. on laws concerning Service Animals. Officer J. said that when he responded to the call that he was unfamiliar with the laws concerning Service Animals. Officer J. said that the incident did change his outlook and understanding of the laws and that he would have responded differently to the situation knowing what he does now. The Acting Executive Director reviewed the complaint you filed. Since your complaint contained an allegation of minor policy violations by Officer J. and since 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.

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

M006363

**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*

*Susan Brown*

Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Margaret Stevens

[REDACTED]

Albuquerque, NM 87114

**Re: CPC #012-15**

Dear Ms. Stevens:

The complaint you filed against Officer D. of the Albuquerque Police Department (APD) was received by our office on January 29, 2015 for an incident which occurred 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. The CPOA made findings of whether the Albuquerque Police Department (APD) Police Service Aide 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**

Margaret Stevens wrote in her complaint that on January 29, 2015 at about 6:40 AM, she witnessed Albuquerque Police Department (APD) car number P34 being operated in an unsafe manner. Ms. Stevens wrote that she was southbound on 3<sup>rd</sup> Street near Lomas Ave., when she observed the behavior. She wrote that there were 3-4 cars in close quarters when car P34 signaled and changed lanes to the right at the same time. Ms. Stevens felt that there was simply not enough space between the vehicles for the officer to have changed lanes comfortably. Car P34 then changed lanes back to the left lane. At Lomas and 3<sup>rd</sup> Street, Car P34 changed back to the right lane when Car P34 was in the left turn only lane. This lane change occurred just before the intersection where the lanes are painted solid white. Ms. Stevens believed such a lane change was a traffic violation. Ms. Stevens said that the officer's emergency lights were never on during the time she observed the police car being operated. Ms. Stevens felt that the officer was exceeding the speed limit as well.

**I. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER D.'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, an interview with Ms. Stevens and an interview with Officer D.. The CPOA Investigator also visited the scene where the alleged driving misconduct occurred.

A) The CPOA reviewed Standard Operating Procedure Order 1-19-2 (J) 3 regarding Officer D.'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.*

Ms. Stevens was interviewed and repeated what she had written in her complaint. Ms. Stevens said that she only saw the police car but did not see the driver of the police car.

Officer D. was interviewed. He did not remember the incident and he could not recall any bad driving behavior on his part. The dispatch activity log for the date and time in question showed that Officer D. was logged as 10-75 on the date and time that the incident was alleged to have occurred, which meant that he was tending to some type of administrative duty at the time. Officer D. could have been on his way to tag evidence, to write reports as it was close to the end of his shift, or to tend to some other administrative duty. Officer D. also had a recruit officer assigned to him around the date that the incident occurred and it was undetermined if Officer D. was driving the vehicle at the time of the incident or if the recruit officer was. It was also undetermined as to whether or not the recruit officer was with even with Officer D. at the time. Officer D. had difficulty remembering the event. There was insufficient evidence to prove or disprove Ms. Steven's allegations.

The CPOA finds with regards to the allegation made by Ms. Stevens about Officer D.'s conduct that the allegation was **NOT SUSTAINED**, which means that the investigation was unable to determine by a preponderance of the evidence, whether the alleged misconduct occurred.

Your complaint and these findings are made part of Officer 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.

**Letter to Ms. Stevens**

**DATE**

**Page 3**

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M006366

## **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

████████████████████  
Albuquerque, NM 87110

**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.

M006367

## **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

M006369

## **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

Juanita Lugo

Albuquerque, NM 87123

**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.

M006370

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]  
Albuquerque, NM 87108

**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

M006377

**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*                      *Susan Brown*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Colleen Scully-Jones

██████████  
Albuquerque, NM 87123

**Re: CPC #015-15**

Dear Ms. Scully-Jones:

The complaint you filed against Officer M. of the Albuquerque Police Department (APD) was received by our office on February 4, 2015 for an incident which occurred on January 30, 2015. 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) 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. 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**

On January 30, 2015, Colleen Scully-Jones called the Albuquerque Police Department (APD) to report that her former boyfriend had set up a false sex ad on Craigslist and her former boyfriend listed her cell phone number as a contact number in the ad. Ms. Scully-Jones had a Restraining Order on file against the former boyfriend. As a result of the fake ad being placed, Ms. Scully-Jones received numerous text messages and phone calls. Ms. Scully-Jones complained that the officer who responded to her call for assistance, Officer M., was unprofessional and Officer M. refused to file a report. Ms. Scully-Jones alleged that Officer M. asked her, "What do you expect me to do about it?" Ms. Scully-Jones also complained about her general dissatisfaction with the way that APD had handled the ongoing case against her former boyfriend.

**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 Citizen Police Complaint, a review of the police report, an interview with Ms. Scully-Jones, an interview with Officer M., and correspondence with Detective S.. The CPOA Investigator also reviewed Officer M.'s lapel video of the contact with Ms. Scully-Jones.

A) 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.*

Ms. Scully-Jones complained that the officer who responded to her call for assistance, Officer M., was unprofessional in his behavior. Ms. Scully-Jones alleged that Officer M. asked her, "What do you expect me to do about it?" Ms. Scully-Jones also complained about her general dissatisfaction with the way that APD had handled the ongoing case against her former boyfriend.

The CPOA Investigator interviewed Ms. Scully-Jones, and Officer M.. The Investigator also reviewed Officer M.'s lapel video and police report. Ms. Scully-Jones repeated in her interview what she had written in her complaint. Officer M. denied that he was unprofessional.

The lapel video showed that the contact with Ms. Scully Jones lasted just over 11 minutes. Ms. Scully-Jones explained to the officer what had taken place. She acknowledged that the Temporary Restraining Order was expiring on that day. Officer M. listened to Ms. Scully-Jones tell him what had taken place and Officer M. then said, "Okay. But how can I prove that it's him doing it? If I am going to charge him with violation of the Restraining Order I need to have enough probable cause to justify making that charge." Ms. Scully Jones asked, "So there's no point in my call? Should I just call the Stalking Investigator instead?"

Officer M. told Ms. Scully-Jones that he was going to be making a report and that he was sorry that she was frustrated but that the law requires that there be probable cause to file a charge. He told Ms. Scully-Jones that he would have a hard time being able to prove that it was her ex-boyfriend who posted the ad on Craigslist.

Ms. Scully-Jones asked Officer M. that if she could find the ad with her number on it, if the officer could file a report showing that she was in jeopardy. Officer M. responded by telling Ms. Scully-Jones that he could file a report just based on what she was telling him at the time. He clarified that he couldn't file charges though unless there was proof. Officer M. explained that just because she had people texting or calling off an ad that was placed on Craigslist, that was not sufficient proof that the ad had been maliciously placed by her ex-boyfriend.

Ms. Scully-Jones said that she understood that the officer could not prove that it was her ex-boyfriend who had placed the ad. She complained about Officer M.'s attitude at that time. She said that she was "surprised" at the officer's attitude. Ms. Scully-Jones got very upset at that time and raised her voice and started using profanity.

Officer M. told Ms. Scully-Jones, "Well I'm sorry that you feel that I'm not talking to you in the way you want me to but you came at me in a hostile, you're mad at me because I am telling you that I cannot press charges against him because I can't prove beyond a reasonable doubt that it was him who did that. I never said that I wasn't going to make a report. You assumed I wasn't going to make a report. I told you I would make a report."

Ms. Scully-Jones disagreed and said that Officer M. said that he wasn't going to make a report out. She finally acknowledged that Officer M. never said that he wasn't going to make a report but based on what the officer told her it was apparent that this was a "wasted call" to the police department.

Officer M. assured Ms. Scully-Jones that the call was not a wasted call but he was just letting her know that he would not be able to file charges based on the lack of proof that it was the ex-boyfriend who had placed the ad.

Ms. Scully-Jones asked, "If you can't prove it, then what's the point of a report? If you are not going to turn it in any further or you are not going to send it to the Stalking Unit..."

Officer M. asked, "Who said I wasn't? You're assuming that I wasn't going to do all these things." Ms. Scully-Jones replied, "Well, when you approach me and say you can't prove anything." Ms. Scully-Jones said that the interaction between her and Officer M. did not start off well.

Officer M. then asked, "So what is it you'd like from me tonight?"

Ms. Scully-Jones responded, "I called. I want a report." Officer M. said, "Okay. Then a report will be filed. I never said that there wasn't going to be a report."

Ms. Scully-Jones then went into her house to get her Restraining Order. She returned and said. "Alright, I understand that you can't prove beyond a reasonable doubt right here standing on this porch that this is his phone number but if you would like to see the string of texts where he told me that he would kill my dog, and thirty some odd phone calls I received because somewhere obviously there is an ad on Craigslist that I can't find."

Officer M. asked Ms. Scully-Jones when all of that took place and Ms. Scully-Jones said that she didn't even know because there were so many calls on her phone. She then told the officer that the phone calls started at 8:51 the night before and she received 34 phone calls from her ex-boyfriend all in violation of the Order. Officer M. then obtained the necessary information for his report. Officer M. asked Ms. Scully-Jones why she didn't call when the calls started happening and she said that since the Restraining Order was expiring she figured

**Letter to Ms. Scully-Jones**

**DATE**

**Page 4**

she would "blow it off" until she started getting calls from the Craigslist ad. The rest of the video entails Officer M. obtaining the information that he needed for his report.

The lapel video showed that Officer M. never asked, "What do you want me to do about it?" as Ms. Scully-Jones had alleged.

Furthermore, the CPOA Investigator contacted the Family Assault and Stalking Team (FASST) Detective assigned to Ms. Scully-Jones's case. FASST Detective S. prepared the case for prosecution and who had obtained the arrest warrant for Ms. Scully-Jones's former boyfriend, based in part upon Officer M.'s report. Detective S. contacted Ms. Scully-Jones after the in person interview with the CPOA Investigator and Ms. Scully-Jones indicated to Detective S. that she was happy with his service and what he had done on her case. At the time of this writing, the former boyfriend was in jail awaiting prosecution for the offenses he allegedly committed against Ms. Scully-Jones.

The CPOA finds with regards to the allegation made by Ms. Scully Jones about Officer M.'s conduct that the allegation was **UNFOUNDED**, as the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

B) The CPOA reviewed Standard Operating Procedure Order 1-05-2 (C) 4 regarding Officer M.'s conduct, which states:

*Personnel of the Department shall write reports on any incident that is of great importance where the officer is at the scene, at the scene of a crime, or any incident where a citizen/victim requests a report.*

Ms. Scully-Jones complained that Officer M. refused to file a report in this case. The evidence showed that there was a police report written on the incident. The lapel video showed that Officer M. never refused to take a report. In fact, as referenced above, Officer M. told Ms. Scully-Jones that he was going to file a report on several occasions during his interaction with Ms. Scully-Jones.

The CPOA finds with regards to the allegation made by Ms. Scully Jones about Officer M.'s conduct that the allegation was **UNFOUNDED**, as the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

Your complaint and these findings are made part of Officer M.'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.

M006381

**Letter to Ms. Scully-Jones**

**DATE**

**Page 5**

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

M006382

## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Police Oversight Board**

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*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Maria Valerio

Rancho de Taos, NM 87557

**Re: CPC #016-15**

Dear Ms. Valerio:

The complaint you filed against Officer T. and Officer C. of the Albuquerque Police Department (APD) was received by our office on February 9, 2015, for an incident which occurred February 7, 2015. 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 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. Valerio complained that on February 7, 2015, at 2:00 am, she was driving west on Montgomery Blvd. when she came upon an Albuquerque Police Department (APD) Driving While Intoxicated (DWI)/Sobriety Checkpoint. Ms. Valerio said she was stopped and questioned about drinking, and then asked to step out of her car. Ms. Valerio informed the DWI Officers she needed her wheelchair out of the back of her car and asked if her male passenger could get it for her. Ms. Valerio complained when her male passenger got out of the car to get her wheelchair, the officers laughed and said, "Oh I have to see this" and continued to laugh. Ms. Valerio complained she was escorted across the street to perform a field sobriety test, which took about 20 minutes before she was released. Ms. Valerio complained she asked an officer to give her a breathalyzer test instead but the officer ignored her, and a second officer told her to shut up. Ms. Valerio complained officers would not

provide their names, badge numbers, or supervisor's information when asked. Ms. Valerio summed up her complaint with "the whole situation and all the officers were rude, disrespectful and completely uncalled for."

A DWI Checkpoint can typically involve up to 13 APD officers and recruit officers, or more. During the checkpoint, these officers rotate their responsibilities, depending on their position at the time a citizen is stopped. For example, one or two officers will contact the driver, while other officers contact passengers and move them away from the vehicle and other officers move the vehicles out of the way while Field Sobriety Tests (FSTs) are conducted. Ms. Valerio was unable to identify the officers who allegedly laughed at her and who gave her the sobriety tests. She listed the involved officers in her complaint as Officers #1 - 4. After speaking with the DWI Supervisor at the checkpoint, Sergeant L., Ms. Valerio identified Officer T. as Officer #3. The investigation revealed Officer T. was not Officer #3 but Officer T. was one of the four Officers who contacted Ms. Valerio. The investigation revealed that Officer C. named Officer #3 in Ms. Valerio's complaint. The investigation was unable to determine who the other two Officers were but Officer T. and Officer C. were identified as being involved in with Ms. Brito and targeted in this investigation.

When a citizen is contacted at a DWI checkpoint, the officers who are in direct contact with a citizen, and who are administering the FSTs, are required to record their contact with citizens. Unfortunately, Officer T. and Officer C. did not record this contact so there was no lapel video available for review. Additionally, when a citizen is contacted at a DWI checkpoint but not arrested the officers are not required to write a police report, so there is no police report for this incident.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPs), the Citizen Police Complaint and interviews with Ms. Valerio, Officer T., Officer C. and Sergeant L.

A) The CPOA reviewed Standard Operating Procedure 1-02-3(A) regarding Officer T.'s conduct, which states:

- A. Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity except:*
- 1. When the withholding of such information is necessary for the performance of police duties.*
  - 2. When it is authorized by proper authority.*

Ms. Valerio complained she asked Officer T. for his name and badge number and he ignored her request and walked away. Officer T., Officer C. and Sergeant L. were interviewed. None of the officers interviewed could confirm that Ms. Valerio asked any of the officers at the

DWI checkpoint for a name or badge number. None of the officers activated their lapel cameras for this contact, as required. As a result, the investigation was unable to determine whether, or not the alleged misconduct occurred.

The CPOA finds Officer T.'s conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, because the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

B) The CPOA reviewed Standard Operating Procedure 1-4-1(F) regarding Officer T.'s conduct, which states:

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

Ms. Valerio complained Officer T. was rude to her and treated her poorly throughout his contact with her. Specifically, Ms. Valerio complained Officer T. ignored her request for a breath test. Officer T., Officer C. and Sergeant L. were interviewed. None of the Officers interviewed could confirm that any of the Officers at the DWI checkpoint were rude to Ms. Valerio. None of the Officers activated their lapel cameras for this contact, as required. As a result, the investigation was unable to determine whether, or not the alleged misconduct occurred.

The CPOA finds Officer T.'s conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, because the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

C) The CPOA reviewed Standard Operating Procedure 1-39-1(A), and Department Special Order 12-26 regarding Officer T.'s conduct, which state, respectively:

***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.*

Officer T., Officer C. and Sergeant L. were interviewed. Officer T. did not record his interaction with Ms. Valerio and no other lapel camera video was available for this interaction. Officer T. was required by SOP to activate his lapel camera and he failed to do so.

The CPOA finds Officer T.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, because the investigation determined by a preponderance of the evidence that the alleged misconduct did occur.

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

A) The CPOA reviewed Standard Operating Procedure Procedural 1-02-3(A) regarding Officer C.'s conduct, which states:

- A. Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity except:*
  - 3. When the withholding of such information is necessary for the performance of police duties.*
  - 4. When it is authorized by proper authority.*

Ms. Valerio complained she asked Officer C. for his name and badge number and he ignored her request and walked away. Officer T., Officer C. and Sergeant L. were interviewed. None of the Officers interviewed could confirm that Ms. Valerio asked any of the Officers at the DWI checkpoint for a name or badge number. None of the Officers activated their lapel cameras for this contact, as required. As a result, the investigation was unable to determine whether, or not the alleged misconduct occurred.

The CPOA finds Officer C.'s conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, because the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

B) The CPOA reviewed Standard Operating Procedure 1-4-1(F) regarding Officer C.'s conduct, which states:

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

Ms. Valerio complained Officer C. was rude to her and treated her poorly throughout his contact with her. Specifically, Ms. Valerio complained Officer C. ignored her request for a breath test. Officer T., Officer C. and Sergeant L. were interviewed. None of the Officers interviewed could confirm that any of the Officers at the DWI checkpoint were rude to Ms. Valerio. None of the Officers activated their lapel cameras for this contact, as required. As a result, the investigation was unable to determine whether, or not the alleged misconduct occurred.

The CPOA finds Officer C.'s conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, because the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

C) The CPOA reviewed Standard Operating Procedure 1-39-1(A), and Department Special Order 12-26 regarding Officer C.'s conduct, which state, respectively:

***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.***

Officer T., Officer C. and Sergeant L. were interviewed. Officer C. did not record his interaction with Ms. Valerio and no other lapel camera video was available for this interaction. Officer C. was required by SOP to activate his lapel camera and he failed to do so.

Letter to Ms. Valerio

DATE

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

Your complaint and these findings are made part of Officer T.'s and Officer C.'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

M006388

## **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

Barbara Dobie

██████████  
Albuquerque, NM 87108

**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.

M006389

Letter to Ms. Dobic

DATE

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### 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.

The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director  
(505) 924-3770

CC: Albuquerque Police Department, Chief of Police

M006390

## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Police Oversight Board**

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*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Tamara Collins

Albuquerque, NM 87121

**Re: CPC #018-14**

Dear Ms. Collins:

The complaint you filed against Officer C. of the Albuquerque Police Department (APD) was received in our office on January 22, 2014 regarding an incident that occurred on January 21, 2014. A Civilian Police Oversight Agency (CPOA) Investigator and a private contract investigator were 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**

Tamara Collins alleged in her complaint that Officer C. had towed her wife's car even though it had registration and insurance. Ms. Collins alleged that her wife, Victoria Arias, also had a valid driver's license, which the officer kept. Tamara Collins alleged that the Officer C.'s demeanor changed towards her once he found out they were a same sex marriage couple. Ms. Collins asserted that Officer C. told her wife, Ms. Arias, to walk home.

Tamara Collins alleged that she was placed in the back of his patrol car in handcuffs behind her back and taken her to substation for an hour and left in handcuffs, as Officer C. made a couple of calls to his girlfriend. She asserted that after an hour there, Officer C. decided to take her to Prisoner Transport Center. She said that finally a female officer let her out of the handcuffs. She also asserted that he never read her the Miranda rights.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted on behalf of the CPOA, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Report in the case, the Computer Aided Dispatch (CAD) Report, and interviews with Ms. Collins and Officer C..

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

**Vehicles will be towed when (D1) (c) when the driver's license has been suspended or revoked as shown by the New Mexico Department of Motor Vehicle records.**

Tamera Collins alleged that Officer C. towed her vehicle even though it was registered to her partner, after arresting Ms. Collins for driving on a suspended driver's license. Based on information provided by Officer C. in his report, the status of Ms. Collin's license was 66-8-122G. That means that her license was suspended or revoked and an arrest was mandatory. According to APD policy a vehicle "will be towed" (Mandatory) when the driver's license has been suspended or revoked by the New Mexico Department of Motor Vehicles.

After verification was made by Officer C. that Ms. Collin's driver's license status was suspended or revoked Officer C. chose to impound the vehicle as he was required to do. The towing and impound of the vehicle was proper and within policy.

With regards to the allegation that Officer C. made Ms. Collins's wife walk from the scene, the investigation found that Officer C. asked the woman if she needed a ride and the woman declined and stated that she would walk.

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

- B) The CPOA reviewed Standard Operating Procedure 1-04-4 N regarding Officer C.'s conduct which states:

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

Tamera Collins alleged that Officer C.'s demeanor had changed towards her and he had kept her hand cuffed for an excessive amount of time after he found out she was involved in a same sex marriage. Officer C. articulated in his interview that this fact had no effect over his attitude towards Tamera Collins during the arrest process. The evidence showed that Officer C. failed to record his interaction and conversation with Ms. Collins. There is no way to prove or disprove the allegation that Officer C.'s demeanor changed towards Ms. Collins when he found out that she was involved in a same sex marriage. Officer C. denied his

demeanor changed. Ms. Collins said that it did. Without any independent evidence to prove or disprove the allegation the proper recommended finding is not sustained.

The CPOA found Officer C.'s, conduct to be **NOT-SUSTAINED**, as the investigation was unable to determine by a preponderance of the evidence whether the alleged misconduct occurred.

C) The CPOA reviewed Standard Operating Procedure 1-04-4 B regarding Officer C.'s conduct which states:

D)

**Personnel shall not engage in any activity or personal business that may cause them to neglect or be inattentive to duty.**

A review of the CADs report showed that from the time of arrest to time of arrival at the NE Substation was approximately 27 minutes; 19 of those 27 minutes were after Officer C. advised dispatch that he was transporting Ms. Collins to the NE Substation. The NE Substation is three miles away from where the arrest took place. The evidence showed that it took Officer C. 19 minutes to travel three miles. That evidence supports Ms. Collins's accusation that Officer C. stopped at a park, got out of his car, smoked a cigarette, and made personal telephone calls. Officer C. did that while Ms. Collins was handcuffed in the back of Officer C.'s car. Officer C. said that he did make one telephone call to his wife and advised he was running late, but stated that it only took him a minimal amount of time to do. Stopping at a park to smoke and make personal phone calls while transporting a prisoner is unusual activity for an officer and it is not allowed under Standard Operating Procedure.

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

E) The CPOA reviewed Standard Operating Procedure 1-39-2 B regarding Officer C.'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...traffic stop. Personnel will activate the recorder prior to ...citizen contact ...and will record the entirety of citizen contact.**

A CPOA Investigator researched Evidence.com for Officer C.'s lapel videos made on the day of the incident. In this incident Officer C. made an arrest after a traffic stop and he was required to run lapel video throughout the stop. Since an arrest was made, he was required to tag that video as evidence. Based on the evidence, Officer C. failed to record the incident. The evidence showed that Officer C. uploaded six videos from that day. All have been since deleted and none were tagged as evidence. The recording times of the six videos are 12:14, 12:19, 13:08, 13:15, 13:31, and 14:25. This incident according to the CADS, started at 13:57 and ended at 14:06. Officer C. did not record the incident as was required.

The CPOA finds Officer C.'s conduct to be **SUSTAINED VIOLATION NOT BASED ON ORIGINAL COMPLAINT**, as the investigation determined that misconduct did occur that

**Letter to Ms. Collins**

**DATE**

**Page 4**

was not alleged in the original complaint but was discovered during the misconduct investigation.

Your complaint and these findings are made part of Officer C.'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

M006394

**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

Patrick Themig

██████████  
Corrales, NM 87048

**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**     *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 Derringer  
[REDACTED]  
Albuquerque, NM 87194

**Re: CPC # 020-15**

Dear Mr. Derringer:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on February 20, 2015, for an incident, which occurred on February 13, 2015. 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. Derringer wrote Mr. Cordova, the West Mesa Community Center Manager, committed harassment, and verbal assault against him. Mr. Derringer wrote he delivered a legal document demanding public records to Mr. Cordova and members of his staff. Mr. Derringer claimed Mr. Cordova harassed him and verbally attacked him a second day. Mr. Derringer complained that he called police, but Officers Wharton and Maycumber spoke to Mr. Cordova first. Mr. Derringer believed the officers' actions intended to protect Mr. Cordova. Mr. Derringer wrote he requested a police report, but the officers refused. Mr. Derringer wrote he requested the officers' identification and man numbers, but the officers refused. Mr. Derringer wrote Officer W. lied when Officer W. said he had a document that showed Mr. Derringer agreed to scan his card each day. Mr. Derringer wrote no such document existed.

**Letter to Mr. Derringer**

**DATE**

**Page 2**

The CPOA Investigator interviewed Mr. Derringer. Mr. Derringer said in his interview that he had no complaint about the officers from February 12, 2015. On February 13, 2015, Mr. Cordova rudely interrupted him and verbally attacked him as Mr. Cordova had the day before. Mr. Derringer stated the responding officers, Maycumber and Wharton, spoke to Mr. Cordova first and colluded to keep Mr. Cordova out of trouble. Mr. Derringer claimed Officer W. lied about having a waiver signed by him, claiming Mr. Derringer agreed to follow polices. Mr. Derringer stated he asked Officer W. to write a report and he refused. Mr. Derringer stated he asked both officers for their information, but he did not receive it. Mr. Derringer stated the officers did nothing when Mr. Cordova lied about his conduct in front of the officers.

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

The CPOA Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Reports (CAD), community center documentation, officer lapel videos from February 12, 2015, Officer M.'s lapel video from February 13, 2015, Officer W.'s lapel video from February 13, 2015 and the CPOA Investigator's interviews of Mr. Derringer, Officer W. and Officer M..

(A) The CPOA reviewed Standard Operating Procedure General Order 1-04-4N regarding Officer W.'s conduct, which states:

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

Mr. Derringer claimed officers exhibited a bias for Mr. Cordova. Mr. Derringer believed the officers worked with Mr. Cordova to keep Mr. Cordova from getting in trouble and may have called Mr. Cordova before even arriving. Mr. Derringer complained the officers spoke to Mr. Cordova first even though he called and seemed to know right where his office was. Mr. Derringer believed the officers created a plan of action to defend Mr. Cordova because he had filed criminal charges against Mr. Cordova the day before on harassment and extortion.

The CAD showed both parties called police. The lapel video showed when officers walked in the door; Mr. Cordova was at the front desk. Mr. Cordova guided the officers to his office and they spoke there first. The lapel video showed both parties were treated the same and there was no discussion about keeping Mr. Cordova out of trouble. The lapel video showed the officers had no familiarity with either party.

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

(B) The CPOA reviewed Standard Operating General Order 1-02-3A regarding Officer W.'s conduct, which states:

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Letter to Mr. Derringer

DATE

Page 3

*Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity except (the exceptions did not apply in this case).*

Mr. Derringer stated he asked for both officers' names and man numbers. Mr. Derringer did not remember what response he received, but he did not receive the information.

The lapel video showed Mr. Derringer never asked the officers for their names. The lapel video showed Officer W. did caution Mr. Cordova that as a city employee he should provide his information when requested.

The CPOA finds the allegation of a violation of this SOP against Officer W. was **UNFOUNDED**, which means the alleged misconduct did not occur.

(C) The CPOA reviewed Standard Operating General Order 1-05-6D regarding Officer W.'s conduct, which states:

*Personnel of the department will write reports on any incident that is of great importance where the officer is at the scene, at the scene of a crime, or any incident where a citizen/victim requests a report. The calling party will not be referred to the Telephone Reporting unit.*

Mr. Derringer claimed he asked Officer W. to write a report, as opposed to just documentation, for harassment and extortion. Mr. Derringer stated Officer W. refused to fill out a report and suggested things could be worked out.

The lapel video showed Mr. Derringer did not discuss writing a police report with Officer W.. Mr. Derringer discussed documenting the call with Officer M., but Officer W. was not in the room.

The CPOA finds the allegation of a violation of this SOP against Officer W. was **UNFOUNDED**, which means the alleged misconduct did not occur and did not involve the subject officer.

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

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

Mr. Derringer claimed Officer W. claimed to have his signed form, but refused to provide it to him or show him. Mr. Derringer stated Officer W. lied about having his registration form in his possession and only provided a blank copy of the form. Mr. Derringer stated he did not need to scan his card every day. Mr. Derringer was upset the officers tried to convince him he

M006399

had agreed to something when he had not. The officers blew off the whole situation when Mr. Cordova lied about what transpired and Mr. Derringer tried to point that out.

The lapel video showed Officer W. understood from Mr. Cordova that the form the center provided would have been the form Mr. Derringer signed in order to get his registration card. The lapel video showed Officer W. clearly explained the form he had was a blank and that staff would work to get Mr. Derringer his signed copy. The registration form Mr. Cordova indicated Mr. Derringer must have signed to get his membership card states that the person will abide by the rules and expectations of the community center. The signs posted in the community center state that adults must scan membership cards with each visit. The video showed Mr. Derringer complimented Officer W. for politely explaining things. The video showed Mr. Derringer complained Mr. Cordova lied and the officers said they were moving forward. Things ended on a positive note with the officers. Police were under the impression Mr. Derringer signed a release from staff and the fact that there was not a current release to provide to him was not the officers' fault.

The CPOA finds the allegation of a violation of this SOP against Officer W. was **UNFOUNDED**, which means the alleged misconduct did not occur.

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

(A) The CPOA reviewed Standard Operating General Order 1-04-4N regarding Officer M.'s conduct, which states:

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

Mr. Derringer claimed officers exhibited a bias for Mr. Cordova. Mr. Derringer believed the officers worked with Mr. Cordova to keep Mr. Cordova from getting in trouble and may have called Mr. Cordova before even arriving. Mr. Derringer complained the officers spoke to Mr. Cordova first even though he called and seemed to know right where his office was. Mr. Derringer believed the officers created a plan of action to defend Mr. Cordova because he had filed criminal charges against Mr. Cordova the day before on harassment and extortion.

The CAD showed both parties called police. The lapel video showed when officers walked in the door; Mr. Cordova was at the front desk. Mr. Cordova guided the officers to his office and they spoke there first. The lapel video showed both parties were treated the same and there was no discussion about keeping Mr. Cordova out of trouble. The lapel video showed the officers had no familiarity with either party.

The CPOA finds the allegation of a violation of this SOP against Officer M. was **UNFOUNDED**, which means the alleged misconduct did not occur.

Letter to Mr. Derringer

DATE

Page 5

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

*Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity except (the exceptions did not apply in this case).*

Mr. Derringer stated he asked for both officers' names and man numbers. Mr. Derringer did not remember what response he received, but he did not receive the information.

The lapel video showed Mr. Derringer never asked the officers for their names. The lapel video showed Officer W. did caution Mr. Cordova that as a city employee he should provide his information when requested.

The CPOA finds the allegation of a violation of this SOP against Officer M. was **UNFOUNDED**, which means the alleged misconduct did not occur.

(C) The CPOA reviewed Standard Operating General Order 1-05-6D regarding Officer M.'s conduct, which states:

*Personnel of the department will write reports on any incident that is of great importance where the officer is at the scene, at the scene of a crime, or any incident where a citizen/victim requests a report. The calling party will not be referred to the Telephone Reporting unit.*

Mr. Derringer claimed he asked for a report to be written, as opposed to just documentation, for harassment and extortion. Mr. Derringer stated the officer refused to fill out a report and suggested things could be worked out.

The lapel video showed Mr. Derringer discussed documentation of the call with Officer M.. Mr. Derringer wanted the letter he wrote to be included as part of her document. Officer M. informed him that there was nothing to document as a police report, but she would add comments to the call. Mr. Derringer said he wanted a "callout report" and Officer M. offered to provide him the incident number. Mr. Derringer moved on to different topics and seemed satisfied with Officer M.'s response. Neither Officer M. nor Mr. Derringer remembered later about the CAD number so it was not given. The level of documentation Officer M. did was the same as what the officers had done the day before.

The CPOA finds the allegation of a violation of this SOP against Officer M. was **EXONERATED**, which means the alleged misconduct did occur but did not violate APD policies, procedures, or training.

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(D) The CPOA reviewed Standard Operating General Order 1-04-1F 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. Derringer claimed Officer M. should have interjected when Officer W. claimed to have his signed form. Mr. Derringer was upset the officers tried to convince him he had agreed to something when he had not. The officers blew off the whole situation when Mr. Cordova lied about what transpired and Mr. Derringer tried to point that out.

The lapel video showed Officer W. understood from Mr. Cordova that the form the center provided would have been the form Mr. Derringer signed in order to get his registration card. The lapel video showed Officer W. clearly explained the form he had was a blank and that staff would work to get Mr. Derringer his signed copy. The registration form Mr. Cordova indicated Mr. Derringer must have signed to get his membership card states that the person will abide by the rules and expectations of the community center. The signs posted in the community center state that adults must scan membership cards with each visit, which Officer M. pointed out when officers departed. The video showed Mr. Derringer complained Mr. Cordova lied and the officers said they were moving forward. Things ended on a positive note with the officers. Police were under the impression Mr. Derringer signed a release from staff and the fact that there was not a current release to provide to him was not the officers' fault.

The CPOA finds the allegation of a violation of this SOP against Officer M. was **UNFOUNDED**, which means the alleged misconduct did not occur.

Your complaint and these findings will be placed in Officer W.'s and Officer 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.

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. Derringer**

**DATE**

**Page 7**

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

M006403

**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

Sierra Nicole Montoya  
[REDACTED]  
Albuquerque, NM 87112

**Re: CPC #021-15**

Dear Ms. Montoya:

The complaint you filed against Detective O. of the Albuquerque Police Department (APD) was received in our office on February 23, 2015 regarding an incident that occurred on December 11, 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**

Sierra Montoya wrote in her complaint that near the end of 2014, her male friend's 6 year old daughter disclosed to Ms. Montoya that she was being sexually abused. Ms. Montoya reported the abuse to the girl's father and also reported the abuse to CYFD. Detective O. was assigned to investigate the case and Detective O. and Ms. Montoya had several phone conversations while the case was being investigated. Detective O. allegedly argued with Ms. Montoya about her relationship with the child's father. Detective O. also requested Ms. Montoya's personal information because the Detective O. had been "looking" Ms. Montoya "up". Ms. Montoya alleged that Detective O.'s demeanor towards her was very threatening and intimidating. In the ensuing six months since those conversations took place, Detective O. worked with the child's Guardian Ad Litem, Ms. Jane Levy. It was alleged by Ms. Montoya that based on some e-mails that Ms. Montoya had received, that Ms. Levy gained personal information on Ms. Montoya that was sealed when Ms. Montoya became an adult. Ms.

Montoya alleged that Ms. Levy obtained that information from Detective O. as Detective O. had access to the information from police data bases and Detective O. had been "looking" her "up". Specifically, Ms. Montoya alleged that Detective O. had accessed Ms. Montoya's juvenile mental health records. That information was used by Jane Levy in a custody case involving the child who had allegedly been abused.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Report in the case, a review of two recorded phone conversations with Ms. Montoya, interviews with Ms. Montoya, Ms. Levy, and Detective O.. The CPOA Investigator also reviewed a series of e-mails sent between the Guardian Ad Litem and Ms. Montoya's attorney.

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

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

Ms. Montoya alleged that she had several phone conversations with Detective O. while the case was being investigated. Detective O. allegedly argued with Ms. Montoya about her relationship with the child's father. Detective O. also requested Ms. Montoya's personal information because Detective O. had been "looking" Ms. Montoya "up". Ms. Montoya alleged that Detective O.'s demeanor towards during the phone conversations was very threatening and intimidating.

The investigation revealed that there were not several phone conversations as alleged. There were two phone calls. Both of those conversations were recorded by Detective O. and the recordings were reviewed by the CPOA Investigator and Ms. Montoya during Ms. Montoya's interview. Detective O. did not argue with Ms. Montoya about her relationship with the child's father as alleged. Ms. Montoya admitted that there was nothing in the recorded conversations that was threatening or intimidating. Ms. Montoya said that her frustration came from the fact that she was the one who reported the suspected abuse and that she herself ended up being investigated. Ms. Montoya felt that she should not have been investigated at all.

When a child who has disclosed sexual abuse is in the system, it is the standard procedure for everyone who is involved in the investigation of that case has certain responsibilities. Those responsibilities include that any placement of the child be done so that the child's safety and well-being are ensured. Part of that is looking into the background of everyone who is going to be in contact with the child. Because Ms. Montoya was the girlfriend of the child's father and she was around the child and part of the child's life, she was subject to investigation. Ms. Montoya was more than just a witness in this case. Furthermore, the investigation revealed

that Ms. Montoya had made statements in a CYFD meeting about her own past that caused Detective O. and the child's Guardian Ad Litem concern about Ms. Montoya.

The CPOA find Detective O.'s conduct to be UNFOUNDED regarding the allegation of a violation of this SOP, which means that the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

B) The CPOA reviewed Standard Operating Procedure 1-04-6 (H) regarding Detective O.'s conduct, which states:

***Personnel shall treat the official business of the department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established department procedures.***

It was alleged by Ms. Montoya that based on some e-mails that she had received, Ms. Jane Levy, the child's Guardian Ad Litem, had gained personal information on Ms. Montoya that was allegedly sealed when Ms. Montoya became an adult. Ms. Montoya alleged that Ms. Levy obtained that information from Detective O. as Detective O. had access to the information from police data bases and Detective O. had been "looking" Ms. Montoya "up". Specifically, Ms. Montoya alleged that Detective O. had accessed Ms. Montoya's juvenile mental health records. It was alleged by Ms. Montoya that information from her juvenile mental health records was used by Ms. Levy in a custody case involving the child who had allegedly been abused.

The investigation revealed that Ms. Montoya had never taken any steps to legally seal her juvenile records. The investigation also revealed that Detective O. had no access to any of Ms. Montoya's juvenile mental health records. Ms. Levy and Detective O. confirmed that they did have conversations about Ms. Montoya but that there were never any written records provided to Ms. Levy by Detective O.. The only record on Ms. Montoya that Detective O. was aware of was a police report that was made when Ms. Montoya had a Domestic Dispute with her mother. Detective O. and Ms. Levy confirmed that Detective O. told Ms. Levy about that incident but that no physical record was shared.

The investigation also revealed that there was a meeting with all parties involved at or with CYFD where Ms. Montoya either disclosed herself or made reference to the fact that she had been a victim of abuse in her past and that there may have been some suicidal ideation. It was Ms. Levy and not Detective O. who brought that up to Ms. Montoya's attorney. Ms. Levy stated in an e-mail to Ms. Montoya's attorney that she wanted to clarify that she needed the information based on information that she had received from CYFD and APD as well as Ms. Montoya's own statements during that meeting.

The investigation revealed that although Detective O. was concerned with Ms. Montoya's past that Detective O. never had access to any of Ms. Montoya's juvenile health records and that Detective O. never shared any APD records at all with Ms. Levy.

**Letter to Ms. Montoya**

**DATE**

**Page 4**

The CPOA find Detective O.'s conduct to be UNFOUNDED regarding the allegation of a violation of this SOP, which means that the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

Your complaint and these findings are made part of Detective O.'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

M006407

## **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

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

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**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

M006409

## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Police Oversight Board**

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*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Ms. Monica A. Trujillo

Albuquerque, NM 87102

**Re: CPC #023-14**

Dear Ms. Trujillo:

The complaint you filed against Officer Z., Officer S., Detective C., of the Albuquerque Police Department (APD) was received in our office on January 29, 2014 regarding incidents that occurred on October 31, 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. 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**

Monica Trujillo stated in her complaint that on October 31, 2013, her dogs in the yard began to bark. She looked outside and saw officers, so she took her dogs inside. Monica wrote that then stepped outside, at which time the officers had their guns drawn and told her to go back inside. Monica saw her daughter-in-law, Teresa, outside with the children. Monica then assisted Teresa with the children. Monica took custody of the children, but was not allowed to initially take the diaper bag. After the diaper bag was searched, Monica was allowed to take possession of the bag. Monica saw that her son Nicholas was in a police unit, and that an officer informed her they were investigating an armed robbery, her son Nicholas was a suspect, and that he fled when police tried to initiate a stop. Monica noticed that the media was nearby, and that her neighbors were outside their homes. The officers noticed a pellet gun on the table, and Monica informed them that the gun was for keeping pigeons away. Monica alleged that the officers went in and out of Nicholas' room several times. An officer

**Letter to Ms. Trujillo**

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informed Monica that after speaking to Nicholas' boss and doing a preliminary investigation, they were going to release Teresa and Nicholas.

Monica alleged that the officers used excessive force, the search and seizure was illegal, the police damaged her property, there was lack of probable cause, the officers were guilty of child endangerment, and no one was identified as being in charge of the situation.

Teresa Trujillo's written statement attached to Ms. Trujillo's said that on October 31, 2013, at 3:30 p.m., her husband Nicholas called to say he was on his way home from work. Upon arriving at home, her husband went outside with one of their children. Teresa stated that then heard a noise and saw police outside with AR rifles pointed at her room, and saw her husband with his hands behind his head, and guns pointed at him. Teresa stated the police yelled at her to exit the residence, and she exited the residence with both children and their diaper bags. She alleged that the police told her to put the diaper bag on the ground. The children were taken by Monica, the mother-in-law. Teresa stated that she was patted down. The officer took her cell phone and lighter. Teresa alleged that a detective questioned her about financial matters, and asked her if she would be surprised if Nicholas had robbed a place on his way home. Teresa stated that she waited in a police car for what felt like half-an-hour, and was then transferred to two other police units. The police released her after 5:00 p.m. and Nicholas was released around 6:30. When the police left, they did not return Nicholas' handkerchief, scarf, and gloves.

Teresa alleged that the officers left her room in shambles, her privacy had been invaded, and the police could not search her home without a warrant.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Reports in the case, The Computer Assisted Dispatch (CADS) Reports, lapel camera video, two cell phone videos, interviews with Ms. Monica Trujillo, Ms. Teresa Trujillo, Mr. Nicholas Trujillo, Officer Z., Officer S., Officer E., Officer W., Detective S., Detective C., and Officer F..

A) The CPOA reviewed Standard Operating Procedure 1-02-2 B 2 regarding Officer Z.'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.*

**Letter to Ms. Trujillo**

**DATE**

**Page 3**

Ms. Monica Trujillo alleged that the officers used excessive force, the search and seizure was illegal, the police damaged her property, there was lack of probable cause, the officers were guilty of child endangerment, and no one was identified as being in charge of the situation. Teressa alleged that the officers left her room in shambles, her privacy had been invaded, and the police could not search her home without a warrant.

The Investigation showed that Ms. Monica Trujillo owns both her house and the converted shed that her son and Tessa Trujillo live in. The homes are located on the same property but Nicholas Trujillo and Teressa Trujillo rent the converted shed from Ms. Trujillo. Ms. Monica Trujillo later said that police didn't use any excessive force. She said that she was complaining about the overwhelming show of force, because so many officers went to her residence. Ms. Monica Trujillo also said that the property that was broken was a computer belonging to Teressa, located inside Teressa's home. Ms. Monica Trujillo also said that she never asked any officer who was in charge at the scene.

The Investigation revealed that Officer Z. was in fact one of the officers responsible for taking Nicholas Trujillo into custody. Officer Z. also participated in a protective sweep of Nicholas and Teressa Trujillo's home.

The facts known to the officers at the time were that two armed robberies occurred on that day in close proximity to one another. In each of the armed robberies, the offender was described as a 20-30 year old black male, wearing a blue long sleeved shirt and blue jeans. Officer E. was on patrol and saw a white Jeep Cherokee driving at a high rate of speed southbound on Broadway. The man driving the Jeep, later identified as Nicholas Trujillo, matched the description of the offender who had robbed the two stores. The vehicle stopped at a red light and Officer E. pulled up beside the car after he looked at the license plate. Officer E. looked at Nicholas Trujillo and Nicholas Trujillo appeared to be yelling something and he was hitting his steering wheel. Before the light changed to green, Nicholas Trujillo gunned the Cherokee and fled at a high rate of speed. Officer E. gave chase but Nicholas Trujillo evaded the officer and eventually Officer E. lost sight of the Jeep. The APD Helicopter located the Jeep Cherokee at [REDACTED] and that was what precipitated the series of events that led to this complaint.

The officers of the Albuquerque Police Department who participated in the activities at [REDACTED] [REDACTED] had probable cause to believe that Nicholas Trujillo was responsible for committing the armed robberies and that he had fled to [REDACTED], the Trujillo property. The response by the officers to a person who may have committed to violent armed robberies and who had just fled from the police was proper.

Officer Z. and Officer S. took part in taking Nicholas Trujillo into custody. They had probable cause to do so. Both officers saw Nicholas Trujillo come out of his rented home. The officers, not knowing if Nicholas Trujillo acted alone, and not knowing if there was anyone else in Nicholas and Teressa's home who could pose a threat to the officers, were justified in conducting a protective sweep of the home to ensure officer safety. The search was a quick limited search incident to the arrest of Nicholas Trujillo and the officers only searched areas

Letter to Ms. Trujillo

DATE

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capable of harboring a person. Both officers said that Nicholas and Teresa's home was cluttered and messy before they entered it. The officers did overturn the mattress in the home but only because the space beneath the mattress was capable of harboring a person.

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

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

*Department policy is to document damage to department or civilian property which occurs in the course of official duties.*

Ms. Teresa Trujillo complained that her computer was knocked over during the search of her home and it was damaged. The officers acknowledged seeing a computer in the home and believed that the computer was on top of the mattress when the mattress was overturned. Neither officer noticed any obvious damage to the computer and if they had damaged it, they would have written a report to document the damage.

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

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

A) The CPOA reviewed Standard Operating Procedure 1-02-2 B 2 regarding Officer Z.'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. Monica Trujillo alleged that the officers used excessive force, the search and seizure was illegal, the police damaged her property, there was lack of probable cause, the officers were guilty of child endangerment, and no one was identified as being in charge of the situation. Teresa alleged that the officers left her room in shambles, her privacy had been invaded, and the police could not search her home without a warrant.

The Investigation showed that Ms. Monica Trujillo owns both her house and the converted shed that her son and Tessa Trujillo live in. The homes are located on the same property but

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**DATE**

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Nicholas Trujillo and Teresa Trujillo rent the converted shed from Ms. Trujillo. Ms. Monica Trujillo later said that police didn't use any excessive force. She said that she was complaining about the overwhelming show of force, because so many officers went to her residence. Ms. Monica Trujillo also said that the property that was broken was a computer belonging to Teresa, located inside Teresa's home. Ms. Monica Trujillo also said that she never asked any officer who was in charge at the scene.

The Investigation revealed that Officer S. was in fact one of the officers responsible for taking Nicholas Trujillo into custody. Officer S. also participated in a protective sweep of Nicholas and Teresa Trujillo's home.

The facts known to the officers at the time were that two armed robberies occurred on that day in close proximity to one another. In each of the armed robberies, the offender was described as a 20-30 year old black male, wearing a blue long sleeved shirt and blue jeans. Officer E. was on patrol and saw a white Jeep Cherokee driving at a high rate of speed southbound on Broadway. The man driving the Jeep, later identified as Nicholas Trujillo, matched the description of the offender who had robbed the two stores. The vehicle stopped at a red light and Officer Elrick pulled up beside the car after he looked at the license plate. Officer E. looked at Nicholas Trujillo and Nicholas Trujillo appeared to be yelling something and he was hitting his steering wheel. Before the light changed to green, Nicholas Trujillo gunned the Cherokee and fled at a high rate of speed. Officer E. gave chase but Nicholas Trujillo evaded the officer and eventually Officer E. lost sight of the Jeep. The APD Helicopter located the Jeep Cherokee at 903 Arno and that was what precipitated the series of events that led to this complaint.

The officers of the Albuquerque Police Department who participated in the activities at 903 Arno had probable cause to believe that Nicholas Trujillo was responsible for committing the armed robberies and that he had fled to 903 Arno, the Trujillo property. The response by the officers to a person who may have committed to violent armed robberies and who had just fled from the police was proper.

Officer Z. and Officer S. took part in taking Nicholas Trujillo into custody. They had probable cause to do so. Both officers saw Nicholas Trujillo come out of his rented home. The officers, not knowing if Nicholas Trujillo acted alone, and not knowing if there was anyone else in Nicholas and Teresa's home who could pose a threat to the officers, were justified in conducting a protective sweep of the home to ensure officer safety. The search was a quick limited search incident to the arrest of Nicholas Trujillo and the officers only searched areas capable of harboring a person. Both officers said that Nicholas and Teresa's home was cluttered and messy before they entered it. The officers did overturn the mattress in the home but only because the space beneath the mattress was capable of harboring a person.

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

**Letter to Ms. Trujillo**

**DATE**

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

*Department policy is to document damage to department or civilian property which occurs in the course of official duties.*

Ms. Teresa Trujillo complained that her computer was knocked over during the search of her home and it was damaged. The officers acknowledged seeing a computer in the home and believed that the computer was on top of the mattress when the mattress was overturned. Neither officer noticed any obvious damage to the computer and if they had damaged it, they would have written a report to document the damage.

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

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

A) The CPOA reviewed Standard Operating Procedure 1-02-2 B 2 regarding Detective C.'s conduct, which states:

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

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

Ms. Monica Trujillo alleged that Detective C. searched a diaper bag that was placed outside her home before he would turn the bag over to her.

The investigation revealed that when that happened, no gun had been located at the time. It was unknown to Detective C. if Nicholas Trujillo had access to the diaper bag before the officers arrived on scene. Detective C. looked through the bag to make sure that it did not contain any weapons. The search was no more extensive than what was necessary to ensure the safety of the officers and others.

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

**Letter to Ms. Trujillo**

**DATE**

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Your complaint and these findings are made part of Officer Z.'s, Officer S.'s, and Detective C.'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

## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Police Oversight Board**

*Beth Mohr, Co-Vice Chair*

*Dr. Moira Amado-McCoy*

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Robin S. Hammer, Acting Executive Director

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*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Erik and Hanan Nordine

Albuquerque, NM 87110

**Re: CPC #023-15**

Dear Mr. and Mrs. Nordine:

The complaint you filed against Officer F. and Recruit Officer D. of the Albuquerque Police Department (APD) was received by our office on February 24, 2015, for an incident which occurred February 14, 2015. 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 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. and Mrs. Erik Nordine complained that on February 14, 2015, at approximately 11:20 PM, they were on the I-25N frontage road near Mountain Road when they came upon an Albuquerque Police Department (APD) Driving While Intoxicated (DWI)/sobriety roadblock. They said they were stopped and Mr. Nordine was questioned about drinking before he was asked to step out of his car. Mr. Nordine complained Officer F. shined a light in his left eye during the Horizontal Gaze Nystagmus (HGN) test and asked why he had problems on the test. Mr. Nordine told Officer F. it was due to the light being shone in his left eye. Mr. Nordine said he did the heel to toe test and Officer F. questioned why his ankles were shaky. Mr. Nordine complained he told Officer F. he sprained his ankle a week prior and Officer F. snapped back with "Every time I ask you a question, you give me excuses!" Mr. Nordine complained he was handcuffed, put in a patrol car and arrested before he was given a breath test. Mr. Nordine complained that after he blew a .02 on the breath test Officer F. threatened him with arrest. Mr. Nordine complained Officer F. was rude and intimidating to him and his

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**Letter to Mr. and Mrs. Nordine**

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wife and tried to escalate the situation. Mr. Nordine complained Officer F. attempted to sabotage the visual test when he shined a light in Mr. Nordine's eye. Mr. Nordine complained Officer F. was a danger to all motorists as he stated he had been awake for nearly four days. Mrs. Nordine complained Officer F. repeatedly told Mr. Nordine he was lying and should just admit he had been drinking. Mrs. Nordine complained she had to stand in the cold for nearly 1 hour and 40 minutes and Officer F. did not allow his father, who was on a ride-a-long, to loan her his jacket. Mrs. Nordine complained Officer F. would not answer her questions and told her she was argumentative and interfering with his job. Mr. and Mrs. Nordine complained Officer F. tried to escalate the situation, was arrogant, controlling, and aggressive and made them feel like criminals.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER F.'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, and interviews with the Complainant, and Officer F..

(A) The CPOA reviewed Standard Operating Procedure General Order 1-4-1(F) regarding Officer F.'s conduct, which states:

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

A review of the lapel video showed Officer F. shined his flashlight at the left side of Mr. Nordine's torso and not directly into Mr. Nordine's left eye. The lapel video showed Mr. Nordine performed the HGN and Officer F. told him to just track the pen and not look at anything in the background, to which Mr. Nordine replied the flashlight distracted him. Officer F. replied in a normal tone of voice with, "Its way down here man. Don't make excuses just follow it." The lapel video showed that prior to Mr. Nordine performing the walk and turn test, Recruit Officer (RO) D., Officer F.'s partner, asked him if he had any medical conditions which would prevent him from doing the test, to which Mr. Nordine responded he had a left ankle injury that may affect his ankle strength. Mr. Nordine completed the test and completed the one leg stand test. After the one leg stand test Officer F. asked Mr. Nordine, "What's up with your ankle, sir?" to which Mr. Nordine replied he sprained it approximately one week earlier. Officer F. asked if there were any other medical problems besides that and told Mr. Nordine to do cognitive tests (i.e. counting numbers, reciting parts of the alphabet and the finger touch test). The lapel video showed Officer F. did not "snap back" at Mr. Nordine regarding about making excuses.

The lapel video showed Mr. Nordine was placed in handcuffs after the Field Sobriety Tests were administered, when Officer F. suspected he was Driving While Intoxicated (DWI). Officer F. complied with APD Standard Operating Procedures (SOPs) 3-11-1 (D) & (E) and 3-11-1 (G)(2)(d) which authorize APD Officers to place someone under arrest and in handcuffs if probable cause exists to believe the driver is driving while intoxicated, before utilizing the Preliminary Breath Testing (PBT), respectively.

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Letter to Mr. and Mrs. Nordine

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There was no lapel video to substantiate or refute Mr. Nordine's allegations that Officer F. threatened him with arrest after the breath test, or that Officer F. stated he had been awake for nearly four days.

A review of the lapel video showed Officer F. did not Mr. Nordine how much he had to drink that night and did not repeatedly tell Mr. Nordine he was lying and should just admit he had been drinking, as alleged in Mrs. Nordine's written complaint.

A review of the lapel video showed Officer F. was not in direct contact with Mrs. Nordine. During Mr. Nordine's interview he said the Officers told his wife he was placed in the police car because they needed him to sit for 20 minutes in the event any freshly consumed alcohol was on his breath. Mrs. Nordine's questions were not ignored as alleged in her written complaint.

A review of the lapel video showed Sergeant L. contacted Mrs. Nordine and gave her Mr. Nordine's jacket approximately 20 minutes into the contact. Mrs. Nordine was standing outside for the entire contact but was without a jacket for only 20 minutes and not 1 hour and 40 minutes as alleged in her written complaint.

A review of the lapel video captured and the interviews showed Officer F. acted professionally and was not rude, arrogant or aggressive towards Mr. or Mrs. Nordine as alleged in their written complaints. Because there was no lapel video showing Officer F.'s conduct after the breath test, the evidence is inconclusive regarding Officer F.'s conduct.

The CPOA finds Officer F.'s conduct to be **NOT SUSTAINED** regarding the allegations of violations of this SOP, which means the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

B) The CPOA reviewed APD General Order 1-39-1 (A), and Department Special Order 12-26 regarding Officer F.'s conduct, which 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.*

Officer F. failed record his entire contact with Mr. and Mrs. Nordine. Officer F. was working the DWI checkpoint alongside RO D.. Although RO D. was conducting the DWI investigation both Officers were in direct contact with Mr. Nordine during Field Sobriety Tests and the breath tests and both Officers were required to record their contact with Mr. and Mrs. Nordine in its entirety.

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

**III. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING RECRUIT OFFICER D.'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 and interviews with the Complainant, and Recruit Officer D..

A) The CPOA reviewed APD General Order 1-39-1 (A), and Department Special Order 12-26 regarding Recruit Officer D.'s conduct, which 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**

Letter to Mr. and Mrs. Nordine

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*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.*

Recruit Officer D. did not record his contact with Mr. and Mrs. Nordine in its entirety. Recruit Officer D. was required to record his contact with Mr. Nordine from the time he asked him to step out of his vehicle for Field Sobriety Tests to the time he released him.

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

Your complaint and these findings are made part of Officer F.'s and Recruit 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>.

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

M006421

## **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

Christian Schlenker  
[REDACTED]

Albuquerque, NM 87123

**Re: CPC # 024-15**

Dear Mr. Schlenker:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on February 25, 2015, for an incident which occurred on December 24, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The 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**

Christian Schlenker's complains primarily about Officer E.'s actions during the investigation into the incident between him and his girlfriend, Nikkole Williams, on December 24, 2014. Mr. Schlenker wrote another officer participated in the inappropriate comments by Officer E, he believed to be Officer S.. Mr. Schlenker wrote that Officer E. was dispatched to Mr. Schlenker's apartment about a broken window. Officer E. also responded to a domestic violence call initiated by Ms. Williams. Mr. Schlenker wrote his girlfriend broke his window out of anger because she did not like the Christmas gift he purchased for her. Mr. Schlenker wrote he called police because he wanted his girlfriend to pay for the window. Mr. Schlenker wrote a statement for the police. While police were at his house, Ms. Williams called police too. Mr. Schlenker wrote that Officer E. and another officer went to his girlfriend's

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**Letter to Mr. Schlenker**

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apartment, which he could see from his apartment. Mr. Schlenker claimed he heard Officer E. and the other officer coddling Ms. Williams. Mr. Schlenker wrote as the officers left Ms. Williams' apartment the officers made several inappropriate comments. Mr. Schlenker wrote Officer E. and the other officer were "incompetent and out of line" after he read the police report. Mr. Schlenker disputed that he was deemed the primary aggressor even though it was Ms. Williams that was aggressive. Mr. Schlenker wrote he disagreed with assessments of his character in the report.

The CPOA Investigator interviewed Mr. Schlenker. Mr. Schlenker restated the reason for the argument. Mr. Schlenker stated Officer E. did not ask him any questions other than what happened. Mr. Schlenker stated Officer E. did not do a proper investigation because he did not ask questions or collect evidence. Mr. Schlenker stated Officer E. seemed more interested in listening to Ms. Williams' side and did not take him too seriously. Mr. Schlenker complained that he could hear inappropriate statements coming from Officer E. and another officer at Ms. Williams' residence. Mr. Schlenker was upset about the contents of the report and believed Officer E. had a gender bias against him by believing his girlfriend. Mr. Schlenker stated he watched the videos via an inspection of public records request and did not think the incident was recorded in its entirety.

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

The CPOA Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Albuquerque Police Report, Officer E.'s lapel video, Officer J.'s lapel video, and the CPOA Investigator's interviews of Mr. Schlenker, Officer E., Officer J. and Officer S..

(A) The CPOA reviewed Standard Operating Procedure Order 2-24-3(F)(1-3) regarding Officer E.'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.*

Mr. Schlenker claimed Officer E. was incompetent in his investigation. Mr. Schlenker claimed Officer E. did not ask him detailed follow-up questions. Mr. Schlenker claimed Officer E. interviewed Ms. Williams for about an hour so of course her statement had more detail. Officer E. held Mr. Schlenker's lack of detail against him. Mr. Schlenker claimed it should have been obvious Ms. Williams broke the window out of maliciousness and not a cry for help because she would have had to turn back towards him to do it. Mr. Schlenker also claimed Officer E. did not do his job because he did not have a female officer check Ms. Williams for a mark on her buttocks since she brought up being spanked. Mr. Schlenker believed that would have helped his case. In his interview, Mr. Schlenker responded to some

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of the accusations Ms. Williams made that Officer E. documented in the police report. In the interview, Mr. Schlenker said he held Ms. Williams down and then later said the report was partially true because he and Ms. Williams had fallen to the ground so he wound up holding her. Mr. Schlenker stated the spanking occurred, but it was consensual. He agreed he held her mouth to prevent her from screaming in his ear, but did not hold her mouth tightly.

The officers' lapel videos showed Officer E. asked Mr. Schlenker what happened. Mr. Schlenker made a general statement that Ms. Williams tried to hit him and kicked out the window. Mr. Schlenker said he did not want to get Ms. Williams in trouble, but wanted compensation for the window. The videos showed the broken window was on the way to the stairwell exit. The video showed when Mr. Schlenker had a phone conversation with Ms. Williams' sister he made some denials. The phone was in his possession when she called. Once he was off the phone, he told Officer E. that Ms. Williams called police and was going to make a claim he put hands on her, but he denied it. Officer E. asked Mr. Schlenker again what happened. Mr. Schlenker said he held Ms. Williams and spun her down, but it was nothing. The video showed Ms. Williams provided specific allegations when Officer E. asked her what happened. Officer E. spent about nine minutes with Mr. Schlenker and only about four minutes with Ms. Williams getting the stories. Mr. Schlenker did not give Officer E. many details despite Officer E.'s question and did not give Officer J. any additional details while Officer J. remained as he filled out a statement. A lack of marks on Ms. Williams' body would not rule out that something happened and if there were a mark, it would not show intention.

The CPOA finds Officer E.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the alleged conduct did occur, but did not violate APD policies, procedures, or training.

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

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

Mr. Schlenker stated after the officers left he could hear inappropriate comments coming from Officer E. and another officer when they left Ms. Williams' apartment.

The video showed Officer E. went to Ms. Williams' apartment alone. The CAD showed Officer S. left and went back into service before Officer E. went to Ms. Williams' apartment. Officer J. remained with Mr. Schlenker and then returned Ms. Williams' phone to Officer E. in the parking lot. Mr. Schlenker stated he had no issue with Officer J., who was the only other officer on scene since Officer S. had left. The CPOA investigator and another individual went to the apartment complex and attempted to hear statements as Mr. Schlenker described. Only when one individual loudly shouted could anything be heard between the two locations Mr. Schlenker described.

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Letter to Mr. Schlenker

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The CPOA finds the allegation of a violation of this SOP against Officer E. was **UNFOUNDED**, which means the alleged misconduct did not occur.

(C) The CPOA reviewed Standard Operating General Order 1-03-2(C) regarding Officer E.'s conduct, which states:

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

Mr. Schlenker claimed there was a gender bias against him. Mr. Schlenker claimed Officer E. was more interested in listening to Ms. Williams' side of things and did not take Mr. Schlenker's side seriously. Mr. Schlenker stated the report showed bias because it accused him of being less truthful, which he found insulting.

The video showed Officer E. did not know Ms. Williams called police at first. The video showed Officer E. did not act dismissively or rush Mr. Schlenker. The video showed Officer E. treated each party about the same. Officer E. explained his reasoning for finding Ms. Williams more credible.

The CPOA finds the allegation of a violation of this SOP against Officer E. was **UNFOUNDED**, which means the alleged misconduct did not occur.

(D) I, as Acting Executive Director, reviewed Standard Operating General Order 1-39-2B regarding Officer E.'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 a non-dispatched 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.*

Mr. Schlenker suspected the incident was not recorded in its entirety since he watched the videos from an inspection of public records request.

Officer E. recorded his contact with Mr. Schlenker in full. Officer E. recorded his initial contact with Ms. Williams in full. Officer E. did not record interaction of collecting Ms. Williams' statement and returning her phone. Officer E. claimed this was a very brief contact, but nonetheless it should have been recorded.

The CPOA finds the allegation of a violation of this SOP against Officer E. was **SUSTAINED**, which means the alleged misconduct did occur.

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Letter to Mr. Schlenker

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

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

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

Mr. Schlenker stated after the officers left he could hear inappropriate comments coming from Officer E. and another officer when they left Ms. Williams' apartment.

The video showed Officer E. went to Ms. Williams' apartment alone. The CAD showed that Officer S. left and went back into service before Officer E. went to Ms. Williams' apartment. Officer J. remained with Mr. Schlenker and then returned Ms. Williams' phone to Officer E. in the parking lot. Mr. Schlenker stated he had no issue with Officer J., who was the only other officer on scene since Officer S. had left. The investigator and another individual went to the physical locations and attempted to hear statements as Mr. Schlenker described. Only when one individual loudly shouted could anything be heard.

The CPOA finds the allegation of a violation of this SOP against Officer J. was **UNFOUNDED**, which means the alleged misconduct did not occur or did not involve the subject officer.

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

(A) The CPOA reviewed Standard Operating General 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. Schlenker stated after the officers left he could hear inappropriate comments coming from Officer E. and another officer when they left Ms. Williams' apartment.

The video showed Officer S. left Mr. Schlenker's apartment when Officer J. retrieved a statement form for Mr. Schlenker. The video showed Officer E. went to Ms. Williams' apartment alone. The CAD showed Officer S. left and went back into service before Officer E. went to Ms. Williams' apartment. The investigator and another individual went to the physical locations and attempted to hear statements as Mr. Schlenker described. Only when one individual loudly shouted could anything be heard.

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The CPOA finds the allegation of a violation of this SOP against Officer S. was **UNFOUNDED**, which means the alleged misconduct did not occur or did not involve the subject officer.

Your complaint and these findings will be placed in Officer E.'s, Officer J.'s and Officer 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

cc: Albuquerque Police Department Chief of Police

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**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

**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.

**I. 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**

*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        Susan Brown*  
Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Evangeline Martinez McCumber

██████████  
Albuquerque, NM 87114

**Re: CPC #025-15**

Dear Mrs. McCumber:

The complaint you filed against Officer W. of the Albuquerque Police Department (APD) was received by our office on February 25, 2015 for an incident which occurred between July 1, 2014 and January 16, 2015. 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) 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. 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**

Evangeline Martinez McCumber wrote that on June 3, 2014, Albuquerque Police Department (APD) Officer W. entered into a lease agreement with Mrs. McCumber for a residence at ██████████. The lease agreement specifically prohibited Officer W. from having any pets in the home. A few months into the agreement, Mrs. McCumber started having problems with Officer W.. In particular, Officer W. refused to throw out empty cardboard boxes that he had left on the side of the house after the move even though Mrs. McCumber provided an extra recycle bin for him to do so. Mrs. McCumber eventually became aware that Officer W. had pets in the residence. Mrs. McCumber told Officer W. that if he had pets that he was not allowed to keep them and he would need to get rid of them. Officer W. never responded to Mrs. McCumber. Upon inspection it was determined that Officer W. had two dogs at the home and he was keeping a rabbit in the bedroom all in violation of the lease.

**Letter to Mrs. McCumber**

**DATE**

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Mrs. McCumber issued a notice to vacate. Mrs. McCumber alleged that when she told Officer W. that an eviction would not look good especially if a future landlord was to contact her for a reference, Officer W. responded in a "snobby manner" that any landlord in the future would not be contacting her. Mrs. McCumber alleged that when Officer W. moved out he left the residence filthy and he also left two completed police reports behind in the trash. Mrs. McCumber stated that she understood that Officer W.'s intentional violation of his lease agreement is a civil matter but she believed it showed to the probationary officer's character. Furthermore, Mrs. McCumber felt that Officer W. failed to conduct himself in a professional manner while off duty and his conduct needs to be addressed. She closed her complaint by writing, "When he joined the APD he should have known he would be under a microscope in all aspects of his life and that whatever he did would be a reflection of the Department."

**I. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER W.'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, a review of text messages, a review of photos taken by Mrs. McCumber, an interview with Mrs. McCumber, an interview with Officer W., and an interview with Officer G., who was Officer W.'s roommate at the time.

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

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

Mrs. Evangeline Martinez McCumber complained that Officer W. violated the terms of a lease agreement he had entered into with Mrs. McCumber for a residence at [REDACTED]. The lease agreement specifically prohibited Officer W. from having any pets in the home. A few months into the agreement, Mrs. McCumber started having problems with Officer W.. Mrs. McCumber eventually became aware that Officer W. had pets in the residence. Upon inspection, Mrs. McCumber found that Officer W. had two dogs at the home and he was keeping a rabbit in the bedroom all in violation of the lease. Mrs. McCumber issued a notice to vacate. Mrs. McCumber told Officer W. that an eviction on his rental record would not look good especially if a future landlord was to contact her for a reference. Officer W. allegedly responded in a "snobby manner" that any landlord in the future wouldn't be contacting her. When Officer W. moved out he left the residence filthy and he also left two completed police reports behind in the trash. Mrs. McCumber stated that she understood that Officer Wells' intentional violation of his lease agreement is a civil matter but she believed it showed to the probationary officer's character. Mrs. McCumber felt that Officer W. failed to conduct himself in a professional manner while off duty and his conduct needs to be addressed.

Mrs. McCumber was interviewed and she repeated what was in her written complaint. Officer W. was interviewed and he admitted to violating the terms of his lease agreement.

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**Letter to Mrs. McCumber**

**DATE**

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Officer W. did get two dogs and a rabbit and he was keeping them at the home in violation of the lease agreement. Officer G., Officer W.'s roommate at the time, was also interviewed and he said that Officer W. intentionally violated the terms of the lease agreement. Photographic evidence proved that there were completed police reports left behind in the trash when Officer W. vacated the residence. While the copies of the text messages submitted by Mrs. McCumber do show conversation, it is impossible to tell from a text message what the tone or intention of the message was. Copies of the text messages submitted by Mrs. McCumber in and of themselves do not indicate that Officer W. was "snobby" as alleged.

The evidence referenced above showed that Officer W. did intentionally violate the terms of the lease agreement he had with Mrs. McCumber. As a police officer, Officer W. is subjected to more scrutiny than a civilian. The Albuquerque Police Department requires that an officer conduct themselves both on and off duty in such a manner as to reflect most favorably on the department. Officer W. did not display proper conduct in this situation. He should have complied with the terms of the lease agreement and he should have behaved professionally with regards to getting rid of the animals rather than ignoring Mrs. McCumber's requests and forcing an eviction.

The CPOA finds with regards to the allegation made by Mrs. McCumber about Officer W.'s conduct that the allegation was SUSTAINED, which means that the investigation determined by a preponderance of the evidence that the alleged misconduct did occur.

Your complaint and these findings are made part of Officer W.'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

M006431

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**

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*Dr. Jeannette Baca*

*Susanne Brown*

*Eric H. Cruz*

*Joanne Fine*

*Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Megan Gonzales

Albuquerque, NM 87107

**Re: CPC #026-15**

Dear Ms. Gonzales:

The complaint you filed against Officer M. and Officer C. of the Albuquerque Police Department (APD) was received in our office on February 26, 2015 regarding an incident that occurred on February 25, 2015.

**I. THE COMPLAINT**

Ms. Gonzales complained that on February 25, 2015, at approximately 5:00 pm, she called APD to the Children, Youth and Families Department (CYFD) to address a 17 year-old juvenile female who was verbally and physically aggressive towards her and fellow staff members. Ms. Gonzales alleged that it took Officers M. and C. nearly two hours to arrive. Ms. Gonzales complained she asked Officers M. and C. to take the juvenile female into custody for violating the conditions of her probation and Officers M. and C. said they could not because they did not witness the incident. Ms. Gonzales complained this interaction was one of the worst experiences with APD because she waited nearly two hours to be told there was nothing the officers could do to help despite the fact that the juvenile posed a risk to her and other CYFD staff members.

**II. INVESTIGATION BY CPOA INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed your complaint, the lapel video and interviews. The lapel video showed Officer M. and Officer C. were professional and respectful towards Ms. Gonzales and her coworkers and explained why there was an extended delay in responding to her call for service. The interviews revealed that prior to the Officer's arrival, Ms. Gonzales contacted Juvenile Probation and Parole and was told nothing could be done until the next morning. Additionally, the Officers also contacted Juvenile Probation and Parole and were told that since they did not witness the incident nothing could be done until the next morning. The lapel video and interviews showed Officer M. and Officer C. did not violate any Albuquerque Police Department (APD) Standard Operating Procedures (SOPs).

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**Letter to Ms. Gonzales**

**DATE**

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The CPOA Investigator contacted you on May 20, 2015 and spoke with you about why the officers were not authorized to take the juvenile into custody and provide you the assistance requested. You told the CPOA Investigator that you were satisfied with the explanation and our investigation into the matter and that no further investigation would be necessary into the incident.

**III. FINDINGS AND CONCLUSIONS**

The investigation conducted determined that there was no evidence of misconduct by Officer M. and Officer C.. Officer M. and Officer C. did not violate any APD SOPs. Therefore, the CPOA will administratively close your complaint and no further investigation will occur.

Your complaint and a copy of this letter will be placed in the two Officers' Internal Affairs records.

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

M006433

**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

Natalie Butters  
[REDACTED]  
Albuquerque, NM 87113

**Re: CPC # 027-15**

Dear Ms. Butters:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on February 27, 2015, for an incident, which occurred on February 4, 2015. 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. Butters wrote she called Sergeant P. about the interview she just experienced with Detective R. and Detective M. (See CPCs 28-15 and 29-15). Ms. Butters complained to Sergeant P. that the detectives treated her as a suspect instead of a victim, and did not investigate her allegations. Ms. Butters alleged that she informed Sergeant P. she had physical evidence the detectives refused to consider. Ms. Butters alleged that Sergeant P. told her it was the detectives' discretion. Ms. Butters alleged that Sergeant P. was condescending, demeaning and refused to provide information asked for each time she spoke to Sergeant P.. Ms. Butters alleged that Sergeant P. accused her of being impolite and hung up on her when Ms. Butters informed Sergeant P. she provided incorrect information.

Letter to Ms. Butters

DATE

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The CPOA Investigator interviewed Ms. Butters. Ms. Butters stated she originally tried to contact Sergeant P. to be interviewed, but was ignored. Ms. Butters stated in her interview that Sergeant P. did not provide her with a straightforward answer about the complaint process. Ms. Butters stated Sergeant P. had nothing but praises for the detectives, which was not helpful. Ms. Butters stated in subsequent conversations with Sergeant P. that it was obvious Sergeant P. was frustrated. Ms. Butters complained Sergeant P. was very demeaning when Sergeant P. told her to do as she "instructed." Ms. Butters stated Sergeant P. was deliberately frustrating her by giving her incorrect information. Ms. Butters stated Sergeant P. hung up on her and subjected her to disrespectful treatment.

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

The CPOA Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Sergeant P.'s audio recordings, and the CPOA Investigator's interviews of Ms. Butters and Sergeant P.. Additional interviews were conducted with Detective R. and Detective M. for the respective complaints Ms. Butters filed about them in CPC 028-15 and 029-15.

(A) The CPOA reviewed Standard Operating Administrative Order 3-43-3G2 regarding Sergeant P.'s conduct, which states:

*The individual receiving a verbal 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.*

Ms. Butters said Sergeant P. would not give her information on the complaint process.

Sergeant P. recorded her phone conversations with Ms. Butters. The recording showed Sergeant P. tried to get more information about Ms. Butters' complaint as SOP 3-43-3G1,4 and 5 dictate for supervisors to do. Sergeant P. did give Ms. Butters the option to file a formal complaint through Internal Affairs and explained the process. Ms. Butters explained what her complaint was with Detective R. only at the time.

The CPOA finds the allegation of a violation of this SOP against Sergeant P. was **UNFOUNDED**, which means the alleged misconduct did not occur.

(B) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Sergeant 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.*

Ms. Butters said she had been trying to reach Sergeant P. for months for an interview, but was ignored. Ms. Butters said Sergeant P. gave her incorrect information about Evidence. Ms.

M006435

Butters complained that Sergeant P. used a condescending tone and told her to do as "she instructed," which was inappropriate as she was not Sergeant P.'s employee. Ms. Butters claimed Sergeant P. implied she lied. Ms. Butters stated Sergeant P. accused her of being impolite and hung up on her.

Ms. Butters was inconsistent about if she had conversations with Sergeant P. prior to her interview. Ms. Butters stated Sergeant P. ignored her, but Ms. Butters also referred to conversations she said she had with Sergeant P. prior to her interview. Sergeant P. stated she never received a call from Ms. Butters until after the interview. The recordings showed Sergeant P. never implied she lied. In the recorded calls, Sergeant P. consistently gave the correct phone number for Evidence. In the recorded calls, Ms. Butters asked for the address to Evidence and when Sergeant P. gave her the information as well as directions, Ms. Butters became very impatient and annoyed. The recording showed Sergeant P. did become stern with Ms. Butters over Ms. Butters' tone of voice. The recording showed Ms. Butters became offended when Sergeant P. used the words "as instructed." From the recorded conversations, it was clear Sergeant P.'s intentions were to assist Ms. Butters, but Ms. Butters generally wanted to be argumentative with Sergeant P.. In reviewing the totality of the circumstances, Sergeant P.'s conduct did not violate policy.

The CPOA finds the allegation of a violation of this SOP against Sergeant P. was **EXONERATED**, which means the alleged misconduct did occur, but did not violate APD policies, procedures, or training.

Your complaint and these findings will be placed in Sergeant P.'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> .

**Letter to Ms. Butters**

**DATE**

**Page 4**

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

M006437

## **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

Natalie Butters

██████████  
Albuquerque, NM 87113

**Re: CPC # 028-15**

Dear Ms. Butters:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on February 27, 2015, for an incident, which occurred on February 4, 2015. 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. Butters wrote she was in disbelief someone as harassing, disrespectful and unprofessional such as Detective R. was a detective. Ms. Butters alleged that Detective R. continually interrupted her and did not allow her to answer questions. Ms. Butters alleged that Detective R. interfered with the investigation. Ms. Butters alleged she was unable to get the details of how she was raped because of Detective R.'s behavior. Ms. Butters claimed Detective R. enjoyed upsetting her and accused her of committing crimes. Ms. Butters alleged that Detective R. yelled at her. Ms. Butters wrote Detective R. accused her of being mean. Ms. Butters wrote Detective R. taunted her about how the interview would sound to others if she filed a civil suit. Ms. Butters alleged Detective R. offered her personal opinion when she brought up her disability. Ms. Butters alleged that Detective R. was out of control.

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**Letter to Ms. Butters**

**DATE**

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The CPOA Investigator interviewed Ms. Butters. Ms. Butters stated in her interview that it was obvious from the start Detective R. believed her attacker's version as fact. Ms. Butters stated she was unable to explain what happened to her because Detective R. repeatedly interrupted her and harassed her. Ms. Butters stated Detective R. was forceful and intimidating because Detective R. raised her voice. Ms. Butters stated Detective R. frequently interjected her opinion into the situation, which was unprofessional. Ms. Butters stated Detective R. treated her as a suspect instead of a victim. Ms. Butters stated Detective R. referenced emails from her attacker, but did not provide them to Ms. Butters for reference. Ms. Butters stated Detective R. made inappropriate comments about other peoples' sexual preferences. Ms. Butters stated Detective R. yelled at her and called her mean. Ms. Butters stated Detective R. was biased against her.

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

The CPOA Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Albuquerque Police Report, emails provided as evidence, Detective R.'s audio recording, and the CPOA Investigator's interviews of Ms. Butters and Detective R.. Additional interviews were conducted with Detective M. and Sergeant P. for the respective complaints Ms. Butters filed about them in CPC 029-15 and 027-15.

(A) The CPOA reviewed Standard Operating General Order 1-04-1(F) regarding Detective 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. Butters alleged Detective R. treated her as a suspect instead of a victim. Ms. Butters alleged that Detective R. screamed at her during the interview and accused her of committing a crime. Ms. Butters alleged that Detective R. interrupted her at every opportunity so she was unable to say what happened. Ms. Butters stated she was shocked by Detective R.'s discussion of other peoples' sexual preferences. Ms. Butters alleged that Detective R. accused her of being mean. Ms. Butters alleged that Detective R. smirked and seemed to take pleasure in discrediting her. Ms. Butters complained Detective R. accused her of lying. Ms. Butters stated Detective R. offered unwanted opinions about her life and her case. Ms. Butters alleged that Detective R. never apologized for any of her behavior.

The recorded interview showed Detective R. never screamed at Ms. Butters. The recorded interview showed Detective R. did not continually interrupt Ms. Butters. At times, Detective R. and Ms. Butters spoke over each other. The recorded interview showed at times that Ms. Butters ignored answering Detective R.'s questions. The recorded interview showed Detective R. allowed Ms. Butters to provide her side, but then Detective R. questioned her about the emails and texts. The recorded interview showed Ms. Butters was extremely intolerant of Detective M.'s mistake about the timeline and Detective R. reacted to Ms.

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**Letter to Ms. Butters**

**DATE**

**Page 3**

Butters' behavior. The recorded interview showed Detective R. was being frank with Ms. Butters about how her messages appeared. Ms. Butters said nothing about Detective R.'s facial expressions during the interview. The interview recording showed some of the statements Ms. Butters alleged were not said or the context was different. Detective R. agreed and the recording showed that Ms. Butters fit into the category of a victim and a potential suspect based on the evidence the detectives had. The interview recording showed Detective R. apologized to Ms. Butters especially at the end over a misunderstanding of the emails. Unlike the complaint against Detective M. more of what Ms. Butters said occurred with Detective R. did occur, but it did not go so far as to violate policy.

The CPOA finds the allegation of a violation of this SOP against Detective R. was **EXONERATED**, which means the alleged misconduct did occur, but did not violate APD policies, procedures or training.

(B) The CPOA reviewed Standard Operating General Order 1-03-2(C) regarding Detective R.'s conduct, which states:

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

Ms. Butters claimed Detective R. treated her in the inappropriate and harassing manner she did because Detective R. was biased against her. She felt Detective R. was biased against her because of her disability. Ms. Butters claimed Detective R. defended her attacker, ignored his criminal past, and ignored his threats to her in an email and voicemail.

The recording showed the specific issue of her disability was not a significant portion of the interview. The recording showed Ms. Butters was the first to bring up the subject and offered it as a contributory reason for why she had an interpersonal relationship with the other party. The recording showed Detective M. simply asked what her disability was, which in this situation was relevant since Ms. Butters brought it up. Both Ms. Butters and the other party provided several emails and text messages to Detective M. that Detective R. reviewed. The messages between them both had veiled threats, but there was no specific mention of physical harm. The playing of a voicemail was not on the recorded interview. The recorded interview showed Ms. Butters became indignant and asked if Detective M. looked into the other party's past police reports when Detective M. asked her to be specific about the other party's behaviors with her. Detective R. echoed they needed specifics between Ms. Butters and the other party, not generalities. The recording showed Detective R. did not defend the other party.

The CPOA finds the allegation of a violation of this SOP against Detective R. was **UNFOUNDED**, which means the alleged misconduct did not occur.

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**Letter to Ms. Butters**

**DATE**

**Page 4**

Your complaint and these findings will be placed in Detective 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.

Sincerely,

The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M006441

## **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

Natalie Butters

████████████████████  
Albuquerque, NM 87113

**Re: CPC # 029-15**

Dear Ms. Butters:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on March 3, 2015, for an incident, which occurred on February 4, 2015. 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**

Natalie Butters wrote at the time she initially reported the rape she was unable to give a statement. According to Ms. Butters, unbeknownst to her, Detective M. contacted her attacker and received his statement. Ms. Butters alleged that when she was ready to give a statement, Detective M. ignored her. Ms. Butters alleged Detective M. accepted everything her attacker said as fact. Ms. Butters alleged Detective M. implied Ms. Butters was lying and Detective M. did not need to investigate. Ms. Butters alleged Detective M. treated her like a suspect. Ms. Butters alleged Detective M. refused to collect physical evidence she offered. Ms. Butters wrote Detective M. focused on unflattering emails Ms. Butters sent and was dismissive of Ms. Butters. Ms. Butters alleged Detective M. made a mistake in understanding the timeline, but instead of apologizing Detective M. became angry and said she was going to end the interview.

M006442

**Letter to Ms. Butters**

**DATE**

**Page 2**

The CPOA Investigator interviewed Ms. Butters. Ms. Butters stated in her interview she tried to contact Detective M. for an interview for months, but Detective M. ignored her. Ms. Butters stated in her interview that it was obvious from the start Detective M. believed her attacker's version as fact. Ms. Butters stated Detective M. nonchalantly talked about a sensitive subject and could not believe Detective M.'s attitude. Ms. Butters stated Detective M. asked her the specifics of her disability and that was inappropriate. Ms. Butters stated Detective M. treated her as a suspect. Ms. Butters stated Detective M. ignored the threats made to her by her attacker. Ms. Butters stated Detective M. referenced emails from her attacker, but did not provide them to Ms. Butters for reference. Ms. Butters stated Detective M. should not have chastised her for sending insulting emails. Ms. Butters stated Detective M. disregarded the physical evidence Ms. Butters tried to provide because according to her attacker the sex was consensual. Ms. Butters repeated that when she corrected Detective M. on dates Detective M. became angry and tried to end the interview. Ms. Butters stated Detective M. was biased against her.

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

The CPOA Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Albuquerque Police Report, emails provided as evidence, phone logs, Detective M.'s audio recordings, Officer S.' lapel recording, and the CPOA Investigator's interviews of Ms. Butters and Detective M.. Additional interviews were conducted with Detective R. and Sergeant P. for the respective complaints Ms. Butters filed about them in CPC 028-15 and 027-15.

(A) The CPOA reviewed Standard Operating General Order 1-04-1F 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.*

Ms. Butters alleged she called Detective M. several times, but Detective M. ignored her. When Detective M. finally interviewed her, Detective M. treated her as a suspect instead of a victim. Detective M. screamed at her during the interview and accused her of committing a crime. Ms. Butters stated Detective M. chastised her for sending nasty emails, which was her right to do. Ms. Butters was also shocked by Detective M.'s nonchalant attitude while discussing sensitive topics. Ms. Butters alleged Detective M. became angry when Ms. Butters pointed out her mistake and said the interview was "over" instead of just apologizing.

Ms. Butters provided phone records showing when she called the APD Sex Crimes Unit. A recording showed Detective M. provided Ms. Butters her phone number during their conversation on November 20, 2014, but Ms. Butters did not show in her records she attempted to call that number. A couple of the calls in December were late at night when no

M006443

**Letter to Ms. Butters**

**DATE**

**Page 3**

one would be available. The recorded interview showed Detective M. never screamed at Ms. Butters.

The recorded interview showed Detective M. spoke in an even-toned manner throughout the interview. The recorded interview showed Detective M. allowed Ms. Butters to provide her side, but then Detective M. questioned Ms. Butters about the emails and texts. The recorded interview showed Ms. Butters was extremely intolerant of Detective M.'s mistake about the timeline. The recording showed Detective M. acknowledged her mistake. The recorded interview showed Detective M. suggested they end the interview, as they were not there to battle with her. The recorded interview showed Detective M. was being frank with Ms. Butters about how her messages appeared. Detective M. did not shout that the interview was over. Detective M. agreed and the recording showed that Ms. Butters fit into the category of a victim and a potential suspect based on the evidence the detectives had. The interview recording showed some of the statements Ms. Butters alleged were not said or the context was different.

The CPOA finds the allegation of a violation of this SOP against Detective M. was **UNFOUNDED**, which means the alleged misconduct did not occur.

(B) The CPOA reviewed Standard Operating Procedural Order 2-24-4F8 regarding Detective M.'s conduct, which states:

*Steps to be followed in conducting follow up investigations 8. Collect physical evidence.*

Ms. Butters informed Detective M. she had physical evidence to provide, but did not have an opportunity to explain its full relevance. Ms. Butters stated Detective M. refused to collect her evidence. Ms. Butters believed Detective M. should have shared the emails that the other party provided so she could adequately respond to them because she believed her email account was hacked by the other party.

Detective M. told Ms. Butters over the phone in November 20, 2014 she would collect whatever evidence was necessary, but did not go into any explanation of problems with the evidence Ms. Butters was trying to submit. It is unknown if the problems with the evidence were explained later to Ms. Butters as Detective M. said she did. Detective M. explained the evidence would not be tested due to chain of custody issues, improper storage and that the DNA presence would not establish coercion. It would not be proper investigative procedure to share evidence with Ms. Butters such as the emails from the other party without first obtaining a statement.

The CPOA finds the allegation of a violation of this SOP against Detective M. was **EXONERATED**, which means the alleged misconduct did occur, but did not violate APD policies, procedures, or training.

M006444

Letter to Ms. Butters

DATE

Page 4

(C) The CPOA reviewed Standard Operating General Order 1-03-2(C) regarding Detective M.'s conduct, which states:

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

Ms. Butters claimed Detective M. treated her in the inappropriate and harassing manner she did because she was biased against her. She felt Detective M. was biased against her because of her disability. Detective M. inappropriately asked her for specifics about her disability during the interview. Ms. Butters claimed Detective M. defended her attacker, ignored his criminal past, and ignored his threats to her in an email and voicemail.

The recording showed the specific issue of her disability was not a significant portion of the interview. The recording showed Ms. Butters was the first to bring up the subject and offered it as a contributory reason for why she had an interpersonal relationship with the other party. The recording showed Detective M. simply asked what her disability was, which in this situation was relevant since Ms. Butters brought it up. Both Ms. Butters and the other party provided several emails and text messages to Detective M.. The messages between them both had veiled threats, but there was no specific mention of physical harm. The playing of a voicemail was not on the recorded interview. The recorded interview showed Ms. Butters became indignant and asked if Detective M. looked into the other party's past police reports when Detective M. asked her to be specific about the other party's behaviors with her. The recording showed Detective M. did not defend the other party, but did inform Ms. Butters of his response to her allegations.

The CPOA finds the allegation of a violation of this SOP against Detective M. was **UNFOUNDED**, which means the alleged misconduct did not occur.

Your complaint and these findings will be placed in Detective M.'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.

M006445

**Letter to Ms. Butters**

**DATE**

**Page 5**

Sincerely,

The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M006446

## **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

Sandra Baca

Albuquerque, NM 87112

**Re: CPC #032-15**

Dear Ms. Baca:

The complaint you filed against Officer L. of the Albuquerque Police Department (APD) was received in our office on March 3, 2015 regarding an incident that occurred on February 10, 2015.

### **I. THE COMPLAINT**

Ms. Baca complained that on February 10, 2015, at approximately 7:33 PM, Officer L. responded to her home regarding a disturbance with her neighbor, which has persisted for approximately six years. Ms. Baca complained Officer L. gave her a hard time about her neighbor and was mean to Ms. Baca. Ms. Baca has a long history of on-going concerns with her neighbor and of calling APD to respond. Ms. Baca is assigned to detective in the Crisis Intervention Team to assist Ms. Baca with her concerns with her neighbor and the police.

### **II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed Ms. Baca's complaint and reviewed Officer L.'s lapel video. The lapel video showed Officer L. was professional and respectful towards Ms. Baca. A review of the Officer L.'s video showed that Officer L. complied with all applicable APD Standard Operating Procedures (SOPs).

### **III. FINDINGS AND CONCLUSIONS**

The investigation conducted determined Officer L. did not violate any APD SOPs and there was no evidence of misconduct by Officer L. Because there were no violations of SOPs, the CPOA will administratively close this complaint and no further investigation will occur.

Your complaint, the investigative file, and this letter will be placed in Officer L.'s Internal Affairs file.

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

M006447

**Letter to Ms. Baca**

**DATE**

**Page 2**

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

M006448

**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]  
Albuquerque, NM 87108

**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

**Letter to Ms. Peters**

**Page 2**

(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

M006450

**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

7014 2120 0004 7659 0301

Claudia Steinhauser

Albuquerque, NM 87120

**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 Esquibel. 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 Esquibel or Esquivel. The Investigator also checked with the Personnel Division of APD and confirmed that no one named Alex or Alec Esquibel 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,

M006451

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*     *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]  
Albuquerque, NM 87102

**Re: CPC #35-14**

Dear Mr. Niemyjski:

The complaint you filed against Civilian Employee C. of the Albuquerque Police Department (APD) was received by our office on February 20, 2014, for an incident which occurred on December 19 or 20, 2013. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint. The Administrative Review Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the employee 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 employees 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. Below is a summary of the complaint, my findings, and any discipline imposed.

**I. THE COMPLAINT**

Tadeusz Niemyjski complained that on December 19 or 20, 2013, at about 3:00 p.m., he was using the phone in the public records area of the police department when the records manager, Employee C., walked by, picked up a seating bench, and dropped it loudly back onto the floor. Mr. Niemyjski felt this action was intended to harass or intimidate him.

Mr. Niemyjski reported in his interview that he was at the police department on the day in question in order to obtain a permit to protest in the streets. He was directed to call another department in the city by security at the police department, so he entered the records division in order to use the phone. When he entered the area, Mr. Niemyjski indicated that he saw another records division employee, Employee G., assisting a citizen. Mr. Niemyjski stated

**Letter to Mr. Niemyjski**

**DATE**

**Page 2**

that at that time he saw Employee C. pacing behind the glass that separates employees from citizens.

Mr. Niemyjski reported that his attention was on the phone call he was making, but at some point noticed that he was the only person in the lobby. He heard a bench two to three feet away from him move and saw the side of that bench closest to him turn. The next thing he heard was a loud bang. When he looked at the other end of the six foot long bench, Mr. Niemyjski saw Employee C. walking back into the employee area while looking over his shoulder at Mr. Niemyjski. Mr. Niemyjski believed that the bench was dropped to make him feel uncomfortable in the records division at APD. Mr. Niemyjski also stated that he did not see Employee C. drop the bench.

Employee G. was interviewed by CPOA staff. Employee C. was Employee G.'s manager at the time of the incident. Employee G. stated that she did not recall the interaction in question. She believed she would have remembered hearing and or seeing a bench being dropped loudly. Employee G. does not recall any interaction between Mr. Niemyjski and Employee C. on the day in question or on any other occasion. She does recall interacting with Mr. Niemyjski on numerous occasions. Mr. Niemyjski indicated in his interview that he believed Employee G. has tried to help on multiple occasions and that she has been professional in her dealings with him.

Employee C. was interviewed by CPOA staff. Employee C. stated that he did not recall the interaction in question. Employee C. does not recall any interaction between Mr. Niemyjski and himself on the day in question or on any other occasion. Employee C. denied ever dropping a seating bench in the citizen area of the records division.

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

The CPOA Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, and interviews with Mr. Niemyjski, Employee G., and Employee C.

(A) The CPOA reviewed Standard Operating Procedure Order 1-04-1(F) regarding Employee C.' 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 complained that Employee C. conducted himself unprofessionally by dropping the bench in order to make him feel uncomfortable in the records department. Employee C. denied every dropping a bench and denies ever interacting with Mr. Niemyjski. Employee C. indicated that he had employees to interact with the public and very rarely dealt directly with the public in his time as head of the records department at APD. The only other employee mentioned by Mr. Niemyjski in his complaint is Employee G., who stated she did not see or

**Letter to Mr. Niemyjski**

**DATE**

**Page 3**

hear a bench being dropped. Mr. Niemyjski did not see Employee C. drop the bench. There is no independent evidence such as video or an independent witness which could prove or disprove Mr. Niemyjski's allegation.

I find the allegation of a violation of this SOP against Employee C. was **NOT SUSTAINED**, which means there is insufficient evidence to prove or disprove the allegation.

Your complaint and these findings will be placed in Employee C.'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

M006455

## **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

Domenic Patrone

Albuquerque, NM 87109

**Re: CPC # 035-15**

Dear Mr. Patrone:

The complaint you filed against Officer B. of the Albuquerque Police Department (APD) was received by our office on March 15, 2015, for an incident which occurred October 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 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. Patrone complained that on October 22, 2014, he was evicted from the Talin Market, 88 Louisiana Blvd. SE because he refused to turn his computer and carrying case over to the Security Guard before he entered the market to shop. Mr. Patrone complained that the Security Guard ordered him to leave and forcibly grabbed his arm, escorted him outside and then slammed him on the ground. Mr. Patrone said he received a bruise and a cut on his arm from the Security Guard's tight grip and fingernail. Mr. Patrone said he also received bruises on his shoulder and elbow as a result of being taken to the ground. Mr. Patrone said the Security Guard proceeded to kneel on his head as he handcuffed Mr. Patrone. Mr. Patrone complained he went to the APD Southeast Substation on October 29, 2014 to file a police report regarding the incident and was told to contact Officer G., who was the responding officer.

Mr. Patrone complained he left two messages at the Southeast substation for Officer B. to call him but Officer B. never called him back. One message was left on October 30, 2014 and the

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**Letter to Mr. Patrone**

**DATE**

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other on November 3, 2014. Mr. Patrone said between November 7, 2014 and January 15, 2015, he contacted the following individuals and organizations via email or telephone in an attempt to file a complaint against Marcos Sanchez, the Talin Market Security Guard: the Mayor of Albuquerque, the District Attorney, 242-COPS, Bernalillo Metropolitan Court, Deputy Police Chief William Roseman, and APD Sergeant Zachary Wesley and he was not able to file a complaint and "get his day in court." Mr. Patrone complained he was a victim who was unable to file a complaint and no one has been able to offer him a solution.

Mr. Patrone was interviewed and repeated what was in his original complaint. He added that he did not tell Officer B. about his injuries and did not ask Officer B. to accept charges against the Security Guard. He said several days after the incident he decided to press charges against the Security Guard. He also said Officer B.'s behavior the day of the incident was perfect. He said Officer B. addressed his concerns that day and was respectable with his demeanor and procedures.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER B.'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, and interviews with the Complainant and Officer B..

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

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

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

Mr. Patrone complained Officer B. failed to return Mr. Patrone's phone calls, resulting in Mr. Patrone not being given the opportunity to file a complaint against a Security Guard he alleged assaulted him at the Talin Market.

When Officer B. arrived at the Talin Market, Talin staff had Mr. Patrone in handcuffs. Officer B. took the handcuffs off Mr. Patrone. Mr. Patrone told Officer B. that he did not have any injuries. Talin Market staff requested Officer B. to issue Mr. Patrone a Notice of Trespass, which Officer B.. Mr. Patrone then left the scene on foot. A review of Officer B.'s report, the CADS report and interviews showed Officer B. took appropriate action and rendered assistance to Mr. Patrone, when he responded to the original incident. The evidence showed that when Officer B. contacted Mr. Patrone, Mr. Patrone denied he had any injuries and did not ask Officer B. to bring charges against the Security Guard.

The CPOA finds 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.

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**Letter to Mr. Patrone**

**DATE**

**Page 3**

Your complaint and these findings are made part of Officer B.'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>.

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,

Robin S. Hammer  
Acting Executive Director

CC: Albuquerque Police Department, Chief of Police

M006458

**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  
[REDACTED]  
Albuquerque, NM 87112

**Re: CPC # 036-15**

Dear Ms. Baca:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on March 11, 2015, for an incident which occurred on February 25, 2015. 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. Baca did not know when the event occurred about which she wanted to complain. Ms. Baca wrote that Officer T. responded to her call to police about her neighbor. Ms. Baca wrote Officer T. told Ms. Baca to talk to Detective T., who is assigned to the Crisis Intervention Team. Detective T. had worked with Ms. Baca for an extended period of time and knew the history of Ms. Baca's concerns about her neighbors. Ms. Baca wanted Officer T. to talk to her neighbor because her neighbor harassed her.

The CPOA Investigator interviewed Ms. Baca. Ms. Baca stated in her interview Officer T. left her house quickly. Ms. Baca believed Officer T. did not go to the neighbor's house as she requested. Ms. Baca stated Officer T. refused to go to the neighbor's house. Ms. Baca stated

Letter to Ms. Baca

DATE

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Officer T. told her to talk to Detective T.. Ms. Baca stated Officer T. spoke to a different neighbor and then left. Ms. Baca was irritated by Officer T.'s lack of response so she complained to Sergeant L.. Ms. Baca claimed Sergeant L. told her she had better stop bothering his CIT detectives. Ms. Baca stated Sergeant L. called her a liar. Ms. Baca stated Sergeant L. said he was going to "do something" to her, which she took as a threat. Ms. Baca stated Sergeant L. hung up on her.

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

The CPOA Acting Executive Director 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 Sandra Baca, Officer T. and Sergeant L..

(A) The CPOA reviewed Standard Operating Procedure General Order 1-04-1(F) regarding Officer T.'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. Baca asked Officer T. to talk to her neighbor, Ms. Sanford, about Ms. Baca's on-going issues with her neighbor. Officer T. left her home quickly and it was her belief Officer T. did not attempt to talk to Ms. Sanford. She wanted Officer T. to relay a message to Ms. Sanford to quit bothering her. She found out later Officer T. did attempt to go to Ms. Sanford's house. Despite admitting her original belief was incorrect, Ms. Baca insisted she still had complaint against Officer T.. However, Ms. Baca could not adequately express a complaint against Officer T.. Ms. Baca then said that she asked Officer T. to go to Ms. Sanford's house, but Officer T. refused. Officer T. told her to talk to Detective T. because Officer T. knew nothing about the case. Ms. Baca said Officer T. acted as if he did not want to talk to her and ran off right away. Officer T. spoke to a different neighbor, but she could not hear what was said.

There was no lapel video of the contact between Officer T. and the citizens he contacted. Ms. Baca claimed her complaint with Officer T. was that he refused to talk to her neighbor even though she also admitted he tried.

I find Officer T.'s conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the alleged misconduct did not occur.

(B) The CPOA reviewed Standard Operating Procedure General Order 1-39-2(B) regarding Officer T.'s conduct, which states:

*All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service or traffic stop. Personnel will activate the recorder prior to arriving at the call or prior to citizen contact on non-dispatched events (within the*

Letter to Ms. Baca

DATE

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*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 T. stated he believed he recorded his contact, but could not locate his video on Evidence.com. Officer T. stated he had been having some camera difficulties.

I find the allegation of a violation of this SOP against Officer T. was **SUSTAINED**, which means the alleged misconduct did occur.

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

(A) The CPOA reviewed Standard Operating Procedure General Order 1-04-1(F) regarding Sergeant 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. Baca claimed Sergeant L. told her to stop bothering his CIT detectives. Ms. Baca stated Sergeant L. called her a liar for accusing Officer T. of not talking to her neighbor when Officer T. tried. Ms. Baca claimed Sergeant L. threatened her by saying he was going to "do something". Ms. Baca stated Sergeant L. hung up on her.

There was no recording of the phone conversation between them. Ms. Baca claimed Sergeant L. was aggressive. Sergeant L. denied the allegation.

I find the allegation of a violation of this SOP against Sergeant L. was **NOT SUSTAINED**, which means the investigation was unable to determine whether the alleged misconduct occurred.

(B) The CPOA reviewed Standard Operating Procedure General Order 1-39-2(B) regarding Sergeant L.'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.*

Sergeant L. did not record his phone conversation with Ms. Baca. Sergeant L. stated he did not really have the means to record the phone conversation because he was in his car. Sergeant L. explained as a general rule he did not record follow-up calls to citizens about

**Letter to Ms. Baca**

**DATE**

**Page 4**

other officers. Sergeant L. interpreted contact in the policy to mean face-to-face contact not phone calls. However, Sergeant L. knew from prior experience Ms. Baca was not a typical citizen call-back, as Ms. Baca has made numerous other contacts with police about her concerns about her neighbor. Sergeant L. should have used his lapel recorder to record the conversation while on speaker phone.

I find the allegation of a violation of this SOP against Sergeant L. was **SUSTAINED**, which means the alleged misconduct did occur.

Your complaint and these findings will be placed in Officer T.'s and Sergeant 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 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

M006462

**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

DATE  
Via Certified Mail

Brynn Brue  
[REDACTED]  
Albuquerque, NM 87112

**Re: CPC #037-15**

Dear Mrs. Brue:

The complaint you filed against Police Service Aide S. of the Albuquerque Police Department (APD) was received by our office on March 17, 2015 for an incident which occurred on March 13, 2015. 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) Police Service Aide 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**

Brynn Brue complained that on March 13, 2015 she received a parking ticket on her windshield and it was issued by Police Service Aide (PSA) S.. Ms. Brue alleged that PSA S. broke her windshield wiper when he left the ticket. She did not notice the wiper blade was broken until it started raining and when she turned on her wipers, one of them scratched her windshield. She alleged that she almost wrecked because of the PSA's negligence. Ms. Brue wrote that it was highly upsetting that the PSA was so irresponsible with other people's property. She wrote that it was unprofessional and that she expected the matter to be dealt with.

Letter to Ms. Brue

DATE

Page 2

**I. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING PSA S.'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, an interview with Mrs. Brue and her husband, and an interview with PSA S..

- A) The CPOA reviewed Standard Operating Procedure Order 2-02-2(B) regarding PSA S.'s conduct, which states:

***Damage to Civilian Property***

***When sworn personnel damage civilian property in the course of their duties:***

- a. The supervisor in charge will ensure photographs are taken of the damage that was caused.***
- b. The scene will not be left until detailed photographs of the damage have been taken.***
- c. The incident will be documented detailing the exact damage and a copy shall be forwarded to the Risk Management Division.***
- d. The supervisor shall provide Risk Management's contact information to the property owner.***

Ms. Brue alleged that PSA S. broke her windshield wiper when he left a parking ticket under it. She did not notice the wiper blade was broken until it started raining a few days later and when she turned on her wipers, one of them scratched her windshield. She alleged that she almost wrecked because of the PSA's negligence. Ms. Brue wrote that it was highly upsetting that the PSA was so irresponsible with other people's property. She wrote that it was unprofessional and that she expected the matter to be dealt with.

The CPOA Investigator interviewed Ms. Brue. Ms. Brue admitted that it was a few days after being ticketed that she noticed the damage. Prior to being ticketed, it had been a couple of months since her husband, who is a mechanic, had checked the condition of the wiper blades on her car. Ms. Brue admitted that she parks her car in areas where other people have access to it, but she said that it was highly unlikely that anyone else could have damaged the wiper blade. When Ms. Brue was asked what proof she had that PSA S. damaged her wiper blade, she said that she had none. Ms. Brue said that she was not seeking restitution or damages but she did want someone to speak with the PSA about being more careful when leaving citations on people's windows.

The CPOA Investigator interviewed PSA S.. PSA S. could not remember ticketing Ms. Brue's car or the circumstances surrounding it. PSA S. said that around the time that this incident occurred he did remember ticketing a car that had a broken windshield wiper on it. The car, he thought, was silver in color. (Ms. Brue's car is gold.) PSA S. said that he went to place the ticket under the windshield wiper and the windshield wiper was already broken. He put the windshield wiper back on as best he could and then he left the ticket under the wiper

M006464

**Letter to Ms. Brue**

**DATE**

**Page 3**

blade. PSA S. denied breaking the wiper blade. PSA S. said that if he had broken the wiper blade he would have notified his supervisor and documented it, but since the blade was broken before he placed the ticket on the windshield, he felt that there was no need to document the incident.

Ms. Brue said that she suspected that PSA S. was the one who broke her wiper blade. She admitted that he had no proof of that and she admitted that the car had been parked in other areas where anyone would have had access to her car. PSA S. said that while he did not remember ticketing Ms. Brue's car specifically, he did remember that around the date and time of Ms. Brue being ticketed, he did ticket a car with a broken windshield wiper blade on it. PSA S. said that he did not break the wiper blade.

The CPOA finds with regards to the allegation made by Mrs. Brue about PSA S.'s conduct that the allegation was **NOT SUSTAINED**, was unable to determine by a preponderance of the evidence, whether the alleged misconduct occurred.

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

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

If you have a computer available, we would greatly appreciate 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

M006465

# 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

Martin Kevern  
[REDACTED]  
Albuquerque, New Mexico 87114

**Re:    CPC # 038-15**

Dear Mr. Kevern:

Your complaint against Bernalillo County Sheriff's Office (BCSO) Deputy Detective [REDACTED] 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 [REDACTED] 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

**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

M006467

**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

August 27, 2015  
Via Certified Mail

Ben A. Montoya Jr.  
[REDACTED]  
Albuquerque, NM 87114

**Re: CPC # 039-15**

Dear Mr. Montoya:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on March 25, 2015, for an incident, which started on February 23, 2015. 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**

Ben Montoya complained about the nature and quality of Detective G.'s investigation into crimes involving Mr. Montoya's his sister, Ms. Licon. Mr. Montoya complained that Detective G. was incompetent, inconsistent, biased, and intimidating. Mr. Montoya wrote Detective G. disregarded historical information about Mr. Licon and safety concerns articulated by his sister. Mr. Montoya also wrote Detective G. disregarded articulated safety concerns for his niece, the daughter of Mr. and Ms. Licon. Mr. Montoya alleged that Detective G. ignored evidence Ms. Licon provided of abuse and coercion of his niece. Mr. Montoya wrote Detective G. disregarded the death threats Mr. Licon made against his sister. Mr. Montoya wrote Detective G. did not collect evidence offered to prove ownership of the motorcycle. Mr. Montoya wrote Detective G.'s report was full of inaccuracies. Mr. Montoya

Letter to Mr. Montoya

DATE

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wrote Detective G. threatened and intimidated that she would file charges against Mr. Montoya.

The CPOA Investigator interviewed Mr. Montoya. Mr. Montoya reiterated much of his written complaint in his interview. Mr. Montoya stated the paperwork his sister attempted to provide showed clear ownership of the motorcycle in dispute belonged to Ms. Licon. Mr. Montoya stated Detective G. ignored the domestic violence history and threats Mr. Licon made towards Ms. Licon. Mr. Montoya stated Detective G. ignored the intimidation and coercion of a minor child by Mr. Licon. Mr. Montoya stated Detective G. threatened him with arrest and defamed him by calling him a criminal. Mr. Montoya stated Detective G.'s report had numerous inaccuracies. Mr. Montoya stated Detective G. treated his sister rudely.

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

The CPOA Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Albuquerque Police Report, Minute Order signed by a Judge, Arrest Warrant, Detective G.'s lapel video, Detective G.'s audio recordings, and the CPOA Investigator's interviews of Mr. Montoya and Detective G..

(A) The CPOA reviewed Standard Operating General Order 1-04-1(F) regarding Detective 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.*

Mr. Montoya stated Detective G. treated his sister rudely. Mr. Montoya claimed Detective G. intimidated him by threatening him with criminal charges when she called him on the phone. Mr. Montoya stated Detective G. seemed to update Mr. Licon on her activities because Mr. Licon sent several demanding and threatening text messages supposedly with Detective G.'s backing.

Detective G. recorded her phone conversations with Ms. Licon. Ms. Licon declined to participate in the investigative process. The recordings showed Detective G. treated Ms. Licon professionally. Detective G. did not have her phone conversation recorded with Mr. Montoya. Mr. Montoya stated Detective G. was cordial, but direct with him. Mr. Licon sending texts of his own was outside of Detective G.'s control. The overall investigation supports Detective G.'s version of events, but there is not enough evidence to support the clear and convincing standard for the entire conduct allegation

The CPOA finds Detective G.'s conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, which means the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

M006469

Letter to Mr. Montoya

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(B) The CPOA reviewed Standard Operating Procedural Order 2-24-4(F)(1), (2), (4), (8), (9), (10), (12), & (13) regarding Detective G.'s conduct, which states:

*Steps to be followed in conducting follow up investigations: 1. Review and analyze all previous reports. 2. Conduct additional interviews and interrogations, when necessary. 4. Seek additional information from officers, informants, etc. 8. Collect physical evidence. 9. Identify and apprehend the suspect(s). 10. Check criminal histories. 12. Prepare cases for court presentations and assist in the prosecutions. 13. Notify victims of the status of their case.*

Mr. Montoya claimed Detective G. filed false charges against his sister because Detective G. refused to accept documentation his sister offered nor did Detective G. interpret things correctly. Mr. Montoya claimed the original field officer determined his sister was the rightful owner of the motorcycle at issue. Detective G. did not consider Mr. Licon's domestic violence history and ignored threats Mr. Licon made towards Ms. Licon. Detective G. did not look into the fact the Licon's daughter was intimidated, coerced to lie to police, and mistreated. Detective G.'s report was conflicting and inaccurate in several ways. Mr. Montoya stated Detective G. did not attempt to collect physical evidence.

Ms. Licon declined to participate in the investigative process. Mr. Montoya stated his sister was awarded the motorcycle in the original divorce decree and that the term reserved meant that fact stayed the same. However, a Judge signed a Minute Order in September 2014, which said the property was reserved. Detective G. understood this meant the property was not to be transferred to Ms. Licon and was the property of Mr. Licon. The assistant District Attorney supported this interpretation as did the Judge since the arrest warrant was granted. The original field officer did not write in his report that Ms. Licon was the rightful property owner of the motorcycle, and there was the issue of additional missing property. The phone recordings showed Detective G. offered to meet Ms. Licon in person for an interview, but Ms. Licon declined. The phone recordings showed Ms. Licon did not provide documentation to support her position. Detective G. looked at past calls for service and reports. During the phone conversations, Ms. Licon did not provide specific information about threats just vague references to what friends told her. The phone recording showed Detective G. advised Ms. Licon to call police when she received a threat, which Ms. Licon indicated she appreciated the advice and understood. Detective G. considered Ms. Licon's claim that her daughter was coerced and mistreated. Detective G. saw no evidence that the Licons' daughter was abused, intimidated, or mistreated while Detective G. interacted with the girl at Mr. Licon's home. The message Ms. Licon played, in Detective G.'s opinion, did not go beyond a parent angrily scolding a child, and further supported the belief that Ms. Licon had the garage code. The phone recordings showed Ms. Licon said she had already taken the appropriate steps to report her concerns about her daughter. The original field officer attempted to collect physical evidence, such as dusting for fingerprints, but there was nothing to be collected. Mr. Montoya said his statements about inaccurate reporting came from a handwritten report, but did not provide that report to support his claim. The only report obtained from records was a typed report. Mr. Montoya claimed Detective G. confused the time of the tow in her report. A call placed to the towing company confirmed Detective G. accurately documented the information

M006470

**Letter to Mr. Montoya**

**DATE**

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in her report. Detective G. followed policy in her investigation, there is clear and convincing evidence that the alleged misconduct of performing a poor, one-sided investigation did not occur

The CPOA finds the allegation of a violation of this SOP against Detective G. was **UNFOUNDED**, which means the alleged misconduct did not occur.

Your complaint and these findings will be placed in Detective G.'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

M006471

**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

Patricia Davis  
[REDACTED]  
Albuquerque, NM 87187

**Re: CPC #041-15**

Dear Ms. Davis:

The complaint you filed against Officer M. of the Albuquerque Police Department (APD) was received by our office on March 26, 2015, for an incident which occurred February 16, 2015. 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**

Ms. Patricia Davis complained that on February 13, 2015 at about 12:00 AM, she was standing between her son, Brian Hayden, and her daughter, Nicole Hayden, who were in a verbal argument, when she was accidentally hit by Nicole Hayden. Ms. Davis complained a criminal complaint against her daughter, which was filed by APD Officer M. was incomplete and inaccurate and completed without Ms. Davis' input. Ms. Davis complained Nicole was described by Officer M. as intoxicated and aggressive and that her actions were intentional. Ms. Davis complained that the two witnesses to the incident, Brian Hayden, and his girlfriend, Sara Sydow, told Ms. Davis they did not tell Officer M. that Nicole was intoxicated or aggressive. Ms. Davis complained she was never contacted and/or questioned by Officer M.

Letter to Ms. Davis

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via telephone or in person. Ms. Davis requested a review of this incident and asked to be interviewed. Ms. Davis complained she called the substation to speak with Officer M. and left her name and phone number but Officer M. did not return her call.

**II. 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, lapel videos, and interviews with the Complainant, a witness and Officer M..

A) The CPOA reviewed Standard Operating Procedure 2-24-3 (A)(5)(b) regarding Officer M.'s conduct, which states:

***A. Preliminary Investigations***

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

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

Ms. Davis complained Officer M. did not contact her to question her regarding the events that took place during the incident.

The CPOA Investigator reviewed Officer M.'s lapel video and the interview with Officer M. and determined that Officer M. attempted to call Ms. Davis, but did not leave a message. Ms. Davis said she did not receive a call from Officer M.. Ms. Davis admitted that she received a call from an unknown number and the caller did not leave a message. Ms. Davis also stated that due to her cellular service provider, not all phone calls are received.

The CPOA Investigator reviewed Officer M.'s lapel video and interviews and determined Officer M.'s conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, which means the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

B) The CPOA reviewed Standard Operating Procedure 2-24-3 (A)(5)(f) regarding Officer M.'s conduct which states:

***A. Preliminary Investigations***

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

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

Ms. Davis complained Officer M.'s report was inaccurate and incomplete because Officer M. described Ms. Davis' daughter, Nicole Hayden, as having been intoxicated and aggressive during the incident, which Ms. Davis denies.

The CPOA Investigator reviewed Officer M.'s lapel video, interviews and report and determined Officer M. contacted Ms. Davis' son, Brian Hayden, and his girlfriend, Sara

**Letter to Ms. Davis**

**DATE**

**Page 3**

Sydow, who both witnessed Nicole Hayden strike Ms. Davis and both reported that Nicole was intoxicated and aggressive.

The CPOA Investigator reviewed Officer M.'s lapel video and interviews and determined Officer M.'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 M.'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

M006474

## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Police Oversight Board**

*Beth Mohr, Co-Vice Chair*

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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*

June 24, 2015

Via Certified Mail

Derek Martinez

Albuquerque, NM 87104

**Re: CPC #044-15**

Dear Mr. Martinez:

The complaint you filed against Detective P. of the Albuquerque Police Department (APD) was received by our office on March 28, 2015, for an incident which occurred March 27, 2015. 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 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. Martinez said that on March 27, 2015, Detective P. investigated an alleged child abuse involving Mr. Martinez's and a child he shares with Ms. Yvette Chacon. Mr. Martinez complained the child received multiple bruises while in the care of Ms. Chacon. Mr. Martinez said Detective P. saw the child's injuries and recommended Mr. Martinez take the child to University of New Mexico Hospital (UNMH) for evaluation and Mr. Martinez complied. Mr. Martinez complained that despite UNMH Pediatric Emergency Room doctor's suspicions that the child's injuries were uncommon and concerning, Detective P. allowed the child to be released back to the care of Ms. Chacon. Mr. Martinez complained Detective P. treated him poorly. Mr. Martinez complained Detective P. did not follow protocol when he did not inform Mr. Martinez the child was being released from the hospital and Detective P.'s

report was inaccurate because Detective P.'s report said there were no signs of abuse, which was in conflict with the UNMH doctor's findings.

**II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE 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 Standard Operating Procedures (SOPS), the Citizen Police Complaint, lapel video and interviews with Mr. Martinez, Children Youth and Families Department (CYFD) Investigator Andrea Hill, UNMH Child Abuse Response Team (CART) physician Dr. Shalon Nienow, and Detective P.

A) The CPOA reviewed Standard Operating Procedure 1-4-1 (F) regarding Detective P.'s conduct, which states:

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

Mr. Martinez complained Detective P. treated him poorly. Mr. Martinez complained Detective P. brought up a pending Driving While Intoxicated (DWI) charge against Mr. Martinez and used this against Mr. Martinez when deciding who would have custody of the Chacon-Martinez child. Mr. Martinez complained he was bullied into a safety plan for the child when Detective P. forced Mr. Martinez to agree the child would be cared for by Mr. Martinez's mother and sister, or otherwise placed in foster care.

The interviews with CYFD Investigator Hill and Detective P. revealed Detective P. raised his voice and was firm with Mr. Martinez when Detective P. had to repeatedly tell Mr. Martinez the child could not go home with him due to a court order. The interviews revealed Detective P. was respectful to Mr. Martinez and told Mr. Martinez he was a good father, despite Mr. Martinez yelling and cursing at Detective P. The interviews with Ms. Hill and Detective P. showed Detective P. did not treat Mr. Martinez poorly, as alleged.

The interviews with Ms. Hill and Detective P. revealed Detective P. asked Mr. Martinez about his pending DWI charge and his DWI history. This information was, in part, used in Ms. Hill's and Detective P.'s decision to place the child with Ms. Chacon, or Mr. Martinez's mother and sister. Ms. Hill said due to Mr. Martinez's DWI history, he was not considered a safety monitor for the child. Ms. Hill said safety monitors have to pass CYFD background checks and Mr. Martinez would not pass a CYFD background due to his DWI history. Ms. Hill said the court-ordered custody agreement was put in place because of Mr. Martinez's pending DWI charge and his DWI history. Ms. Hill said this issue was discussed with Mr. Martinez. The interviews with Ms. Hill and Detective P. revealed that, in addition to Mr. Martinez's DWI history, a court-ordered custody agreement regarding the Chacon-Martinez child would not allow Mr. Martinez custody of the child the night of the incident because his scheduled time with the child was between 9:00 AM – 5:00 PM that day.

There is lapel video of Detective P.'s initial contact with Mr. Martinez at the hospital but no lapel video of their second interaction to substantiate or refute Mr. Martinez's allegations that Detective P. treated Mr. Martinez poorly or bullied Mr. Martinez into a safety plan for the Chacon-Martinez child.

The CPOA finds Detective P.'s conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, because the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

B) The CPOA reviewed Standard Operating Procedure 2-24-3 (A)(5)(f) regarding Detective P.'s conduct, which states:

*A. Preliminary Investigations*

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

*f. Report the incident fully and accurately.*

Mr. Martinez complained Detective P.'s report was inaccurate because Detective P.'s report stated there were no signs of abuse, which was in conflict with the University of New Mexico Hospital (UNMH) doctor's findings.

Interviews with Detective P., Ms. Hill and Dr. Shalon Nienow revealed these individuals agreed the child had several bruises, which caused concern; however Dr. Nienow was unable to definitively determine whether the bruises were the result of child abuse or a sign the child was not properly supervised. Dr. Nienow's findings, in addition to the child's inability to self-report what happened, and a lack of witnesses to the actions which caused the injuries, did not allow Detective P. to meet the three criteria necessary to classify the incident(s) which caused the injuries as child abuse. The interviews revealed Detective P.'s report had yet to be completed at the time of this investigation so Mr. Martinez would not have been able to review Detective P.'s report. Regardless, the investigation revealed Detective P. did not deny the child had injuries and he based his decisions regarding the custody of the child on Dr. Nienow's findings, which were unable to definitely determine intentional abuse. Therefore, Mr. Martinez's allegation of an inaccurate report cannot be substantiated.

The CPOA finds Detective P.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate Albuquerque Police Department policies, procedures or training.

C) The CPOA reviewed Standard Operating Procedure 2-33-2 (D)(1)(c) regarding Detective P.'s conduct, which states:

*D. Taking Protective Custody of a Child*

*1. 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*

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DATE

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*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:*

*c. Is in danger from surroundings and removal from those surroundings is necessary.*

Mr. Martinez complained Detective P. put the Chacon-Martinez child in harm's way by allowing the child to return to Ms. Chacon who had custody of the child when the injuries occurred.

Interviews with Detective P., Ms. Hill and Dr. Nienow revealed these individuals agreed the child had several bruises, which caused concern; however Dr. Nienow was unable to definitively determine whether the bruises were the result of child abuse or a sign the child was not properly supervised. Dr. Nienow's findings, in addition to the child's inability to self-report what happened, and a lack of witnesses to the actions which caused the injuries, did not allow Detective P. to meet the three criteria necessary to classify the incident(s) which caused the injuries as child abuse. Interviews with Detective P. and Ms. Hill revealed the child was most likely not being properly supervised by the babysitter hired by Ms. Chacon, who was Ms. Chacon's sister's boyfriend.

Interviews with Detective P. and Ms. Hill revealed once they learned of the legal custody order in place regarding the Chacon-Martinez child, in addition to learning Mr. Martinez had a DWI case pending against him and multiple DWI charges in his driving history, Mr. Martinez was no longer considered a safety monitor for the child. Ms. Hill said safety monitors have to pass CYFD background checks and Mr. Martinez would not pass a CYFD background. Ms. Hill said the custody order was put in place because of Mr. Martinez's multiple DWI convictions and pending DWI case. With this information, Ms. Hill and Det. Padilla and Mr. Martinez discussed a safety plan for the child, which included the child staying with Ms. Chacon on the days Ms. Chacon was able to watch the child and not leave the child with a babysitter, and the child staying with Mr. Martinez on the days stated in the court order. The days Ms. Chacon was not able to watch the child, the child would stay with someone mutually agreed upon by Mr. Martinez and Ms. Chacon, who was also approved by CYFD. The two people eventually approved were Mr. Martinez's mother and sister. Ms. Hill and Detective P. felt comfortable sending the child home with Ms. Chacon because Ms. Chacon was not the concern; the babysitter was. The investigation revealed Detective P. did not place the Chacon-Martinez child in harm's way by sending the child home with Ms. Chacon, as alleged in Mr. Martinez's complaint.

The CPOA finds Detective P.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence, that the alleged conduct did occur but did not violate Albuquerque Police Department policies, procedures or training.

M006478

D) The CPOA reviewed Standard Operating Procedure 1-39-1 (A), and Department Special Order 12-26 regarding Detective P.'s conduct, which state, respectively:

***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.*

Detective P. recorded his initial contact with Mr. Martinez in the hospital but did not record any subsequent contacts with Mr. Martinez. Detective P. is required to record his contacts in entirety.

The CPOA finds Detective P.'s conduct to be a **SUSTAINED violation not based on the original complaint** regarding a violation of this SOP, which means the investigation determined, 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.

Your complaint and these findings are made part of Detective 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.

**Letter to Mr. Martinez**

**DATE**

**Page 6**

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

DRAFT

## **CIVILIAN POLICE OVERSIGHT AGENCY**

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

DATE

Via Certified Mail

Sabina Haque  
[REDACTED]

Albuquerque, NM 87112

**Re: CPC # 045-15**

Dear Ms. Haque:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on March 30, 2015 for an incident which occurred on March 27, 2015. 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**

Sabina Haque, a 48-year old woman, has had an ongoing dispute with her next-door neighbor, who is the same age. Ms. Haque's neighbor only speaks Spanish and yells things at her that she does not understand. Ms. Haque stated her neighbor has stomped around in front of her apartment and kicked her apartment door. Officers received calls about the dispute on March 27, 2015 from both Ms. Haque and her neighbor.

Ms. Haque wrote that she called police that day because her neighbor stomped around her apartment door and kicked her door. Ms. Haque wrote her neighbor ranted something in Spanish. Ms. Haque wrote she pushed her neighbor away in self-defense after her neighbor got in her face. Ms. Haque wrote she held a steam cleaner in between them as a shield. Ms.

Haque told all of this to the responding officers. Ms. Haque stated that after officers spoke to her neighbor, Officer D. accused her of threatening her neighbor with the steam cleaner, which she denied. Ms. Haque wrote Officer D. twisted her words and said she was the one stomping around. Ms. Haque wrote she told Officer D. she was scared, but Officer D. accused her of being angry instead. Ms. Haque complained Officer D. yelled at her the whole time and would not let her get a word in edgewise. Ms. Haque wrote Officer M. said nothing and did not stop Officer D.. Ms. Haque did not think her neighbor acted scared despite Officer D.'s accusations. Ms. Haque wrote Officer D. was disrespectful and intimidating. Ms. Haque wrote a supplemental statement to say she had medical proof showing she could not be the one stomping around.

The CPOA Investigator interviewed Ms. Haque. Ms. Haque stated in her interview that the officers were listening to her when they first spoke to her, but Officer D.'s attitude changed after the officers spoke to her neighbor. Ms. Haque stated Officer D. yelled at her the whole time and she found that to be intimidating and disrespectful. Ms. Haque stated Officer D. put words in her mouth several times. Ms. Haque admitted she pushed her neighbor when he got in her face. Ms. Haque stated when she went in her apartment for something she retrieved her stun gun as well. Ms. Haque admitted she showed it to the neighbor to show him she was not afraid to use it if needed. Ms. Haque stated Officer D. was being a bully and yelled at her over and over. Ms. Haque stated she became frustrated and left because the situation was going nowhere.

## **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 D.'s lapel video, Officer M.'s lapel video, and the CPOA Investigator's interviews of Sabina Haque, Officer D. and Officer M..

(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.*

Officer M. was the primary officer, and Officer D. was the secondary. Ms. Haque complained about Officer D.'s conduct. Ms. Haque felt Officer D. had made up his mind about the type of person she was after talking to her neighbor. Ms. Haque claimed Officer D. yelled at her and she found that behavior to be intimidating and disrespectful. Ms. Haque stated Officer D. interjected when she tried to tell her side of the story. Officer D. put words in her mouth and told her what her feelings were. Ms. Haque claimed Officer D. was a bully.

Officer D. understood from the neighbor that Ms. Haque kicked the neighbor, threatened to hit him with a vacuum cleaner and then walked back into her apartment and made threatening

gestures with a stun gun. Officer D. also understood from the apartment manager that Ms. Haque wrote a threatening note saying someone would get hurt. Officer D. felt Ms. Haque was argumentative with Officer M. so he stepped in the conversation between Ms. Haque and Officer M.. Officer D. told Ms. Haque she was lucky she was not going to jail and was the primary aggressor. Officer D. agreed he told Ms. Haque that she was not in fear because her actions demonstrated otherwise. Officer D. stated Ms. Haque was not listening, so his tone was stern. Officer D. stated Ms. Haque was interrupting him because things were not going her way and she was not happy with what officers had to say.

The lapel video showed Ms. Haque admitted to kicking her neighbor, holding the vacuum and stun gun and writing the note, but claimed her actions were justified. The lapel video showed Officer M. started to explain how Ms. Haque's actions were perceived when Officer D. interjected. Officer D. was stern and scolding with Ms. Haque. The video showed Officer D.'s statements were factually valid, but the manner he delivered the information was the issue. The video showed Ms. Haque did not listen to the information because she was still coming from the position that she was in the right and not enough explanation had occurred. Officer D. perceived Ms. Haque as more argumentative than the lapel video showed. Officer M., as the primary officer, would have preferred to handle the situation her way.

The CPOA finds Officer D.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the alleged misconduct did occur.

Your complaint and these findings will be placed in Officer D.'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

**Letter to Ms. Haque**

**DATE**

**Page 4**

cc: Albuquerque Police Department Chief of Police

**CIVILIAN POLICE OVERSIGHT AGENCY**

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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

Taffy Burch

[REDACTED]  
Albuquerque, NM 87108

**Re: CPC #046-15**

Dear Mrs. Burch:

The complaint you filed against Officer A. of the Albuquerque Police Department (APD) was received by our office on March 31, 2015 for an incident which occurred on March 13, 2015. 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) 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. 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**

Taffy Torres Burch wrote in her complaint that on March 13, 2015 at about 1:15 pm, she called the Albuquerque Police Department as she and her husband had been trying to resolve a dog and neighbor problem. Officer A. responded to the call. Mrs. Torres wrote that she also wanted to ask the responding officer what the procedure was to contact her adult son. Mrs. Burch wrote that Officer A. was unprofessional and disrespectful. Mrs. Burch wrote that Officer A. eventually refused to speak with Mrs. Torres and instead, took her husband outside where Officer A. spoke to her husband in a loud voice; so loud that her neighbors heard what he was saying. Mrs. Burch stated that wanted Officer A. reprimanded for his unprofessional behavior.

Letter to Mrs. Burch

DATE

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**I. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER A.'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, an interview with Mr. and Mrs. Burch, and an interview with Officer A.. The CPOA Investigator also reviewed the Computer Assisted Dispatch (CAD) report and Officer A.'s lapel video recording of the contact.

A) The CPOA reviewed Standard Operating Procedure 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.*

Mrs. Burch wrote in her complaint that on March 13, 2015 at about 1:15 pm, she called the Albuquerque Police Department as she and her husband had been trying to resolve a dog and neighbor problem. Officer A. responded to the call. Mrs. Torres wrote that she also wanted to ask the responding officer what the procedure was to contact her adult son. Mrs. Burch wrote that Officer A. was unprofessional and disrespectful. Officer A. eventually refused to speak with Mrs. Torres and instead, took her husband outside where Officer A. spoke to her husband in a loud voice; so loud that her neighbors heard what he was saying. Mrs. Burch wanted Officer A. reprimanded for his unprofessional behavior.

The CPOA Investigator interviewed Mr. and Mrs. Burch over the phone as they now live in Alamogordo, NM. Mrs. Burch repeated what was in her written complaint. Mr. Burch said that when he went outside to speak with Officer A. that Officer A. was rude with him also.

The Computer Assisted Dispatch (CAD) report for the incident on March 13, 2015 showed that Mr. Burch did not call the police to complain about a dog and neighbor problem as Mrs. Burch wrote in her complaint. The report showed that Mr. Burch called the police. Mr. Burch told the police that he was calling on behalf of his wife, Taffy Burch. Mr. Burch said that his wife wanted to press charges on her son in reference to an event that took place on September 25, 2014. Mr. Burch reported that his wife's 34 year-old son lived in Texas. Mr. Burch requested that a police officer contact him. Officer A. responded to the call at 1:12 PM. He arrived at 1:39 PM and he cleared the call at 2:07 PM. There is no indication on the call that Mr. and Mrs. Burch wanted to resolve a dog and neighbor problem.

Officer A. recorded the contact with Mr. and Mrs. Burch in its entirety on lapel camera video. The video showed Officer A. arrived and made contact with Mr. Burch, who showed Officer A. into the home. Mrs. Burch was seated on a couch and the officer stayed standing near the front door as Mr. Burch took a seat on the couch as well. The Burch's told Officer A. that on September 25, 2014 they had contacted Officer W. and they filed a report that Mrs. Burch's son had gained entry to their storage shed and her son had stolen some property. Mrs. Burch's son had evidently called Mrs. Burch and told her that he had the property. The Burch's

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**Letter to Mrs. Burch**

**DATE**

**Page 3**

explained that at the time that they made the report with Officer W., they did not want to pursue charges against Mrs. Burch's son. Mrs. Burch told Officer A. that the reason that they contacted APD was because she had changed her mind and now she did want to press charges on her son. Mrs. Burch said that she wanted her son picked up. Officer A. seemed a bit confused at first and requested more information. When Mrs. Burch told Officer A. that she wanted to file a report, he told her that a report had already been filed on the incident. Officer A. did speak loudly and at one point Mrs. Burch told Officer A., "Please don't yell." Officer A. said, "I'm not. I'm just talking." Officer A. asked for more facts surrounding the theft of the property and he told Mrs. Burch that they could not go to Texas and arrest her son because that was out of APD's jurisdiction. When Officer A. learned more about the alleged theft, he told Mrs. Burch that if she wanted to pursue the matter that she should get an Attorney and file against her son in Civil Court. Mrs. Burch appeared to get frustrated at that and asked, "So a patrolman can't do nothing?" Officer A. said that a patrolman had already filed a report on the theft. Mrs. Burch then changed her story and told Officer A. that when Officer W. came out to take a report, it had nothing to do with the theft of her property but it had to do with a problem with the neighbor and his dog.

Mrs. Burch then asked if Officer A. could call another officer out to come and talk to them. Officer A. said, "Ma'am, I'm trying to explain to you. You handed me this paper telling me that this officer took a report reference your stolen..." Mrs. Burch said, "Please don't yell at me." Officer A. said, "I'm not yelling at you ma'am. Okay?" Mrs. Burch then said, "It's okay. Forget it. May I have your badge number? May I have your badge number and your name?" Officer A. gave Mrs. Burch the information. Mrs. Burch said, "That's fine. That's all we need."

Mr. Burch then engaged Officer A. in further conversation. The Burch's told Officer A. about a female officer who had come out to their house some time ago and that the female officer was so kind that they made a good report on her. The lapel video showed that Officer A. then called dispatch to determine who had been out to the address in the past. The dispatcher responded that the police had been to the Burch's home on the March, 5, 2015; March, 7, 2015; March, 8, 2015; and March 9, 2015 for various calls.

Mr. Burch proceeded to tell Officer A. about their experience with the female officer. Mr. Burch said that the female officer had determined that there was no use in tracking Mrs. Burch's son down because he did not want to be found and didn't want anything to do with the Burch's. Mr. Burch said that Mrs. Burch was very sick and could die at any time and that Mrs. Burch's son needs to know that. Officer A. pointed out that her son had expressed no desire to be in contact with Mrs. Burch and as an adult, her son has that right.

Mrs. Burch said again, "It's okay. I appreciate you coming by." Officer A. said in response, "Okay. Thank you ma'am." Officer A. then told Mr. Burch that he would finish talking to him.

Mr. Burch asked, "There's nothing else we can do or what? Do I have to go travel to Texas and slam him or what?" Officer A. explained that Texas was out of APD's jurisdiction. Mrs.

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**Letter to Mrs. Burch**

**DATE**

**Page 4**

Burch then said, "That's fine. We're done." Officer A. said, "Okay, I understand. I'm done talking to you, I'm talking to him now." In frustration at being interrupted while speaking with Mr. Burch, Officer A. asked Mr. Burch to step outside where he could speak to Mr. Burch without being interrupted by Mrs. Burch. Mr. Burch agreed to go outside. Officer A. said, "Since she keeps reiterating that we're done, that's fine. We can be done with her. I'll talk to you outside. That's fine."

Mr. Burch said, "I'm just trying to help and I'm getting slammed." Officer A. asked Mr. Burch for clarification as to exactly what was reported to Officer W.. Mr. Burch told Officer A. that Officer W. took a report on the theft of Mrs. Burch's items that were taken by her son.

Officer A. told Mr. Burch that since a report had already been made on that theft, that the police department would not write another report on the same incident. Officer A. told Mr. Burch that if Mrs. Burch felt that her son stole the items, then she should take him to court. Officer A. then explained the civil court process to Mr. Burch. Mr. Burch again asked Officer A. if he should go to Texas and slam Mrs. Burch's son. Officer A. asked, "Will slamming him get your stuff back?" Mr. Burch responded, "No." Officer A. asked, "Well then what's the point in that?" Officer A. told Mr. Burch that they needed to go to court on the matter. The conversation closed with Mr. Burch shaking Officer A.'s hand saying, "You're alright bröther. Have a good day."

The CPOA Investigator also interviewed Officer A.. Officer A. denied the allegations that Mrs. Burch made against him.

The lapel video showed that Officer A. was, at times, loud and abrupt. Officer A. though, does, in general, speak loudly. Officer A. doesn't yell but the volume of his voice is above that of most people during a conversation. The lapel video showed that even though Officer A. was loud and abrupt, his actions with Mr. and Mrs. Burch did not rise to a level of a violation of this SOP.

The CPOA finds with regards to the allegation made by Mrs. Burch about Officer A.'s conduct that the allegation was **EXONERATED**, because the investigation determined, by a preponderance of the evidence that the alleged conduct did occur, but did not violate APD policies, procedures, or training.

Your complaint and these findings are made part of Officer A.'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> .

M006488

**Letter to Mrs. Burch**  
**DATE**  
**Page 5**

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

**CIVILIAN POLICE OVERSIGHT AGENCY**

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*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Wendy McCarthy

Carson City, NV 89706

**Re: CPC #047-15**

Dear Ms. McCarthy:

The complaint you filed against Detective M. of the Albuquerque Police Department (APD) was received by our office on April 1, 2015, for an incident which occurred February 26, 2015. 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 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**

Wendy McCarthy said that on February 26, 2015, her son, Robert Bartley, was shot and killed. Albuquerque Police Department (APD) Detective M. was assigned to investigate the case. Ms. McCarthy complained Detective M. lied to her because when he initially contacted her to report her son, Robert, was shot and killed, Detective M. told her Robert was holding a screw driver when the homeowner confronted him and shot and killed Robert. Ms. McCarthy said in her face-to-face interview with Detective M. on March 2, 2015, Detective M. retracted his statement about Robert holding a screw driver and instead said Robert was holding a knife and lunged at the home owner before the home owner shot and killed him. Ms. McCarthy complained Detective M. told her and her family he would contact them, individually, for their statements but Detective M. never called her or her family members. Ms. McCarthy told Detective M. Alfred Baca, Robert Bartley's, drug dealer and the homeowner who shot Robert

knew one another and collaborated in Robert's death. Ms. McCarthy complained Detective M. and APD did nothing with the information because Alfred Baca's brother is a retired APD officer. Ms. McCarthy also alleged Detective M. failed to respond to the two emails she sent and said she did not receive any of Robert Bartley's personal property.

**II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE 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 Standard Operating Procedures (SOPS), the Citizen Police Complaint, telephone recordings and interviews with Ms. McCarthy and Detective M.

A) The CPOA reviewed Standard Operating Procedure 1-4-1 (F) regarding Detective M.'s conduct, which states:

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

Ms. McCarthy complained Detective (Detective) M. lied to her because when he initially contacted her to report her son, Robert Bartley, was shot and killed he told her Robert was holding a screw driver when the homeowner confronted him and shot and killed Robert. Ms. McCarthy said in her face-to-face interview with Detective M. on March 2, 2015, Detective M. retracted his statement about Robert holding a screw driver and instead said Robert was holding a knife and lunged at the home owner before the home owner shot and killed Robert.

Interviews with Ms. McCarthy and Detective M. revealed Detective M. contacted Ms. McCarthy via telephone the evening of February 26, 2015. Ms. McCarthy was upset when Detective M. gave her the basics of the investigation, which Detective M. said included initial reports that the homeowner who shot Robert thought Robert was holding a knife. Detective M. said after crime scene processing was completed it was revealed Robert was holding a large screw driver and not a knife. Detective M. said when Ms. McCarthy learned this she seemed to be in shock and denial about it and was not happy about the fact her son was shot because he was holding a screw driver. The interviews also revealed that due to the fluidity of homicide investigations, it is not uncommon for information given during initial briefings to change once crime scene processing has been completed and all evidence has been identified.

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

B) The CPOA reviewed Standard Operating Procedure 2-24-3 (B)(5)(d) regarding Detective M.'s conduct, which states:

Letter to Ms. McCarthy

DATE

Page 3

*B. Follow-Up Investigations*

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

*d. Seek additional information from officers, informants, etc.*

Ms. McCarthy complained Detective (Detective) M. told her and her family they would be contacted, individually, for their statements but Detective M. never called her or her family members.

Interviews with Ms. McCarthy and Detective M. and recorded telephone conversations between Detective M. and Ms. McCarthy, and Detective M. and Ms. McCarthy's daughter, Patricia Bartley, revealed Detective M. spoke to Ms. McCarthy and her family members during the investigation. The interviews and recorded conversation also revealed on March 25, 2015 Detective M. told Ms. McCarthy the investigation was done and there was nothing more to investigate so the investigation was forwarded to the District Attorney's Office. Despite forwarding the investigation to the District Attorney's Office, Detective M. still conducted follow-ups on leads related to the original investigation, such as the lead regarding Alfred Baca and his connection to the homeowner who shot Robert Bartley. Detective M. investigated the allegation and did not find a connection between Alfred Baca and the homeowner. The interviews and recordings revealed Detective M. sought additional information from Ms. McCarthy and her family and conducted a thorough investigation into Robert Bartley's death.

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

Ms. McCarthy also alleged Detective M. failed to respond to the two emails she sent. Detective M. did not respond to Ms. McCarthy's emails however this is not a violation of any APD Standard Operating Procedures. Ms. McCarthy alleged she did not receive any of Robert Bartley's personal property. Detective M. could not recall Ms. McCarthy asking for Robert Bartley's personal items. Regardless, in a homicide investigation personal items would not be returned because they are considered evidence.

Your complaint and these findings are made part of Detective M.'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>.

M006492

**Letter to Ms. McCarthy**

**DATE**

**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

M006493

**CIVILIAN POLICE OVERSIGHT AGENCY**

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*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

David M. Moya

██████████  
Albuquerque, NM 87121

**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.

**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

M006495

## **CIVILIAN POLICE OVERSIGHT AGENCY**

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*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Cynthia Bernier

████████████████████  
Lemon Grove, California 91945

**Re: CPC #049-15**

Dear Mrs. Bernier:

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on April 2, 2015 regarding an alleged incident that occurred on March 18, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA investigated your complaint. The CPOA made a finding, based on the information you provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Cynthia Bernier wrote that her son entered the Loves Gas Station on March 18, 2015. Mrs. Bernier wrote that once her son entered, a cashier said hello to him and in a low voice he stated "hello". Mrs. Bernier writes two police officers, one white and one hispanic were at the Subway restaurant inside the Loves. Mrs. Bernier writes the white officer got in her sons face and yelled at him, telling her son to respond to the cashier with a courteous hello. Mrs. Bernier wrote her son and the officer got into an argument and the officer stated that her son could go to jail for obstruction of justice. Mrs. Bernier wrote the Hispanic officer then told the white officer to sit down. Mrs. Bernier wrote that her son or any member of the public should not have to put up with the attitude displayed by this police officer. Ms. Bernier wrote that her son has had problems with the police before and did not want to file a complaint, therefore Mrs. Bernier filed the complaint on behalf of her son.

M006496

Letter to Mrs. Bernier

DATE

Page 2

## II. INVESTIGATION

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS) and the Citizen Police Complaint.

The CPOA Investigator reviewed the complaint Mrs. Bernier submitted. The Investigator contacted the Manager at the Loves location Mrs. Bernier referred to and scheduled a time to view video recordings from the date in question. The Investigator and the manager observed the video. The Investigator observed two unidentified police officers enter the Loves Gas station. The Investigator watched the entire video and the two unidentified police officers only have contact with each other and the cashier at the Subway restaurant. The Investigator observed a male who worked for UPS as Mrs. Bernier states her son does. The male UPS worker walked in to the Loves Gas Station, selected a couple of drinks from a cooler, paid. The video showed that the only person the male spoke to was the security guard located in the Loves Gas Station.

The Investigator requested a Albuquerque Police Unit History from the date and time Mrs. Bernier specified in her complaint. No Albuquerque Police officers were logged out at the location on that date and time.

The Investigator spoke with Mrs. Bernier on April 28, 2015. The Investigator informed Mrs. Bernier of the findings in his preliminary investigation. The Investigator asked Mrs. Bernier if she would give him Mrs. Bernier's son's information to further investigate and identify the officers, however Mrs. Bernier stated her son would not speak with the Investigator.

## III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to not being able to identify any Albuquerque Police Officer related to this incident and not having enough information to further the investigation.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

M006497

**Letter to Mrs. Bernier**  
**DATE**  
**Page 3**

Robin S. Hammer, Esq.  
Acting Executive Director

## **CIVILIAN POLICE OVERSIGHT AGENCY**

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*Joanne Fine*

*Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Roger Zion

██████████  
Sandia Park, NM 87047

**Re: CPC #051-15**

Dear Mr. Zion:

The complaint you filed against Officer L. of the Albuquerque Police Department (APD) was received in our office on April 11, 2015 regarding an incident that occurred on April 11, 2015.

### **I. THE COMPLAINT**

Roger Zion complained that on April 11, 2015 at about 10:30 pm, he was driving in the area of San Bernadino/Academy and Tramway and on I-40 Westbound when he witnessed Albuquerque Police Department (APD) Officer L. speeding at 70 mph or more without his emergency lights and siren engaged. Mr. Zion alleged that Officer L. was weaving in and out of traffic without using turn signals. Mr. Zion said he sped up in an effort to catch up to Officer L. when Officer L. pulled him over near I-40 and Carnuel and cited Mr. Zion for speeding. Mr. Zion complained that Carnuel is out of APD's jurisdiction.

### **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 Standard Operating Procedures (SOPS), the Citizen Police Complaint, lapel video and interviews with Mr. Zion and Officer L.

A) The CPOA reviewed Standard Operating Procedure 1-19-2 (J)(3) regarding Officer L.'s conduct, which states:

#### ***J. Assigned Take-Home Vehicle Program***

***3. 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***

Letter to Mr. Zion

DATE

Page 2

*their radio or MDT while operating an APD vehicle. Officers will pull over before using an MDT except in emergency situations.*

Mr. Zion complained he was driving in the area of San Bernadino/Academy and Tramway and on I-40 Westbound when he witnessed Officer L. speeding at 70 mph or more without using emergency lights and siren and that Officer L. drove erratically and did not use turn signals. Mr. Zion said he sped up in an effort to catch up to Officer L. when Officer L. pulled him over at Carnuel and cited Mr. Zion for speeding. Mr. Zion complained that Carnuel is out of APD's jurisdiction.

The interviews and lapel video revealed that Officer L. followed Mr. Zion, who was travelling 78 mph in a 65 mph zone, for the purpose of pacing Mr. Zion's speed after Mr. Zion passed Officer L.'s vehicle on the freeway. Officer L. was on his way home at the end of his shift. Officer L. felt he had to pull over Mr. Zion because his traffic violation was so blatant. Carnuel is within APD's jurisdiction. The interviews revealed Officer L. did not drive erratically and used turn signals when necessary. The lapel video showed Mr. Zion asked Officer L. if Officer L. came out of Academy to enter onto Tramway, to which Officer L. replied no. Officer L. believed that either Mr. Zion mistook Officer L. for another officer or Mr. Zion was attempting to get out of the traffic ticket. Officer L.'s lapel video supported Officer L.'s statement that he was speeding in order to issue Mr. Zion a ticket.

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

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

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

If you have a computer available, we would greatly appreciate 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.

M006500

**Letter to Mr. Zion**  
**DATE**  
**Page 3**

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**

**MEMORANDUM TO FILE –RE: CPC 112-14 –**

**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**

*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

Carmella Nodal

████████████████████  
Albuquerque, NM 87109

**Re: CPC #053-15**

Dear Mrs. Nodal:

The complaint you filed against Officer W. of the Albuquerque Police Department (APD) was received in our office on May 14, 2015 regarding an incident that occurred on April 4, 2015. 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**

Carmella Nodal wrote that on Saturday April 4, 2015 her apartment caught on fire. Ms. Nodal was not home at the time and as she had arrived she saw the building on fire. Ms. Nodal stated she was very emotional and had realized her daughters' dog was in the backyard. Ms. Nodal stated there was a female officer on scene, later identified as Officer W., who was rude and yelling at her. Ms. Nodal stated she yelled back at the officer. Ms. Nodal alleged that officers apprehended, choked, slammed her up against the officers' car and thrown in the backseat. Ms. Nodal stated she told the officer that her family's dog was in the backyard and stated Officer W. said she was not going to tell the fire department because Ms. Nodal was "being an asshole." Ms. Nodal stated the Sergeant on scene came to the vehicle to ask Ms. Nodal questions. Ms. Nodal stated during that time Officer W. told Ms. Nodal's daughter that Ms. Nodal needs to learn manners and respect. Ms. Nodal stated in her complaint that prior to

M006503

**Letter to Ms. Nodal**

**DATE**

**Page 2**

this incident she had respect for the Albuquerque Police Department. Ms. Nodal stated the handcuffs the officer placed on her were so tight it caused her fingers to stay numb for days and Ms. Nodal has carpal tunnel syndrome. Ms. Nodal wrote her back aches on and off due to the incident and Officer W. showed no compassion. Ms. Nodal stated the Sergeant let her out of the vehicle and informed her there were no charges against Ms. Nodal. Ms. Nodal stated when the Sergeant let her out, Officer W. laughed at her and taunted her saying "I will charge you for denting my car." Ms. Nodal wrote that if the officer hadn't slammed Ms. Nodal against the car, there would not be a dent. Ms. Nodal wrote her emotions were running high due to the fire and knowing the dog was still in the yard, however, Officer W. had no compassion and fears running into this officer out in the streets. Ms. Nodal stated she has nightmares about Officer W..

Several attempts via telephone were made by the Investigator to contact Ms. Nodal for a statement and interview. The Investigator also sent Ms. Nodal a certified letter, which was signed for. Ms. Nodal did not make contact with the Investigator. The investigation was based upon Ms. Nodal's written complaint.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, Albuquerque Police Department report # 15-0029451, lapel video of Officer W. and the interviews of Officer W. and Sergeant W.

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

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

Ms. Nodal wrote in her complaint Officer Wright yelled, screamed and berated her during an incident.

Lapel video showed Officer W. was chasing down Ms. Nodal as she was running towards a structure fire. Ms. Nodal was cursing and yelling at Officer W. as Officer W. was attempting to stop Ms. Nodal from entering the fire scene. Lapel video showed that although Ms. Nodal was using profanity towards Officer W., Officer W. stated "You're going in handcuffs if you don't knock your shit off". Officer W. then stated "If I let you go are you going to knock your shit off"? After Officer W. placed Ms. Nodal in handcuffs and placed her in the backseat of the police vehicle Officer W. asked Ms. Nodal about her dog. Ms. Nodal once again used profanity towards Officer W., at which time Officer W. responded with "okay, I won't tell them about your dog, that's fine".

M006504

Letter to Ms. Nodal

DATE

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

B) The CPOA reviewed Standard Operating Procedure 1-04-4 (P) regarding Officer W.'s conduct, which states:

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

Ms. Nodal wrote in her complaint that Officer W. cursed at her during the incident including telling Ms. Nodal she was being an asshole.

Officer W., during the incident did use profanity in her speech in an attempt to use verbal control over Ms. Nodal. The lapel video did not show Officer W. stating Ms. Nodal was "being an asshole", however Officer W. did use profanity.

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

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

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

- *To effect a lawful arrest or detention of a person*
- *To gain control of a combative prisoner*
- *To defend an officer or member of the public from the physical acts of another*

Ms. Nodal wrote in her complaint that Officer W. apprehended her, choked her, slammed her up against Officer W.'s vehicle and threw her in the backseat. Ms. Nodal stated the handcuffs were placed so tight that it caused Ms. Nodal's fingers to stay numb for days.

The investigation and lapel video showed Ms. Nodal was not choked or slammed up against the car by Officer W.. The lapel video showed Officer W. chasing down Ms. Nodal as she tried to run into the scene of a structure fire. Ms. Nodal was continually cursing and broke free, resisting Officer W.'s attempts to keep her safe. At one point, Ms. Nodal assaults Officer W. by reaching up and pushing her in the chest. Ms. Nodal's husband also intervenes and is the person who grabs Ms. Nodal by the waist and head, pushing her into Officer W.'s vehicle.

M006505

Letter to Ms. Nodal

DATE

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Officer W. does detain Ms. Nodal for her safety and places her in the back of the police vehicle. Officer W. does not throw Ms. Nodal in the back of the car as Ms. Nodal stated in her complaint.

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

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

*It will be the responsibility of the primary officer to ensure that the incident will be recorded in its entirety...*

Lapel video of Officer W. shows the initial part of the incident in which Ms. Nodal describes in her complaint. However during review of Officer W.'s lapel video, the entire contact during the incident are not recorded.

The CPOA find Officer W.'s conduct to be **SUSTAINED VIOLATION NOT BASED ON ORIGINAL COMPLAINT**, where the investigation determined, 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.

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.

M006506

**Letter to Ms. Nodal**  
**DATE**  
**Page 5**

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*     *Susanne Brown*  
*Eric H. Cruz*     *Joanne Fine*     *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

DATE  
Via Certified Mail

David O'Malley  
[REDACTED]  
[REDACTED]  
Albuquerque, NM 87108

**Re: CPC # 054-15**

Dear Mr. O'Malley:

The complaint you filed against Officer R. and Officer G. of the Albuquerque Police Department (APD) was received in our office on April 20, 2015, regarding an incident that occurred about two months ago.

**I. THE COMPLAINT**

Mr. O'Malley wrote in his complaint that he felt that he was given a hard time by APD Officer R. and APD Officer G.. Mr. O'Malley alleged that both officers had teased him about having sex with a female APD officer. Mr. O'Malley is assigned a Detective with the Crisis Intervention Team to personally assist Mr. O'Malley and his interactions with APD.

**II. INVESTIGATION BY THE CIVILIAN POLICE OVERSIGHT INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed Mr. O'Malley's complaint and researched the matter to obtain additional information about the incident. Before the Investigator could look further into the complaint, Mr. O'Malley called the Investigator on May 4, 2015, and requested to withdraw his complaint. Mr. O'Malley told the Investigator that the matter you complained of was not a big deal and that he knew that both officers were good officers. Mr. O'Malley told the Investigator that the officers had given him a little bit of a hard time when they teased him about the matter, but that at this point he just wanted to withdraw the complaint. The Investigator told Mr. O'Malley that the CPOA office would be willing to conduct an investigation into his complaint and speak with Officer R. and Officer G. about their actions. Mr. O'Malley stated that the investigation would not be necessary and that he just wanted to withdraw your complaint. The Investigator explained to Mr. O'Malley that the CPOA would re-open the matter in the future if Mr. O'Malley changed his mind.

Letter to Mr. O'Malley

DATE

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### III. FINDINGS AND CONCLUSIONS

Mr. O'Malley's complaint contained an allegation of a minor policy violation by Officer R and Officer G. The CPOA Investigator explained to Mr. O'Malley that the office was willing to conduct a thorough investigation into the matter. Mr. O'Malley stated that he did not wish for that to happen and merely wanted to withdraw his complaint. The Acting Executive Director reviewed the complaint. Because the complaint only contained an allegation of a minor policy violation by Officer R and Officer G., and Mr. O'Malley requested to withdraw his complaint from being investigated any further, the CPOA will administratively close this matter. No further investigation will occur at this time. 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

M006509



*City of Albuquerque  
Civilian Police Oversight Agency*

Richard J. Berry, Mayor

Robin S. Hammer, Esq. Acting Executive Director

**Interoffice Memorandum**

October 26, 2015

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**To:** File for CPC 55-15

**From:** Robin S. Hammer, Acting Executive Director

**Subject:** CPC 55-15

The complaint Michelle Evans filed against Officer G. of the Albuquerque Police Department (APD) was received in our office on April 21, 2015 regarding an incident that occurred on April 21, 2015. In her complaint, Ms. Evans provided her phone number, but failed to provide her email or mailing address.

**I. THE COMPLAINT**

Ms. Evans complained that on April 21, 2015, at approximately 3:45 PM, Officer G. was at Mountain Mahogany Community School when a football Ms. Evans' 10-year-old child and another child were playing with landed close to Officer G.'s children. Ms. Evans complained Officer G. stepped on the football and told the children he was a cop and to stop putting his children's lives in danger.

**II. INVESTIGATION BY CPOA INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed Ms. Evans complaint. On May 1, 2015, while the CPOA Investigator was working towards a resolution, Ms. Evans contacted the CPOA office and asked to withdraw her complaint for personal reasons and said no further investigation would be necessary. The Investigator attempted to contact Ms. Evans with several phone calls to get Ms. Evans' address so the CPOA Office could email or mail her with the notification of the outcome of this case. After informing the Investigator that she wished to withdraw her complaint, Ms. Evans never returned any of the Investigator's phone calls. The Investigator's efforts through searching for Ms. Evans's address through the internet were also unsuccessful.

**III. FINDINGS AND CONCLUSIONS**

Ms. Evan's indicated no further investigation into the matter was necessary and requested to withdraw her complaint, citing personal reasons. I am requesting that the Police Oversight Board inactivate this complaint and no further investigation occur.

M006510

**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

DATE

Via Certified Mail

Alicia Silva

████████████████████  
Albuquerque, NM 87105

**Re: CPC # 056-15**

Dear Ms. Silva:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on April 22, 2015, for an incident, which occurred on March 31, 2015. 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**

Alicia Silva wrote in her complaint on March 31, 2015, she filed a police report with Officer E.. Ms. Silva had called the police to report incidents of alleged child abuse against her ex-husband. Ms. Silva complained that when she obtained the police report, she noticed Officer E. omitted key details from the police report. Ms. Silva wrote one of the details was that her ex-husband struck her daughter in the back with a textbook he threw at her. The other was her ex-husband prevented her daughter from using her phone to call for help.

The CPOA Investigator interviewed Ms. Silva. Ms. Silva repeated her written complaint. Ms. Silva wanted it documented that her ex-husband had thrown a book, which struck her daughter in the back. She also felt the fact her ex-husband denied her daughter the use of her

phone to call for help was very important to be documented. In her opinion, Officer E. glossed over the "dangerous parts." She believed Officer E. should take her statement and not edit it to what he felt was important and what was not. Ms. Silva felt she expressed the importance of these details by providing Officer E. context about previous situations.

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

The CPOA Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Albuquerque Police Report, Officer E.'s lapel video, and the CPOA Investigator's interviews of Ms. Silva and Officer E..

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

*Steps to be followed in conducting preliminary investigations: 5. Report the incident fully and accurately.*

Ms. Silva was upset because Officer E. excluded the two main points she wanted included in the police report. Ms. Silva understood that her ex-husband threw a book and their daughter, striking her in the back. Ms. Silva agreed she learned the book incident was more accidental than intentional, but she still felt Officer E. should have been notated it. Ms. Silva also understood her ex-husband prevented her daughter from calling for help by preventing her daughter from using her phone. Ms. Silva believed she informed Officer E. about the past where her ex-husband had already been counseled by CYFD over denying her children the ability to call for help. In Ms. Silva's opinion, Officer E. glossed over the "dangerous parts." Ms. Silva believed she gave Officer E. enough history to put the incident in context.

Officer E.'s lapel video showed Ms. Silva provided some history of her relationship with her ex-husband. Ms. Silva explained to Officer E. that she wanted a police report potentially to get a restraining order for her children. The video showed Ms. Silva said she believed her ex-husband committed criminal acts because he would not let anyone use the phone and hit their daughter with the book. Officer E. reviewed the required elements for potential charges. In order for assault or battery to be charged, Ms. Silva's daughter would have had to perceive a threat and she knew nothing about the book until her brother told her.

Officer E. did not include the alleged book-throwing or telephone incident Ms. Silva mentioned because they did not rise to the level of charges. Prior to writing his police report, Officer E. interviewed Ms. Silva's children, ages 15 and 13 years old, Mr. Silva and Ms. Silva. Officer E.'s understood that Mr. Silva took his daughter's phone, not to deny Ms. Silva's daughter to call for help, but to remove the distraction of the phone, as the phone had initiated to the argument between Mr. Silva and his daughter. After speaking with the children, Officer E. found that Mr. Silva's throwing of the book did not rise to a level of a crime. The 13 year-old son had told Officer E. that his father threw a book at his sister, but

**Letter to Ms. Silva**

**DATE**

**Page 3**

that the sister did not see the book or know that her father had thrown the book. In order to be a crime, the daughter would have had to been in fear of being hit with the book. Because the daughter did not know the book was thrown at her, an element of the crime was missing. Officer E. wrote in his report that he was forwarding his report to the Children, Youth, and Families Department (CYFD) for review. Officer E. also indicated in his report that he had recorded the interviews, including his phone interview with Mr. Silva. The lapel video would be available to CYFD staff to review for possible action.

Officer E. agreed if he had realized the importance of those two items to Ms. Silva, he would have included them, but it would not have changed the outcome of whether there was any probable cause to charge Mr. Silva with a crime.

The CPOA finds Officer E.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the alleged conduct did occur, but did not violate APD policies, procedures, or training.

Your complaint and these findings will be placed in Officer E.'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

cc: Albuquerque Police Department Chief of Police

M006513

## **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

Jermey Garner

[REDACTED]  
Albuquerque, NM 87111

**Re: CPC # 057-15**

Dear Mr. Garner:

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on April 22, 2015 for an incident which occurred in 2008. Your complaint was assigned to Civilian Police Oversight Agency (CPOA) Investigator for review.

### **I. THE COMPLAINT**

You complained that an Albuquerque Police Department Officer in 2008 refused to read you Miranda Rights, violently took you by force and conducted an illegal search. You stated the Officer took your license and searched your body. You stated when you asked the Officer to read you Miranda Rights, the Officer violently forced you into his car. You stated the Officer continued to let you know that he was on break and if you wanted it done the hard way, he could take you downtown.

You stated in your complaint that the Officer took you to UNM Hospital and that you were released because you had your own residency at the time. You stated you left Albuquerque out of fright for your own body and rights being taken advantage of in a sadistic way. You stated you fear the police and believe the police would like to take advantage of you. You wrote you feel physical and psychological aggression against you, if you returned to Albuquerque to visit your parents. You wrote you wanted all information on this Officer and wanted to know the integrity of his actions.

You wrote this Officer tossed you out of the car on the side of the road after protesting that you wanted your cell phone back. You stated the Officer was rude and offensive and found no report that this Officer took you for a ride.

M006514

## **II. INVESTIGATION BY CPOA INVESTIGATOR**

A CPOA Investigator reviewed your complaint. The CPOA Investigator contacted the Albuquerque Police Department Records Division and had every police report, utilizing your name and address, pulled to determine the officer involved in this incident. The CPOA Investigator found no police reports were made in 2008 regarding you as you alleged.

The CPOA Investigator contacted you via telephone and scheduled an interview with you. On May 1, 2015, the CPOA Investigator interviewed you in person at the office of the CPOA Investigator. You reiterated what was in your complaint and stated you thought the alleged misconduct occurred in 2008. The CPOA Investigator reviewed each police report involving you, including APD # 12-0080317, 12-94344, 13-15985, 13-18473 and 14-94657. The CPOA Investigator confirmed that none of the police reports issued involving you were in correspond to the allegations in your complaint. The CPOA Investigator asked you if UNM Hospital may have some record as well and you stated UNM Hospital lost your records, too. The CPOA Investigator asked you if your mother, you listed as a witness, may be able to provide any further information and you stated she would not because she does not recollect the events indicating a specific officer.

## **III. FINDINGS AND CONCLUSIONS**

You made allegations for events which occurred in 2008. A review of all the available evidence showed that no Albuquerque Police Officer could be identified in reference to your complaint. The CPOA Investigator explained to you during the interview the steps taken to attempt to investigate your complaint; you agreed your complaint should be administratively closed due to the lack of evidence to determine which, if any, Albuquerque Police Officer was involved with you during 2008. Therefore, the CPOA finds that your case should be administratively closed, as no APD Officer can be identified.

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**

*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

Murat Tutar

████████████████████  
Albuquerque, NM 87110

**Re: CPC #058-14**

Dear Mr. Tutar:

The complaint you filed against Officer S. of the Albuquerque Police Department (APD) was received in our office on March 14, 2014 regarding an incident that occurred on January 14, 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**

Mr. Tutar wrote that on that he had walked into the Circle K store. Mr. Tutar wrote that he was issued a criminal trespass notification by Officer S. Mr. Tutar stated he attempted to explain to Officer S. that he had requested police presence. Mr. Tutar wrote he obtained a copy of the police report and Officer S. indicated in that report that the clerk from the Circle K called the police. Mr. Tutar wrote he explained to Officer S. that he was held inside the Circle K by the clerk, against his will. Mr. Tutar wrote that Officer S. informed Mr. Tutar that it was their right as the store to not let Mr. Tutar leave and that Officer S. was not going to take legal action against the store. Mr. Tutar stated the clerk at the store admitted to Officer S. that he did lock the door and keep Mr. Tutar inside. Mr. Tutar felt the Officer should have taken legal action against Circle K for holding Mr. Tutar against his will.

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**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 Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Criminal Trespass notification and Albuquerque Police Report and interviews with Mr. Tutar and Officer S.

A) The CPOA reviewed Standard Operating Procedure 1-02-2 (B) (1) regarding Officer S.'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 shall:*

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

Mr. Tutar complained that he was locked inside the Circle K store by the clerk. Mr. Tutar complained that he wanted to have Officer S. file charges against the clerk for false imprisonment. When Mr. Tutar arrived on January 14, 2014, he was once again told he should not be in the store. When Mr. Tutar began to argue with the clerk and refused to leave, the clerk contacted the Albuquerque Police to issue a criminal trespass and locked the door on Mr. Tutar to await police arrival. The investigation revealed that Mr. Tutar was locked in the store due to previously being told by management not to return to that location.

Mr. Tutar did exit the store prior to police arrival on scene and waited on the property. Officer S. arrived and made contact with the clerk and Mr. Tutar. Mr. Tutar was issued a criminal trespass notification, which he signed. Mr. Tutar informed Officer S. that he wanted criminal charges brought against the clerk for locking him in the store against his will.

Officer S.'s interview showed it had only been a few minutes that Mr. Tutar was locked in and then exited. The CAD Report supports this fact due to the initial call to dispatch being received at 7:28pm and Officer S. arriving on scene at 7:35pm. Mr. Tutar admitted he was outside waiting for police to arrive and there was only an elapsed time of 7 minutes between the call and Officer S.'s arrival. Officer S. determined he did not feel the store clerk was conducting any criminal behavior and was only attempting to detain Mr. Tutar until police could arrive. As a sworn Albuquerque Police Officer, Officer S. was faced with a situation where discretion can be exercised. Officer S. evaluated the circumstances, considered the available resources and relied on his training in making an appropriate decision.

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

**Letter to Mr. Tutar**

**DATE**

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

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

If you have a computer available, we would greatly appreciate 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

M006518

**CIVILIAN POLICE OVERSIGHT AGENCY**

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*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Miguel Rojas

Albuquerque, NM 87109

**Re: CPC #058-15**

Dear Mr. Rojas:

The complaint you filed against Officer B., and Sergeant C., of the Albuquerque Police Department (APD) was received in our office on April 23, 2015 regarding an incident that occurred on October 31, 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. 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**

Miguel Rojas wrote in his complaint that on October 31, 2013 at around 3:00 AM, he was headed East on Central when he noticed a vehicle behind him with no lights on. Mr. Rojas stated that he turned and the vehicle followed him. He made a few more turns and then the following vehicle's emergency lights came on. Mr. Rojas realized the following vehicle was a police car. Mr. Rojas stopped and had contact with APD Officer B.. Mr. Rojas said that Officer B. accused him of speeding and almost causing a "big accident", none of which was true. Officer B., a DWI officer, asked Mr. Rojas if he had been drinking and Mr. Rojas did not answer. APD Sergeant C. was called to the scene. Mr. Rojas alleged that the officers violated his civil rights. According to Mr. Rojas, when he questioned Officer B. about his driving his police car with no headlights on, Officer B. did not want to hear it. Mr. Rojas wrote that Sergeant C. was nice at first but then threatened Mr. Rojas with bodily harm, if he didn't comply in getting out of the car. Mr. Rojas got out of the car and Officer B. continued his

Letter to Mr. Rojas

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DWI investigation. Mr. Rojas asked for a higher ranking officer than Sergeant C. to come to the scene but his request was refused. Mr. Rojas then decided not to comply with any of the requests made by Officer B. and Sergeant C. related to the DWI investigation. Mr. Rojas wrote that he would have never had to make so many turns if Officer B. had not been following him with his lights off.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Reports in the case, The Computer Assisted Dispatch (CADS) Reports, a review of Court Records, an interview with Mr. Rojas, and interviews with Officer B., and Sergeant C.. Both officer's lapel video recordings of the incident were also reviewed.

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

*Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the City of Albuquerque which they are required to enforce. Officers shall make only those arrests, searches, and seizures which they know or should know are legal and in accordance with departmental procedures.*

Mr. Rojas said that Officer B. accused him of speeding and almost causing a "big accident", none of which was true. Mr. Rojas alleged that the officers violated his civil rights. When Mr. Rojas questioned Officer B. about his driving his police car with no headlights on, Officer B. did not want to hear it. Mr. Rojas felt that Officer B. had no business stopping him, especially because Officer B. had his headlights off at the time. Furthermore, Mr. Rojas said that he was only driving the way he was because he thought he was being followed by someone with their headlights off and he was simply trying to get out of the way of that car.

Mr. Rojas was represented by a lawyer throughout the criminal proceedings. Mr. Rojas said that at each stage of the proceedings, his lawyer raised these same issues with the Court. Metro Court Judge Linda Rogers granted a motion to suppress the evidence in the case and found that there was no probable cause to make the arrest. The District Attorney then dismissed the case in Metro Court but refiled it in District Court. There, another Judge overturned Judge Rogers ruling finding Mr. Rojas to not be credible. That District Court Judge that there was reasonable suspicion and probable cause for the arrest and Mr. Rojas would have to stand trial on the charges. Mr. Rojas stood trial before another District Court Judge and a Jury and Mr. Rojas was convicted, beyond all reasonable doubt, of the crimes charged.

Mr. Rojas said that he could not tell who was behind him with their headlights off. The evidence suggests that he could. The area between First Street and Second Street on Central is extremely well lit at night. Furthermore, since Officer B.'s headlights were off, there would

**Letter to Mr. Rojas**

**DATE**

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have been no headlight glare in Mr. Rojas's rearview mirror, so he would have been able to clearly see that the car behind him was a police car.

Based on a preponderance of the evidence and based on the District Court ruling and Jury Conviction, the stop and arrest were legal and in accordance with department procedure. There was no civil rights violation.

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

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

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

Mr. Rojas said that Officer B. lied consistently throughout the incident and throughout the Court proceedings. When asked specifically what Officer B. lied about, Mr. Rojas said that the near accident did not happen and that he was not speeding or driving carelessly. Mr. Rojas said that anyone with commonsense could see that Officer B. lied.

The officer's lapel videos were reviewed. The lapel videos showed that Officer B. asked Mr. Rojas why he was driving around the block in the manner that he was and Mr. Rojas said that he was just looking for a friend. Mr. Rojas, at the scene, never told Officer B. that he was trying to get out of the way of a vehicle that was following him with no headlights. While the video did show that Mr. Rojas denied speeding or almost causing an accident, Officer B. maintained that Mr. Rojas did. A Jury found that Mr. Rojas committed the violations.

The lapel video also showed that Officer B. was polite, professional, and restrained in dealing with an uncooperative Mr. Rojas.

Mr. Rojas was unable to provide, and the investigation was unable to come up with, any proof that Officer B. lied.

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

C) The CPOA reviewed Standard Operating Procedure 1-19-2 J 3 regarding Officer B.'s conduct, which states:

*All employees assigned an APD vehicle will exercise good judgement in utilizing it, and will not drive or use the vehicle so as to cause unfavorable comment, or reflect discredit on the department.*

Letter to Mr. Rojas

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Mr. Rojas claimed that Officer B. was operating his vehicle at night without headlights and because of that, the traffic stop was illegal. Officer B. wrote in his police report, over one and a half years ago, that somehow his headlights did get turned off and were turned off at the time of the traffic stop. That did not make the stop illegal. Furthermore, New Mexico State Law 66-7-6, allows for police officers in an authorized emergency vehicle, while in pursuit of a suspected violator, to be exempt from provisions of the Motor Vehicle Code. There is no proof that Officer B. intentionally turned off his headlights, but even if he did, he was actively engaged in pursuing Mr. Rojas, a suspected violator of the law. Officer B.'s actions were lawful.

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

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

A) The CPOA reviewed Standard Operating Procedure 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. Rojas wrote that Sergeant C. was nice at first but then threatened Mr. Rojas with bodily harm, if he didn't comply in getting out of the car. Mr. Rojas asked for a higher ranking officer than Sergeant C. to come to the scene but his request was refused.

Sergeant C. was the ranking officer on scene. There is no Standard Operating Procedure that requires a Sergeant to call a higher ranking officer to the scene if requested by a person who has been detained during a traffic stop. Sergeant C. was called to the scene to deal with an argumentative and uncooperative Mr. Rojas.

Sergeant C.'s lapel video was reviewed. Sergeant C. was polite, professional, and restrained in his dealings with Mr. Rojas. The lapel video showed that Mr. Rojas was never threatened with bodily harm by either officer. The lapel video showed that after several minutes of Mr. Rojas refusing to get out of the car, Sergeant C. said, "The next step is we are going to extract you out of the car. I don't want it to come to that. I've asked you how many times to get out of the car?" The video showed Mr. Rojas did get out of the car after that statement was made. There was no threat of bodily harm to Mr. Rojas.

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

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**Letter to Mr. Rojas**

**DATE**

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Your complaint and these findings are made part of Officer B.'s and Sergeant C.'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

M006523

## **CIVILIAN POLICE OVERSIGHT AGENCY**

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*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Lori Powell

Albuquerque, NM 87122

**Re: CPC # 059-15**

Dear Ms. Powell:

The complaint you filed against an unidentified employee of the Albuquerque Police Department (APD) was received in our office on April 28, 2015, regarding an incident which occurred on April 28, 2015.

### **I. THE COMPLAINT**

Ms. Powell complained that on April 28, 2015 between 10:00 am and noon, she called the APD Northeast (NE) area substation to inquire about the process of obtaining a police report. Ms. Powell stated that the female APD employee who answered the phone was rude. Ms. Powell said she had no idea how to get the report and would have appreciated a little courtesy.

### **II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed Ms. Powell's complaint and researched the matter so that the Agency could obtain more information about the incident. The Investigator spoke with the NE area Commander, Commander R., and the identity of the individual APD NE substation employee in question could not be determined.

The CPOA Investigator spoke with Ms. Powell on the phone on May 19, 2015. Ms. Powell explained she eventually obtained the information she needed but thought the employee should have been more cordial. Ms. Powell wanted to advise the employee's supervisor of her behavior and lack of customer service. Ms. Powell agreed that she would be satisfied to have this complaint handled informally by the supervisor rather than having it investigated formally. The CPOA Investigator said she would contact a supervisor at the NE area substation to speak with all the employees at the NE substation who answer the phone and reiterate the importance of providing good customer service. The CPOA Investigator explained the NE area substation supervisor would contact Ms. Powell so that she could discuss her concerns directly with the Supervisor.

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Letter to Ms. Powell

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On May 19, 2015, the CPOA Investigator received notification from Commander R. stating he contacted Ms. Powell and discussed her complaint with her. Commander R. explained to Ms. Powell that he would speak with all the front office personnel about their need to be courteous and professional with everyone, including members of the public. Commander Remiker said Ms. Powell was upset we were making a big issue out of her complaint and said she did not want to pursue it formally.

### III. FINDINGS AND CONCLUSIONS

This complaint was handled informally in a successful manner. It was sent to the NE area Commander for review and action. Commander Remiker discussed Ms. Powell's concerns with the front office staff. Ms. Powell's complaint was informally resolved. 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

M006525

## **CIVILIAN POLICE OVERSIGHT AGENCY**

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*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Ms. Leslie Carrillo

Albuquerque, NM 87108

**Re: CPC #060-14**

Dear Ms. Carrillo:

The complaint you filed against Detective S., Detective L., and Detective P., of the Albuquerque Police Department (APD) was received in our office on March 20, 2014 regarding an incident that occurred on March 13, 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**

Leslie Carrillo and Chris Carrillo filed separate complaints over the same incident. Ms. Carrillo complained that on March 13, 2015 at about 10:30 AM, members of the Albuquerque Police Department served a search warrant at her home. Ms. Carrillo owns Carrillo Signs. Their sign shop is located on the same premises as their home and their home is attached to the shop and the home is used to conduct business and maintain business records. Ms. Carrillo responded to the knocking at the door and when she opened the door she was pulled out very roughly by her arm and was handcuffed by Detective L.. Ms. Carrillo alleged that Detective P. yelled at Ms. Carrillo in a rude manner, "Your house is disgusting." Ms. Carrillo stated that she repeatedly asked to see the Search Warrant but none of the officers would show it to her. Ms. Carrillo wrote in her complaint that the Detective who was handling the case, Detective S., questioned her about recent contract with a man named Neal Greenbaum.

M006526

Ms. Carrillo told Detective S. that Mr. Greenbaum had recently breached a contract with them for some work that he was having done on a sign. Ms. Carrillo believed that anything that occurred between her company and Mr. Greenbaum was a civil matter. Ms. Carrillo later learned that she was accused of forging a sign permit. Ms. Carrillo alleged that Detective S. obtained a Search Warrant for Carrillo's Signs and Carrillo's Signs does not own the property or their house. She wrote that she and her husband own the house. Ms. Carrillo said that Detective S. only had arrest warrants for her and Mr. Carrillo and that Detective S. did not have a search warrant for their house. She complained that the search of their home was not proper or authorized. Cash was seized from Ms. Carrillo and that impacted her by her gas being turned off, and not being able to buy food for herself, or her dogs. Ms. Carrillo went on to allege that Detective S. contacted the media and since then they have been unable to work within the City of Albuquerque because they cannot get permits to do the work. Ms. Carrillo believed that Detective S. and Mr. Greenbaum had some kind of relationship and that was why Detective S. did what he did. She said that APD has no jurisdiction to investigate a forged sign permit and she demanded that any charges against her be dropped.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Reports in the case, The Computer Assisted Dispatch (CADS) Reports, lapel camera video, an interview with Ms. Carrillo, and interviews with Detective S., Detective L., and Detective P.. The Affidavit for a Search Warrant, the Search Warrant, the Return and Inventory, the alleged forged permit, and the Affidavits for Arrest and Arrest warrants were reviewed.

A) The CPOA reviewed Standard Operating Procedure 1-02-2 B 2 regarding Detective S.'s conduct, which states:

*Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the City of Albuquerque which they are required to enforce. Officers shall make only those arrests, searches, and seizures which they know or should know are legal and in accordance with departmental procedures.*

Ms. Carrillo alleged that Detective S. obtained a Search Warrant for Carrillo's Signs and Carrillo's Signs does not own the property or their house. She wrote that she and her husband own the house. Ms. Carrillo said that Detective S. only had arrest warrants for her and Mr. Carrillo and that Detective S. did not have a search warrant for their house. She complained that the search of their home was not proper or authorized. Cash was seized from Ms. Carrillo and that impacted her by her gas being turned off, and not being able to buy food for herself, or her dogs.

The investigation showed that Detective S. had a valid Search Warrant for the premises in which Carrillo's Signs is located. The investigation showed that Mr. and Mrs. Carrillo run

Letter to Ms. Carrillo

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their business out of their home located on the same property. Furthermore, the home is attached to the workshop where the signs are made. A Judge found that probable cause existed and the Judge authorized the search of the premises. The search of the home was proper and authorized. The investigation showed that the cash that was seized was returned only days later and that one of the detectives who was at the scene bought a large bag of dog food and left that behind so that the dogs would have food to eat.

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

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

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

Ms. Carrillo went on to allege that Detective S. contacted the media and since then they have been unable to work within the City of Albuquerque because they cannot get permits to do the work.

There was no proof that Detective S. ever contacted the Media about this incident. The evidence suggested that the Media picked up on this incident from reviewing the affidavits and the warrants that are public record and filed in court. The media routinely examines documents filed by officers in court. No evidence was found during the investigation that could prove that Detective S. or any other Detective for that matter contacted the media. On the news reports that were reviewed no APD sources were interviewed or commented on the story.

Ms. Carrillo also alleged that she repeatedly asked to see the Search Warrant and the officers denied showing it to her. All of the lapel camera footage was reviewed and of the Detectives interviewed, all said that Ms. Carrillo never asked to see a copy of the Warrant. One detective said that Ms. Carrillo asked repeatedly what was going on and he told her but there is no evidence to support that Ms. Carrillo asked to see the Search Warrant repeatedly as she alleged.

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

C) The CPOA reviewed Standard Operating Procedure 1-04-4 N regarding Detective S.'s conduct, which states:

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

M006528

Letter to Ms. Carrillo

DATE

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Ms. Carrillo believed that Detective S. and Mr. Greenbaum had some kind of relationship and that was why Detective S. did what he did.

The investigation revealed that Detective S. had no personal relationship with the original complainant, Neal Greenbaum, as Ms. Carrillo alleged. Mr. Greenbaum also denied any personal relationship with Detective S.s. There was no proof that was offered by Ms. Carrillo to support her claim. The investigation revealed that Mr. Greenbaum contacted Detective S. because he believed that Mr. and Mrs. Carrillo had forged a City of Albuquerque work permit and that Mr. Greenbaum had been a victim of fraud by the Carrillos. Detective S. was assigned to the White Collar Crimes Unit when contacted by Mr. Greenbaum and Detective S. conducted the investigation because he was authorized to do so both by law and by his assignment to investigate the very crimes that Mr. and Mrs. Carrillo were accused of committing.

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

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

A) The CPOA reviewed Standard Operating Procedure 2-52-3 A regarding Detective L.'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.*

Ms. Carrillo alleged that when she opened the door she was pulled out very roughly by her arm and was handcuffed by Detective L..

The lapel camera footage of the initial contact and entry to the premises was reviewed. The lapel camera footage showed that Ms. Carrillo was not pulled out roughly but that she was merely escorted from where she was standing by Detective L.. There was no use of force in effecting the arrest of Ms. Carrillo.

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

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

A) The CPOA reviewed Standard Operating Procedure 1-04-1 F regarding Detective 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.*

Ms. Carrillo alleged that Detective P. came out of the Carrillo home and rudely yelled at Ms. Carrillo that her house was disgusting

The investigation and the lapel videos taken upon entering the house showed that the house was filthy and that there was dog feces and urine throughout the Carrillo home. There were piles of clothes, a soiled mattress, exposed wires and the house reeked of urine. The investigation showed that Detective P. stepped in a pile of dog feces when she exited the home and that when she went outside and was cleaning her shoes, she said loudly that the house was disgusting. She did not direct that comment at Ms. Carrillo but Ms. Carrillo was close enough to Detective P. that she heard the comment. The evidence showed that the house was filthy. The Detective's proclamation that it does not violate policy of procedure.

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

Your complaint and these findings are made part of Detective S.'s, Detective L.'s, and Detective 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> .

**Letter to Ms. Carrillo**

**DATE**

**Page 6**

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

## **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

██████████  
Albuquerque, NM 87102

**Re: CPC # 060-15**

Dear Mr. Niemyjski:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on May 1, 2015, for an incident, which occurred on April 29, 2015. 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. Niemyjski wrote Officer C. approached him and blocked his way. Mr. Niemyjski wrote Officer C. asked him why he was there. Mr. Niemyjski alleged that Officer C. told him not to come back or he would be arrested. Mr. Niemyjski wrote he asked Officer C. to move his car so that he could leave. Mr. Niemyjski wrote he asked for Officer C.'s name and badge number. Mr. Niemyjski alleged that Officer C. said his name was "Josh" and that was all he needed to know. Mr. Niemyjski wrote he had a right to be there.

The CPOA Investigator interviewed Mr. Niemyjski. Mr. Niemyjski restated stated Officer C. confronted him in the parking lot of the old Baptist Church. Mr. Niemyjski stated Officer C. was confrontational and said not to lie to him. Mr. Niemyjski stated he had a right to be there

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Letter to Mr. Niemyjski

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and was insulted by the implication he would lie. Mr. Niemyjski told Officer C. to move his car, which irritated Officer C.. Officer C. told him not to come back. Mr. Niemyjski stated he asked Officer C. his name and Officer C. told him his name was "Josh" and he would not provide any further information.

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

The CPOA Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), and the CPOA Investigator's interviews of Mr. Niemyjski, Officer C., and Delaney Woodward, the Mayor's Policy and Program Advisor.

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

*Officers shall familiarize themselves with and have working knowledge of all laws of the State of New Mexico and the Ordinances of the City of Albuquerque, which they are required to enforce. Officers shall 2. Make only those arrests, searches, and seizures, which they know or should know, are legal and in accordance with departmental procedures.*

Mr. Niemyjski stated he went to a presentation by Mayor Berry. Mr. Niemyjski claimed he did not bother anyone, but city employees were not happy to see him at the event. Officer C. confronted him and parked his unmarked car behind him. Mr. Niemyjski told Officer C. he had a right to be there. Officer C. had no business approaching him.

Ms. Woodward stated she called Officer C. to escort Mr. Niemyjski from the property. Mr. Niemyjski was being disruptive and the event was only for APS students. Ms. Woodward wanted to make sure the environment was safe for the children. Mr. Niemyjski agreed Officer C. did not block his vehicle in and he could have left. Mr. Niemyjski agreed Officer C. did not prevent him from leaving. Even if the contact was not consensual, Officer C. had a legitimate law enforcement concern to contact Mr. Niemyjski.

The CPOA finds the allegation of a violation of this SOP against Officer C. was **UNFOUNDED**, which means the alleged misconduct did not occur.

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

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

Mr. Niemyjski stated Officer C.'s behavior was confrontational. Officer C. told him not to lie. Officer C.'s assumption he would be untruthful irritated him. Officer C. threatened if he

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Letter to Mr. Niemyjski

DATE

Page 3

returned he would be arrested. Officer C. became angry when Mr. Niemyjski told him to move his car. Officer C.'s manner was confrontational and authoritarian, which only escalated things.

There was no recording as Officer C. is assigned to a special detail that does not have lapel cameras as part of their equipment. Mr. Niemyjski said Officer C. was confrontational and Officer C. denied it.

The CPOA finds the allegation of a violation of this SOP against Officer C. was **NOT SUSTAINED**, which means the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

(C) The CPOA reviewed Standard Operating General Order 1-02-3A regarding Officer C.'s conduct, which states:

*Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity except (exceptions did not apply in this case).*

Mr. Niemyjski asked Officer C. for his name and badge number. Mr. Niemyjski claimed Officer C. refused to provide the information and then said all Mr. Niemyjski needed to know was that his first name was "Josh." He had a difficult time figuring out the full name of the officer.

Mr. Niemyjski said Officer C. would not provide the requested information and then provided misleading information. Officer C. denied the allegation. There was no recording, as Officer C. does not have an assigned lapel camera.

The CPOA finds the allegation of a violation of this SOP against Officer C. was **NOT SUSTAINED**, which means the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

Your complaint and these findings will be placed in Officer C.'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.

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**Letter to Mr. Niemyjski**

**DATE**

**Page 4**

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

M006535

**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

Margaret Stephens  
[REDACTED]  
Albuquerque, NM 87109

**Re: CPC #061-15**

Dear Mrs. Stephens:

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on May 4, 2015 regarding an alleged incident that occurred on May 4, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA investigated your complaint. The CPOA made a finding, based on the information you provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

**I. THE COMPLAINT**

Margaret Stephens wrote that while driving on San Antonio Blvd. at approximately 10:45 am, she observed a marked Albuquerque Police Department Vehicle pass her. Mrs. Stephens wrote she attempted to catch up to the officer but there was no point. Mrs. Stephens wrote the officer was doing 50 miles per hour.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS) and the Citizen Police Complaint.

A) The CPOA reviewed Standard Operating Procedure 1-19-2 (J) (3) regarding Officer R.'s conduct, which states:

Letter to Mrs. Stephens

DATE

Page 2

*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.*

The CPOA Investigator reviewed the information Mrs. Stephens submitted, which included the APD vehicle number. The Investigator was able to determine Officer R. was driving the APD vehicle on the date and time Mrs. Stephens wrote about. The Investigator conducted a preliminary investigation into the unit history of Officer R. for May 4, 2015 at approximately 10:45am as Mrs. Stephens stated in her complaint. The Computer Aided Dispatch Report (CAD) showed Officer R. was responding to an auto burglary in progress during the time Mrs. Stephens observed the vehicle.

The Investigator spoke with Mrs. Stephens on July 28, 2015. The Investigator informed Mrs. Stephens of the findings in his preliminary investigation. Mrs. Stephens stated she was satisfied with the investigation and would like the complaint closed.

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to no Albuquerque Police Standard Operating Procedures being violated and after discussing the matter with the Investigator, Mrs. Stephens agreed and was thankful for the research.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

M006537

## **CIVILIAN POLICE OVERSIGHT AGENCY**

*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, Esq., Acting Executive Director

DATE

Via Email

George  
[REDACTED]

**Re: CPC # 062-15**

Dear George:

Your complaint against Bernalillo County Sheriff's Department Deputy M. was received in our office on May 4, 2015. Your complaint was assigned to an Independent Review Office (IRO) Investigator for review on that same day.

### **I. THE COMPLAINT**

Your complaint failed to contain any allegations of misconduct by any Albuquerque Police Department (APD) officer or APD employee. You complained about the actions of a Bernalillo County Sheriff's Office Deputy.

### **II. THE INVESTIGATION**

Our office has no jurisdiction to investigate the actions of the Bernalillo County Sheriff's Office (BCSO). You need to file your complaint with the BCSO. As I previously indicated in my email to you, BCSO's address is:

Bernalillo County Sheriff's Department  
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 Albuquerque Police Department and its officers. We do not have legal authority to investigate your complaint because your complaint contains no allegations of misconduct by any Albuquerque Police Department (APD) officer or APD employee. Therefore, I am

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**Email to George**

**DATE**

**Page 2**

administratively closing 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,

Robin S. Hammer  
Acting Executive Director  
(505) 924-3770

CC: Albuquerque Police Department, Chief of Police

M006539

**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

Jacob Zamora

Albuquerque, NM 87105

**Re: CPC #063-14**

Dear Mr. Zamora:

The complaint you filed against Officer D. the Albuquerque Police Department (APD) was received in our office on March 21, 2014 regarding an incident that occurred on March 10, 2014. A Civilian Police Oversight Agency (CPOA) Investigator and a contract independent investigator were 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**

Jacob Zamora, a loss prevention manager at a Kmart store, complained that Officer D. failed to file a criminal summons on Deidra Fredericks, a shoplifter in his Kmart. The contract investigator contacted various K-mart security, used public data bases, and sent an email to the email address listed in the complaint, in order to attempt to locate Mr. Zamora, but was unable to locate Mr. Zamora for any follow up information.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures

**Letter to Mr. Zamora**

**DATE**

**Page 2**

(SOPS), the Citizen Police Complaint, the Albuquerque Police Department Report in the case, an interview with Officer D. and APD Records Employee F..

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

*Officers shall take appropriate action in any instance coming to their attention.*

Mr. Zamora alleged that Officer D. failed to file a criminal summons for a shoplifter at his store. The contract investigator reviewed police report 14-0681-061 written by Officer D. In his report he indicated he issued a criminal summons.

The contract investigator contacted APD Records supervisor, Employee F.. Employee F. said APD does not have a tracking system for the summons, and that infrequently the public safety aides drop off summons to the wrong department within APD and they are misplaced. Employee F. explained that the summons are not entered into a data base at APD, so there is no tracking system to prove or disprove whether Officer D. entered the summons paperwork.

The contract investigator contacted Officer D.. Officer D. recalled the shoplifting incident in March of 2014. He recalled issuing a criminal summons to Donna Fredericks, the shoplifter. Officer D. said his protocol is to turn in all criminal summons paperwork in the substation and he doesn't know the process for the paperwork arriving in APD Records Metropolitan Court liaison unit. He recalled that in the past criminal summons he has issued have been lost and he refiled them. He noted that had he been called he would have refiled the charges.

The CPOA finds Officer B.'s conduct to be **NOT SUSTAINED**, as the investigation was unable to determine by a preponderance of the evidence that the alleged conduct occurred.

Your complaint and these findings are made part of 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> .

M006541

**Letter to Mr. Zamora**

**DATE**

**Page 3**

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

Cc: Albuquerque Police Department Chief of Police

M006542

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**

*Beth Mohr, Co-Vice Chair*

*Dr. Moira Amado-McCoy*

*Eric H. Cruz*

*Leonard Waites, Chair*

*Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

Robin S. Hammer, Acting Executive Director

DATE

Via Certified Mail

Terry Anderson

Albuquerque, NM 87109

**Re: CPC #063-15**

Dear Ms. Anderson:

The complaint you filed against Officer C. of the Albuquerque Police Department (APD) was received by our office on May 6, 2015, for an incident which occurred March 14, 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. 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**

Ms. Anderson said that on March 14, 2013, Officer C. and other APD Officers responded to her residence. Ms. Anderson was subsequently arrested. Ms. Anderson said that APD collected a brown backpack as evidence pursuant to her arrest. Ms. Anderson complained that according to Officer C.'s report her brown backpack was collected, tagged and booked into APD Property and Evidence. However, when Ms. Anderson's attorney went to retrieve the backpack it was not in APD Property and Evidence. Ms. Anderson alleged the backpack was stolen.

Letter to Ms. Anderson

DATE

Page 2

**II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER C.'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, Officer's reports and interviews with the Complainant and Officer C..

A) The CPOA reviewed Standard Operating Procedure 2-08-2 (A)(1) regarding Officer C.'s conduct, which states:

***A. Evidence/Property/Found Item Accountability***

- 1. 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 using the Officer Input Module (OIM) evidence accounting tracking system. A supervisor's signature and completed log sheet is required to authorize the use of hard copy evidence tags for exigent/unusual circumstances like OIM system outages.***

A review of the report written by Officer C. showed Officer C. wrote that he had tagged the backpack into evidence along with a metal baseball bat, a hammer, a flashlight and a pair of gloves. ON May 29, 2015, the CPOA Investigator contacted APD Evidence Division. Evidence staff indicated that work gloves, a flashlight, a metal baseball bat, and a hammer were checked into evidence in this case. All of these items were returned to Ms. Anderson. There was no record that a backpack was checked into evidence in this case.

Field Investigator O.'s report indicated that Officer C.'s Field Training Officer R. advised Field Investigator O. that Officer R. would collect the backpack and bat. The interview with Officer C. revealed Officer C. could not recall the events from more than two years ago about who collected the backpack and other items, and/or if anyone booked the backpack into APD Property and Evidence. The interview with Officer C. revealed that Officer C. was in his second week of training with Officer R. who dictated what Officer C. wrote in his report. Additionally, as an Field Training Officer, Officer R. was responsible for ensuring those actions took place and was accountable for Officer C.'s actions or inactions, as it were. Officer R. is no longer an APD employee and therefore, was not targeted in this investigation. Had Officer R. still been with APD, she would have investigated and would have been held accountable for Officer C.'s actions according to Standard Operating Procedure 3-18-2 (D) Supervisor's Duties and Responsibilities.

The CPOA finds Officer C.'s conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, because the investigation was unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.

B) The CPOA reviewed Standard Operating Procedure 1-39-1 (A), and Department Special Order 12-26, which state:

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Letter to Ms. Anderson

DATE

Page 3

***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.*

The interview with Officer C. and reports written by Officer C. and OFFICER R. revealed Officer C.'s lapel camera fell off of his shirt as he sprinted towards Ms. Anderson who was swinging a metal baseball bat at her neighbor. After Officer C.'s lapel camera fell to the ground, OFFICER R. drove over the camera with her vehicle as she followed Officer C. As a result, Officer C. did not have lapel video of the incident due to Officer R. destroying the lapel video in an effort to assist Officer C.. Officer C. indicated the events surrounding the lapel camera in his police report as required.

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

Your complaint and these findings are made part of Officer C.'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.

M006545

**Letter to Ms. Anderson**

**DATE**

**Page 4**

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

M006546

**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

Drew Rupp

██████████  
Rio Rancho, NM 87124

**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

M006548

**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*

Edward Harness, Executive Director

October 29, 2015

Via Certified Mail

Elsa Orozco

Albuquerque, NM 87120

**Re: CPC # 065-15**

Dear Ms. Orozco:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on May 8, 2015, for an incident, which occurred on March 26, 2015. 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 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. 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. Orozco wrote Ms. Hernandez attacked her and injured her. Ms. Orozco wrote Officer M. was impatient and pressured her to speak louder, but she could not due to her injuries. Ms. Orozco wanted to press charges against Ms. Hernandez. Ms. Orozco wrote Officer M. did not try to understand the situation based on the police report. Ms. Orozco wrote Officer M. was racist thinking that she could not speak English.

The CPOA Investigator interviewed Ms. Orozco. Ms. Orozco repeated that Officer M. was impatient with her and did not listen to her. Ms. Orozco stated Officer M. became irritated with her because her injuries prevented her from speaking loudly. Ms. Orozco stated Officer M. was racists because Officer M. assumed her inability to speak was due to a language

Letter to Ms. Orozco

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barrier. Ms. Orozco stated Officer M. did not pay attention to her. Ms. Orozco accused Officer M. of being very rude. Ms. Orozco stated the report was inaccurate.

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

The investigation included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), the Police Report, Officer M.'s lapel video, Officer C.'s lapel video, Sgt. D.'s lapel video and interviews of Elsa Orozco, Adriel Orozco, and Officer M..

(A) The CPOA reviewed Standard Operating Procedural Order 2-24-3F1-2, 4-5 regarding Officer M.'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). 4. Effect the arrest of the suspect. 5. Report the incident fully and accurately.*

Ms. Orozco stated Officer M. did not give her the opportunity to explain everything fully. Ms. Orozco stated Officer M. did not listen to her or pay attention to her. Ms. Orozco felt if Officer M. had listened to her Officer M. would have found Ms. Hernandez at fault. Ms. Orozco said there were untrue statements in the police report. Ms. Orozco stated Ms. Hernandez deserved to be punished. Ms. Orozco stated Officer M. was supposed to come to her house to get a better statement, but never did. Mr. Orozco also stated Officer M. did not allow his mother to explain things fully. Mr. Orozco stated Officer M. should have understood his mother's injuries prevented his mother from giving a proper statement. Mr. Orozco stated Officer M.'s report was inaccurate because Officer M. misquoted a statement. Mr. Orozco stated the report was prejudicial against his mother.

The lapel video showed Officer M. spoke to a witness, Mr. Gomez, Ms. Orozco, and Ms. Orozco's opponent, Ms. Hernandez. Mr. Orozco was not present during the altercation. The lapel video also showed Officer M. asked the woman with Ms. Orozco, Ms. Marquez, if she saw anything, but Ms. Marquez claimed she did not. The lapel video showed Ms. Marquez also said the owner of the booth was not present during the altercation. The lapel video showed Officer M. attempted to see if there was surveillance video, but surveillance video did not show anything. The lapel video showed Officer M. asked another unidentified woman if she saw anything, but that person did not have anything to contribute. The lapel video showed Officer M. allowed Ms. Orozco to say what she wanted and injected at times to ask clarifying questions. The lapel video showed Officer M. asked why Ms. Orozco and Ms. Hernandez fought. Ms. Orozco only said they had issues, which prompted Officer M. to encourage her to be more specific since she would obtain Ms. Hernandez's version. The lapel video showed Ms. Orozco's son interrupted his mother's narrative with concerns over Mr. Gomez hearing her statement, but Ms. Orozco continued explaining her story. The lapel video showed Officer M. explained both parties could be charged. Officer M. used discretion and did not file charges on either party even though one witness named Ms. Orozco as the

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aggressor. The report reflected essentially, what the different parties told Officer M.. Ms. Orozco's written statement did not differ greatly from what Officer M. received at the scene. The fact that Ms. Orozco did not agree with the outcome is outside of the issue of Officer M.'s compliance with the SOP.

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

(B) The CPOA reviewed Standard Operating General Order 1-04-1F 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.*

Ms. Orozco claimed Officer M. was very rude and treated her in a demeaning way. Ms. Orozco stated Officer M. was very impatient with her and kept yelling at her to speak louder. Ms. Orozco had difficulty speaking due to her injuries and Officer M. would not accommodate her by getting closer. Mr. Orozco also claimed Officer M. would not accommodate his mother and acted in a dominating manner. Mr. Orozco said Officer M. asked repetitive questions. Mr. Orozco complained Officer M. told him not to get involved. Mr. Orozco stated Officer M. blamed his mother for the altercation.

The video showed Officer M. allowed Ms. Orozco to tell her side of the story with minimal interruption. Officer M. asked clarifying questions when she did interject. The video showed Officer M. asked Ms. Orozco to speak up, but did not shout at her. It would be a safety issue for Officer M. to kneel down by Ms. Orozco. The video showed Mr. Orozco interrupted on occasions and Officer M. responded, sometimes sternly, but professionally. The video showed Officer M. suggested Ms. Orozco avoid conflicts by avoiding the business since this was an ongoing conflict. The conduct did not occur as described or was not a violation.

The CPOA finds Officer M.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the alleged conduct did occur, but did not violate APD policies, procedures, or training.

(C) The CPOA reviewed Standard Operating General Order 1-03-2C regarding Officer M.'s conduct, which states:

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

Ms. Orozco claimed Officer M. was racist because Officer M. assumed she could not speak English well. Ms. Orozco stated there was no language barrier and she continued to speak in

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Letter to Ms. Orozco

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English even after Officer M. spoke in Spanish. Ms. Orozco stated Officer M. did not pay attention to her even though she was the victim.

The lapel video showed someone initiated speaking Spanish. Officer M. politely offered to communicate in Spanish. Ms. Orozco became more talkative in Spanish. The lapel video refuted Ms. Orozco's claim that she never spoke to Officer M. in Spanish. The lapel video showed Officer M. attempted to accommodate Ms. Orozco in whatever means she was comfortable with to get the information. The lapel video showed Officer M. did not make an assumption about Ms. Orozco's ability to communicate.

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

Your complaint and these findings will be placed in Officer M.'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

Edward Harness  
Executive Director

cc: Albuquerque Police Department Chief of Police

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## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Police Oversight Board**

*Beth Mohr, Co-Vice Chair*

*Dr. Moira Amado-McCoy*

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*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Natasha Roybal Velarde

████████████████████  
Albuquerque, NM 87123

**Re: CPC #066-14**

Dear Ms. Velarde:

The complaint you filed against Officer M. of the Albuquerque Police Department (APD) was received in our office on March 26, 2014 regarding a traffic accident that occurred on February 1, 2014. A Civilian Police Oversight Agency (CPOA) Investigator and an independent contract investigator were assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint.

### **I. THE COMPLAINT**

Natasha Roybal Velarde wrote in her complaint that on February 1, 2014 her wife, Regina Roybal, was involved in an accident at Tramway and Central with Officer M.. According to the complaint, Officer M. was off-duty and in his personally owned vehicle. Ms. Velarde alleged that Officer M. exited his vehicle and began yelling and cursing at Ms. Velarde. Eventually, he calmed down and both parties drove their vehicles to the side of the road. Ms. Velarde alleged that Officer M. told her that there were no on-duty police officers available to take the report and advised her to go to the station. Ms. Velarde stated that first went home to retrieve her insurance card and then drove to the station to fill out the report. When Ms. Velarde received the report for the insurance claim she discovered that Officer M. had filled out a report in which he faulted Regina Roybal for the accident. Natasha Velarde alleged that the Officer was neither unbiased nor truthful. Natasha Velarde has not been able get her vehicle fixed through the insurance company as a result of the report.

### **II. INVESTIGATION**

The contract independent investigator fully and impartially investigated this complaint, including reviewing the APD Police Report, the Computer Aided Dispatch Report (CAD), interviewing Natasha Roybal Velarde and Regina Roybal. The investigation revealed that Officer M. did write the police report, as Ms. Velarde alleged, in violation of APD Standard Operating Procedures. Officer M. is no longer employed with the Albuquerque Police Department.

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Letter to Ms. Velarde

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**III. CONCLUSION**

Under City Ordinance, the CPOA only has jurisdiction to make findings regarding current APD employees. Because Officer M. no longer works for APD, the CPOA is precluded from making findings in this case. Thus, the CPOA will be administratively closing your complaint without further investigation. However, this complaint and the investigation will remain in Officer M.'s Internal Affairs personnel record should Officer M. seek employment with APD in the future.

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**

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*Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Adonus Encinias

[REDACTED]  
Albuquerque, NM 87121

**Re: CPC #066-15**

Dear Mr. Encinias:

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on May 11, 2015 regarding an alleged incident that occurred between the dates of February 12, 2015 through April 30, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA investigated your complaint. The CPOA made a finding, based on the information you provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

**I. THE COMPLAINT**

Adonus Encinias wrote that Detective L. and other undercover officers were working on an alleged attempted murder investigation regarding his sister Britney Encinias. Mr. Encinias wrote that his mother informed Detective L. that his sister did not reside at the listed address. Mr. Encinias wrote that since that time undercover officers have been driving up and down his street harassing Mr. Encinias and his family. Mr. Encinias wrote he wanted the continued harassment to stop and for the officers to leave his family alone.

**II. INVESTIGATION**

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), interview of Detective L. and the Citizen Police Complaint.

The CPOA Investigator reviewed the complaint Mr. Encinias submitted. The Investigator contacted Officer L. Officer L. did in fact contact Mr. Encinias' mother while conducting a homicide investigation. The investigation showed that was the only time Detective L. was at

Letter to Mr. Encinias

DATE

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the Encinias residence. The investigation showed other agencies including the Bernalillo County Sheriff's Department and Probation and Parole were conducting investigations as well.

The Investigator contacted Mr. Encinias via telephone and email to schedule an appointment to discuss the complaint. Mr. Encinias scheduled an appointment with the Investigator on June 16, 2015. Mr. Encinias did not show up or call to reschedule the appointment. The Investigator sent a certified letter to Mr. Encinias on July 25, 2015 informing Mr. Encinias to contact our office. The certified letter was signed for and received on July 28, 2015. Mr. Encinias has never contacted our office. Without further information from Mr. Encinias, the Investigator cannot proceed with the investigation into the complaint.

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to no SOP violations occurring by any member of the Albuquerque Police Department and a lack of any further information from Mr. Encinias in regards to his complaint.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

Cc: Albuquerque Police Department Chief of Police

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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            Jeffery Scott Wilson*  
Robin S. Hammer, Acting Executive Director

DATE  
Via Certified Mail

Lee Laney  
[REDACTED]  
Albuquerque, NM 87102

**Re:    CPC # 067-15**

Dear Mr. Laney:

The complaint you filed against an unidentified officer of the Albuquerque Police Department (APD) was received in our office on May 14, 2015, regarding an incident that occurred May 13, 2015.

**I. THE COMPLAINT**

Mr. Laney wrote that on May 13, 2015 at about 4:00 PM, he was leaving a friend's house near Comanche Street and Washington Street NE, when he observed a young man holding onto the side of a car as it turned onto Comanche and sped off. Mr. Laney was concerned about what he saw and felt that he should report it to the police. On Washington Street, he saw a police car so he waved at the officer to get the officer's attention. Mr. Laney wrote that the officer stopped and Mr. Laney approached the car. Mr. Laney said that he leaned in through the open window of the police car to inform the officer of what he had observed and he was immediately yelled at by the officer. Mr. Laney alleged that the officer told Mr. Laney not to hit the officer's car. Mr. Laney wrote that the officer was rude and he felt threatened by the officer. Mr. Laney said that he was yelled at as if he were some sort of hooligan throwing rocks. Mr. Laney alleged that after the officer allowed Mr. Laney to finish what he was saying, the officer gave him a dirty look and sped off down the road. Mr. Laney wrote that he expected the officer to thank him, not berate him or yell at him, or shoot him dirty looks as if Mr. Laney was interfering with the officer's day. Mr. Laney was startled by the officer's response and he did not get the name or the badge number of the officer or the number on the car that the officer was driving. Mr. Laney closed his complaint by writing that he does not hate the police and he appreciates the job that the police do. He wrote, "Thanks for being out there and protecting us. Now train your officers better."

**II. INVESTIGATION BY THE CIVILIAN POLICE OVERSIGHT INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed Mr. Laney's complaint and researched the matter so that we could obtain more information about the incident. The Investigator contacted the Research and Recording Unit of the Albuquerque Police Department and had the Coordinator there conduct a search of police activity in the area on the date and time of the complaint. The APD Coordinator researched the police activity in both sectors that covered

**Letter to Mr. Laney**

**DATE**

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that area for the entire day in hopes of discovering whether or not the officer called out or logged out on his computer that he had been flagged down by a citizen. Unfortunately, the search did not reveal who the offending officer may have been.

In an effort to obtain more information, the CPOA Investigator contacted Mr. Laney on May 18, 2015 and spoke with him over the phone. Mr. Laney told the Investigator about the incident. Mr. Laney gave the best description he could give of the officer, that the officer was in his early to mid-30's and probably Hispanic. Mr. Laney said that he thought that he may have startled the officer, but was surprised of the reaction from the officer. Mr. Laney told the Investigator that he did not file the complaint to get anyone into any trouble. Mr. Laney just wanted to make someone aware of what took place and his unpleasant experience with an APD Officer. The Investigator explained Mr. Laney that he would forward your complaint to Commander Remiker of the Northeast Area Command where the incident took place, so that Commander Remiker could address the complaint in general with his staff. The Investigator then sent the complaint along with Mr. Laney's concerns to Commander Remiker.

### **III. FINDINGS AND CONCLUSIONS**

The CPOA office attempted to identify the officer involved, but was unsuccessful. Mr. Laney stated that he did not want the officer to get into trouble but hoped that someone would address the officer's behavior and the situation that occurred. The CPOA Office sent Mr. Laney's complaint to the Northeast Area Commander so that he would be aware of the incident and so that he could address the matter with his staff as a whole.

The Acting Executive Director reviewed the complaint and investigation. Because the complaint only contained an allegation of a minor policy violation by the officer and the fact that the CPOA was unable to identify the officer involved in the incident, the CPOA will administratively close this 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.

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

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## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Police Oversight Board**

*Beth Mohr, Co-Vice Chair*

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*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Denali Brooke

████████████████████  
Albuquerque, NM 87104

**Re: CPC #068-15**

Dear Ms. Brooke:

The complaint you filed against Officer L. of the Albuquerque Police Department (APD) was received by our office on May 14, 2015, for an incident which occurred May 11, 2015. 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 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**

Denali Brooke said that on May 11, 2015, at approximately 2:45 PM, she was at the Frontier Restaurant located at 2400 Central Avenue SE, Albuquerque, NM 87106 and witnessed Albuquerque Police Department (APD) Officer L. and Albuquerque Fire Department (AFD) personnel respond to the bus stop in front of the restaurant in reference to a male subject who fell from the bench onto the ground. Ms. Brooke said two AFD fire fighters attended to the subject and one of them stood on the subject's shin and became aggressive with the subject. Ms. Brooke complained the fire fighters and Officer L. laughed at and provoked the subject while in contact with the subject. Ms. Brooke said Officer L. told her that the subject fights with first responders all the time, to which she responded this time the man was provoked. Ms. Brooke complained that Officer L. told her the subject kicked the fire fighter first, to which she responded, "So? That doesn't give the fireman the right to take out some kind of

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vengeance on the man. Can't you take a hit once in a while?" Ms. Brooke said Officer L. told her he didn't get paid to take a hit or to get kicked. Ms. Brooke complained that Officer L.'s response was inappropriate. Ms. Brooke complained the subject/patient was not properly restrained. Ms. Brooke complained the subject/patient was provoked and probably harmed. Ms. Brooke alleged the first responders on scene were not fit for public service or were experiencing burn out. Ms. Brooke alleged the first responders needed training on how to treat the public and how to properly restrain disruptive patients.

**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 Standard Operating Procedures (SOPS), the Citizen Police Complaint, lapel video, the police report and interviews with Ms. Brooke and Officer L.

A) The CPOA reviewed Standard Operating Procedure 1-4-1 (F) regarding Officer L.'s conduct, which states:

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

Ms. Brooke complained that Albuquerque Police Department (APD) Officer L. laughed at and provoked the subject while in contact with the subject. Ms. Brooke said Officer L. told her that the subject fights with first responders all the time, to which she responded this time the subject was provoked. Ms. Brooke complained that Officer L. told her the subject kicked the fire fighter first, to which she responded, "So? That doesn't give the fireman the right to take out some kind of vengeance on the man. Can't you take a hit once in a while?" Ms. Brooke said Officer L. told her he didn't get paid to take a hit or to get kicked. Ms. Brooke complained that Officer L.'s response was inappropriate. Ms. Brooke complained the subject/patient was not properly restrained. Ms. Brooke complained the subject/patient was provoked and probably harmed. Ms. Brooke alleged the first responders on scene were not fit for public service or were experiencing burn out. Ms. Brooke alleged the first responders needed training on how to treat the public and how to properly restrain disruptive patients.

The interviews, lapel video and report revealed Ms. Brooke was inside the restaurant when Officer L. and AFD fire fighters arrived at the bus stop to assist an intoxicated and unconscious male subject. The lapel video showed that Ms. Brooke's view of the bus stop and actions of the fire fighters and the subject/patient were at least partially obstructed by the metal mesh walls of the bus stop shelter and the bus bench. Lapel video showed Officer L. and the fire fighters did not laugh at or provoke the subject/patient. Lapel video showed Ms. Brooke spoke to an AFD Lieutenant and not Officer L. when voicing her concerns about the fire fighter being inside the ambulance with the subject/patient. Lapel video showed the AFD Lieutenant and not Officer L. told Ms. Brooke that the subject/patient fights them all the time and that the subject/patient kicked the fire fighter first before the fire fighter stepped on the subject's/patient's foot or leg. The video showed Officer L. told Ms. Brooke, "It's not part of

**Letter to Ms. Brooke**

**DATE**

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our job to get kicked, ma'am." The video also showed Ms. Brooke asked the AFD Lieutenant, "You guys can't take a hit once in a while?" to which Officer L. responded, "Really? What do you think they pay us to do? Take hits?" Ms. Brooke responded to Officer L. with, "Yes."

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

The interviews revealed that when the incident became a medical call only and in an effort to protect the subject's/patient's medical information, Officer L. turned off his lapel camera. As a result, there is no video to show when or how the subject/patient was restrained however restraining the subject/patient was the responsibility of AFD and not Officer L.. Lapel video showed Officer L. was professional and courteous to all citizens he came into contact with while at the scene, to include Ms. Brooke, and he did not appear to be experiencing burnout or need additional training in how to treat the public, as Ms. Brooke alleged in her written complaint.

Additionally, Ms. Brooke was informed that the CPOA does not have jurisdiction to investigate complaints against AFD and was told how to file a complaint with AFD.

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

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

If you have a computer available, we would greatly appreciate 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

M006561

**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

Logan Griffith

[REDACTED]

Las Cruces NM 88011

Re: CPC #069-14

Dear Mr. Griffith

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on March 30, 2014 regarding an incident that occurred that day. A Civilian Police Oversight Agency (CPOA) Investigator and a contract independent investigator were 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**

Logan Griffith wrote in his complaint that his sister was in her dorm room when APD used tear gas to deal with protesters nearby. His sister suffered burning of the eyes, throat and skin, and she had nothing to do with the protest. Mr. Griffith felt APD was overly aggressive in their response and did not consider the health and safety of the public.

**II. INVESTIGATION**

The contract investigator reviewed detailed news footage and blogs of the incident. The investigation indicated that tear gas was only deployed after over 8 hours of protests, which involving protestors blocking city streets, blocking the interstate freeway, acts of vandalism and graffiti. The tear gas used to clearing a major street, near your sister's dorm. Unfortunately, there were windy conditions that caused the tear gas to "float" into the nearby housing units.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint and news media accounts and videos of the incident.

**Letter to Mr. Griffith**

**DATE**

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A) The CPOA reviewed Standard Operating Procedure 2-52-2(C), Use of Non-Deadly Force:

*"A level of force that is required to compel compliance, which is not intended to, and is not known to create a substantial likelihood of death or serious bodily injury.*

The CPOA finds the conduct of the APD officers to use tear gas to be EXONERATED regarding the allegation of over aggressive action and lack of concern for the public. A preponderance of evidence showed that the conduct did occur but did not violate APD policies, procedures or training.

Your complaint and these findings are made part of 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

M006563

## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Police Oversight Board**

*Beth Mohr, Co-Vice Chair*

*Dr. Moira Amado-McCoy*

*Eric H. Cruz*

Paul Skotchdopole, Assistant Lead Investigator

*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

Pearl Flores

Albuquerque, NM 87121

**Re: CPC #070-15**

Dear Mrs. Flores:

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on May 20, 2015 regarding an alleged incident that occurred between the dates of September 2014 through March 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA investigated your complaint. The CPOA made a finding, based on the information you provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Mrs. Flores filed a written complaint which extensively speaks about the disputes she has with her neighbors. Mrs. Flores complained that Officer I. gave her his card during an incident and that Officer I. informed her in September of 2014, that if she had any more problems to give him a call. Mrs. Flores complained that she has called the substation approximately 12 times and Officer I. has not called her back.

### **II. INVESTIGATION**

The CPOA Investigator reviewed the complaint, which included a review of the applicable Standard Operating Procedures (SOPS) and conducted an interview with Officer I. The investigation showed that Officer I. had not received messages from Mrs. Flores.

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Letter to Mrs. Flores  
October 22, 2015  
Page 2

### III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to no SOP violations occurring by any member of the Albuquerque Police Department and a lack of any further information from Mrs. Flores.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Paul Skotchdopole  
Assistant Lead Investigator

**CIVILIAN POLICE OVERSIGHT AGENCY**

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*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Josh Dixon

████████████████████  
Albuquerque, NM 87109

**Re: CPC #071-15**

Dear Mr. Dixon:

The complaint you filed against Officer D. and Sergeant M. of the Albuquerque Police Department (APD) was received in our office on May 15, 2015 regarding an incident that occurred on May 9, 2015. 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**

Josh Dixon wrote in his complaint that on May 9, 2015 at about 2:25 PM, he was driving South on Wyoming near Osuna when he was stopped by Officer D.. Mr. Dixon was on his way to his daughter's UNM graduation at the time. Officer D. was about to turn West onto Osuna towards the police substation located there. Mr. Dixon alleged that Officer D. who was immediately in front of Mr. Dixon, stopped suddenly, activated the emergency equipment on his police car, stepped out of the police car and approached Mr. Dixon. Mr. Dixon wrote that Officer D. asked Mr. Dixon loudly if Mr. Dixon was flipping him off. Mr. Dixon told Officer D. that he was not flipping off the officer, but he was flipping off the driver of a different car. Mr. Dixon explained to Officer D. that further back in traffic a car had swerved into his traffic lane. Mr. Dixon honked at the car and the other driver honked back and threw him the finger so he threw the finger back at the other driver. Officer D. must have seen Mr. Dixon when he

Letter to Mr. Dixon

DATE

Page 2

flipped off the other driver. Officer D. then told Mr. Dixon, "You be careful bro." Officer D. then got back in his car and left.

Mr. Dixon wrote that even if the finger throwing was intended for the officer he was exercising his freedom of speech in doing so. When Mr. Dixon later spoke with Officer D.'s supervisor, Sergeant M. about the incident, she allegedly told him that when APD gets flipped off they think that someone needs help or the police are getting asked for help.

Mr. Dixon alleged that Officer D. was just trying to show APD's muscle and that he was never asked for ID or Registration. Mr. Dixon suspected that Officer D. did not record the encounter either as he was required by policy to do. Mr. Dixon alleged that Officer D. acted like a bully and that Officer D. had no right to stop and confront him. Mr. Dixon later said in a recorded interview that Sergeant M. was wrong in her assessment of what had occurred and that she was the least helpful of anyone that he dealt with throughout the complaint process. Mr. Dixon said that Sergeant M. never told him how to file a complaint or with whom to file a complaint. Mr. Dixon said that it was another female APD Sergeant who told him how to file a complaint.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Report in the case, The Computer Assisted Dispatch (CADS) Report, two interviews of Mr. Dixon, an interview with Officer D. and an interview with Sergeant M.. A review of applicable case law was also conducted by the CPOA Investigator.

A) The CPOA reviewed Standard Operating Procedure 1-02-2 b 2 regarding Officer D.'s conduct, which states:

*Officers shall familiarize themselves 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 make only those arrests, searches, and seizures which they know or should know are legal and in accordance with departmental procedures.*

Mr. Dixon complained that Officer D. had no legal right to stop him even if Mr. Dixon did throw a finger at Officer D.. Mr. Dixon alleged that the stop and subsequent confrontation and detention were a violation of his right to free speech. The investigation revealed that Mr. Dixon was not flipping off Officer D., but was instead giving the finger to another motorist who had flipped off Mr. Dixon. Officer D. thought that the finger throwing was intended for him and he reacted to that by engaging his emergency equipment and stopping Mr. Dixon.

Officer D. wrote the following in a police report that was written within hours of the actual stop.

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**Letter to Mr. Dixon**

**DATE**

**Page 3**

*On 05-29-15 I was traveling southbound on Wyoming in my fully marked police unit to turn West Bound onto Osuna. As I checked my rearview mirror I observed the driver behind me giving me the finger commonly known as a "Fuck You" gesture. I stopped my car in the slow lane and turned on my emergency equipment and walked back towards the male and his car. At that moment I did not turn on my camera as I was walking into oncoming traffic. I asked the male, "Are you flipping me off?" The male replied, "No I was flipping that guy off. I had my turn signal on and he wouldn't let me in. Why don't you go pull him over?"*

It is well established in Court rulings that the act of flipping off or giving the finger to a police officer is constitutionally protected speech. For example, in a most recent 9th Circuit case the court said, "Police officers in particular may not exercise their authority for personal motives, particularly in response to real or perceived slights to their dignity."

The US Court of Appeals for the 2nd District recently ruled that the "ancient gesture of insult is not the basis for reasonable suspicion of a traffic violation or impending criminal activity."

The US Supreme Court ruled in 1971 the following, "The First Amendment protects a significant amount of verbal criticism and challenge directed at police officers. The freedom of individuals to oppose or challenge police action verbally without thereby risking arrest is one important characteristic by which we distinguish ourselves from a police state. Thus, while police, no less than anyone else, may resent having obscene words and gestures directed at them, they may not exercise the awesome power at their disposal to punish individuals for conduct that is not merely lawful, but protected by the First Amendment."

Officer D. stated in his police report that he stopped the complainant because the complainant gave Officer D. "the finger commonly known as a 'fuck you' gesture." It was clear from the report that Officer D. was insulted by the obscene gesture and he stopped Mr. Dixon because of that. The investigation revealed that Mr. Dixon did not do anything else to cause the officer concern that perhaps Mr. Dixon was not his the right mental state of mind to be operating a vehicle. There was no legitimate, articulable reason for Officer D. to have detained Mr. Dixon.

Officer D. did not have reasonable suspicion based on Mr. Dixon's actions that Officer D. did observe that Mr. Dixon had committed any crime or was engaged in any criminal activity. The investigation revealed that the stop was made because Officer D. felt slighted by Mr. Dixon's actions.

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

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

M006568

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

Mr. Dixon alleged that Officer D. was just trying to show APD's muscle and that Mr. Dixon was never asked for ID or Registration. Mr. Dixon suspected that Officer D. did not record the encounter as Officer D. is required by policy to do. Mr. Dixon alleged that Officer D. acted like a bully.

As stated in the police report in this case, Officer D. did not record his encounter with Mr. Dixon. Mr. Dixon alleged that Officer D. acted like a bully. Officer D. denied the allegation. There was no lapel video of the encounter to determine independently how Officer D. acted.

The CPOA finds Officer D.'s conduct to be NOT SUSTAINED regarding the allegation of a violation of this SOP, as the investigation was unable to determine by a preponderance of the evidence whether the alleged misconduct occurred.

C) The CPOA reviewed Standard Operating Procedure 1-39-2 (B) regarding Officer D.'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...traffic stop...Personnel will activate the recorder prior... to citizen contact...and will record the entirety of the citizen contact.*

Mr. Dixon suspected that Officer D. did not record the encounter as Officer D. is required by policy to do. The investigation revealed that Officer D. did not record the encounter.

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

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

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

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

Mr. Dixon said that Sergeant M. was the least helpful of anyone that he contacted in his quest to file a complaint against Officer D.. Mr. Dixon further alleged that Sergeant M. acted as if the allegation that Mr. Dixon was making was not serious in nature and that she did not take the allegation seriously. Lastly he was concerned at the response that he was allegedly given by Sergeant M. that when a police officer is given the finger that it is a sign that the person

**Letter to Mr. Dixon**

**DATE**

**Page 5**

doing so is actually requesting help from the officer or that they need something from the officer and that APD is going to stop and check it out.

In the 2<sup>nd</sup> Circuit ruling referenced above, the court said "Surely, no passenger planning some wrongful conduct toward another occupant of an automobile would call attention to himself by giving the finger to a police officer. And if there might be an automobile passenger somewhere who will give the finger to a police officer as an ill-advised signal for help, it is far more consistent with all citizen's protection against improper police apprehension to leave that highly unlikely signal without a response than to lend judicial approval to the stopping of every vehicle from which a passenger makes that gesture."

The investigation revealed that Sergeant M. was unaware of any court rulings regarding the giving of a finger to a police officer. She believed that Officer D. did not commit any misconduct.

Mr. Dixon alleged that Sergeant M. did not tell him how to file a complaint. Sergeant M. disputed that, but if she believed there was no misconduct, it is highly likely that she did not tell Mr. Dixon how to file a complaint.

Sergeant M.'s conduct as a Supervisor in this case was not conduct that reflected favorably on the department.

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

B) The CPOA reviewed Administrative Order 3-18-2 D regarding Sergeant M.'s conduct, which states:

***Supervisors shall be held accountable for the performance of personnel under their immediate control.***

The investigation showed that Sergeant M. did not believe that Officer D. committed any misconduct even though she was aware that Officer D. did not record the encounter as he is required to do. The only action that Sergeant M. took was to write an internal memorandum and place it in her own file that she kept of Officer D..

Sergeant M. knew that Officer D. violated at least one policy during this incident and she took no action on the complaint or on the officer. As a supervisor, to condone an act of misconduct by a subordinate is unacceptable. Sergeant M., by the above referenced policy should be held accountable for Officer D.'s performance in this matter.

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

M006570

Letter to Mr. Dixon

DATE

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C) The CPOA reviewed Administrative Order 3-43-3 G regarding Sergeant M.'s conduct, which states in part:

*Verbal citizen complaints will be accepted by the Albuquerque Police Department.*

*2. The individual receiving a verbal 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.*

*4. If a supervisor receives a verbal complaint, the supervisor is responsible for conducting a sufficient preliminary investigation to determine if the complaint merits documentation and/or further investigation.*

*6. If a verbal complaint alleges a violation of criminal law, a violation of a citizen's Constitutional Rights or a serious violation of department policy, then the individual handling the complaint must document the complaint. "Verbal Complaint Form" (PD-1113) will be used and a copy shall immediately be forwarded to Internal Affairs.*

The Settlement Agreement/Consent Decree that the Albuquerque Police Department is under also addresses the things that a supervisor must do when they receive a complaint of misconduct by a citizen. The Consent Decree requires that all officers must report misconduct complaints directly to the Internal Affairs Bureau for investigation. It states, "Where alleged misconduct is reported to a supervisor, the supervisor shall immediately document and report this information to the Internal Affairs Bureau." The requirement is that the misconduct must be reported to IA by the end of the shift following the shift in which it was received.

The investigation could not determine whether or not Sergeant M. told Mr. Dixon that he had a right to file a written complaint. It is undisputed however, that she did not explain the process for making a written complaint.

The investigation showed that Sergeant M. met with Officer D. at Officer D.'s insistence and not because Sergeant M. received a complaint from Mr. Dixon. If Sergeant M. would have conducted a sufficient investigation into the complaint, she would have known that Officer D. violated policy in stopping and detaining Mr. Dixon. The investigation showed that Officer D. told Sergeant M. that he did not record the encounter, a violation of policy, but Sergeant M. concluded that no misconduct occurred.

The verbal complaint made by Mr. Dixon was that his constitutional right to free speech was violated. Sergeant M. was required by this policy to document the complaint and to immediately forward the complaint to Internal Affairs. Sergeant M. failed to do that.

The CPOA finds Sergeant M.'s conduct regarding a violation of this SOP to be **SUSTAINED VIOLATION NOT BASED ON THE ORIGINAL COMPLAINT**, because the

Letter to Mr. Dixon

DATE

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investigation determined by a preponderance of the evidence that misconduct did occur that was not alleged in the original complaint but was discovered during the misconduct investigation.

Your complaint and these findings are made part of Officer D.'s and Sergeant M.'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

M006572

**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

Terry Anderson

Albuquerque, NM 87109

**Re: CPC #072-15**

Dear Ms. Anderson:

The complaint you filed against Officer C. and Detective M. of the Albuquerque Police Department (APD) was received by our office on May 18, 2015, for an incident which occurred March 14, 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. 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**

Terry Anderson said that on March 14, 2013, Albuquerque Police Department (APD) Officers responded to her residence and arrested Ms. Anderson. Ms. Anderson complained that APD Officer C. Detective M. put handcuffs on her so tightly they broke her right wrist. Ms. Anderson complained she told the two officers multiple times to loosen the handcuffs but they did not and instead just laughed at her and told her she was okay. Ms. Anderson said her broken wrist was placed in a cast at the Metropolitan Detention Center (MDC) and then re-cast a few days later at University of New Mexico Hospital (UNMH). Ms. Anderson complained the visit to UNMH to re-cast her arm was a complete waste of time because they didn't do anything to fix the break and now she only has partial use of her wrist and is disabled for the rest of her life. Ms. Anderson complained her wrist needs surgery and it is the fault of APD and she wants damages.

M006573

Letter to Ms. Anderson

DATE

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## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER C.'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 video, Officer's reports and interviews with the Complainant, Detective M. and Officer C..

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

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

- *To effect a lawful arrest or detention of a person.*
- *To gain control of a combative prisoner*
- *Prevent and/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.*

Ms. Anderson said Officer C. and other APD Officers responded to her home on March 14, 2013, and arrested her for various crimes. Ms. Anderson complained that Officer C. placed handcuffs on her wrists so tightly her right wrist was broken.

A review of lapel videos and reports written by Officer C., former APD Officer R. and Detective M. showed Detective M. and Officer C. handcuffed Ms. Anderson and took her into custody after Ms. Anderson was tased by Officers C. and R. for swinging a baseball bat at her neighbor and at Officer C.. This evidence also showed Officers C. and R. and Detective M. checked and adjusted Ms. Anderson's handcuffs to ensure they were not too tight. Additionally, Albuquerque Fire Department rescue arrived on scene to check Ms. Anderson's vital signs, and remove taser prongs from her prior to Ms. Anderson being placed in a police car and transported from the scene. The evidence showed Ms. Anderson did not complain to the rescue personnel that her wrist was broken. Had Ms. Anderson done so, the rescue personnel would have been obligated to take her to University of New Mexico Hospital (UNMH) for treatment prior to officers transporting her to the jail.

A CPOA Investigator contacted MDC medical personnel who verified that they would not have allowed Ms. Anderson to be booked into their facility with a broken wrist because all prisoners are required to pass a medical clearance before they are received into their facility. They said they would not have placed a cast on Ms. Anderson's wrist if it were broken because they don't have the needed supplies or expertise on hand to do so.

The investigation revealed Officer C. took the necessary steps to ensure Ms. Anderson's handcuffs were checked and were not too tight after Ms. Anderson complained to him. Additionally, the investigation revealed that due to the nature of the call, where it was reported Ms. Anderson was breaking windows with a hammer and baseball bats, Ms. Anderson may have caused the injury to her wrist by her own actions. Lastly, without medical records it cannot be determined if or when Ms. Anderson's wrist was actually broken.

M006574

Letter to Ms. Anderson

DATE

Page 3

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

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

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

Ms. Anderson complained that Officer C. laughed at her and said she was okay when she told him her wrist hurt.

A review of lapel videos and interviews revealed Ms. Anderson complained the handcuffs were too tight and Officer C., former APD Officer R. and Detective M. looked at the handcuffs and adjusted them and at no time did Officer C. or any of the officers or personnel on scene laugh at Ms. Anderson and tell her she was okay, as alleged in her complaint.

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

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING DETECTIVE 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, lapel video, Officer's reports and interviews with the Complainant and Detective M..

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

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

- *To effect a lawful arrest or detention of a person.*
- *To gain control of a combative prisoner*
- *Prevent and/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.*

Ms. Anderson said Detective M. and other APD Officers responded to her home on March 14, 2013, and arrested her for various crimes. Ms. Anderson complained that Detective M. placed handcuffs on her wrists so tightly her right wrist was broken.

M006575

**Letter to Ms. Anderson**

**DATE**

**Page 4**

A review of lapel videos and reports written by Detective M., Officer C., and former APD Officer R. showed Detective M. and Officer C. handcuffed Ms. Anderson and took her into custody after Ms. Anderson was tased by Officers C. and R. for swinging a baseball bat at her neighbor and at Officer C.. This evidence also showed Detective M., and Officers C. and R. checked and adjusted Ms. Anderson's handcuffs to ensure they were not too tight. Additionally, fire/rescue arrived on scene to check Ms. Anderson's vital signs, and remove taser prongs from her prior to Ms. Anderson being placed in a police car and transported from the scene. The evidence showed Ms. Anderson did not complain to fire/rescue her wrist was broken. Had Ms. Anderson done so, fire/rescue would have been legally obligated to take her to University of New Mexico Hospital (UNMH) for treatment prior to officers transporting her to the jail.

A CPOA Investigator contacted MDC medical personnel who verified that they would not have allowed Ms. Anderson to be booked into their facility broken wrist because all prisoners are required to pass a medical clearance before they are received into their facility. They said they would not have placed a cast on Ms. Anderson's wrist if it were broken because they don't have the needed supplies or expertise on hand to do so.

The investigation revealed Detective M. took the necessary steps to ensure Ms. Anderson's handcuffs were checked and were not too tight after Ms. Anderson complained to him. Additionally, the investigation revealed that due to the nature of the call where it was reported Ms. Anderson was breaking windows with a hammer and baseball bats, Ms. Anderson may have caused the injury to her wrist by her own actions. Lastly, without medical records it cannot be determined if Ms. Anderson's wrist was actually broken.

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

B) Did Detective M. comply with Albuquerque Police Department (APD) General Order 1-4-1 (F)? General Order 1-4-1 (F) states:

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

Ms. Anderson complained that Detective M. laughed at her and said she was okay when she told him her wrist hurt.

A review of lapel videos and interviews revealed Ms. Anderson complained the handcuffs were too tight and Detective M. Officer C. and former APD Officer R. looked at the handcuffs and adjusted them and at no time did Detective M. or any of the officers or personnel on scene laugh at Ms. Anderson and tell her she was okay, as alleged in her complaint.

M006576

**Letter to Ms. Anderson**

**DATE**

**Page 5**

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

The Civilian Police Oversight Agency only has jurisdiction to investigate complaints about current APD employees. Officer R. is no longer an APD employee and therefore, was not targeted in this investigation or interviewed.

Your complaint and these findings are made part of Officer C.'s and Detective M.'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

M006577

## **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

Albuquerque, NM 87112

**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

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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

Karen Gallardo

Albuquerque, NM 87121

**Re: CPC #074-15**

Dear Ms. Gallardo:

The complaint you filed against Sergeant B., Officer E., Officer M. and Officer S. of the Albuquerque Police Department (APD) was received in our office on May 25, 2015 regarding an incident that occurred on February 24, 2015. 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**

Karen Gallardo wrote that on February 24, 2015 while exiting Goodwill and opening the trunk of her car, Ms. Gallardo stated she heard yelling and someone saying "hands up". Ms. Gallardo wrote that she turned around and saw a man in a vest and plain clothes pointing a gun in her face. Ms. Gallardo wrote she put her hands up and at that point observed other men in plain clothes with guns yelling as well. Ms. Gallardo wrote other officers had their guns pointed at her son Brandon who was with her. Ms. Gallardo stated the men identified themselves as officers and began patting her down, searching her purse and vehicle and continually asking, "Where's Robert"? Ms. Gallardo stated an officer asked to see her cell phone but that she had left it at home. Ms. Gallardo wrote that one of the officers screamed "where is RJ"? and with guns pointed directly at her and her son Brandon, Ms. Gallardo

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stated she felt like she had to answer the questions or be shot. Ms. Gallardo wrote the officers were questioning about her son Robert, and Ms. Gallardo told the officers that Robert was in California. Ms. Gallardo stated she asked the officers if they had a picture of Robert because he is 6'3" tall and her son Brandon, which was with her, is 6'8" tall. Ms. Gallardo wrote she felt the officers could not have confused the 2 individuals as possibly being the same. Ms. Gallardo stated she kept asking if they had a photo, which appeared to anger the officers. Ms. Gallardo wrote the officers told her Brandon looked like Robert and that is why they stopped her. Ms. Gallardo stated the officer said Robert had a warrant and they were looking for him. Ms. Gallardo stated the entire time guns were pointed directly at her and her son Brandon.

Ms. Gallardo alleged she was denied her civil rights, unlawfully detained, racially profiled and had excessive force and intimidation used upon her and her son. Ms. Gallardo wrote she also requested a copy of the lapel video of the officers but was informed there were no recordings.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING SERGEANT B.'s CONDUCT**

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the photo of Mr. Solis and Mr. Gallardo, the interviews of Sergeant. B., Officer E., Officer M., Officer S. and Ms. Gallardo.

A) The CPOA reviewed Standard Operating Procedure 1-03-3 (A) (1) regarding Sergeant B.'s conduct, which states:

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

Karen Gallardo wrote in her complaint that she and her son were stopped and detained by police officers due to racial profiling.

The investigation showed the Sgt. B. and officers stopped Ms. Gallardo and her son Brandon Solis due to the fact Robert Gallardo, Ms. Gallardo's other son had a felony warrant out for his arrest. Sgt. B. and the officers detained both parties because Brandon Solis and Robert Gallardo appear similar in physicality. Ms. Gallardo and her son Brandon were released from the scene in a matter of approximately 10 minutes after identities were verified.

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

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

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

Karen Gallardo wrote that the officers searched her vehicle and that she and her son Brandon Solis were unlawfully detained.

Sgt. B. and the officers were conducting a felony search warrant regarding Ms. Gallardo's son, Robert Gallardo. Brandon Solis and Robert Gallardo are similar in physicality. Sgt. B. and the officers only detained Ms. Gallardo and Brandon Solis to identify Brandon, whom they thought was Robert Gallardo. Both Ms. Gallardo and Brandon Solis were only detained for approximately 10 minutes to be identified.

The investigation showed Sgt. B. and the officers did not search Ms. Gallardo's vehicle, they cleared the vehicle for officer safety reasons to ensure no person or persons were hiding inside the vehicle.

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

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

*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 of their contact and/or actions during the incident.*

Karen Gallardo stated she requested a copy of the lapel footage of the incident and was told the officers did not record this incident.

On the date of the incident Sgt. B. was assigned to the Alcohol Tobacco and Firearms Violent Crimes Task Force. Albuquerque Police Officers are assigned to Federal Task Forces to assist those agencies and act as an agent of that particular agency. Federal Agencies, including the ATF, prohibit their agents and task force agents to utilize recording devices during operations. Sgt. B. is required to follow the agency he is assigned to Standard Operating Procedures.

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

D) The CPOA reviewed Standard Operating Procedure 2-52-3 (A) regarding Sergeant B.'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 a lawful arrest or detention of a person.*

Karen Gallardo wrote that several plain clothes officers approached her and her son, Brandon Solis, with guns drawn and pointed at her while exiting the Goodwill store.

Ms. Gallardo was asked during the interview with the Investigator if the officer's firearms were pointed directly at her as she stated in her written complaint. Ms. Gallardo stated the guns could have been pointed to the side and or down and made a physical gesture showing a "low ready" position. Ms. Gallardo stated then again, they were pointed at her.

The investigation showed Sgt. B. exited his vehicle with a shotgun. Sgt. B. arrived on scene as Ms. Gallardo and Brandon Solis already exited the vehicle and were being instructed by the other officers. Sgt. B. was acting on the suspicion that Brandon Solis was Robert Gallardo. Robert Gallardo had a felony warrant for a violent crime in which firearms were used.

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

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the photo of Mr. Solis and Mr. Gallardo, the interviews of Sergeant. B., Officer E., Officer M., Officer S. and Ms. Gallardo.

A) The CPOA reviewed Standard Operating Procedure 1-03-3 (A) (1) regarding Officer E.'s conduct, which states:

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

Karen Gallardo wrote in her complaint that she and her son were stopped and detained by police officers due to racial profiling.

The investigation showed that Officer E. and other officers stopped Ms. Gallardo and her son Brandon Solis due to the fact Robert Gallardo, Ms. Gallardo's other son had a felony warrant out for his arrest. Officer E. and the officers detained both parties because Brandon Solis and Robert Gallardo appear similar in physicality. Ms. Gallardo and her son Brandon were released from the scene in a matter of approximately 10 minutes after identities were verified.

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

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

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

Karen Gallardo wrote that the officers searched her vehicle and that she and her son Brandon Solis were unlawfully detained.

Officer E. and the officers were conducting a felony search warrant regarding Ms. Gallardo's son, Robert Gallardo. Brandon Solis and Robert Gallardo are similar in physicality. Officer E. and the officers only detained Ms. Gallardo and Brandon Solis to identify Brandon, whom they thought was Robert Gallardo. Both Ms. Gallardo and Brandon Solis were only detained for approximately 10 minutes to be identified.

The investigation showed Officer E. and the other officers did not search Ms. Gallardo's vehicle, they cleared the vehicle for officer safety reasons to ensure no person or persons were hiding inside the vehicle.

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

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

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*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 of their contact and/or actions during the incident.*

Karen Gallardo stated she requested a copy of the lapel footage of the incident and was told the officers did not record this incident.

On the date of the incident Officer E. was assigned to the Alcohol Tobacco and Firearms Violent Crimes Task Force. Albuquerque Police Officers are assigned to Federal Task Forces to assist those agencies and act as an agent of that particular agency. Federal Agencies, including the ATF, prohibit their agents and task force agents to utilize recording devices during operations. Officer Endzel is required to follow the agency he is assigned to Standard Operating Procedures.

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

D) The CPOA reviewed Standard Operating Procedure 2-52-3 (A) regarding Officer S.'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 a lawful arrest or detention of a person.*

Karen Gallardo wrote that several plain clothes officers approached her and her son, Brandon Solis, with guns drawn and pointed at her while exiting the Goodwill store.

Ms. Gallardo was asked during the interview with the Investigator if the officer's firearms were pointed directly at her as she stated in her written complaint. Ms. Gallardo stated the guns could have been pointed to the side and or down and made a physical gesture showing a "low ready" position. Ms. Gallardo stated then again, they were pointed at her.

The investigation showed Officer E. recalled exiting his vehicle hands free, without a firearm.

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

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

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The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the photo of Mr. Solis and Mr. Gallardo, the interviews of Sergeant. B., Officer E., Officer M., Officer S. and Ms. Gallardo.

A) The CPOA reviewed Standard Operating Procedure 1-03-3 (A) (1) regarding Officer M.'s conduct, which states:

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

Karen Gallardo wrote in her complaint that she and her son were stopped and detained by police officers due to racial profiling.

The investigation showed that Officer M. and other officers stopped Ms. Gallardo and her son Brandon Solis due to the fact Robert Gallardo, Ms. Gallardo's other son had a felony warrant out for his arrest. Officer M. and the officers detained both parties because Brandon Solis and Robert Gallardo appear similar in physicality. Ms. Gallardo and her son Brandon were released from the scene in a matter of approximately 10 minutes after identities were verified.

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

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

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

Karen Gallardo wrote that the officers searched her vehicle and that she and her son Brandon Solis were unlawfully detained.

Officer M. and the officers were conducting a felony search warrant regarding Ms. Gallardo's son, Robert Gallardo. Brandon Solis and Robert Gallardo are similar in physicality. Officer M. and the officers only detained Ms. Gallardo and Brandon Solis to identify Brandon, whom they thought was Robert Gallardo. Both Ms. Gallardo and Brandon Solis were only detained for approximately 10 minutes to be identified.

The investigation showed Officer M. and the other officers did not search Ms. Gallardo's vehicle, they cleared the vehicle for officer safety reasons to ensure no person or persons were hiding inside the vehicle.

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

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

*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 of their contact and/or actions during the incident.*

Karen Gallardo stated she requested a copy of the lapel footage of the incident and was told the officers did not record this incident.

On the date of the incident Officer M. was assigned to the Alcohol Tobacco and Firearms Violent Crimes Task Force. Albuquerque Police Officers are assigned to Federal Task Forces to assist those agencies and act as an agent of that particular agency. Federal Agencies, including the ATF, prohibit their agents and task force agents to utilize recording devices during operations. Officer M. is required to follow the agency he is assigned to Standard Operating Procedures.

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

D) The CPOA reviewed Standard Operating Procedure 2-52-3 (A) regarding Officer M.'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 a lawful arrest or detention of a person.*

Karen Gallardo wrote that several plain clothes officers approached her and her son, Brandon Solis, with guns drawn and pointed at her while exiting the Goodwill store.

Ms. Gallardo was asked during the interview with the Investigator if the officer's firearms were pointed directly at her as she stated in her written complaint. Ms. Gallardo stated the guns could have been pointed to the side and or down and made a physical gesture showing a "low ready" position. Ms. Gallardo stated then again, they were pointed at her.

Officer M. did have a firearm out due to the concern and subject matter of the felony warrant. The investigation showed Officer M.'s firearm was never directly pointed at Ms. Gallardo or Brandon Solis and remained in a low ready position.

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

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

A) The CPOA reviewed Standard Operating Procedure 1-03-3 (A) (1) regarding Officer S.'s conduct, which states:

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

Karen Gallardo wrote in her complaint that she and her son were stopped and detained by police officers due to racial profiling.

The investigation showed that Officer S. and other officers stopped Ms. Gallardo and her son Brandon Solis due to the fact Robert Gallardo, Ms. Gallardo's other son had a felony warrant out for his arrest. Officer S. and the officers detained both parties because Brandon Solis and Robert Gallardo appear similar in physicality. Ms. Gallardo and her son Brandon were released from the scene in a matter of approximately 10 minutes after identities were verified.

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

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

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

Karen Gallardo wrote that the officers searched her vehicle and that she and her son Brandon Solis were unlawfully detained.

Officer S. and the officers were conducting a felony search warrant regarding Ms. Gallardo's son, Robert Gallardo. Brandon Solis and Robert Gallardo are similar in physicality. Officer S. and the officers only detained Ms. Gallardo and Brandon Solis to identify Brandon, whom they thought was Robert Gallardo. Both Ms. Gallardo and Brandon Solis were only detained for approximately 10 minutes to be identified.

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The investigation showed Officer S. and the other officers did not search Ms. Gallardo's vehicle, they cleared the vehicle for officer safety reasons to ensure no person or persons were hiding inside the vehicle.

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

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

*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 of their contact and/or actions during the incident.*

Karen Gallardo stated she requested a copy of the lapel footage of the incident and was told the officers did not record this incident.

On the date of the incident Officer S. was assigned to the Alcohol Tobacco and Firearms Violent Crimes Task Force. Albuquerque Police Officers are assigned to Federal Task Forces to assist those agencies and act as an agent of that particular agency. Federal Agencies, including the ATF, prohibit their agents and task force agents to utilize recording devices during operations. Officer S. is required to follow the agency he is assigned to Standard Operating Procedures.

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

D) The CPOA reviewed Standard Operating Procedure 2-52-3 (A) regarding Officer M.'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 a lawful arrest or detention of a person.*

Karen Gallardo wrote that several plain clothes officers approached her and her son, Brandon Solis, with guns drawn and pointed at her while exiting the Goodwill store.

Ms. Gallardo was asked during the interview with the Investigator if the officer's firearms were pointed directly at her as she stated in her written complaint. Ms. Gallardo stated the guns could have been pointed to the side and or down and made a physical gesture showing a "low ready" position. Ms. Gallardo stated then again, they were pointed at her.

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Officer S. did have a firearm out due to the concern and subject matter of the felony warrant. The investigation showed Officer S.'s firearm was never directly pointed at Ms. Gallardo or Brandon Solis and remained in a low ready position.

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

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

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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

Lou Anne Graham  
[REDACTED]  
Albuquerque, NM 87113

**Re: CPC #076-15**

Dear Ms. Graham:

The complaint you filed against Officer W. and Officer M. of the Albuquerque Police Department (APD) was received by our office on May 28, 2015, for an incident which occurred December 19, 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**

Lou Anne Graham called the Civilian Police Oversight Agency (CPOA) on May 28, 2015, to file her complaint regarding this incident. The CPOA Investigator spoke with Ms. Graham on the following dates, during which Ms. Graham repeated what was in her original complaint: May 29, 2015, July 13, 2015, and July 21, 2015.

Ms. Graham complained that Albuquerque Police Department (APD) Officer W. and Officer M. failed to properly investigate a theft of property from her home by failing to contact the suspects and failing to locate her stolen property. Additionally, Ms. Graham complained Officer T. from John Carrillo substation was rude to her and not diplomatic in dealing with her when she called the substation to inquire about the incident that occurred in December

2014. Ms. Graham complained APD Officers W., M., and T. used a doctor's note stating she had mental health issues as a reason to not properly investigate the incident.

**II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER W.'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, reports, lapel videos, and interviews with the Complainant, Officer M. and Officer W.

A) The CPOA reviewed Standard Operating Procedure 2-24-3 (A)(5)(b) regarding Officer W.'s conduct, which states:

***A. Preliminary Investigations***

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

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

Ms. Graham complained Officer W. did not do enough to investigate the alleged Theft of her property, or do enough to get her property back.

A review of the interviews, reports and Officers W. and M.'s lapel videos of the December 19, 2014 incident revealed that during the initial incident on December 19, 2014, Ms. Graham would not allow Officers W. and M. into her home to investigate the scene and would not allow a Field Investigator to come and look for prints. The officers had no physical evidence to support Ms. Graham's claim and she was considered an uncooperative victim. Officer W. gave Ms. Graham the case number and asked Ms. Graham to have her Optum Health case worker, Mr. McGrew, call him about the incident but Mr. McGrew never called. Officer W. performed a Google search and located a Tim McGrew with Adult Protective Services (APS) and called him but no one answered the phone and Tim McGrew never returned Officer W.'s call. According to Officer W., Tim McGrew may not be the correct person but Ms. Graham never provided her caseworker's full name so that's all he had to work with.

The investigation revealed Officers W. and M. were unable to obtain information from Optum Health. Additionally, the officers were unable to obtain a search warrant to force Optum Health to release employee information because they could not file criminal charges in the incident. Officer W. and his supervisor, Sergeant A., agreed the incident was a civil matter because Optum Health was likely hired to remove property from Ms. Graham's home at the request of her case worker, Mr. McGrew. Officer W. explained this to Ms. Graham, who did not agree with Officer W. but seemed to understand.

The investigation revealed Officers W. and M. returned to Ms. Graham's home on December 20, 2014, because Ms. Graham requested a Field Investigator for fingerprints. When officers arrived, Ms. Graham let them in and showed them all the areas the Optum Health employees touched when they were at her home, however when officers said they were going to call a Field Investigator out Ms. Graham, again, refused to allow a Field Investigator to come out to look for fingerprints.

The investigation revealed Officer W. took all the steps necessary and possible to investigate the alleged burglary with the limited information he had, contrary to what Ms. Graham alleged in her complaint.

The CPOA Investigator reviewed interviews, reports and Officers W. and M.'s lapel videos, and determined Officer W.'s conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

### **III. 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, reports, lapel videos, and interviews with the Complainant, Officer M. and Officer W.

A) The CPOA reviewed Standard Operating Procedure 2-24-3 (A)(5)(b) regarding Officer M.'s conduct, which states:

***B. Preliminary Investigations***

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

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

Ms. Graham complained Officer M. did not do enough to investigate the alleged Theft of her property, or do enough to get her property back.

A review of the interviews, reports and Officers W. and M.'s lapel videos of the initial incident on December 19, 2014 revealed that, Ms. Graham would not allow Officers W. and M. into her home to investigate the scene and would not allow a Field Investigator to come and look for prints. The officers had no physical evidence to support Ms. Graham's claim and she was considered an uncooperative victim. Despite not having physical evidence, Officer M. called Optum Health to see who hired them to clean Ms. Graham's house, to get their side of the story and to identify the two employees sent to Ms. Graham's home but Optum Health wasn't allowed to give out any information. Officer M. exhausted his resources with the limited information he had at that time.

The investigation revealed Officers M. and W. were called back out to Ms. Graham's home on December 20, 2014, because Ms. Graham requested a Field Investigator for fingerprints. When officers arrived, Ms. Graham let them in and showed them all the areas the Optum Health employees touched when they were at her home however when officers said they were going to call a Field Investigator out Ms. Graham, again, refused a Field Investigator come out for fingerprints.

Letter to Ms. Graham

DATE

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The investigation revealed Officer M. took all the steps necessary and possible to investigate the alleged burglary with the limited information he had, contrary to what Ms. Graham alleged in her complaint.

The CPOA Investigator reviewed interviews, reports and Officers W. and M.'s lapel videos, and determined Officer M.'s conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means the investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.

Your complaint and these findings are made part of Officer M.'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

M006594

**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*  
Paul Skotchdopole, Assistant Lead Investigator

DATE  
Via Certified Mail

Mr. Carlos Gonzales  
[REDACTED]  
Albuquerque, NM 87108

**Re: CPC #079-15**

Dear Mr. Gonzales:

The complaint you filed against Officer E. of the Albuquerque Police Department (APD) was received in our office on May 28, 2015 regarding an incident that occurred on May 26, 2015. On June 2, 2015, 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**

Mr. Carlos Gonzales wrote in his complaint that on May 26, 2015 at about 1:05 PM, an unidentified male and female entered his place of business, Shamrock Finance. Mr. Gonzales and two other employees were present. When asked by an employee how they could help the people who had come into the business, the female said that they wanted to apply for a loan. One employee asked the female to sit down so they could start the loan process. It was at that time that the male ran around the front desk towards the back of the office. One of the employees told the man to stop but the man kept coming and ran past that employee. The male grabbed a gaming system that was sitting on top of a filing cabinet. The male and the female then fled the store with the gaming system. The two employees in the front of the store pressed their panic alarm buttons.

Mr. Gonzales complained that it took the police a half an hour to arrive. Officer E. responded and when Officer E. arrived she asked the employees what happened. They told Officer E. what had occurred and Officer E. asked them what they wanted Officer E. to do. They told her that they needed her to do a police report on the matter. Officer E. allegedly told the employees not to push the panic buttons unless they felt threatened. When an employee told Officer E. that they did feel threatened Officer E. insisted that the panic buttons should not be pushed because doing so endangers officer's lives because they have to answer calls with their lights turned off. Mr. Gonzales wrote that he thinks that Officer E. needs to re-evaluate the job she is in. He wrote that Officer E. makes other officers look bad.

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

The Assistant Lead Investigator of the CPOA conducted the investigation, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, a review of the Computer Assisted Dispatch (CADs) Report and APD police report, an interview with Ms. Romero who is a store employee and an interview with Officer E.. Officer E.'s lapel video recording of the incident was also reviewed. Several documented attempts to interview Mr. Gonzales were unsuccessful as Mr. Gonzales travels out of state and was not available for an interview by the time the investigative time limit expired in this case. One of Mr. Gonzales's employees was interviewed by the CPOA Assistant Lead Investigator.

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

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

Mr. Gonzales complained that it took the police a half an hour to arrive at his business after his employees pushed their panic alarms. Officer E. responded and when she arrived she asked the employees what happened. The employees told Officer E. what had occurred and Officer E. asked them what they wanted Officer E. to do. Mr. Gonzales told Officer E. that they wanted a police report on the matter. Officer E. allegedly told the employees not to push the panic buttons unless they felt threatened. When an employee told Officer E. that they did feel threatened Officer E. insisted that the panic buttons not be pushed because doing so endangers officer's lives because they have to answer calls with their lights turned off. Mr. Gonzales wrote that he thinks that Officer E. needs to re-evaluate the job she is in. He wrote that Officer E. makes other officers look bad. Ms. Romero, an employee of the business, alleged that Officer E. was unprofessional in her conduct.

The investigation showed that the panic alarm buttons at Mr. Gonzales's business were pushed at 12:57 PM. The panic alarm buttons only notify the business's alarm company of trouble. The panic buttons do not link directly to APD. The CADS report showed that the alarm company called the Albuquerque Police Department at 1:09 PM accounting for a 12 minute delay in even getting the call dispatched. The alarm company provided the APD with the wrong information. They reported to APD that their store employee, Carlos Gonzales, the

Letter to Mr. Gonzales

DATE

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complainant, stole merchandise from the business and fled on foot. The call was dispatched 3 minutes after that at 1:12 PM. There were a minimum number of officers available to handle the call. Officer E. arrived on scene at 1:24, twelve minutes after being dispatched. APD's average response time to Priority One calls such as this is just under 12 minutes. It was not an excessive amount of time to respond to the call. Half of the delayed response time was because of the alarm company's actions.

With regard to Officer E.'s conduct, the lapel video showed the following:

Officer E. arrived on scene and entered the store. She contacted the people inside. Officer E. greeted the employees politely. She asked the employees what had occurred and one of the employees told her what had occurred. Officer E. asked the employees if the person who stole the gaming system was someone who they knew. The employee told Officer E. that they did not know the offender. Officer E. explained that the information relayed to her was that an employee had stolen merchandise. The employees laughed at that. Mr. Gonzales went on to explain to Officer E. what had occurred and how it was two individuals involved in the theft. Officer E. asked what items were stolen. Mr. Gonzales did not have that information immediately available but he was trying to locate it at the time. Mr. Gonzales said that it was a PS4 gaming system that was stolen. Officer E. asked if she could get the information on the item stolen and then asked, "So what is it you would like from me?" Mr. Gonzales told her that he wanted to have her file a police report for the theft. Officer E. responded, "Okay."

Officer E. then asked, "And so you guys notified us by?" One of the employees said, "I pushed the panic button." Officer E. then said, "So what I would caution you for the future, is that that is not what the panic button is for." One of the employees said, "Really? Oh." Mr. Gonzales said, "Home office actually wants them to do that in a situation because we didn't know if we were going to be held up or not." The other employee said, "He was trying to go for the back." Mr. Gonzales said, "They were coming back here behind the counter..." Officer E. said, "Okay. Well the only reason that I tell you that is because we take panic alarms very seriously." Mr. Gonzales asked, "What if they had a gun and we don't know?" Officer E. said, "Well, but here's the thing, we can play what if all day long." Mr. Gonzales said something inaudible but he was seemingly upset and said, "...that's why we pushed it." Officer E. said, "Okay. What I'm telling you is this; **you need to do whatever you need to do. And I would like for you to stay safe no matter what.** But if somebody comes in, grabs something, and leaves, um, **and I don't know, I wasn't here,** and I don't know whether you guys have video of it or not, um, do you?" Mr. Gonzales said, "No." Officer E. asked if the suspects touched anything. Officer E. then said, "So I would caution you simply because of the, the panic alarm is for when your life is in danger, not when things are being stolen from you. And there's a difference because obviously if somebody comes in and does hold you up at gun point, we want to get here as quickly as we absolutely possibly can. Okay, but if we start getting, and I don't know, I've never even come here before. I've never had an alarm for you guys. So what I need to tell you is our response, whenever we get a panic alarm is lights and siren, pushing everybody out of the way, which means that we are putting our lives in danger and we are putting the rest of the public in danger." Mr. Gonzales said, "Right." Officer E. said, "So, if you're not in danger and an item is being taken..." Mr. Gonzales

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interrupted and said, "But if I have an individual coming behind the counter, my life is not in danger?" Officer E. said, "I don't know that. I can't say that." Mr. Gonzales said, "So that's why we pushed the panic button." Officer E. said, "Okay." Mr. Gonzales said that at the moment that they pushed the panic button, they did not know if they were in danger or not. (The evidence showed that the employees pushed the panic buttons as the offenders left the store). One of the female employees, later identified to be Theresa Romero, told Officer E. that she was scared because she was an older woman and that the man scared the hell out of her. Ms. Romero said that she would not be able to chase after anyone at her age. Officer E. said, "No. and I'm not asking you to chase them." Ms. Romero said, "He did scare me. I'm not going to lie. My sister is a cop and so is my nephew... You just never know what he is going to do. He was coming for the back. I had to stop and yell at him... I don't know if he had something or not... it is scary and I, you know, what good is the panic button if we can't call you?" Officer E. said, "I'm not saying don't call. I'm not saying don't call. I'm saying it's kind of like the whole crying wolf thing, if you are going to call every time somebody takes something, then you know..." Another Officer then arrives on scene and the rest of the interaction on the lapel video is routine. When interviewed, Ms. Romero said that she had no further complaint against Officer E. once the other officer arrived on scene.

One of the employees then asked Officer E. if she would rather have them call the police rather than pushing the panic button. Officer E. replied, "I'm just trying to relay information to you that I think would make your life safer and our life easier. But if you feel like you need to push the button every single time then I think that you..." An employee said, "We're not pushing the alarm all the time." Officer E. said, "No, I'm just saying, you guys just moved in." Ms. Romero said, "You never had an incident over there either," referring to the place where the business was previously located. Officer E. said, "**All I was trying to relay to you is that if you feel like your life is in danger, then that's exactly what the panic button is for. But if somebody is coming in and stealing an item and leaving with it, then that's not what the panic button is for.**" Ms. Romero said, "Okay. Well I didn't know what he was going to do." Officer E. said, "And that's fine and I completely understand that. I completely understand that this isn't your norm and that this isn't what you're accustomed to and that a lot of things might be going through your mind. And I can imagine that that is probably a scary situation."

Officer E. then goes on to gather the information for her police report. Officer E. told the employees, "The other thing is that when you call in you can actually give us the description and direction of travel and all that because they (the alarm company) have to call back and get all that information." Ms. Romero said that after they hit the alarm that they did call the police department because they didn't get any response. The rest of the recording shows Officer E. gathering the report number and the number for the telephone reporting unit so that the company could call with the serial number for item that was stolen. Officer E. gave that information to Mr. Gonzales. On the way out of the store, Ms. Romero asked Officer E. for her name and Officer E. gave it to Ms. Romero. The lapel video ended after that.

In reviewing the evidence in this case, it was clear that Ms. Romero and the other employees were in fear for their own safety at the time of the incident. The lapel video showed that

**Letter to Mr. Gonzales**

**DATE**

**Page 5**

Officer E. was professional in her behavior. Mr. Gonzales and Ms. Romero were offended by what Officer E. told them, but what Officer E. told them was correct information. A hold up alarm does trigger a priority one response and that response does put officer and citizen lives in danger. In this situation, statements given to Officer E. at the time, recorded on video, showed that the panic buttons were pushed as the offender was leaving the premises with a stolen item. Officer E. told the victims that she was not there and did not know how they felt and that what they did was okay. Officer E. told the victims that she was sure that it was a scary situation and that things like that don't normally happen to them. Officer E. was clear that she wanted the victims to do whatever they needed to do to stay safe and if that included pushing the panic buttons then so be it. Officer E. was offering information that might be helpful in future situations should they occur.

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

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

You have the right to appeal this decision. 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

Paul Skotchdopole  
Assistant Lead Investigator

M006599

**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 E-Mail

Therese Cole  
[REDACTED]

**Re: CPC #081-14**

Dear Ms. Cole:

The complaint you filed against an unknown Albuquerque Police Department (APD) was received in our office on April 14, 2014 regarding an incident that occurred on April 13, 2014. A Civilian Police Oversight Agency (CPOA) Investigator, along with a contract independent investigator were assigned to investigate your Complaint.

Ms. Cole complained about an unidentified APD police officer's treatment toward her and her family while the family was at the Walgreen's store on Eubank NE on April 13, 2014. The assigned investigator reviewed APD's Computer Aided Dispatch (CAD) reports for the date and time described, as well as APD police report records. There were no records of the encounter between Ms. Cole and any APD officers at the time, date, and location described. The lack of records does not mean the event did not occur, it means the officer did not call out the event to APD dispatch. The lack of records precludes the CPOA from identifying the officer involved.

This matter will be administratively closed due to the lack of evidence. Thank you for your time to alert the Civilian Police Oversight Agency with your concerns.

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

Cc: Albuquerque Police Department Chief of Police

M006600

**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

Vera Lynn Padilla

Albuquerque, NM 87120

**Re: CPC # 082-15**

Dear Ms. Padilla:

Your complaint against Bernalillo County Sheriff's Department Deputies M. and V. was received in our office on May 29, 2015, for an incident which occurred on July 30, 2014. Your complaint was assigned to an Civilian Police Oversight Agency (CPOA) Investigator for review on that same day.

**I. THE COMPLAINT**

Your complaint did contain any allegations of misconduct by any Albuquerque Police Department (APD) officer or APD employee. You complained about the actions of the two Bernalillo County Sheriff's Department Deputies.

**II. THE INVESTIGATION**

Our office has no jurisdiction to investigate the actions of the Bernalillo County Sheriff's Office (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>

The CPOA Office has mailed a copy of your complaint to Bernalillo County Sheriff's Office. Their staff may contact you.

M006601

Letter to Ms. Padilla  
DATE  
Page 2

### **III. CONCLUSION**

By City Ordinance, we may only investigate and address complaints which are filed against the Albuquerque Police Department and its officers. We do not have legal authority to investigate your complaint because your complaint contains no allegations of misconduct by any Albuquerque Police Department (APD) officer or APD employee. Therefore, I am administratively closing 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,

Robin S. Hammer, Esq.  
Acting Executive Director  
(505) 924-3770

CC: Albuquerque Police Department, Chief of Police

M006602

**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*  
Edward Harness, Executive Director

October 30, 2015  
Via Certified Mail

Austin Wolff  
[REDACTED], NM 87102

**Re: CPC # 081-15**

Dear Mr. Wolff:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on May 28, 2015, for an incident, which occurred on May 28, 2015. 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 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. 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. Wolff wrote Officer B. tailgated vehicles and cut another vehicle off. Mr. Wolff wrote Officer B. sped and Officer B.'s driving was an exhibition of road rage.

The CPOA Investigator attempted to interview Mr. Wolff, but Mr. Wolff was unavailable for an interview.

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

The investigation included review of the Complaint, SOPs, and an interview of Officer B..

Letter to Mr. Wolff

DATE

Page 2

(A) The CPOA reviewed Standard Operating General Order 1-04-6N regarding Officer B.'s conduct, which states:

*Personnel shall operate official vehicles in a careful and prudent manner and shall obey all laws and all department orders pertaining to such operation.*

Mr. Wolff wrote Officer B. operated his vehicle recklessly and exhibited road rage. Mr. Wolff wrote Officer B. tailgated two vehicles and cut off another vehicle without signaling. Mr. Wolff wrote Officer B. revved his engine and sped.

There is no evidence to review for this issue. Mr. Wolff described poor driving behaviors. Officer B. did not recall driving in the manner described.

The CPOA finds Officer B.'s conduct to be **NOT SUSTAINED** regarding the violation of this SOP, which means the investigation was unable to determine whether the alleged misconduct occurred.

Your complaint and these findings will be placed in Officer B.'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

Edward Harness  
Executive Director

cc: Albuquerque Police Department Chief of Police

M006604

## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Police Oversight Board**

*Beth Mohr, Co-Vice Chair*

*Dr. Moira Amado-McCoy*

*Eric H. Cruz*

*Leonard Waites, Chair*

*Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

Edward Harness- Executive Director, Civilian Police Oversight Agency

DATE

Via Certified Mail

Mr. Zachary Little

[REDACTED]  
Albuquerque, NM 87114

**Re: CPC #087-15**

Dear Mr. Little:

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on June 10, 2015 regarding an alleged incident that occurred on June 2, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA investigated your complaint. The CPOA made a finding, based on the information you provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Mr. Zachary Little complained that on June 2, 2015 his wife was involved in a car accident. Mr. Little stated his wife called 911 to inform them of the incident and was told police would be responding. Mr. Little stated that after 10 minutes one of the vehicles involved in the accident left the scene. Mr. Little stated he then called the non-emergency number to inquire about the status of an officer arriving. Mr. Little stated the dispatcher informed him that they were very busy and that one would be made available soon. Mr. Little wrote that he called several times asking about the arrival of an officer. Mr. Little stated it was not until he told a dispatch supervisor that it was over an hour and a half and it was unacceptable that the supervisor informed him an officer had become available.

M006605

## II. INVESTIGATION

The CPOA Investigator reviewed the complaint, which included a review of the applicable Standard Operating Procedures (SOPS) and the Computer Aided Dispatch report (CAD) of the incident. The investigation showed that call was a priority 2 call, an accident with no injuries. The CAD showed the call was dispatched at 1810 hours and also showed there were no officers available to take the call at that time due to other higher priority calls. The CAD also showed that the area of the accident in which Mr. Little's wife was involved, was at below minimum reserves for availability of officers.

The Investigator contacted Mr. Little and explained the concerns Mr. Little complaint addressed. The Investigator conferred with you regarding the staffing issues of the Albuquerque Police Department and reviewed priority calls. You and the Investigator agreed to administratively close your complaint due to no specific Albuquerque Police officer at fault, however the Investigator assured your complaint would be addressed by the Police Oversight Board in regards to concerns of staffing.

## III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to not being able to identify any specific Albuquerque Police Officer related to this incident and the preliminary investigation showed that the slow response was due to call volume and officers available. Please note your concerns will be addressed by the Police Oversight Board and will be forwarded to the Albuquerque Police Department's Chain of Command to review the issues discovered by your complaint.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Edward Harness  
Executive Director 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*

*Leonard Waites*

*Jeffery Scott Wilson*

*Susan Brown*

Robin S. Hammer, Acting Executive

DATE

VIA EMAIL

Brianna Bell  
[REDACTED]

**Re: CPC # 088-15**

Dear Ms. Bell:

Your complaint against Albuquerque Police Department (APD) Officer C. was received by our office via e-mail on June 4, 2015 for an incident which occurred on June 3, 2015. Your complaint was assigned to a Civilian Police Oversight Agency (CPOA) Investigator for review and investigation on June 10, 2015. You listed only an e-mail address as a way for the CPOA Investigator to contact you. In an effort to obtain more information from you, on June 12, 2015, the CPOA Investigator e-mailed you to request an in person interview concerning your complaint. You did not respond to that e-mail.

**I. THE COMPLAINT**

Ms. Bell complained that on June 3, 2015 she was on your way to the hospital to see her mother. Ms. Bell wrote that her mother had just been taken by ambulance to the hospital due to a seizure that her mother had endured. Ms. Bell wrote that near Coors and Dellyne, she made a legal U-turn. Ms. Bell then noticed a police car travelling in the opposite direction slowing to make a turn. Ms. Bell wrote that the officer pulled up next to her. Ms. Bell tried to explain where she was going and that she had done nothing wrong. Ms. Bell alleged that the officer allegedly yelled at her, saying, "No, I don't want to hear it. That is a lame excuse." Ms. Bell wrote that she started crying. Ms. Bell alleged that the officer told her that next time Ms. Bell would be crying because of the accident she would cause. Ms. Bell wrote that the officer drove off. Ms. Bell obtained the license plate off the officer's car, and included it in her complaint. Ms. Bell wrote that based on the officer's actions and the way the officer addressed her, she no longer supported APD.

**II. THE INVESTIGATION**

The initial investigation inquiry revealed that the police car was assigned to Officer C.. The CPOA Investigator interviewed Officer C.. Officer C. stated that that although the made a Ms. Bell in a location which permitted U-turns, Ms. Bell did not yield to oncoming traffic. Officer C. felt that the traffic violation was minor and only required a verbal warning to you to be more careful. Officer C. could not pull in behind Ms. Bell to make a proper stop, so he spoke to her when he pulled up next to her car. Officer C. disagreed that he said what Ms. Bell

**Letter to Ms. Bell**

**DATE**

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alleged. Officer C. stated that when he saw that Ms. Bell was visibly upset, he reminded Ms. Bell to be more careful and he drove away.

The CPOA Investigator made a second attempt to set up an interview with Ms. Bell by e-mailing her on June 17, 2015. The Investigator wanted to update Ms. Bell on the progress of the investigation. Ms. Bell responded to that e-mail. Ms. Bell told the CPOA Investigator that while she was glad that Officer C. was informed of the complaint, she did not wish to go through any interview process. Ms. Bell stated that day that this incident occurred was an entirely unpleasant day and that she did not wish to relive it. Ms. Bell wrote in her reply e-mail that she was sorry for wasting the Investigator's time.

The CPOA Investigator e-mailed ack explaining that Ms. Bell's complaint was not a waste of time. The Investigator further explained that the CPOA takes each complaint seriously and that he was willing to conduct a thorough investigation into the matter. The Investigator explained that each complaint becomes a part of the officer's personnel record even if the citizen withdraws the complaint or the complaint is Administratively Closed. Ms. Bell did not respond to that e-mail.

### **III. CONCLUSION**

Ms. Bell's complaint was investigated to the extent that we could investigate it given that she chose not to participate further in the process. Officer C. was made aware of Ms. Bell's concerns, and was interviewed. Ms. Bell's complaint will become a part of Officer C.'s personnel records. Because the alleged policy violation was minor and because a full investigation could not be conducted, the CPOA administratively closed this complaint without further investigation.

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

Please contact me if you have any questions or concerns.

Sincerely,

Robin S. Hammer  
Acting Executive Director  
(505) 924-3770

CC: Albuquerque Police Department, Chief of Police

M006608

## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Police Oversight Board**

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*Leonard Waites, Chair*

*Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

October 19, 2015

Via Certified Mail

Tonya Hoyland

[REDACTED]

Albuquerque, NM 87106

**Re: CPC # 090-15**

Dear Ms. Hoyland:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on June 4, 2015, for an incident, which occurred on May 6, 2015. This is directly connected to another investigation, CPC 080-15, where the same parties were interviewed and the same concerns were addressed. 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 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. 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. Hoyland wrote Officer E. was rude and judgmental when asking her supervisor, Ms. Martinez, questions about missing rent monies. Ms. Hoyland wrote Officer E. asked questions repeatedly and seemed dissatisfied with the responses she received. Ms. Hoyland wrote Officer E. seemed very biased and made her mind that someone in the office took the money. Officer E. claimed it was weird that the surveillance cameras did not work when the incident happened. Ms. Hoyland wrote Officer E. was reluctant to give Ms. Martinez her information.

The CPOA Investigator interviewed Ms. Hoyland. Ms. Hoyland repeated in her interview that Officer E. had a predetermined idea of the situation. Ms. Hoyland stated Officer E. acted

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rudely towards Ms. Martinez. Ms. Hoyland felt Officer E. was very opinionated during the whole situation. Ms. Hoyland thought Officer E. said something about it being strange there was no video surveillance and how Officer E. thought that was stupid. Ms. Hoyland said Officer E. was reluctant to provide her information.

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

The investigation included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Officer E.'s lapel video, and interviews of Tonya Hoyland, Linda Martinez and Officer E..

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

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

Ms. Hoyland stated when Officer E. entered the office she behaved rudely from the start and interrupted the conversation Ms. Martinez was having with another tenant. Ms. Hoyland felt Officer E. blamed Ms. Martinez for the missing rent money. Officer E. badgered Ms. Martinez for information and seemed dissatisfied with her answers. Ms. Hoyland felt Officer E. was very opinionated, especially about the camera system. Ms. Hoyland stated Officer E. did not directly address Ms. Martinez and instead stood off to the side.

The video showed Ms. Martinez engaged Officer E. and that Officer E. did not interrupt. The video showed Ms. Hoyland in and out of the office, but she was not part of the conversation. The video showed Ms. Martinez refused to provide the name or information about the employee accessing the camera. The video showed Ms. Martinez did not have a straight answer about whether there was video or not until Ms. Martinez called someone and asked them about the camera. The video showed when it was discovered the video was set to a 24-hour loop Officer E. said that did not sound very smart. The video showed it did not seem like Officer E. was blaming Ms. Martinez for the video. The video showed Ms. Martinez and Officer E. bickered some about the value of the video and a previous incident. The video showed overall that the contact was congenial, but towards the end, both Ms. Martinez and Officer E. became somewhat snippy with each other. However, Officer E.'s conduct did not violate policy.

The CPOA finds Officer E.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the alleged conduct did occur but did not violate APD policies, procedures, or training.

(B) The CPOA reviewed Standard Operating General Order 1-02-3A regarding Officer E.'s conduct, which states:

*Officers shall cordially furnish their name and employee number to any person requesting such information when they are on duty or while acting in an official capacity except: (exceptions did not apply in this case).*

Ms. Hoyland claimed Officer E. was reluctant to provide her information when asked for it by Ms. Martinez.

The video showed Ms. Martinez asked for Officer E.' business card. Officer E. offered to write down her information since she did not have a card. The video showed Ms. Martinez could not read Officer E.' handwriting and asked for her name, which Officer E. provided. The video showed Ms. Martinez still did not understand so Officer E. repeated her name and pointed to her nametag. The video showed Officer E. provided her name when requested and did not do so with attitude or reluctance.

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

(C) The CPOA reviewed Standard Operating General Order 1-04-4N regarding Officer E.'s conduct, which states:

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

Ms. Hoyland stated Officer E. seemed biased against Ms. Martinez.

The lapel video showed the conversation between the tenant and Officer E.. There was no familiarity between them. Ms. Hoyland did not have any evidence there was a connection between the officer and the tenant, she just felt Officer E. had a predetermined attitude. A report was taken and no one from the office was listed as a suspect so Officer E.' actions did not change based on Officer E.' conversation with Ms. Martinez.

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

(D) The CPOA reviewed Standard Operating General Order 1-04-4U regarding Officer E.'s conduct, which states:

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

Ms. Hoyland criticized in the report where Officer E. called Ms. Martinez "strangely defensive." Ms. Hoyland felt Ms. Martinez answered the questions to the best of her ability. The video showed Ms. Martinez did make several speculative statements about the video until she called to confirm there was no video. The video showed Ms. Martinez told Officer E. she

**Letter to Ms. Hoyland**

**DATE**

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would not reveal the name of the employee that was in charge of the cameras. Police reports are to list all pertinent information necessary concerning a specific incident. Police reports also reflect an officer's observation of events. Both the citizen and the officer have a skewed portrayal of the encounter, which was fairly innocuous upon third party observation via the video. Officer E. provided justification for her choice of language and her actions did not rise to a level of violating policy.

The CPOA finds Officer E.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the alleged conduct did occur but did not violate APD policies, procedures, or training.

Your complaint and these findings will be placed in Officer E.'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

Paul Skotchdopole.  
Assistant Lead Investigator

cc: Albuquerque Police Department Chief of Police

M006612

## **CIVILIAN POLICE OVERSIGHT AGENCY**

### **Police Oversight Board**

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*Eric H. Cruz*

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*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

Elizabeth Cano

██████████  
Albuquerque, NM 87105

**Re: CPC #092-15**

Dear Ms. Cano:

The complaint you filed against Officer T. and Officer M. of the Albuquerque Police Department (APD) was received in our office on June 4, 2015 regarding an incident that occurred on May 22, 2015. 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**

Elizabeth Cano wrote in her complaint that on May 22, 2015 at about 6:10 PM, her friend had parked near a gas pump at the gas station located at 8601 Central Avenue SE. Ms. Cano wrote that she was approached by Officer X., who asked her what was going on. Ms. Cano wrote that she told Officer X. that her friend had thrown her phone out and that they needed to go and get it. Prior to the police approaching Ms. Cano, she and her friend, Paul Sena, had a disagreement and she threw beer on Mr. Sena. Mr. Sena said that he would take Ms. Cano to her friend's house but they ended up at the gas station where they were approached by the police. Officer X. allegedly charged Ms. Cano with defamation of character, false imprisonment, and sexual harassment. Ms. Cano was in jail for several days until she was released. Ms. Cano wrote that she wanted to file a lawsuit.

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When Ms. Cano was interviewed by the CPOA Investigator, Ms. Cano stated that she was mistake in her written complaint. She was not complaining about Officer X., but rather she was complaining about Officer T. and Officer M.. She said that Officer T. and Officer M. were "rude and ridiculous," and they acted unprofessionally during the incident.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, a review of the Computer Assisted Dispatch (CAD) Report and APD police report, an interview with Ms. Cano and an interview with Officer T and an Interview with Officer M.. Officer T.'s lapel video recording of the incident and Officer M.'s lapel video recording of the incident was also reviewed.

A) The CPOA reviewed Standard Operating Procedure 1-04-1-F regarding Officer T.'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. Cano alleged that she had been charged with defamation of character, false imprisonment, and sexual harassment. Ms. Cano was in jail for several days until she was released. Ms. Cano wrote that she wanted to file a lawsuit.

When Ms. Cano was interviewed by the CPOA Investigator she said that she was complaining about Officer T. and Officer M.. She said that Officer T. and Officer M. were "rude and ridiculous" and they acted unprofessionally during the incident. In particular, Ms. Cano alleged that Officer T. asked her whether or not she had sex with her friend. She stated that asking her that question was rude and absurd. Ms. Cano felt that she should not have been arrested because she did nothing wrong, and even if she did, she did not commit any violation of law in the officer's presence.

The police report was reviewed. Ms. Cano was interviewed. Officer T. was interviewed. Officer M. was interviewed. The officer's lapel videos were reviewed. Ms. Cano was arrested for Domestic Violence/Battery on a Household Member.

The lapel videos showed that Mr. Sena, Ms. Cano's friend, wanted Ms. Cano, who appeared to be intoxicated, to get out of his car, which she refused to do. Mr. Sena characterized his relationship with Ms. Cano as boyfriend/girlfriend. The lapel video showed that Officer T. did not ask Ms. Cano if she and Mr. Sena had sex. Officer T. asked if they had been intimate to which Ms. Cano relied that they had. The lapel video showed that Mr. Sena alleged that he and Ms. Cano had been at Ms. Cano's aunt's apartment earlier and Mr. Sena and Ms. Cano had argued. Mr. Sena alleged that Ms. Cano threw a beer at Mr. Sena and some of the beer splashed onto Mr. Sena. Mr. Sena's shirt was still wet with beer at the scene. Mr. Sena had not been drinking.

Officer T. asked the intimacy question of Ms. Cano because he had already established that a battery had occurred under the law. Whether he could arrest for that battery depended on the relationship between Mr. Sena and Ms. Cano. The lapel video showed that both Mr. Sena and Ms. Cano were more than friends, and that they had a relationship. Under the law, a battery committed by a household member outside the presence of the officer, is an arrestable offense provided there is probable cause to believe that the offense occurred. Based on what both parties told Officer T. and based on the physical evidence, it was determined that Ms. Cano had committed a battery and that she was the primary aggressor. Under New Mexico State Law and under APD's Domestic Violence Policy, once the primary aggressor has been determined and once there is probable cause to believe the aggressor committed a crime, the officer must arrest the aggressor. The arrest is mandated by law.

In reviewing the criminal complaint in the matter, there were no charges of defamation of character, sexual harassment, or false imprisonment filed. The lapel videos showed that Ms. Cano refused to get out of Mr. Sena's car. She had been drinking. There was an argument and Ms. Cano threw beer on Mr. Sena. Officer T. was mandated by policy and state law to arrest Ms. Cano. The lapel videos showed that both officers acted professionally throughout the entire encounter.

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

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

- A) The CPOA reviewed Standard Operating Procedure 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.*

Ms. Cano alleged that she had been charged with defamation of character, false imprisonment, and sexual harassment. Ms. Cano was in jail for several days until she was released. Ms. Cano wrote that she wanted to file a lawsuit.

When Ms. Cano was interviewed by the CPOA Investigator she said that she was complaining about Officer T. and Officer M.. She said that Officer T. and Officer M. were "rude and ridiculous" and they acted unprofessionally during the incident. In particular, Ms. Cano alleged that Officer T. asked her whether or not she had sex with her friend. She stated that asking her that question was rude and absurd. Ms. Cano felt that she should not have been arrested because she did nothing wrong, and even if she did, she did not commit any violation of law in the officer's presence.

**Letter to Ms. Cano**

**DATE**

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The police report was reviewed. Ms. Cano was interviewed. Officer T. was interviewed. Officer M. was interviewed. The officer's lapel videos were reviewed. Ms. Cano was arrested for Domestic Violence/Battery on a Household Member.

The lapel videos showed that Mr. Sena, Ms. Cano's friend, wanted Ms. Cano to get out of his car, which she refused to do. Mr. Sena characterized his relationship with Ms. Cano as boyfriend/girlfriend. The lapel video showed that Officer T. did not ask Ms. Cano if she and Mr. Sena had sex. Officer T. asked if they had been intimate to which Ms. Cano replied that they had. The lapel video showed that Mr. Sena alleged that he and Ms. Cano had been at Ms. Cano's Aunt's apartment earlier and Mr. Sena and Ms. Cano had argued. Mr. Sena alleged that Ms. Cano threw a beer at Mr. Sena and some of the beer splashed onto Mr. Sena. Mr. Sena's shirt was still wet with beer at the scene. Mr. Sena had not been drinking. Officer T. asked the intimacy question of Ms. Cano because he had already established that a battery had occurred under the law. Whether he could arrest for that battery depended on the relationship between Mr. Sena and Ms. Cano. The lapel video showed that both Mr. Sena and Ms. Cano were more than friends and that they had a relationship. Under the law, a battery committed by a household member outside the presence of the officer, is an arrestable offense provided there is probable cause to believe that the offense occurred. Based on what both parties told Officer T. and based on the physical evidence, it was determined that Ms. Cano had committed a battery and that she was the primary aggressor. Under New Mexico State Law and under APD's Domestic Violence Policy, once the primary aggressor has been determined and once there is probable cause to believe the aggressor committed a crime, the officer must arrest the aggressor. The arrest is mandated by law.

In reviewing the criminal complaint in the matter, there were no charges of defamation of character, sexual harassment, or false imprisonment filed. The lapel videos showed that Ms. Cano refused to get out of Mr. Sena's car. She had been drinking. There was an argument and Ms. Cano threw beer on Mr. Sena. Officer T. was mandated by policy and state law to arrest Ms. Cano. The lapel videos showed that both officers acted professionally throughout the entire encounter.

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

Your complaint and these findings are made part of Officer T.'s and Officer M.'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> .

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**Letter to Ms. Cano**  
**DATE**  
**Page 5**

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

Cc: Albuquerque Police Department Chief of Police

M006617

**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*  
Paul Skotchdopole, Assistant Lead Investigator

DATE

Via Certified Mail

David O'Malley

████████████████████  
Albuquerque, NM 87108

**Re: CPC # 093-15**

Dear Mr. O'Malley:

The complaint you filed against an Albuquerque Police Department (APD) Officer H. was received in our office on June 5, 2015, regarding an incident that occurred on June 3, 2015.

**I. THE COMPLAINT**

Mr. O'Malley complained that on June 3, 2015 at about 10:00 PM, Albuquerque Police Department (APD) Officer H. responded to his residence and called him a liar. Mr. O'Malley said he is not a liar but physically disabled.

**II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

On June 15, 2015, a Civilian Police Oversight Agency (CPOA) Investigator was reviewing Mr. O'Malley's complaint when Mr. O'Malley came to the CPOA office and requested to dismiss his complaint. Rather than dismiss the complaint altogether, Mr. O'Malley was encouraged to have his complaint investigated informally.

On July 24, 2015, the CPOA investigator interviewed Officer H. and explained that Mr. O'Malley wanted to dismiss his complaint however he was encouraged to have the complaint investigated informally. On August 6, 2015, the CPOA investigator contacted Officer H.'s supervisor, Sergeant Y. and requested Sergeant Y. speak with Officer H. regarding Mr. O'Malley's allegation.

On August 7, 2015, the CPOA Investigator received notification from Sergeant Y., stating that he had contacted Officer H. and discussed Mr. O'Malley's complaint with Officer H. and reminded Officer H. to be professional when interacting with citizens. On August 7, 2015, Sergeant Y. called Mr. O'Malley, who did not answer his phone so Sergeant Y. left Mr. O'Malley a voicemail providing him an update on the informal investigation.

**III. FINDINGS AND CONCLUSIONS**

This complaint was handled informally. It was sent to Officer H.'s Supervisor for review and action. Officer H.'s Supervisor did discuss Mr. O'Malley's concerns with Officer H. Mr. O'Malley's complaint was informally resolved. Therefore, I am administratively closing 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,

Paul Skotchdopole  
Assistant Lead Investigator

CC: Albuquerque Police Department, Chief of Police

DRAFT

**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

August 11, 2015  
Via Certified Mail

Arthur Sanchez  
[REDACTED]  
Albuquerque, NM 87105

**Re: CPC #094-15**

Dear Mr. Sanchez:

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on June 10, 2015 regarding an alleged incident that occurred on March 11, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA investigated your complaint. The CPOA made a finding, based on the information you provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

**I. THE COMPLAINT**

Mr. Sanchez complained officers entered and searched his home on March 11, 2015. Mr. Sanchez wrote officers did not provide a copy of the search warrant to him, but his understanding was the search was for drugs. Mr. Sanchez alleged that officers handcuffed and manhandled him and his adult children. Mr. Sanchez alleged that officers asked him where they purchased their drugs and threatened them with charges. Mr. Sanchez alleged that during the search he asked one officer about the warrant was told to mind his own business. He was then told to leave his home and would be told when to return. Mr. Sanchez understood there had been a drug raid earlier at the Econo Lodge where no drugs had been found and took it out on his family. Mr. Sanchez wrote about an earlier incident in 2012 where the same thing essentially occurred.

**II. INVESTIGATION**

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS) and the Citizen Police Complaint.

**Letter to Mr. Sanchez**

**DATE**

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The CPOA Investigator reviewed the complaint Mr. Sanchez submitted. Records located a report on August 8, 2012 where Mr. Sanchez's adult children were the target of the investigation. A search warrant had been issued and a search conducted on August 17, 2012. Mr. Sanchez specifically said to the CPOA Investigator he was not complaining about this incident.

Records located an incident at the Econo Lodge Mr. Sanchez mentioned on March 10, 2015. The investigation did not involve narcotics, but a stolen vehicle. Mr. Sanchez's adult son was present during this situation, but not listed as an offender. Nothing else recent involving APD could be located for Mr. Sanchez's address or involving his family. Calls to several different units all reported no involvement at the address Mr. Sanchez provided. The CPOA Investigator called BCSO Internal Affairs Unit (IA) July 17, 2015. BCSO researched the issue and determined their agency was involved in the search Mr. Sanchez complained about and APD was not a party to the situation.

The CPOA Investigator called Mr. Sanchez on July 17, 2015 and advised him his complaint was with BCSO, not APD. Helena Gonzalez from BCSO Internal Affairs Unit received a copy of Mr. Sanchez's complaint. Mr. Sanchez understood the case would be administratively closed in our office, as it did not involve APD.

### **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to the Albuquerque Police Department not being involved in the incident.

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

M006621

**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

Rose Archuleta

Albuquerque, NM 87122

**Re: CPC# 095-15**

Dear Mrs. Archuleta:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on June 10, 2015, for an incident, which occurred on January 13, 2015. 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**

Rose Archuleta wrote that she was in the process of divorcing her husband, George Archuleta. The Archuletas shared a business. Ms Archuleta explained that Mr. Archuleta called the police to report an incident involving Ms. Archuleta at their office. Officer H. responded to the call. Ms. Archuleta alleged that Officer H. was ill mannered and told her to "shut up" when she tried to explain her side of things. Mrs. Archuleta wrote Officer H. handcuffed her and threatened her with arrest if she did not leave the business. Mrs. Archuleta wrote a Judge ruled she had a right to be in her business. Mrs. Archuleta wrote Officer H. refused to review the security footage to show her ex-husband made false allegations against her. Mrs. Archuleta wrote Mr. Archuleta accused her of being drunk so Officer H. gave her sobriety tests in front of her employees and customers, which was degrading. Mrs. Archuleta wrote

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**Letter to Mrs. Archuleta**

**DATE**

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Officer H. refused to look at the paperwork she tried to provide to show she had a right to be at the business. Mrs. Archuleta wrote Officer H. and her husband laughed at her expense after she left. Mrs. Archuleta wrote whenever she drove past her business her ex-husband called and Officer H. responded.

The CPOA Investigator interviewed Mrs. Archuleta. Mrs. Archuleta reiterated much of her written complaint. Mrs. Archuleta stated a Judge ruled she had a right to be in her business so she went to work on January 13, 2015. Mrs. Archuleta denied she threatened her husband. Mrs. Archuleta stated she told Officer H. to check the cameras to confirm her side of things, but he refused. Mrs. Archuleta stated she offered to show Officer H. documentation that she owned the business, but Officer H. refused to look at it. Mrs. Archuleta stated Officer H. degraded her by having her complete sobriety tests in front of her customers and employees. Mrs. Archuleta stated Officer H. handcuffed her. Mrs. Archuleta claimed Officer H. was good friends with her husband.

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

The CPOA Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Albuquerque Police Report, Officer H.'s lapel video, and the CPOA Investigator's interviews of Mrs. Archuleta, Mr. Archuleta, and Officer H..

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

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

Mrs. Archuleta claimed Officer H. told her to "shut up." Mrs. Archuleta said Mr. Archuleta and Officer H. laughed at her. Officer H. embarrassed her in front of employees and customers by making her perform sobriety tests. When Mrs. Archuleta told Officer H. a Judge said she could be at the business, Officer H. told her he was being "judge and jury" right now and it was his decision for her to leave. Officer H. had her sit against the police car while her husband took pictures. She claimed Officer H. used handcuffs on her.

Mr. Archuleta stated Officer H. acted professionally and did not use handcuffs. The lapel video recording showed Officer H. did not tell Mrs. Archuleta to shut up, but he did tell her he could only talk to one person at a time. The video showed that he did threaten to use handcuffs and take her outside if she did not stop interrupting. The recording showed that while Officer H. spoke to Mrs. Archuleta individually, he treated her professionally. However, Officer H.'s recording stopped in the middle of his conversation with Mr. Archuleta so his second contact with Mrs. Archuleta and the HGN assessment were not captured on the recording. Some portions of Mrs. Archuleta's complaint occurred in the unrecorded portion.

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Letter to Mrs. Archuleta

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The CPOA finds Officer H.'s conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, which means the investigation is unable to determine whether the alleged misconduct occurred.

(B) The CPOA reviewed Standard Operating Procedural Order 2-24-3F1 & 3 regarding Officer H.'s conduct, which states:

*Steps to be followed in conducting preliminary investigations: 1. Observe all conditions, events and remarks. 3. Protect the crime scene and the evidence. Ensure that necessary evidence is collected.*

Mrs. Archuleta claimed Officer H. refused to review the proof she had that she had a right to be at the business. Officer H. also refused to review the surveillance video to show that her husband lied about her threatening him.

The lapel recording showed Mrs. Archuleta said all her documentation was at home, not there, in contrast to her interview. The specifics of the business disputes were a civil matter. Mr. Archuleta demonstrated to Officer H. that he was a property owner and Mrs. Archuleta could not. As the property owner, Mr. Archuleta could request Officer H. to issue her a trespass notice since Mrs. Archuleta caused a disturbance. Mr. Archuleta claimed Officer H. did not need to see the surveillance video because Officer H. heard Mrs. Archuleta's threats when Officer H. came in. According to Officer H., there was no threats of violence so he did not need to see video. The portion that was recorded showed no mention of threats from anyone.

The CPOA finds the allegation of a violation of this SOP against Officer H. was **EXONERATED**, which means the alleged conduct did occur but did not violate APD policies, procedures, or training.

(C) The CPOA reviewed Standard Operating General Order 1-04-4N regarding Officer H.'s conduct, which states:

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

Mrs. Archuleta claimed that Officer H. and Mr. Archuleta were "good friends." She believed this to be true because her sister-in-law said Mr. Archuleta was friends with an officer. Mrs. Archuleta said Mr. Archuleta threatened to send Officer H. after her when she parked near the business once.

Mr. Archuleta stated he did not know Officer H. personally. The lapel recording showed Officer H. indicated no familiarity or bias with either party. Officer H. mentioned he had been to the business before for a call. There is no evidence to support the allegation that Officer H.'s decision to issue a trespass notice was based on any friendship with Mr. Archuleta.

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Letter to Mrs. Archuleta  
DATE  
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The CPOA finds the allegation of a violation of this SOP against Officer H. was **UNFOUNDED**, which means the alleged misconduct did not occur.

(D) The CPOA reviewed Standard Operating General Order 1-39-2B regarding Officer H.'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 a non-dispatched 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 H.'s recording stopped early into the call. Officer H. stated he did not know why his recording stopped and blamed equipment failure. There was nothing notated on the report because he did not know his video cut out until later when his sergeant brought it to his attention.

The CPOA finds the allegation of a violation of this SOP against Officer H. was **SUSTAINED**, which means the alleged misconduct did occur.

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.

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

M006625

**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

DATE  
VIA Certified Mail

Katrina Chavez  
[REDACTED]  
Albuquerque, NM 87112

**CPC# 096-15**

Dear Ms. Chavez:

Your complaint against former Albuquerque Police Department (APD) Officer D. was received by our office via e-mail on June 11, 2015 for an incident which occurred at your residence on an unknown date. Your complaint was assigned to a Civilian Police Oversight Agency (CPOA) Investigator for review.

**I. THE COMPLAINT**

Ms. Chavez complained about the actions of an APD Officer who is no longer employed by APD.

**II. CONCLUSION**

The CPOA office has no authority to investigate the actions of former police officers. The CPOA would have no way to compel him to come in for a statement and even if they did, there would be no way for anyone to impose any administrative sanction on an officer who no longer works for APD. Because the CPOA lacks jurisdiction to address this complaint, the CPOA will administratively close this matter. Should Officer D. return to work in the future as an APD employee, this office could re-open this matter at your request.

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  
Acting Executive Director  
(505) 924-3770

CC: Albuquerque Police Department, Chief of Police

M006626

**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

Admah Levy  
[REDACTED]  
[REDACTED]  
Albuquerque, NM 87102

**Re: CPC #097-15**

Dear Ms. Levy:

The complaint you filed against Officer T., and Officer W. of the Albuquerque Police Department (APD) was received in our office on June 14, 2015 regarding an incident that occurred on June 14, 2015. 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**

Admah Levy wrote in her complaint that on June 14, 2015 at about 3:30 AM, the police were called to an apartment complex located at 215 Lead SW, in reference to two white males walking through the apartment complex screaming at each other and arguing extremely loudly over an incident that happened earlier in the night. Ms. Levy and her fiancée, as well as a neighbor from across the way, went outside and yelled at the two men to keep it down. The men yelled back at them. Ms. Levy, in agitation, yelled back at the men who left but then came back. The men threatened to fight both a neighbor and Ms. Levy's fiancée. Upon the arrival of the officers, the one man who was making the most noise was not detained. He just went to a waiting car across the street. The officers talked to the men for about 3 minutes and the men were let go and allowed to rejoin their friends across the street and drive away. The officers came over and told Ms. Levy's neighbor that he was not allowed to yell out of his

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window anymore because he was apparently disturbing the peace and he could be fined for that. Ms. Levy said that this incident was the most backwards showing of protect and serve that she had ever seen.

When Ms. Levy was interviewed by the CPOA Investigator, she said that she was motivated to file the complaint because of the way the police officer addressed her neighbor. Ms. Levy, who is African American, stated that her neighbor is also African American. Ms. Levy said that her fiancée, who is white and obnoxious, was clearly making more noise from their balcony than the African American neighbor was making from his. Ms. Levy felt that the officer only warned the African American neighbor that he was disturbing the peace because he is African American. She said that her white fiancée was not warned. Ms. Levy felt the officer's action was an act of discrimination.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Computer Assisted Dispatch (CADS) Report, an interview with Ms. Levy, and interviews with Officer T., and Officer W.. Officer W.'s lapel video recording of the incident was also reviewed.

A) The CPOA reviewed Standard Operating Procedure 1-02-2(B)(1) regarding Officer T.'s conduct, which states:

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

Ms. Levy complained that the police were called to her apartment complex in reference to two white males walking through the apartment complex screaming at each other and arguing extremely loudly over an incident that happened earlier. Ms. Levy and her fiancée, as well as a neighbor from across the way, went outside and yelled at the two men to keep it down. The other men yelled back at them. Ms. Levy, in agitation, yelled back at the men who left, but then came back. The other men threatened to fight both a neighbor and Ms. Levy's fiancée. Upon the arrival of the officers, the one man who was making the most noise was not detained. He went to a waiting car across the street. The officers talked to the remaining men for about 3 minutes and the men were let go and allowed to rejoin their friends across the street and drive away. The officers came over and told Ms. Levy's neighbor that he was not allowed to yell out of his window anymore because he was apparently disturbing the peace and he could be fined for that. Ms. Levy called that "backwards" policing.

Both Officers who were present at the call were interviewed. One officer's lapel camera video was reviewed. Ms. Levy was interviewed. The investigation revealed that Officer W. and not Officer T. dealt with the two men involved in the complaint. The lapel video showed that both

Letter to Ms. Levy

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men, when approached by the police, were apparently not intoxicated to the point where they were impaired significantly. The men were calm, spoke clearly, and were not obviously intoxicated. The men were adults, and they were walking through the complex at 3:30 AM. The officers did not observe the men yelling at anyone. Officer W. had no probable cause or reasonable suspicion after the men were contacted to detain them. Officer W. properly allowed the men to go on their way after a brief stop.

Officer T. did observe Ms. Levy and her fiancée on their balcony conversing with their neighbor across the street, who was on his balcony. Both parties were speaking loudly; loud enough that they could be heard from the street. Officer T. told the one man on the balcony to go back inside and to be quiet and when he went to address Ms. Levy and her fiancée, they had gone back inside their apartment already.

With all parties either back inside or gone, peace and quiet had been restored. It should be noted that whoever called the police initially requested that the police not contact them.

The evidence showed that the officers responded properly to the situation and took appropriate action.

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

B) The CPOA reviewed Standard Operating Procedure 1-03-3-A 1 regarding Officer T.'s conduct, which states:

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

When Ms. Levy was interviewed by the CPOA Investigator, she said that she was motivated to file the complaint because of the way the police officer addressed her neighbor. Ms. Levy, who is African American, stated that her neighbor is also African American. Ms. Levy said that her fiancée, who is white and obnoxious, was clearly making more noise from their balcony than the African American neighbor was making from his. Ms. Levy felt that the officer only warned the African American neighbor that he was disturbing the peace because he is African American. She said that her white fiancée was not warned. Ms. Levy felt the officer's action was an act of discrimination.

Officer T. observed Ms. Levy and her fiancée on their balcony conversing with their neighbor across the street who was on his balcony. Both parties were speaking loudly; loud enough that they could be heard from the street. Officer T. told the one man on the balcony to go back inside and to be quiet and when he went to address Ms. Levy and her fiancée, they had gone back inside their apartment already.

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DATE  
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There is no evidence to support that Officer T. committed an act of discrimination by addressing the man across the street first instead of addressing Ms. Levy and her fiancée first. Had Officer T. had the chance to address Ms. Levy and her fiancée, he would have gladly done so.

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

C) The CPOA reviewed Standard Operating Procedure 1-39-2 B regarding Officer T.'s conduct, which states:

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

Officer T. was required by policy to record the incident in its entirety as this was a dispatched call for service. Officer Wickens did not turn on his lapel camera while responding to the call for service or while he was on scene. He was required to do so.

The CPOA finds Officer T.'s conduct to be **SUSTAINED VIOLATION NOT BASED ON ORIGINAL COMPLAINT**, as the investigation determined by a preponderance of the evidence that misconduct did occur but was not alleged in the original complaint but that was discovered during the misconduct investigation.

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

A) The CPOA reviewed Standard Operating Procedure 1-02-2-B 1 regarding Officer W.'s conduct, which states:

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

Ms. Admah Levy complained that the police were called to her apartment complex in reference to two white males walking through the apartment complex screaming at each other and arguing extremely loudly over an incident that happened earlier. Ms. Levy and her fiancée as well as a neighbor from across the way went outside and yelled at the two men to keep it down. The men yelled back at them. Ms. Levy, in agitation, yelled back at the men who left but then came back. The men threatened to fight both a neighbor and Ms. Levy's fiancée. Upon the arrival of the officers, the one man who was making the most noise was not detained. He just went to a waiting car across the street. The officers talked to the men for about 3 minutes and the men were let go and allowed to rejoin their friends across the street

Letter to Ms. Levy

DATE

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and drive away. The officers came over and told Ms. Levy's neighbor that he was not allowed to yell out of his window anymore because he was apparently disturbing the peace and he could be fined for that. Ms. Levy called that "backwards" policing.

Both Officers who were present at the call were interviewed. One officer's lapel camera video was reviewed. Ms. Levy was interviewed. The investigation revealed that Officer W. and not Officer T. dealt with the two men complained of. The lapel video showed that both men, when approached by the police, were apparently not intoxicated to the point where they were impaired significantly. The men were calm, spoke clearly, and were not obviously intoxicated. The men were adults, and they were walking through the complex at 3:30 AM. The officers did not observe the men yelling at anyone. Officer W. had no probable cause or reasonable suspicion after the men were contacted to detain them. Officer W. properly allowed the men to go on their way after a brief stop.

Officer T. did observe Ms. Levy and her fiancée on their balcony conversing with their neighbor across the street who was on his balcony. Both parties were speaking loudly, loud enough that they could be heard from the street. Officer T. told the one man on the balcony to go back inside and to be quiet and when he went to address Ms. Levy and her fiancée, they had gone back inside their apartment already.

With all parties either back inside or gone, peace and quiet had been restored. It should be noted that whoever called the police initially requested that the police not contact them.

The evidence showed that the officers responded properly to the situation and took appropriate action.

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

Your complaint and these findings are made part of Officer T.'s and Officer W.'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>.

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Letter to Ms. Levy

DATE

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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

**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]  
Albuquerque, NM 87110

**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**

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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

M006634

**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*  
Paul Skotchdopole, Assistant Lead Investigator

DATE

Via Certified Mail

Joel Chavez

████████████████████  
Albuquerque, NM 87121

**Re: CPC #098-15**

Dear Mr. Chavez:

The complaint you filed against Officer L. of the Albuquerque Police Department (APD) was received by our office on June 14, 2015, for an incident which occurred June 14, 2015. 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 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**

Mr. Joel Chavez complained that APD Command Staff has ignored repeated pleas to investigate and intervene in suspected drug trafficking at his neighbor's home. APD Command Staff first learned of Mr. Chavez's allegations on June 4, 2013 via the Albuquerque City Council Office. As a result, APD Lieutenant (Lt.) B. contacted Mr. Chavez and asked him to report suspicious activity when he saw it. Mr. Chavez said he started recording the activity in February 2015 and reported it to Commander B. in March 2015. Commander B. said he would look into it but Mr. Chavez complained he never heard back from Commander B. and the suspected drug activity at his neighbor's home continued so in May 2015, Mr. Chavez reported his concerns to APD Chief E. Mr. Chavez said an APD Narcotics detective visited Mr. Chavez at his home in May, 2015. Mr. Chavez complained that on May 19, 2015, he told Commander B. that twice an unidentified female APD officer was seen speaking to

M006635

**Letter to Mr. Chavez**

**DATE**

**Page 2**

the neighbor involved in the illegal drug activity, which Mr. Chavez found disturbing. Mr. Chavez complained that APD Command Staff, specifically Commander B., has not taken appropriate action and have shown a complete lack of concern regarding his allegations about the illegal drug activity and of the female officer's inappropriate interactions with Mr. Chavez's neighbor.

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

The Assistant Lead Investigator 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, Mrs. Chavez, Officer L. and Commander B..

A) Did Officer L. comply with Albuquerque Police Department (APD) General Order 1-04-6 (H)? General Order 1-04-6 (H) states:

*H. Personnel shall treat the official business of the department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established department procedures.*

Mr. Chavez complained that APD Officer L. worked in collusion with his neighbor, Clarence, by providing Clarence with inside APD information.

The interviews and lapel videos were reviewed and showed Officer L. contacted Mr. Chavez' neighbor, Clarence, on May 12, 2015 and May 26, 2015. The May 12, 2015 video showed Officer L. sitting in her patrol vehicle conducting surveillance on Clarence's house and watching for traffic violations, when Clarence contacted her from the sidewalk across the street from her patrol vehicle and asked to speak with her. The video showed Clarence reported various issues in his neighborhood to Officer L. and she responded appropriately to his concerns and questions. The May 26, 2015 video showed Officer L. and several other officers contacted Clarence and a small child on his driveway and spoke to Clarence about shots fired in the area. The video showed a male officer ask Clarence if officers could search his residence to ensure no one had been shot or was deceased inside his residence. Clarence gave the officers verbal consent to search his home, which they did but they did not find anything suspicious so they left. The lapel videos did not show any familiarity between Officer L. and Clarence, nor did they show Officer L. provide Clarence with any inside information, as alleged in Mr. Chavez' written complaint and interview.

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

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

In addition to his allegations against Officer L., Mr. Chavez alleged inaction on the part of APD Command Staff, specifically Commander B. It is not an SOP violation if an officer does

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**Letter to Mr. Chavez**

**DATE**

**Page 3**

not respond to a citizen's email correspondence or phone call; however the CPOA Investigator reviewed pages of email correspondence between Mr. Chavez and Commander B., Mr. Chavez and Lt. B., Mr. Chavez and Lt. M., and Mr. Chavez and Chief E. which shows that Commander B. and APD Command staff have been responsive to Mr. Chavez' concerns. Additionally, the email correspondence showed emails between Commander B., his staff and other APD officers and units requesting assistance in addressing Mr. Chavez' concerns. Specifically, staff was asked to increase patrols in Mr. Chavez' neighborhood, conduct special enforcement operations to issue traffic citations and citations for other violations, as needed, and set up a speed trap in the area all in an effort to increase APD visibility and presence in the area. APD officers and staff did as Commander B. and other Command Staff members requested.

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

Paul Skotchdopole  
Assistant Lead Investigator

cc: Albuquerque Police Department Chief of Police

M006637

**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*    *Susan Brown*  
Robin S. Hammer, Acting Executive

DATE  
Via Certified Mail

Patrick JeanLouis  
[REDACTED]  
Albuquerque, NM 87121

**Re:    CPC # 101-15**

Dear Mr. JeanLouis:

Your complaint against Albuquerque Police Department (APD) Detective R. was received by our office via e-mail on June 15, 2015 for an incident which occurred on May 18, 2015. Your complaint was assigned to a Civilian Police Oversight Agency (CPOA) Investigator for review and investigation on June 17, 2015.

**I. THE COMPLAINT**

You complained that on May 18, 2015 your child went with his mother and that on May 19, 2015, your child's mother refused to bring the child back to you. You reported this to the APD. Detective R. was assigned to the case to investigate why the child had not been returned to you. Detective R. contacted you and told you that the child was going to remain the mother because she had paperwork showing that she could keep the child. You wanted to know what paperwork she had to show Detective R. that made it okay for your child to remain with the mother.

**II. THE INVESTIGATION**

You believed that since you had a Minute Order granting you granting you sole temporary custody of the child that the child's mother was committing custodial interference. The Minute Order was granted on December 12, 2014. Detective R.'s investigation into the matter determined that the Minute Order was dismissed on February 9, 2015. The records indicated that you were at that hearing and that you were aware of the dismissal. That dismissal set custody of the child back to where it was before the Minute Order was issued. Detective R. contacted the mother of your child and made sure that your child was being cared for properly. Detective R. also checked with the Judge who had dismissed the Minute Order and the Judge confirmed that custody of the child had been reverted to where it was before the Order was granted. Detective R. contacted you and told you what he had found. You were under the impression that you still had sole custody of the child at the time but that was not the case. Detective R. advised you to go back to court to request any modifications to the custody arrangements, as the Court had superceded the Minute Order with a new custody order.

Letter to Mr. JeanLouis  
DATE  
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The CPOA Investigator interviewed Detective R.. The CPOA Investigator reviewed the Court Documents, the initial police report in the matter, Detective R.'s report, and a recorded phone calls between Detective R. and the child's mother. The CPOA Investigator contacted you by phone on August 17, 2015. You told the CPOA Investigator that this matter had been settled and that you wanted to drop the complaint. Although you were assured that the CPOA would fully investigate your complaint, you gain advised that the mater had been settled and that you wished to drop your complaint against Detective R..

### III. CONCLUSION

Your complaint was investigated to the extent that we could investigate it given that you did not want to participate further in the process. You stated that the matter had been resolved and you specifically requested that the complaint be dropped and no further action would be required by the COPA. The preliminary CPOA Investigation also revealed no evidence of any violations of APD Standard Operating Procedures by Detective R. Because there was no evidence of policy violations and because you specifically requested that your complaint be closed before a full investigation could be conducted, the Civilian Police Oversight Agency is administratively closing your complaint without further investigation.

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

Please contact me if you have any questions or concerns.

Sincerely,

Robin S. Hammer  
Acting Executive Director  
(505) 924-3770

CC: Albuquerque Police Department, Chief of Police

M006639

**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

Elizabeth Barth  
c/o Kaseman Hospital  
8300 Constitution Ave Ne  
Albuquerque, NM 87110

**Re: CPC #103-14**

Dear Ms. Barth:

The complaint you filed against Detective O. of the Albuquerque Police Department (APD) was received in our office on May 27, 2014 regarding an incident that occurred on May 23, 2014. A Civilian Police Oversight Agency (CPOA) Investigator and independent contract investigator were 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**

Elizabeth Barth wrote in her complaint that Elizabeth Barth filed an online attitude complaint on an unknown APD officer. The claimant was at Kaseman emergency room and had Barth had engaged in conversation with two APD Officers who were there following up on a suicide call. IRO Investigator Chris Davidson researched CADS and identified Officer John A Montoya, a field training officer and Theodore Hatcher, a recruit officer.

Barth alleged that on May 23, 2015 she entered into a conversation with two APD Officers who were at Kaseman emergency room conducting an investigation. The investigation determined that Officer M. and Officer H. were the two officers Ms. Barth was speaking about. Ms. Barth alleged that Officer M. told her that his Kevlar armored vest cost \$1500.00. Ms. Barth said she replied that she was surprised by the cost. Officer M. then told her with all of his training he is a "million dollar killing machine." Barth said that she felt that he was serious with this remark and not joking. Ms.

Letter to Ms. Barth

DATE

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Barth said she did not respond to that remark. Ms. Barth said she then asked Officer M. if domestic violence call was the most dangerous calls for police officers and he replied that was true and traffic stops were dangerous because officers did not know if the person being stopped had a weapon. Ms. Barth felt the Officer was inappropriate with his remark.

Ms. Barth noted that the other officer was quiet and not engaged in the conversation. The other officer was later identified thru CADS as being Officer H., who was a recruit at the time. Ms. Barth also indicated in her interview with the CPOA Investigator that she did not want to be notified through the Findings Letter in this case, but merely wanted Officer H.'s supervisor to speak with him about his remark regarding the "million dollar killing machine."

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Report in the case, interviews with Ms. Barth, Officer M. and Officer H..

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

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

Ms. Barth alleged that during a conversation at Kaseman Hospital, that Officer M. told her with all of his training he is a "million dollar killing machine." Ms. Barth said that she felt that he was serious with this remark and not joking. Ms. Barth believed that Officer M.'s statement was inappropriate.

The contract independent investigator interviewed the two officers involved. Officer M. recalled the conversation with a staff member at Kaseman Hospital, but denied making the statement about being a killing machine. Officer H. did not recall any of the conversation between Officer M. and the hospital staff.

The CPOA find Officer M's conduct to be NOT SUSTAINED regarding the allegation of a violation of this SOP, which means that there was insufficient evidence to determine whether or not the incident occurred as alleged.

Your complaint and these findings are made part of Officer M.'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>.

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**Letter to Ms. Barth**  
**DATE**  
**Page 3**

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**

*Beth Mohr, Co-Vice Chair*

*Dr. Moira Amado-McCoy*

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*Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

September 25, 2015

Via Certified Mail

Victor Monsivais

Albuquerque, NM 87112

**Re: CPC # 105-15**

Dear Mr. Monsivais:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on June 24, 2015, for an incident, which occurred on June 24, 2015. 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 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. 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. Monsivais wrote he noticed a traffic accident and slowed down to avoid endangering Officer W.. Mr. Monsivais wrote Officer W. yelled at him, asked him "what the hell" he was doing, and called him stupid. Mr. Monsivais tried to respond, but Officer W. told him to get the hell out of there.

The CPOA Investigator interviewed Mr. Monsivais. Mr. Monsivais repeated his written complaint and said Officer W. degraded and belittled him. Mr. Monsivais stated Officer W. called him stupid. Mr. Monsivais stated she told him to get the hell out of there a few times. Mr. Monsivais was upset with her treatment of him, but decided to leave instead of escalate a confrontation. Mr. Monsivais stated as he left he heard her say something derogatory about him to the fire truck personnel, but he did not know the specifics.

M006643

Letter to Mr. Monsivais  
DATE  
Page 2

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

The investigation included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Officer W.'s lapel video, and interviews of Mr. Monsivais and Officer W..

(A) The CPOA reviewed Standard Operating General Order 1-04-4P regarding Officer W.'s conduct, which states:

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

Mr. Monsivais turned down a street where Officer W. was walking down the middle of the road. Mr. Monsivais stated Officer W. degraded and belittled him when he made his turn, accusing him of being stupid. When Mr. Monsivais tried to discuss the situation with Officer W., she repeatedly told him to get the hell out of there. As he left, he could tell she spoke negatively about him to the fire truck personnel.

The video showed Officer W. was walking in the middle of the street when Mr. Monsivais turned contrary to Officer W.'s assertion. The video showed Officer W. accused Mr. Monsivais numerous times of not seeing her as she walked in the middle of the street. It did not appear that Mr. Monsivais almost struck Officer W. although it was not clear in the video where Mr. Monsivais' focus was. The video showed Officer W. did not call Mr. Monsivais stupid as Mr. Monsivais claimed. The video showed Officer W. told Mr. Monsivais to get out of there several times. The video showed after Mr. Monsivais drove off Officer W. muttered an insult about Mr. Monsivais, but no one would have been able to hear it. The video showed Officer W. asked the other individuals if they saw Mr. Monsivais almost run her over, but in more of a joking manner. Officer W.'s reaction was insolent and excessive for the situation.

The CPOA finds Officer W.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the alleged misconduct did occur.

Your complaint and these findings will be placed in Officer W.'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> .

**Letter to Mr. Monsivais**

**DATE**

**Page 3**

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

Paul Skotchdopole.  
Assistant Lead Investigator

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*

Ed Harness, 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

Mr. Ian Stephens-McCormick

[REDACTED]

Albuquerque, NM 87109

**Re: CPC #107-15**

Dear Mr. Stephens-McCormick:

The complaint you filed against Officer B. of the Albuquerque Police Department (APD) was received in our office on June 29, 2015 regarding an incident that occurred on June 18, 2015. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint on July 1, 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. Ian Stephens-McCormick wrote in his complaint that on June 18, 2015 at about 10:00 PM, he was pulled over and arrested by Officer B.. Mr. Stephens-McCormick said he was in a hurry to get home because his wife was having female problems. Officer B. had Mr. Stephens-McCormick step out of his car and Officer B. arrested Mr. Stephens-McCormick for reckless driving. Mr. Stephens-McCormick complained that Officer B. was rude to his wife and when she asked Officer B. if she could speak to Mr. Stephens-McCormick, Officer B. allegedly told her that she could not and it wasn't as if she wasn't going to see him again because he wasn't going to prison. Mr. Stephens-McCormick complained that Officer B. had stopped him twice before and that Officer B. was rude to him during those stops. Mr. Stephens-McCormick wrote in his complaint that he felt that Officer B. had it out for him and

Letter to Mr. Stephens-McCormick

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Page 2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Biased based policing is prohibited by APD. Mr. Stephens-McCormick's traffic stops, enforcement action, and arrest, were all based on probable cause.

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

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

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

The lapel video evidence, the police report, and the investigation showed that this traffic stop took place at 8000 Montgomery where Mr. Stephens-McCormick resides. The lapel video evidence showed that it was Officer B.'s car that was blocking traffic in and out of the complex and not Mr. Stephens -McCormick's car. Although Mr. Stephens-McCormick's car was not in a parking space, it was at the residence, and his girlfriend/wife was there, as well as his roommate, and either one of those responsible adults could have moved and parked the car

Letter to Mr. Stephens-McCormick

DATE

Page 4

with Mr. Stephens-McCormick's permission. The video showed that Officer B. decided to tow the car even before Mr. Stephens-McCormick had a chance to ask if his passengers could move or take possession of the car. Mr. Stephens-McCormick's car should not have been towed.

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

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

You have the right to appeal this decision. 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

Ed Harness, Esq.  
Executive Director

M006649

**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

DATE  
Via Certified Mail

Monica M. Stockdale  
[REDACTED]  
Albuquerque, NM 87106

**Re: CPC #111-13**

Dear Ms. Stockdale,

The complaint you filed against Officer A. of the Albuquerque Police Department (APD) was received in our office on June 4, 2013, regarding an incident that occurred on January 20, 2013.

**I. THE COMPLAINT**

Ms. Stockdale complained that on January 20, 2013, Officer A. was rude and dismissive following her attempts to remove squatters from her rental home. Ms. Stockdale indicated that Officer A. refused to take a report from her and was antagonistic toward her in a situation he deemed to be an eviction.

**II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) employee was assigned to follow up on this case, reviewed Ms. Stockdale's complaint, and researched the matter so that we could obtain more information about the incident. The employee learned that Officer A. is no longer employed by the Albuquerque Police Department. On May 5, 2015, the CPOA employee assigned to follow up on this matter contacted Ms. Stockdale and informed her that Officer A. was no longer an officer and that the complaint would be administratively closed. Ms. Stockdale stated she understood.

**III. FINDINGS AND CONCLUSIONS**

Because Officer A. is no longer an APD employee, the CPOA lacks jurisdiction to further investigate this complaint. Therefore, the CPOA will administratively close this complaint and no further investigation by our office will occur.

A copy of the Complaint and this letter will be placed in Officer A.'s Internal Affairs file.

M006650

**Letter to Ms. Stockdale**

**DATE**

**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

**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*

Ed Harness, Executive Director

DATE

Via Certified Mail

Dr. Kari Ward Karr

Albuquerque, NM 87112

**Re: CPC #111-15**

Dear Dr. Karr:

The complaint you filed against Officer H. of the Albuquerque Police Department (APD) was received in our office on July 6, 2015 regarding an incident that occurred on July 3, 2015. 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**

Dr. Kari Ward Karr called in her complaint to the Civilian Police Oversight Agency on July 6, 2015. Dr. Karr reported that on July 3, 2015 APD Officer H. and another officer had set up a speed trap. Officer H. had Dr. Karr pull over. Officer H. gave Dr. Karr a ticket for speeding. Officer H. also gave Dr. Karr a ticket for not having signed her vehicle registration. Officer H. refused to let Dr. Karr sign the registration in front of him and instead issued Dr. Karr the ticket which required her to appear in court. Dr. Karr alleged that Officer H. was rude, discourteous, and seemed to want to abuse his power as a police officer. Dr. Karr alleged that she was inconvenienced by having to appear in court to show the judge that her registration was now properly signed, as opposed to permitting Dr. Karr to mail in payment for the speeding ticket. Dr. Karr subsequently filed a written, signed complaint.

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

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

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

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

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

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

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

**Letter to Dr. Karr**

**DATE**

**Page 3**

stress on Dr. Karr and an inconvenience for her patients. Dr. Karr stated that Officer H.'s bullying behavior perpetuated APD's already tarnished reputation. Dr. Karr stated that Officer H. issued a frivolous ticket and turned a clerical matter into a huge expense and a waste of time for the city and its citizens.

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

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

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

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

**Letter to Dr. Karr**

**DATE**

**Page 4**

you sir, this was a little more than, a little much. And I think, a little inconvenient.” Officer H. said, “Okay. Alright. Well, I’m just doing my job. I’ll be right back ma’am.” Dr. Karr said, “I have no problem with the speeding ticket. I think this is uncalled for.” Officer H. said, “Okay.”

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

The CPOA Investigator also reviewed the applicable law.

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

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

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

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

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

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

Letter to Dr. Karr

DATE

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

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

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

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

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

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

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

You have the right to appeal this decision. 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>.

M006656

**Letter to Dr. Karr**  
**DATE**  
**Page 6**

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

Sincerely,  
The Civilian Police Oversight Agency by

Ed Harness, Esq.  
Executive Director

**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.

M006658

**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*  
Edward Harness, Executive Director

DATE  
Via Certified Mail

Erica Ortega  
[REDACTED]  
Albuquerque, NM 87121

**Re: CPC #113-15**

Dear Ms. Ortega:

The complaint you filed against Officer M. of the Albuquerque Police Department (APD) was received by our office on July 7, 2015, for an incident which occurred November 20, 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 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**

Ms. Ortega said that on November 20, 2014, at approximately 12:45 PM, Albuquerque Police Department (APD) Officer Andrew Michaud and Sergeant Bruce Werley and Office of the Medical Investigator (OMI) Investigator Rhonda Moya responded to 9412 Valle Caldera Road SW in reference to the unattended death of Jose Alderete. Mr. Alderete was Ms. Ortega's 21-year-old son. Ms. Ortega complained no one from APD, or the OMI attempted to contact her regarding her son's death. Ms. Ortega complained her son was treated like a nobody. Ms. Ortega complained her sister called the OMI and asked if Ms. Ortega could go to the OMI and identify her son's body but was told she could not and it was not necessary because her son's body was positively identified using fingerprints. Ms. Ortega complained she still has not, officially, been notified about her son's death, nor has she received an apology for not being notified.

Letter to Ms. Ortega

DATE

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

The Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable SOPs, the Complaint, reports, and interviews with the Complainant and Officer M..

A) Did Officer M. comply with Albuquerque Police Department General Order 2-28-3(B)(4)? General Order 2-28-3(B)(4) states:

***APPARENT NATURAL DEATH***

***B. The Dispatched Officer(s) will:***

***4. Be responsible for contacting the next of kin of the deceased and recording the contact in the incident report. The officer will only make death notification accompanied by a Chaplain or another officer.***

Ms. Ortega said that on November 20, 2014, at approximately 12:45 PM, Albuquerque Police Department (APD) Officer M. and Sergeant W. and Office of the Medical Investigator (OMI) Investigator M. responded to 9412 Valle Caldera Road SW in reference to the unattended death of Jose Alderete. Mr. Alderete was Ms. Ortega's 21-year-old son. Ms. Ortega complained no one from APD, or the OMI attempted to contact her regarding her son's death. Ms. Ortega complained her son was treated like a nobody. Ms. Ortega complained she still has not, officially, been notified about her son's death, nor has she received an apology for not being notified. NOTE: Sergeant W. retired from APD and declined to be interviewed for this investigation.

The interviews, report and CADS revealed Officer M. attempted to contact Ms. Ortega, who is Jose Alderete's next of kin, and when he was unsuccessful, he contacted OMI Investigator M., who said she would take responsibility for the death notification. The evidence revealed that Officer M. did not violate any Standard Operating Procedures (SOP) although he was unsuccessful in contacting Ms. Ortega.

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

Your complaint and these findings are made part of Officer M.'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.

M006660

**Letter to Ms. Ortega**

**DATE**

**Page 3**

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Edward Harness  
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*

October 23, 2015  
Via Certified Mail

Ruth Johnson Burger  
[REDACTED]  
Albuquerque, NM 87112

**Re: CPC # 118-15**

Dear Ms. Burger:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on July 10, 2015, for an incident, which occurred on July 5, 2015. 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 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. 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. Burger wrote her keys were stolen for the third consecutive day and that this has happened several times before. Ms. Burger wrote about her history of being targeted by various crime groups through her neighbors. Ms. Burger wrote she called police to report the issue with her keys. Ms. Burger wrote Officer T. did not listen to her. She wrote Officer T. only asked her if she took medication and the last time she had been in the hospital. Ms. Burger wrote Officer T.'s questions were irrelevant. Ms. Burger wrote Officer T. obviously had been influenced by the crime groups and would not document her theft of keys.

The CPOA Investigator interviewed Ms. Burger. Ms. Burger explained more in depth why she was being targeted in her interview. She also showed a letter, but said she could not provide a copy. Ms. Burger reported her neighbor was skilled at hypnosis, able to freeze her

Letter to Ms. Burger

DATE

Page 2

in her tracks, and while powerless to stop him; the neighbor took her keys to make wax impressions of them. She called police and Officer T. responded. Officer T. shifted weight so often she suspected the crime groups had interfered with Officer T.. Ms. Burger told Officer T. some of what had been going on and the suspected reasons. Instead of asking relevant questions, Officer T. asked her if she had been diagnosed with mental illness or had been taking medication. Ms. Burger stated his question was irrelevant and she told him to leave.

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

The investigation included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Officer T.'s lapel video, and interviews of Ruth Burger and Officer T..

(A) The CPOA reviewed Standard Operating General Order 1-04-1F regarding Officer T.'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. Burger called police to report that her neighbors have been stealing her keys to make wax impressions of them. Ms. Burger explained to Officer T. that the neighbors used hypnosis to stop her in her tracks and gain access to the keys. Ms. Burger explained to Officer T. she was being targeted by various crime groups. These groups focused on her because of the work she did in the past.

The lapel video showed Ms. Burger did not provide an immediate reason why she called police and instead described numerous things from various years. The lapel video showed Officer T. listened to Ms. Burger and did not interrupt her as she explained things for about ten minutes. The video showed Officer T. asked a question about her mental health. Ms. Burger immediately became angry and dismissed Officer T. from her home.

The CPOA finds Officer T.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the alleged conduct did occur but did not violate APD policies, procedures, or training.

(B) The CPOA reviewed Standard Operating General Order 1-05-2C4 regarding Officer T.'s conduct, which states:

*Personnel of the Department Shall Write Reports On any incident that is of great importance where the officer is at the scene, at the scene of a crime, or any incident where a citizen/victim requests a report. The calling party will not be referred to the Telephone Reporting Unit.*

M006663

**Letter to Ms. Burger**

**DATE**

**Page 3**

Ms. Burger wanted a report concerning the issue with her keys. Based on his question about her being in the hospital it was obvious the crime groups had gotten to Officer Tillman before he came to her house and little to nothing would be reported. She told him when he left he should write an honest report.

The lapel video showed Ms. Burger never got to the point about specifically asking for a police report; she only alluded to it. The video showed Ms. Burger excused Officer Tillman after a single question. He did not have the information required for a report.

The CPOA finds Officer T.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the alleged conduct did occur but did not violate APD policies, procedures, or training.

Your complaint and these findings will be placed in Officer T.'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

Paul Skotchdopole.  
Assistant Lead Investigator

cc: Albuquerque Police Department Chief of Police

M006664

**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

DATE

Via Certified Mail

Nicole Martinez

██████████

Albuquerque, NM 87190

**Re: CPC #119-13, Complaint filed by Ms. Gabaldon**

Dear Ms. Martinez:

The complaint Ms. Gabaldon filed against Officer E. of the Albuquerque Police Department (APD) was received by our office on June 11, 2013, for an incident which occurred on June 11, 2013. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate the complaint. The Administrative Office of the CPOA thoroughly and impartially investigated the complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) 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.

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. Gabaldon complained that Officer E. filed a false police report and that there was no evidence to support the assertion that she was making harassing phone calls. Officer E.'s police report indicated that he was dispatched on the day of the complaint, June 11, 2013, regarding a disturbance between Ms. Gabaldon and Alejandra Salas-Lopez.

Officer E. was familiar with the ongoing disturbance between the two people because Officer E. had dealt with a similar incident on May 4, 2013 in which Ms. Gabaldon admitted to repeatedly calling Ms. Salas-Lopez concerning bail for a man, Adam Chavez, who was Ms. Gabaldon's ex-boyfriend and Ms. Salas-Lopez's current boyfriend. The issue pertained to the bail that Ms. Gabaldon had posted for her ex-boyfriend. On May 4, 2013, Ms. Gabaldon

**Letter to Ms. Martinez**

**DATE**

**Page 2**

indicated to Officer E. that she would rather have a telephone harassment charge against her than lose the bail money she had posted.

When Officer E. met with Ms. Salas-Lopez, she showed him messages from 505-702-6000. Officer E. verified that this was Ms. Gabaldon's number through dispatch logs from the previous call and through a police database listing Ms. Gabaldon's contact information. The messages from Ms. Gabaldon included profanity, taunting, and caused Ms. Salas-Lopez to feel harassed.

Officer E.'s police report listed some, but not all of the harassing messages Ms. Gabaldon made to Ms. Salas-Lopez. The messages included statements such as, "Hey, dirty skank...;" "Hey stalker how ur day going?" and "And bitch please I'm not obsessed with that fool I only had to find him cuz I had bonded him out on that bond, but everything is cool now he's in custody! bahaha." Ms. Salas-Lopez tried to block contact from Ms. Gabaldon, but Ms. Gabaldon would use internet applications to circumvent the block, using the skills and knowledge Ms. Gabaldon had learned working for a cellular company.

Ms. Gabaldon denied sending the text messages and showed her empty text history as proof. Officer E. was aware of the fact that text messages could be erased. Officer E. looked at her internet history on the phone, which showed internet messages but did not show who the messages were sent to or the content of the messages/

Officer E. determined that Ms. Gabaldon's phone records were insufficient to show that she did not contact Ms. Salas-Lopez. In his police report, Officer E. noted that Ms. Gabaldon also referred to Ms. Salas-Lopez as a "popo ho" a term that was used in the messages to Ms. Salas-Lopez.

Based on the totality of the circumstances, Officer E. determined that there was a reasonable likelihood that Ms. Gabaldon had made the threatening and intimidating texts to Ms. Salas-Lopez. Officer E. issued a criminal summons based on his finding of probable cause and told Ms. Gabaldon that the ultimate determination would be up to the courts.

## **II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING EMPLOYEE E.'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, and interview an interview with Officer E.

A) The CPOA reviewed Standard Operating Procedure Procedural Order 2-24-3(F)(1), (4) & (5) regarding Officer E.'s conduct, which states:

*Steps to be followed in conducting preliminary investigations: 1. Observe all conditions, events and remarks. 4. Effect the arrest (in this case issue the summons) of the suspect. 5. Report the incident fully and accurately.*

M006666

Letter to Ms. Martinez

DATE

Page 3

Ms. Gabaldon's prior behavior in repeatedly contacting Ms. Salas-Lopez, Ms. Gabaldon's admitting to that behavior, Ms. Gabaldon's indication that she would continue to contact Ms. Salas-Lopez, the continued texts in the same vein of profane content, and the subject of the mutual boyfriend led to the summons being issued to her supported Officer E.'s conclusion that Ms. Gabaldon was harassing Ms. Salas-Lopez. Officer E. said he did not have evidence to support Ms. Gabaldon's denials in the face of her prior contact with Ms. Salas-Lopez and the text messages shown to him by Ms. Salas-Lopez. A preponderance of the evidence gathered supported Officer E.'s conclusions in charging Ms. Gabaldon.

The CPOA finds with regard to the allegation made by Ms. Gabaldon about Officer E.'s conduct that the allegation was **UNFOUNDED**, which means that the investigation determined, by clearing and convincing evidence that the alleged misconduct did not occur.

The complaint and these findings will be placed in Officer E.'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 Executive Director or the Chief to appeal that decision to the POC within ten business 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 and personnel of the APD are held accountable, and improving the process.

Sincerely,

Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M006667

## **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

Douglas Lovell

████████████████████  
Albuquerque, New Mexico 87102

**Re:    CPC # 121-15**

Dear Mr. Lovell:

Your complaint against the Albuquerque Police Department (APD) was received in our office on July 17, 2015. Your complaint was assigned to a Civilian Police Oversight Agency (CPOA) Investigator for review on July 21, 2015.

### **I. THE COMPLAINT**

Your complaint alleged you are being followed and harassed by Albuquerque Police Department (APD) officers on a daily basis for at least eight consecutive days however your complaint did not contain any information which would allow the CPOA to identify any APD officers.

### **II. THE INVESTIGATION**

An investigation into your complaint cannot be conducted without any identifying information regarding the suspected APD officers. Should you receive information in the future which would help us identify the officers, please contact our office and we will address the complaint at that time.

### **III. CONCLUSION**

By City Ordinance, we may only investigate and address complaints which are filed against the APD and its officers and employees we are able to identify. We do not have enough information to investigate your complaint because your complaint contains no identifying information about any APD officer or APD employee. Therefore, I am inactivating 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>.

M006668

**Letter to Mr. Lovell**  
**DATE**  
**Page 2**

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

Tanya Polchies  
[REDACTED]  
Sacramento, CA 95812

**Re: CPC #122-15**

Dear Ms. Polchies:

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on July 17, 2015 regarding an unspecified date in 2009 and a March 19, 2012 incident. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA investigated your complaint. The CPOA made a finding, based on the information you provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

**I. THE COMPLAINT**

Ms. Polchies wrote that she has resided in California since 2009, but APD records informed her there were reports that her identity had been stolen. Ms. Polchies listed a date of March 19, 2012. Ms. Polchies also wrote in 2009 several officers showed up at her home making the claim that her vehicle was involved in a bank robbery and entered her home without a warrant. After the officers left she called APD dispatch who told her officers had not been to her home nor had there been bank robberies. Ms. Polchies believed her neighbor arranged the officers to come to her home. The officers indicated her neighbor had been watching and listening to her. Ms. Polchies wrote her neighbor had said in the past that she had family members in law enforcement. Ms. Polchies wrote one of the officers that yelled at her in 2009 she has seen in California several times. Ms. Polchies wrote she has been a victim of hate crimes in California and there was a connection. Ms. Polchies wrote officers came to her neighbor's home several times and gave Ms. Polchies information they should not have.

Letter to Ms. Polchies

DATE

Page 2

## II. INVESTIGATION

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS) and the Citizen Police Complaint.

The CPOA Investigator reviewed the complaint Mrs. Bernier submitted. The CPOA Investigator preliminarily talked to Ms. Polchies to try to get more information. Ms. Polchies provided a correct address since the one she originally wrote in her complaint did not exist. Ms. Polchies also provided a case number for the case she said occurred in March of 2012.

The CPOA Investigator had APD records run Ms. Polchies name to locate any incidents involving her as well as the address she provided. The address revealed a couple of reports, but nothing involving her or any indication she lived at the address provided. A search of her name revealed some missing persons reports from 2007 and one report from January 2, 2012. The report from January matched the case number Ms. Polchies provided, but Ms. Polchies claimed that report was from March. The report took place at a hotel. The reason Ms. Polchies called police was that house-cleaning staff entered her hotel room. APD records also looked for cases involving Ms. Polchies' neighbor cross-referenced with Ms. Polchies, but nothing came up.

The CPOA Investigator spoke to Ms. Polchies again on August 11, 2015, to advise her that no information matched what she provided. Ms. Polchies again claimed she called police just after officers entered her home and wanted that call looked for. She also wanted a search done of any bank robberies in the time she stated in 2009. Ms. Polchies indicated during the conversation possibly officers from Las Cruces, NM posed as APD officers all connected to her ex-husband. She mentioned a specific name, which was not on the APD roster. Ms. Polchies said this all was interconnected to what was going on currently in California with her.

The CPOA Investigator had the APD Records and Data coordinator search for the phone number she claimed she used to call police. There were no phone calls made from that number during the time Ms. Polchies claimed it happened. No bank robberies occurred during the time Ms. Polchies claimed it happened. There is no information to identify what incident or officers caused Ms. Polchies to file her complaint.

## III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to not being able to identify any Albuquerque Police Officer related to this incident and not having enough information to further the investigation. The CPOA Investigator advised you of this possibility over the phone.

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

M006671

Letter to Ms. Polchies  
DATE  
Page 3

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

Cc: Albuquerque Police Department Chief of Police

M006672

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**

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*Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

DATE

Via Certified Mail

Tadeusz Niemyjski

██████████

Albuquerque, NM 87102

**Re: CPC #129-13**

Dear Mr. Niemyjski:

The complaint you filed against Officer T Albuquerque Police Department (APD) was received in our office on June 26, 2013 regarding an incident that occurred on June 25, 2013. A Civilian Police Oversight Agency (CPOA) Investigator and was assigned to investigate your Complaint, along with a contract investigator on behalf of the CPOA. 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**

Tadeusz (Tad) Niemyjski wrote in his complaint that on June 25, 2013 he was parked in his car on private property. Mr. Niemyjski that Officer T. pulled him over. Mr. Niemyjski alleged that Officer T. told him to leave the property and was verbally abusive to Mr. Niemyjski.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator and the contract investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Computer Aided Dispatch (CAD) Report, the Citizen Police Complaint, an interview with Mr. Niemyjski, and an interview with Officer T..

Letter to Mr. Niemyjski

DATE

Page 2

The CPOA reviewed Standard Operating Procedure 1-04-7(F) regarding Officer T.'s conduct, which states:

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

Mr. Niemyjski alleged that Officer T. told him to leave the property and was verbally abusive to Mr. Niemyjski. Officer T. denied that he was verbally abusive to Mr. Niemyjski. There was no lapel camera video available of the incident.

The CPOA finds Officer T.'s conduct to be **NOT SUSTAINED**, as there was insufficient evidence to determine whether the conduct occurred as alleged.

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

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

If you have a computer available, we would greatly appreciate 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

M006674

**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 Derringer  
[REDACTED]  
[REDACTED]  
Albuquerque, NM 87194

**Re: CPC #129-14**

Dear Mr. Derringer:

The complaint you filed against Detective J. of the Albuquerque Police Department (APD) was received in our office on June 27, 2014 regarding an incident that occurred in June 2014. A Civilian Police Oversight Agency (CPOA) Investigator and an independent contract investigator were 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**

David Derringer wrote in his complaint that he was involved with divorce proceedings with his ex-wife and there was a dispute about property and personal belongings. Mr. Derringer stated that he was assaulted by friends of his ex-wife and has filed two separate civil lawsuits against these people. Mr. Derringer alleged that some of his personal property was taken to his ex-wife's attorney's office and he alleged that property was moved and abandoned and he called APD to take a report. Mr. Derringer stated he had problems with missed and unreturned phone calls with Detective J.. Mr. Derringer alleged that Detective J. was hateful, vengeful, and had great animosity towards him. Mr. Derringer alleged that Detective J. advised him that he would need to pursue any further action in a civil court and Mr. Derringer had requested addresses to pursue a service of summons on his ex-wife and her attorney. Detective J. was concerned for their safety and refused to disclose any information. Mr.

Letter to Mr. Derringer

DATE

Page 2

Derringer attempted to talk to Detective J.'s lieutenant but he never returned his phone call. Mr. Derringer alleges that Detective J. facilitated the alleged larceny and embezzlement of his property by personally authorizing the ex-wife and her attorney to keep and dispose of his property. It should be noted that in his complaint Mr. Derringer identifies the Detective as a different name, but the correct Detective was identified through records.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA and the contract independent investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Report in the case, and a review of two recorded statements, one by the complainant and one by Detective J..

A) The CPOA reviewed Standard Operating Procedure 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. Derringer alleged that Detective J. violated his "oath of office" by refusing to pursue this matter as a criminal matter. Mr. Derringer also alleged that Detective J. violated New Mexico State Statutes when he did not pursue this incident as a criminal act. After interviewing Detective J., it is clear that this is a property dispute between husband and wife who are in the midst of a divorce. A police officer has no jurisdiction in this matter and no criminal act has occurred within Detective J.'s jurisdiction.

The investigation revealed Mr. Derringer called Detective J. and attempted to ascertain the current address of his ex-wife. Detective J. would not provide that information for good reason. Mr. Derringer stated in his complaint that Detective J. was "hateful, vengeful and had great animosity towards him." Mr. Derringer provided no evidence in his statement nor in his complaint to substantiate this claim. Detective J. stated that he was polite, professional and courteous toward Mr. Derringer.

The CPOA find Detective J.'s conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means that the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

Your complaint and these findings are made part of Detective J.'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

M006676

**Letter to Mr. Derringer**

**DATE**

**Page 3**

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

M006677

**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

Ricky Coleman

Albuquerque, NM 87102

**Re: CPC # 130-15**

Dear Mr. Coleman:

The complaint you filed against Officer M. of the Albuquerque Police Department (APD) was received in our office on July 24, 2015, regarding an incident that occurred on July 24, 2015.

**I. THE COMPLAINT**

Mr. Coleman complained that on July 24, 2015 at about 11:30 AM, he was at the bus stop located at Utah and Central Avenue, eastbound, when he was contacted by City of Albuquerque Transit officers and APD Officer M.. Mr. Coleman said the officers told him he was loitering because he did not get on the bus when it arrived at the stop and APD Officer M. issued him a Criminal Trespass Notification. Mr. Coleman also complained officers took a photograph of him and asked him to surrender his Sun Van picture identification card, which Mr. Coleman refused to do.

**II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed your complaint and contacted you on August 7, 2015 to schedule an interview on August 10, 2015. You did not show up for the interview, or call to cancel or reschedule. The CPOA Investigator contacted you, again, on August 12, August 20 and August 21, 2015 in an attempt to interview you over the phone however you were not available for an interview on any of those days and did not call back for the interview. Despite not being able to interview you, the CPOA Investigator interviewed Officer M. to determine whether, or not, Officer M. violated any APD Standard Operating Procedures (SOPs). The CPOA Investigator also reviewed Officer M.'s lapel video, which revealed Officer M. responded to the bus stop at Utah and Central Avenue at the request of Transit officers. Transit officers cannot issue Trespass notifications or citations and must rely on APD to do so. Additionally, the investigation revealed it was Transit officers and not Officer M. who took a photograph of you. The investigation conducted determined that Officer M. did not violate any SOPs by assisting the Transit officers.

M006678

Letter to Mr. Coleman  
DATE  
Page 2

### III. FINDINGS AND CONCLUSIONS

By City Ordinance, the CPOA 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 against the Transit officers. A review of APD Officer M.'s lapel camera video revealed that Officer M. did not violate any APD Standard Operating Procedures.

Therefore, I am administratively closing your complaint and no further investigation 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,

Robin S. Hammer  
Acting Executive Director

CC: Albuquerque Police Department, Chief of Police

M006679

**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]  
Albuquerque, NM 87102

**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

**Letter to Mr. Niemyjski**  
**Page 3**

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.

M006682

Letter to Mr. Niemyjski  
Page 4

Sincerely,

Robin S. Hammer, Esq.  
Independent Review Officer  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

M006683

**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

Garry Yedin  
[REDACTED]  
Albuquerque, NM 87121

**Re: CPC # 134-15**

Dear Mr. Yedin:

The complaint you filed against Officer C. of the Albuquerque Police Department (APD) was received in our office on July 28, 2015, regarding an incident that occurred on July 27, 2015.

**I. THE COMPLAINT**

Mr. Yedin complained that on July 27, 2015 at about 12:05 AM, sugar was poured on the outside of his gas tank. Mr. Yedin said he called APD to report the incident and Officer C. arrived approximately an hour and half later. Mr. Yedin said Officer C. called and requested a fingerprint examiner to come out and process his tank. however Officer C.'s request was denied because no sugar actually entered his gas tank.

**II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed your complaint and contacted you on August 7, 2015 and spoke with you about the incident. The CPOA Investigator learned that Officer C. responded to your residence reference someone tampering with your gas tank by pouring sugar in it. You said Officer C. requested a fingerprint technician to respond to the location to process your vehicle, but his request was denied. The CPOA Investigator explained the reason Officer C.'s request was most likely denied was due to the inability to prove someone tampered with your gas tank even if the unidentified fingerprint technician would have been able to obtain fingerprints from the gas tank lid. Additionally, the CPOA Investigator told you Officer C. took the appropriate action necessary for this type of call and did not violate any APD Standard Operating Procedures in regard to this incident. You told the CPOA Investigator the explanation made sense and that you were satisfied with it. You also told the CPOA Investigator you were satisfied with our investigation into the matter and that no further investigation would be necessary into the incident.

Letter to Mr. Yedin  
DATE  
Page 2

### III. FINDINGS AND CONCLUSIONS

The investigation conducted determined that Officer C. responded and took the appropriate action necessary for this type of call and did not violate any APD Standard Operating Procedures in regard to this incident. After you received the above information from the CPOA Investigator, you indicated that no further investigation into the matter was necessary.

Therefore, the Civilian Police Oversight Agency will be inactivating your complaint and no further investigation will occur. It is our hope that your complaint was resolved to your satisfaction by our office and by the Albuquerque Police Department.

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  
Acting Executive Director

CC: Albuquerque Police Department, Chief of Police

M006685

**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

August 26, 2015  
Via Certified Mail

Elizabeth Ashton  
[REDACTED]  
Albuquerque, NM 87112

**Re: CPC # 135-15**

Dear Ms. Ashton:

The complaint you filed against an Albuquerque Police Department (APD) 911 dispatcher was received in our office on July 28, 2015, regarding an incident that occurred on January 24, 2015.

**I. THE COMPLAINT**

Elizabeth Ashton complained that on July 24, 2015 at about 3:00 PM, she called Albuquerque Police Department (APD) 911 to report a possible lead on her stolen vehicle. Ms. Ashton told the APD 911 dispatcher her vehicle might be at 304 Texas Street NE because she tracked her iPad, which was inside her vehicle when it was stolen, to that address. Ms. Ashton complained the APD 911 dispatcher asked her to meet APD officers at 304 Texas Street NE, which was unsafe and could have put Ms. Ashton in harm's way. Ms. Ashton complained the dispatcher was also rude. Ms. Ashton said the dispatcher's suggestion to meet at a location where she might encounter suspects is a huge liability for the City. Ms. Ashton suggested the dispatcher receive more training so no one else will be put in danger.

**II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed Ms. Ashton's complaint and contacted Ms. Ashton on the phone on August 12, 2015. Ms. Ashton explained that she did not want to sue APD or make a big deal about this but wanted to make us aware of the dangers involved if a 911 dispatcher were to send someone to a location where a burglary and motor vehicle theft suspect may be while waiting on APD officers to arrive. 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.

**Letter to Ms. Ashton**

**DATE**

**Page 2**

On August 25, 2015, the CPOA Investigator spoke with APD's Dispatch Supervisor, Ms. W., who indicated that she had spoken with Ms. Ashton and discussed her complaint with you. Ms. W. said that she confirmed with Ms. Ashton that she would address the complaint with the 911 Dispatcher and speak to the Dispatcher about her behavior. Ms. Ashton indicated to Ms. W. that she was satisfied with the way Ms. W.'s actions to address the complaint. Ms. Ashton said that she did not want mediation or any further action taken.

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  
Acting Executive Director

CC: Albuquerque Police Department, Chief of Police

M006687

**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

Miles Donaldson

████████████████████  
Albuquerque, NM 87104

**Re: CPC #140-15**

Dear Mr. Donaldson:

The complaint you filed against Officer L. of the Albuquerque Police Department (APD) was received in our office on July 31, 2015 regarding an incident that occurred on July 31, 2015. 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**

Miles Donaldson said that on July 31, 2015 at about 1:00 PM, he was panhandling in his wheelchair at the intersection of Rio Grande and I-40. Mr. Donaldson said that his wife's sister, who lives in Oklahoma, had her leg amputated and he was trying to get money to help out his sister-in-law. Mr. Donaldson was approached by Officer L.. Mr. Donaldson said that Officer L. told him that he had ten seconds to leave the area and started counting down from 10. Mr. Donaldson said that Officer L. threatened to arrest him if he did not leave and the officer allegedly told Mr. Donaldson that if he did arrest him, he would leave his wheelchair behind. Mr. Donaldson complied and left the area. Mr. Donaldson returned to the same intersection on August 4, 2015 and allegedly, Officer L. drove by him twice on that day and told him to move. Mr. Donaldson did. Mr. Donaldson believed that panhandling was legal and he had allegedly been told by an unnamed APD Sergeant that what he was doing was okay.

Letter to Mr. Donaldson

DATE

Page 2

## **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 Standard Operating Procedures (SOPS), the Citizen Police Complaint, an interview with Mr. Donaldson and an interview with Officer L.. Officer L.'s lapel video recording of the incident was also reviewed.

A) The CPOA reviewed Standard Operating Procedure 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.*

Mr. Miles Donaldson said that on July 31, 2015 at about 1:00 PM, he was panhandling in his wheelchair at the intersection of Rio Grande and I-40. Mr. Donaldson said that his wife's sister, who lives in Oklahoma, had her leg amputated and he was trying to get money to help his sister in law out. Mr. Donaldson was approached by Officer L.. Mr. Donaldson said that Officer L. told him that he had ten seconds to leave the area and started counting down from 10. Mr. Donaldson said that Officer L. threatened to arrest him if he did not leave and the officer allegedly told Mr. Donaldson that if he did arrest Mr. Donaldson, Officer L. would leave Mr. Donaldson's wheelchair behind. Mr. Donaldson complied and left the area. Mr. Donaldson returned to the same intersection on August 4, 2015 and allegedly, Officer L. drove by him twice on that day and told him to move. Mr. Donaldson did. Mr. Donaldson believed that panhandling was legal and he had allegedly been told by an unnamed APD Sergeant that what he was doing was okay.

Mr. Donaldson was interviewed. Officer L. was interviewed. Officer L.'s lapel video was reviewed. Mr. Donaldson admitted that he was panhandling. Under City law, panhandling consists of any solicitation, begging, or any other form of asking for donations made in person upon any public place in the city in which a person requests an immediate donation of money or other gratuity from another person. A public place is defined in the ordinance as street, highway, or sidewalk, as well as many other places. Panhandling from a sidewalk is illegal. Mr. Donaldson was admittedly committing a violation of the law when he was approached by Officer L.. Officer L. had probable cause to approach and caution Mr. Donaldson that Mr. Donaldson was breaking the law and that Mr. Donaldson needed to leave or face the legal consequence for violating the law.

The lapel video showed that Mr. Donaldson was argumentative with Officer L.. Officer L. asked Mr. Donaldson to leave the area but Mr. Donaldson continued to argue with Officer L.. In an effort to get Mr. Donaldson to comply with the law and to stop panhandling, Officer L. increased his command presence by telling Mr. Donaldson that he had ten seconds to stop panhandling and to leave. By the time Officer L. was down to a count of 8, Mr. Donaldson was leaving; not happily, but leaving nonetheless. The tactic worked and Officer L. was able to accomplish his objective without having to make an arrest or take any enforcement action.

Letter to Mr. Donaldson

DATE

Page 3

The contact was proper and lawful. Officer L.'s behavior did not violate any policy or procedure of the Albuquerque Police Department.

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

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

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

If you have a computer available, we would greatly appreciate 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

M006690

**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.

Los Lunas, NM 87031

**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.

M006691

**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

M006692

**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

John Sowell  
[REDACTED]  
Albuquerque, NM 87123

**Re: CPC # 142-13**

Dear Mr. Sowell:

The complaint you filed against several officers of the Albuquerque Police Department (APD) was received in our office on July 16, 2013, regarding an incident that occurred for an incident that occurred earlier that day. Your case was assigned to a Civilian Police Oversight Agency (CPOA) Investigator and a contract independent investigator.

**I. THE COMPLAINT**

Mr. Sowell complained that on July 16, 2013 he was confronted by unknown uniformed APD officers while Mr. Sowell walking on a public street with an exposed rifle in his possession. According to Mr. Sowell, he refused to identify himself to the officers when the officers asked him to provide them with his name, in order for them to determine if he was a Felon in Possession of a firearm. Later the same morning, Mr. Sowell when he was wearing a pistol was encountered two other APD bicycle officers, who asked him for his identification. Mr. Sowell refused to provide his information. According to Mr. Sowell, the bicycle officers spoke with his apartment manager and obtained Mr. Sowell's personal information. Mr. Sowell alleged it was improper for the unknown officers to ask him for his information and for the officers to contact his apartment manager.

**II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator and the contract independent investigator attempted to determine which officers spoke with Mr. Sewell. A review of the Computer Aided Dispatch (CAD) Reports and police report for the day, time and locations failed to find any records. In addition, based upon Mr. Sewell's written complaint, there were not any violations of Standard Operating Procedures. Officers are permitted to speak with persons to attempt to determine whether or not a crime has been committed.

Letter to Mr. Sewell  
DATE  
Page 2

### III. FINDINGS AND CONCLUSIONS

By City Ordinance, the CPOA makes findings in cases where there is an allegation of a violation of a Standard Operating Procedure made against APD officers. The investigation revealed that no APD violated any APD Standard Operating Procedures and we could not identify which officers were involved. Therefore, the CPOA is administratively closing your complaint and no further investigation 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,

Robin S. Hammer  
Acting Executive Director

CC: Albuquerque Police Department, Chief of Police



*City of Albuquerque  
Civilian Police Oversight Agency*

Richard J. Berry, Mayor

Robin S. Hammer, Esq. Acting Executive Director

**Interoffice Memorandum**

August 27, 2015

**To:** File for CPC 145-15  
**From:** Robin S. Hammer  
**Subject:** Administratively Closing Anonymous Complaint

The complaint you filed against Officer A. of the Albuquerque Police Department (APD) was received in our office on August 10, 2015, regarding an incident that occurred on August 10, 2015.

**I. THE COMPLAINT**

An anonymous citizen complained that on August 10, 2015 at about 7:20 AM, they were at the intersection of Westside Boulevard and Trail Side Road in Rio Rancho, NM, when they witnessed APD Officer A. talking on a cell phone, turning without using a signal and obstructing a traffic lane.

**II. INVESTIGATION BY INDEPENDENT REVIEW INVESTIGATOR**

A Civilian Police Oversight Agency (CPOA) Investigator reviewed your complaint and interviewed Officer A. to determine whether, or not, Officer A. was at the aforementioned location on that date and time and whether, or not, Officer A. violated any APD Standard Operating Procedures (SOPs). The investigation revealed Officer A. could not recall this particular incident but he may have momentarily been without a hands-free device prior to plugging in the hands-free headset. The investigation revealed that while Officer A. could not recall this particular incident, he typically uses his turn signals while operating a motor vehicle. The investigation revealed that while Officer A. could not recall this particular incident, the intersection in which the alleged violation took place is extremely large making it very unlikely that his vehicle would have been obstructing traffic in that intersection.

**III. FINDINGS AND CONCLUSIONS**

The CPOA Investigator could not determine if the alleged misconduct occurred due to a lack of information.

Therefore, the CPOA will be administratively closing this complaint and no further investigation will occur.

M006695

## **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*  
Paul Skotchdopole, Assistant Lead Investigator

DATE  
Via Certified Mail

Jeremy Garner  
[REDACTED]  
Albuquerque, NM 87111

**Re: CPC #151-15**

Dear Mr. Garner:

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on August 21, 2015 regarding an alleged incident that occurred on April 18, 2008. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA investigated your complaint. The CPOA made a finding, based on the information you provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

### **I. THE COMPLAINT**

Mr. Garner complained that Officer K, Officer G. and Officer P. determined him incapable and suicidal in 2008. Mr. Garner stated the officers harassed, bullied and intimidated him. Mr. Garner stated what the officers did was lies and disrespectful.

### **II. INVESTIGATION**

The CPOA Investigator reviewed the complaint, which included a review of the applicable Standard Operating Procedures (SOPS) and previous police reports. The Investigation showed that in 2008 Mr. Garner was involved in an incident. The Investigator investigated the same concerns and issues Mr. Garner had previously filed in April 2015. Mr. Garner filed CPC 057-15 and was interviewed by the Investigator. During that interview the Investigator explained to Mr. Garner that there were no records of any misconduct or records of the specific incident Mr. Garner complained about. This citizen complaint concerns the same

Letter to Mr. Garner  
October 22, 2015  
Page 2

issues the Investigator spoke to Mr. Garner about previously and concurrently with this citizen complaint. Mr. Garner did provide officer names during this complaint however the investigation showed Officer K., Officer G. and Officer P. were all retired from the Albuquerque Police Department.

### **III. CONCLUSION**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to the allegations being duplicative, no SOP violations occurring by any member of the Albuquerque Police Department and a lack of any further information from Mr. Garner.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Paul Skotchdopole  
Assistant Lead Investigator

**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*                      *Susan Brown*  
Robin S. Hammer, Acting Executive Director

DATE  
Via Certified Mail

Diane P. Walsh  
[REDACTED]  
Albuquerque, NM 87176

**Re:    CPC # 152-15**

Dear Ms. Walsh:

Your complaint you filed against an unidentified member of the Albuquerque Police Department Telephone Reporting Unit (TRU) was received by our office on August 18, 2015 for an incident which occurred on March 7<sup>th</sup> or March 8<sup>th</sup>, 2015. Your complaint was assigned to a Civilian Police Oversight Agency (CPOA) Investigator for review and investigation.

**I. THE COMPLAINT**

You wrote that on March 7 or March 8, 2015, at about 8:30 AM, you called 242-COPS to report your car stolen. You were referred to the Telephone Reporting Unit to file the report as you had no information as to who stole the car or when it was stolen. You complained that when you called the TRU, the person who took your call refused to take your report because you told the person that you did not have insurance on your car. You alleged that the TRU person with whom you spoke, told you that you cannot report a car as stolen if you do not have insurance on the car. You alleged that the TRU person refused to take a report or give you a report number. You stated that you took no further action in reporting your stolen car until August of 2015.

You wrote that in August of 2015, a friend told you that he thought he had seen your car being towed somewhere. At that time you called the Albuquerque Police Department to inquire as to whether or not your car had been towed. You also wanted to report your car stolen at that time. On August 17, 2015, you reported your car stolen. Within 45 minutes of reporting it stolen, you were informed that the car had been towed by an APD officer on July 3, 2015 and the man who had been driving your car was not arrested but only cited and released. You complained that had you been able to report your car stolen in March of 2015, the man driving your car in July of 2015 would have been arrested and charged with stealing your car.

**Letter to Ms. Walsh**

**DATE**

**Page 2**

## **II. THE INVESTIGATION**

The CPOA Investigator conducted a preliminary investigation into your complaint. The CPOA Investigator spoke with you over the phone. You repeated what you had written in your complaint. The CPOA Investigator told you that he would try to determine who the person was with whom you spoke at the TRU. If that person could be identified a full investigation into the matter would be conducted. You said that you understood that it would be hard to identify the person who refused to take your report over the phone since the call was placed over five months ago. The Investigator told you that if he could not identify the TRU person with whom you spoke, that he would address the matter with the TRU Supervisor to make sure that the TRU employees were aware that you do not need to have insurance on a car to report it stolen. You also agreed that the officer who towed your car on July 3, 2015 did not commit any misconduct because there was no way for that officer to know at the time that your car was stolen.

The CPOA Investigator contacted the APD Research and Recording Unit and the Investigator tried to locate the date and time you called APD originally from the phone numbers that you provided to the Investigator. The only call coming from your cell phone was the one in August of 2015 you wanted to see if your car had been towed. There were no other calls found from your cell phone and records were checked back to December 1, 2014. When the Investigator had APD check an alternate phone number that you provided that you may have called from for the same time period, there was only a record of a call from APD going out to that number and there was no answer. The CPOA Investigator was unable to determine from the information provided, when you originally called the APD to report your car stolen. The CPOA Investigator further attempted to identify who it was from the TRU who told you that you could not file a report. The CPOA Investigator learned that the telephone lines in the TRU are not recorded. Even if the person who allegedly told you that you could not file a report was identified, since the telephone conversation was not recorded, there would be no way to prove or disprove the allegation that the person told you that you couldn't file a report because your car was not insured.

## **III. CONCLUSION**

Your complaint was investigated to the extent that we could investigate it. The person who answered the phone in the TRU could not be identified in spite of our best efforts to do so. Since the lines in the TRU are not recorded, there would be no way to independently prove or disprove your allegation. The CPOA Investigator did e-mail the TRU Supervisor and the Investigator made the Supervisor aware of your allegation. The TRU Supervisor told the Investigator that they would let the TRU staff know that insurance is not required on a vehicle before it can be reported stolen. Even though we could not conduct a formal investigation into your complaint, we hope that the complaint was addressed to your satisfaction. Because the alleged policy violation was minor and because the investigation could not be conducted for lack of evidence, the CPOA will be administratively closing your complaint without further investigation. If additional information or evidence becomes available, your complaint may be re-opened.

M006699

**Letter to Ms. Walsh**

**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,

Robin S. Hammer  
Acting Executive Director  
(505) 924-3770

CC: Albuquerque Police Department, Chief of Police

M006700

**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*

October 23, 2015  
Via Certified Mail

Dominique Garza  
None provided

**Re: CPC # 154-15**

Dear Ms. Garza:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on August 20, 2015, for an incident, which occurred on August 20, 2015. 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 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. 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. Garza wrote she observed PSA S. texting while driving his police vehicle.

The CPOA Investigator interviewed Ms. Garza. Ms. Garza reiterated that she observed PSA S. texting while driving his police vehicle. Ms. Garza stated this went on for about five minutes before he noticed her and tossed his phone aside. She had no other complaints about his driving.

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

The investigation included review of the Complaint, SOPs, and interviews of Dominique Garza and PSA S..

Letter to Ms. Garza  
DATE  
Page 2

(A) The CPOA reviewed Standard Operating General Order 1-04-4Z2a regarding PSA S.' conduct, which states:

*Except for emergency communication, the use of hand-held cellular telephones or electronic devices is prohibited while operating a city vehicle.*

Ms. Garza observed a PSA texting while driving. The two of them were traveling in the same direction on Candelaria. She saw the PSA was on a smart phone glancing to the side of his lap. She would not have filed the complaint if he had been on his computer. She estimated it was about five minutes before he noticed her and tossed his phone to the side.

Ms. Garza had nothing additional to add other than she observed the texting while driving. PSA S. denied the allegation. There was no additional evidence to review. Ms. Garza did not want a findings letter and refused to provide an address.

The CPOA finds PSA S.' conduct to be **NOT SUSTAINED** regarding the allegation of a violation of this SOP, which means the investigation was unable to determine whether the alleged misconduct occurred.

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

Paul Skotchdopole.  
Assistant Lead Investigator

cc: Albuquerque Police Department Chief of Police

M006702

**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

Diana Rodriguez  
[REDACTED]  
Albuquerque, NM 87193

**Re: CPC #162-14**

Dear Ms. Montoya:

The complaint you filed against Officers of the Albuquerque Police Department (APD) was received in our office on August 25, 2014 regarding an incident that occurred on September 1, 2013. A Civilian Police Oversight Agency (CPOA) Investigator and an independent contract investigator were 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**

Diana Rodriguez wrote in her complaint that her daughter, Krysten Rodriguez, was involved in an accident on September 1, 2013. A Harley Davidson motorcycle driven by Enos Herkshan ran into the side of Krysten Rodriguez' vehicle. According to the complaint, Mr. Herkshan was travelling at over 100 miles per hour when the collision occurred. Mr. Herkshan was intoxicated at the time of the accident and was charged with DWI. Assistant District Attorney Evan Woodward was the state representative for the case. Mr. Woodward claimed that on four occasions he requested interviews from the Albuquerque Police Officers on this case. According to the complaint, not one of the officers ever showed up for the interview.

Letter to Ms. Rodriguez

DATE

Page 2

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator and the independent contract investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the court case docket sheet, the Computer Aided Dispatch (CAD) report, interviews with Officer M., Assistant District Attorneys Evan Wood and Taryn Kaselonis.

A) The CPOA reviewed Standard Operating Procedure 2-01-3 regarding the officer's conduct, which states:

*All personnel directed to appear in court, pretrials, or M.V.D. hearings must appear and be prepared to testify. A special court notice, posted court/M.V.D. hearing notices, or subpoenas are considered an order to appear. For civil case subpoena and conflict of interest case directions, see subsections 2-01-6 and 2-01-8.*

The Bernalillo County Metropolitan Court docket showed the mandatory scheduled hearings. Assistant District Attorney Evan Woodward who handled the case said the court case was dismissed due to the time limit rule in Metro court requiring a defendant to be tried within six (6) months of that defendant being charged. All the officers showed up for every scheduled court appearance and all officers complied with every request for pretrial interviews by the defense until the final setting. The final court setting was scheduled for a day when Officer Miller was off work on approved leave. Unfortunately, this case was called and delayed on at least two occasions causing the rule to run before Mr. Herkshan could be prosecuted.

The CPOA find the officers conduct to be UNFOUNDED regarding the allegation of a violation of this SOP, which means that the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

Your complaint and these findings are made part of Officer M.'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> .

M006704

**Letter to Ms. Rodriguez**

**DATE**

**Page 3**

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

**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        Susan Brown*  
Paul Skotchdopole, Assistant Lead Investigator

October 2, 2015

Mr. Victor Ramos  
[REDACTED]  
Albuquerque, NM 87112

**Re:    Citizen Police Complaint 162-15**

Dear Mr. Ramos:

Your complaint against the Albuquerque Police Department (APD) was received by our office on August 24, 2015 for an incident which occurred on August 21, 2015. Your complaint was reviewed by the Civilian Police Oversight Agency (CPOA) Assistant Lead Investigator and a preliminary investigation was conducted.

**I. THE COMPLAINT**

You wrote in your complaint that on August 21, 2015, you were the victim of a home invasion and you were violently assaulted. You wrote on your complaint that you did not have an issue with any particular officer but that the Albuquerque Police Department was being slow to respond to the investigation of the crime committed and you had not had any follow up from APD. You requested our assistance in getting someone to follow up on the investigation.

**II. THE INVESTIGATION**

The CPOA Assistant Lead Investigator conducted a preliminary investigation into your complaint. On August 28, 2015 The CPOA Investigator sent a copy of your complaint to the Commander of the Criminal Investigations Division. There was a short delay in getting your report to the appropriate division for investigation. The Property Crimes Division Commander reviewed your complaint and assigned an investigator to your case that day. On September 2, 2015, the CPOA Investigator contacted you by phone and discussed the actions taken by this office with you. You indicated that a Detective had been assigned to you and was working with you on recovering some of the property that was stolen from you. The Detective was also trying to find out who may have committed the crime. You indicated that you were satisfied with the action of the CPOA Investigator and that no further action would be necessary as far as our office was concerned.

**III. CONCLUSION**

We are sorry that you were a victim of such a violent crime. We hope that our actions contributed to a quicker response and follow up by APD. Our hope is that the offenders will

be caught and prosecuted to the fullest extent allowed by law. Should you need further assistance from this office in the future, please do not hesitate to contact us. Because you indicated that you were satisfied with our response and because you indicated that no further action was necessary on your complaint, I am administratively closing your complaint without further investigation.

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

Please contact me if you have any questions or concerns.

Sincerely,

Paul Skotchdopole  
Assistant Lead Investigator  
(505) 924-3773

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*

*Leonard Waites, Chair*

*Jeffery Scott Wilson, Co-Vice Chair*

*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

October 23, 2015  
Via Certified Mail

Vicky Rosemary Tapia

██████████  
Albuquerque, NM 87123

**Re: CPC #164-15**

Dear Ms. Tapia:

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on September 8, 2015 regarding an alleged incident on an unknown date. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint.

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

### **I. THE COMPLAINT**

Ms. Tapia wrote she called police to report her bankcard was stolen at another time. Ms. Tapia wrote the officer told her if she kept calling police, she could lose her housing voucher. Ms. Tapia wrote she did not understand the officer's comment when she called because she needed help.

### **II. INVESTIGATION**

The CPOA Investigator reviewed the complaint Ms. Tapia submitted. Ms. Tapia did not provide a date of incident. Ms. Tapia said the incident occurred at Motel 76, but there are two locations in town. Ms. Tapia provided one phone number on her complaint, but it was not her phone number. A friend provided other potential numbers for her.

The CPOA Investigator contacted Ms. Tapia on October 20, 2015 on one the numbers she provided. The CPOA Investigator mentioned her complaint could not be investigated without some basic information. Ms. Tapia said she was not sure she wanted to pursue the complaint and would call back by the end of the week. At the end of the week, the CPOA Investigator called Ms. Tapia on October 23, 2015 to see what she wanted to do with her complaint. Ms. Tapia wanted to withdraw her complaint. The CPOA Investigator asked Ms. Tapia if she received any coercion or intimidation to withdraw her complaint. Ms. Tapia said no and simply did not want to pursue it.

### **III. CONCLUSION**

M006708

**Letter to Mrs. Bernier**

**DATE**

**Page 2**

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, due to not having enough information to further the investigation and your desire to withdraw the complaint.

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

Paul Skotchdopole  
Assistant Lead Investigator

M006709

**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

**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

██████████  
Albuquerque, NM 87106

**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.

**Letter to Mr. Strones**

**DATE**

**Page 2**

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..

**Letter to Mr. Strones**

**DATE**

**Page 3**

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

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Letter to Mr. Strones  
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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.*

Letter to Mr. Strones

DATE

Page 5

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:

Letter to Mr. Strones

DATE

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*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.

M006716

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

M006717

**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]  
Albuquerque, NM 87106

**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.

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.*

**Letter to Mr. and Mrs. Begay**

**Page 3**

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.

Letter to Mr. and Mrs. Begay

Page 4

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.

M006722

**Letter to Mr. and Mrs. Begay**

**Page 6**

Acting Executive Director

cc: Albuquerque Police Department Chief of Police

M006723

## **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*

Paul Skotchdopole, Assistant Lead Investigator

October 12, 2015  
Via Certified Mail

Lisa Ann DeWeese  
[REDACTED]  
Albuquerque, New Mexico 87057

**Re:    CPC # 181-15**

Dear Ms. DeWeese:

We received your original complaint against Bernalillo County Sheriff's Office (BCSO) Deputy C. on September 23, 2015. Since that time you have file numerous other complaints against BCSO Deputy C. Your complaints were assigned to a Civilian Police Oversight Agency (CPOA) Investigator for review on September 25, 2015.

### **I. THE COMPLAINT**

Your complaints alleged misconduct on the part of BCSO Deputy C. 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

M006724

**Letter to Ms. DeWeese**

**Page 2**

because your complaint contains no allegations of misconduct by any APD officer or APD 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

Paul Skotchdopole  
Assistant Lead Investigator  
(505) 924-3770

CC: Albuquerque Police Department, Chief of Police

DRAFT

M006725

**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

Renell Hull  
[REDACTED]  
Albuquerque, NM 87108

**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.

## 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 [REDACTED], 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,

**Letter to Mrs. Hull**  
**Page 4**

Robin S. Hammer, Esq.  
Independent Review Officer  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

M006729

**CIVILIAN POLICE OVERSIGHT AGENCY**

**Police Oversight Board**

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*Dr. Jeannette Baca*

*Joanne Fine*

*Dr. Susanne Brown*

*Rev. Dr. David Z. Ring III*

October 22, 2015  
Via Certified Mail

Jose Castillo

████████████████████  
Albuquerque, NM 87121

**Re: CPC # 183-15**

Dear Mr. Castillo:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on September 18, 2015 for an incident, which occurred on September 18, 2015. 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 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. 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**

Jose Castillo wrote on September 18, 2015 he was pulled over by Officer H. Mr. Castillo complained that Officer H. cited and towed his vehicle for having the windows tinted too darkly and for tint on the front windshield. Mr. Castillo also complained that Officer H. was rude and his conduct was unacceptable when Officer H. told Mr. Castillo's sister to "shut up" and that Officer H. made Mr. Castillo's children cry.

On October 20, 2015 the Investigator interviewed Mr. Castillo. Mr. Castillo reiterated what was in his complaint and nothing else to add. The Investigator informed Mr. Castillo that he could contact Risk Management to file a claim in regards to the monies he incurred due to the towing of his vehicle.

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

The investigation included review of the Complaint, SOPs, Computer-Aided Dispatch Report (CAD), Officer H.'s lapel video, interviews of Officer H. and Mr. Castillo and review of applicable New Mexico State laws.

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

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

Mr. Castillo complained that Officer H. told his sister to "shut up" and that Officer H. made Mr. Castillo's children cry. Mr. Castillo stated Officer H. was rude and disrespectful.

Lapel video showed Officer H. never told Mr. Castillo's sister to "shut up". Lapel video showed Officer H. explaining to Mr. Castillo's sister that he was explaining the tow and paperwork to Mr. Castillo because he was the driver and the vehicle was Mr. Castillo's. Lapel video also showed Officer H. never doing or saying anything to the children of Mr. Castillo causing them to cry.

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

(B) The CPOA reviewed Standard Operating General Order 2-48-2 (4) (A) regarding Officer H., which states:

*Any police officer may order the impoundment of any vehicle within the municipal corporate limits, without prior notice to the owner or operator of the vehicle, when a vehicle is being driven unsafely under state law due to one of the following:*

- i. Failure to have insurance on the vehicle as required and as documented....*
- ii. Failure to have a driver's license as shown by the NM Department of Motor Vehicles*
- iii. Driving while the license has been suspended or revoked...*

Mr. Castillo complained that Officer H. towed his vehicle for tinted windows. Mr. Castillo knew the windows were tinted too dark, however his vehicle should not have been towed causing a loss of money.

Letter to Mr. Castillo

DATE

Page 3

The investigation showed, that although Mr. Castillo's windows, including the front windshield, were tinted beyond the allowance of New Mexico state law, Mr. Castillo's truck should not have been towed. New Mexico State laws have two statutes separating sun screen of windows and unsafe motor vehicles. New Mexico state law 66-3-846.1 states:

*A. A person shall not operate on any street or highway a motor vehicle that is registered or required to be registered in this state if that motor vehicle has a sun screening material on the windshield or any window that does not comply with the requirements of this section.*

*B. Except as otherwise provided in this section, a sun screening material:*

*(1) when used in conjunction with the windshield, shall be nonreflective, shall not be red, yellow or amber in color and shall be used only along the top of the windshield, not extending downward beyond the ASI line or more than five inches from the top of the windshield, whichever is closer to the top of the windshield; and*

*(2) when used in conjunction with the safety glazing materials of the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rearmost window shall be nonreflective, shall have a light transmission of not less than twenty percent and shall be used only on the windows of a motor vehicle equipped with one right and one left outside rearview mirror.*

*C. Each manufacturer shall:*

*(1) certify to the division that a sun screening material used by that manufacturer is in compliance with the nonreflectivity and light transmission requirements of this section;*

*(2) provide a label not to exceed one and one-half square inches in size that:*

*(a) is installed permanently and legibly between the sun screening material and each glazing surface to which it is applied;*

*(b) contains the manufacturer's name, the date that the sun screening material was manufactured and the percentage of light transmission; and*

*(c) is placed in the left lower corner of each glazing surface when facing the motor vehicle from the outside; and*

*(3) include instructions with the sun screening material for proper installation, including the affixing of the label specified in this subsection.*

*D. No person shall:*

*(1) offer for sale or for use any sun screening material for motor vehicle use not in compliance with this section; or*

Letter to Mr. Castillo

DATE

Page 4

*(2) install any sun screening material on motor vehicles intended for operation on any street or highway without permanently affixing the label specified in Subsection C of this section.*

*E. The provisions of this section do not apply to a motor vehicle registered in this state in the name of a person, or the person's legal guardian, who has an affidavit signed by a physician or an optometrist licensed to practice in this state that states that the person has a physical condition that makes it necessary to equip the motor vehicle with sun screening material that is in violation of this section. The affidavit shall be in the possession of the person with such a physical condition, or the person's legal guardian, at all times while being transported in the motor vehicle.*

*F. The light transmission requirement of this section does not apply to windows behind the driver on truck tractors, buses, recreational vehicles multipurpose passenger vehicles and motor homes. The provisions of this section shall not apply to motor vehicle glazing which complies with federal motor vehicle standards.*

*G. The provisions of this section do not apply to motor vehicles that have sun screening material on the windshield or any window prior to the effective date of this section.*

*H. As used in this section:*

*(1) "light transmission" means the ratio of the amount of total light that passes through a product or material, expressed in percentages, to the amount of the total light falling on the product or material;*

*(2) "manufacturer" means any person engaged in the manufacturing or assembling of sun screening products or materials designed to be used in conjunction with motor vehicle glazing materials for the purpose of reducing the effects of the sun;*

*(3) "nonreflective" means designed to absorb light rather than [than] to reflect it; and*

*(4) "sun screening material" means any film material, substance, device or product that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.*

***I. Any person who violates any provision of this section is guilty of a petty misdemeanor and upon conviction shall be punished by a fine of not more than seventy-five dollars (\$75.00).***

The New Mexico State law Officer H. used to tow Mr. Castillo's vehicle was 66-3-901, which states:

**6-3-901. Vehicles without required equipment or in unsafe condition.**

M006733

Letter to Mr. Castillo

DATE

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*No person shall drive or move on any highway any motor vehicle, trailer, semitrailer or pole trailer or any combination thereof unless the equipment upon every vehicle is in good working order and adjustment as required in the Motor Vehicle Code [66-1-1 NMSA 1978], and the vehicle is in such safe **mechanical** condition as not to endanger the driver or other occupant or any person upon the highway.*

Mr. Castillo's vehicle, mechanically, was within the law and Mr. Castillo removed the front window tint while Officer H. was there. Officer H. should not have towed Mr. Castillo's vehicle.

The CPOA find Officer H. **SUSTAINED**, which means the investigation determined by preponderance of the evidence that the alleged misconduct did occur.

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.

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

Paul Skotchdopole.  
Assistant Lead Investigator

cc: Albuquerque Police Department Chief of Police

M006734

**CIVILIAN POLICE OVERSIGHT AGENCY**

*Dr. Moira Amado-McCoy*    *Dr. Jeannette Baca*    *Eric H. Cruz*  
*Joanne Fine*                *Beth Mohr*                *Rev. Dr. David 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 0479

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. [REDACTED] parents agreed that it would be okay for [REDACTED] to go to his father's house.

Letter to Mrs. Hill  
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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  
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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

M006739

**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

Patricia Rivers  
[REDACTED]  
Albuquerque, NM 87114

**Re: CPC #190-13**

Dear Ms. Rivers:

The complaint you filed against Sergeant T., Detective C. and Officer B. of the Albuquerque Police Department (APD) was received in our office on September 4, 2013 regarding an incident that occurred on August 27, 2013. A Civilian Police Oversight Agency (CPOA) Investigator and an independent contract investigator were 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**

Patricia Rivers wrote in her complaint that on August 27, 2013, Albuquerque Police Department Officers came to her door, entered her house and repeatedly asked her questions while interrogating her. Ms. Rivers further alleged that as many as six officers entered her house during the incident and looked around the house without gaining consent to do so. Ms. Rivers alleged that officers were looking for her son, who they claimed had a battery charge and an intimidation charge. Ms. Rivers alleged that she was harassed by the officers.

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

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DATE

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The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator and contract independent investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Report in the case and a review of lapel camera recording.

A) The CPOA reviewed Standard Operating Procedure 2-17-1 regarding procedure, which states:

*Department policy is to provide officers with guidelines to conduct warrantless searches and seizures in order to uphold individual civil rights, protect officers and others, and govern the collection of evidence.*

Officer B. and Detective C. were interviewed via the telephone. The investigation revealed that Officer B. gone to 4409 Mountvale Ave. NW to assist Northwest Impact Team Members in locating a suspect who was wanted for Felony Battery and Intimidation of a Witness. When they arrived, they made contact with Patricia Rivers. Ms. Rivers told officers that her son was not home and asked officers to come in. Officer B. stayed in the entrance and living room. Officer B. could not remember if he walked all the way into the house or just stood outside and in the entry area of the house. Officer B. did not conduct a protective sweep and does not recall anyone else conducting a sweep. Officer B. did not witness any behavior on the part of officers that he though was inappropriate.

Detective C. had driven to the residence because this was the listed residence for Patricia River's son, Desmond Spikes. Mr. Spikes was wanted for Battery and Intimidation of a Witness regarding an incident that occurred on August 1, 2013. After conducting an investigation, Detective C. had obtained from the court an arrest warrant for Mr. Spikes. Officer B. and Sergeant T. accompanied him. They knocked at the door. Ms. Rivers answered and invited the officers into her home. Ms. Rivers wanted to know about the charges levied against her son and if the charges were based on rumor. Detective C. explained that the victim had sustained serious injuries from her son and that there were a number of witnesses who had identified him as the perpetrator of the crime. In addition, the crime was captured on video. After a short conversation the officers left. No one conducted a protective sweep of the residence. Officer C. did not see any officer conduct himself in a manner that was inappropriate or unprofessional. Detective C. made lapel camera recording of the incident.

The lapel camera recording was reviewed and revealed that only three officers were at the incident. Ms. Rivers answered the door and invited officers into her home. She told officers that her son was not home. At no time did any officer ever leave the room that Ms. Rivers had asked officers to come into. The video showed that the officers did not search the residence. The video showed that the officers were courteous and answered all of Ms. River's questions. All three officers made every attempt to reasonably explain why they were looking for her son. At no time did officers interrogate Ms. Rivers. No one repeatedly asked any questions.

M006741

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DATE  
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The CPOA finds Sergeant T.'s conduct to be **UNFOUNDED** regarding the allegation of a violation of this SOP, which means that the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator and contract independent investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Report in the case and a review of lapel camera recording.

A) The CPOA reviewed Standard Operating Procedure 2-17-1 regarding procedure, which states:

*Department policy is to provide officers with guidelines to conduct warrantless searches and seizures in order to uphold individual civil rights, protect officers and others, and govern the collection of evidence.*

Officer B. and Detective C. were interviewed via the telephone. The investigation revealed that Officer B. gone to 4409 Mountvale Ave. NW to assist Northwest Impact Team Members in locating a suspect who was wanted for Felony Battery and Intimidation of a Witness. When they arrived, they made contact with Patricia Rivers. Ms. Rivers told officers that her son was not home and asked officers to come in. Officer B. stayed in the entrance and living room. Officer B. could not remember if he walked all the way into the house or just stood outside and in the entry area of the house. Officer B. did not conduct a protective sweep and does not recall anyone else conducting a sweep. Officer B. did not witness any behavior on the part of officers that he though was inappropriate.

Detective C. had driven to the residence because this was the listed residence for Patricia River's son, Desmond Spikes. Mr. Spikes was wanted for Battery and Intimidation of a Witness regarding an incident that occurred on August 1, 2013. After conducting an investigation, Detective C. had obtained from the court an arrest warrant for Mr. Spikes. Officer B. and Sergeant T. accompanied him. They knocked at the door. Ms. Rivers answered and invited the officers into her home. Ms. Rivers wanted to know about the charges levied against her son and if the charges were based on rumor. Detective C. explained that the victim had sustained serious injuries from her son and that there were a number of witnesses who had identified him as the perpetrator of the crime. In addition, the crime was captured on video. After a short conversation the officers left. No one conducted a protective sweep of the residence. Officer C. did not see any officer conduct himself in a manner that was inappropriate or unprofessional. Detective C. made lapel camera recording of the incident.

The lapel camera recording was reviewed and revealed that only three officers were at the incident. Ms. Rivers answered the door and invited officers into her home. She told officers that her son was not home. At no time did any officer ever leave the room that Ms. Rivers had asked officers to come into. The video showed that the officers did not search the residence. The video showed that the officers were courteous and answered all of Ms. River's questions. All three officers made every attempt to reasonably explain why they were looking for her son. At no time did officers interrogate Ms. Rivers. No one repeatedly asked any questions.

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

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator and contract independent investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Report in the case and a review of lapel camera recording.

A) The CPOA reviewed Standard Operating Procedure 2-17-1 regarding procedure, which states:

*Department policy is to provide officers with guidelines to conduct warrantless searches and seizures in order to uphold individual civil rights, protect officers and others, and govern the collection of evidence.*

Officer B. and Detective C. were interviewed via the telephone. The investigation revealed that Officer B. gone to 4409 Mountvale Ave. NW to assist Northwest Impact Team Members in locating a suspect who was wanted for Felony Battery and Intimidation of a Witness. When they arrived, they made contact with Patricia Rivers. Ms. Rivers told officers that her son was not home and asked officers to come in. Officer B. stayed in the entrance and living room. Officer B. could not remember if he walked all the way into the house or just stood outside and in the entry area of the house. Officer B. did not conduct a protective sweep and does not recall anyone else conducting a sweep. Officer B. did not witness any behavior on the part of officers that he though was inappropriate.

Detective C. had driven to the residence because this was the listed residence for Patricia River's son, Desmond Spikes. Mr. Spikes was wanted for Battery and Intimidation of a Witness regarding an incident that occurred on August 1, 2013. After conducting an investigation, Detective C. had obtained from the court an arrest warrant for Mr. Spikes. Officer B. and Sergeant T. accompanied him. They knocked at the door. Ms. Rivers answered and invited the officers into her home. Ms. Rivers wanted to know about the

Letter to Mr. Tutar

DATE

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charges levied against her son and if the charges were based on rumor. Detective C. explained that the victim had sustained serious injuries from her son and that there were a number of witnesses who had identified him as the perpetrator of the crime. In addition, the crime was captured on video. After a short conversation the officers left. No one conducted a protective sweep of the residence. Officer C. did not see any officer conduct himself in a manner that was inappropriate or unprofessional. Detective C. made lapel camera recording of the incident.

The lapel camera recording was reviewed and revealed that only three officers were at the incident. Ms. Rivers answered the door and invited officers into her home. She told officers that her son was not home. At no time did any officer ever leave the room that Ms. Rivers had asked officers to come into. The video showed that the officers did not search the residence. The video showed that the officers were courteous and answered all of Ms. River's questions. All three officers made every attempt to reasonably explain why they were looking for her son. At no time did officers interrogate Ms. Rivers. No one repeatedly asked any questions.

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

Your complaint and these findings are made part of Sergeant T., Detective C. and Officer B.'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

M006744

Letter to Mr. Tutar  
DATE  
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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

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.

Letter to Mr. Barnes  
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Page 2

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

**Letter to Mr. Barnes**

**March 13, 2015**

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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:

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*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.

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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.

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

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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*  
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*Eric H. Cruz*     *Joanne Fine*     *Rev. Dr. David Z. Ring III*  
Robin S. Hammer, Acting Executive Director

Via Certified Mail

Jonathan Carver  
[REDACTED]  
Los Lunas, NM 87031

**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

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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

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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

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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

M006758

**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  
[REDACTED]  
Albuquerque, NM 87108

**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

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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

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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

Letter to Mr. Garcia

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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.

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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.

Letter to Mr. Garcia

March 13, 2015

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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

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Robin S. Hammer, Esq.  
Acting Executive Director

cc: Albuquerque Police Department Chief of Police

## **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

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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. Courtois'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,

Letter to Mr. Pollard  
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“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.

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**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

**Letter to Mr. Pollard**  
**April 10, 2015**  
**Page 6**

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

**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]  
Albuquerque, NM 87109

**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

Letter to Ms. Bradford

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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

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Letter to Ms. Bradford

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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

M006775

## **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

Donald Packingham

████████████████████  
Albuquerque, NM 87105

**Re: CPC #213-14**

Dear Mr. Packingham:

The complaint you filed against Officer M., of the Albuquerque Police Department (APD) was received in our office on November 24, 2014 regarding an incident that occurred on August 24, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) 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. Don Packingham wrote in his complaint that on August 24, 2015 his vehicle was burglarized in the parking lot of 3501 Atrisco Drive NW. An officer came out and took a report. Later that day, Mr. Packingham was approached by a female who told him that she saw who may have committed the burglary. She witnessed and man and a woman trying to get into cars by pulling on door handles at about 4:30 AM that morning. When Mr. Packingham asked the female if she called the police, the woman told him that she did but no one ever showed up. The woman said that she watched the man and woman get into Mr. Packingham's truck and remove items and she called the police back at that time to report what she saw and where the offenders went. The woman said that the police arrived about 30 minutes after the first call. She said that she talked to the police officer who arrived but that he was a jerk and wouldn't write anything down and that he didn't even get out of his carto investigate. The officer, later identified as Officer M., allegedly just drove through the

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parking lot and said everything looked fine and he left. The female gave Mr. Packingham the license plate to the suspect's vehicle and told Mr. Packingham what apartment the offenders had gone into. Mr. Packingham called the officer who took the report and the officer told him that he would call the Northwest Impact Team Sergeant and relay the new information to him, but that because it was a Sunday, the Impact Detectives probably would not come out to handle the case. Mr. Packingham met with the reporting officer, Detective L., and gave Detective L. a written statement as to what the unidentified female told him. It wasn't until September 2, 2014 that another APD Detective followed up on the case and got a Search Warrant for the apartment where the offenders resided. Only a camera belonging to Mr. Packingham was recovered. His guns, stolen in the burglary, never were recovered. Mr. Packingham complained that the original officer should have conducted a better investigation and that APD should have responded immediately to the information provided and obtained a Search Warrant for the offender's apartment immediately, rather than waiting long as they did.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Reports in the case, The Computer Assisted Dispatch (CADS) Reports, an interview with Mr. Packingham, and interviews with Officer M., and Detective L.. There was no lapel video available because MR. Packingham did not file his complaint until 92 days after the incident. By the time the investigation into the complaint was started, the lapel video had been deleted.

A) The CPOA reviewed Standard Operating Procedure 2-24-3 A (1) regarding Officer M.'s conduct, which states:

*Field Services officers will conduct preliminary investigations on all felony and misdemeanor crimes and any other incidents of a suspicious nature.*

Mr. Packingham complained that Officer M. had an inadequate response to and conducted an insufficient preliminary investigation into an anonymous call for service that vehicles were being broken into in an apartment complex where his truck was parked. Mr. Packingham believed, based on what he was told by an anonymous witness, that the police officers did not respond to an initial call for service and when they did come out after the second call, 20-30 minutes later, the officers didn't even get out of their patrol cars. He believed that the officers who responded to the call just drove through the parking lot, indicated that everything was fine and then left. Mr. Packingham discovered his truck had been broken into and items were stolen.

The investigation showed that Officer M. was the primary officer on the call for service. The CADS report on the original call was numbered 142360278. It showed that at 4:22 AM, a caller advised that she saw a male outside in the parking lot of the apartments pulling on door handles and looking into vehicles. According to the caller, the man had not broken into any

**Letter to Mr. Packingham**

**DATE**

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vehicles at that time. The caller advised that the suspect possibly had some kind of badge pinned onto his shirt. The caller reported that she could not see the man very well but that she would call back if the situation changed. The call was coded a priority two call. Officer M. and another APD Officer were dispatched to the call at 4:32 AM. At 4:34 AM, the woman caller called back and advised that the people she originally reported were now getting into vehicles in the parking lot. The caller was whispering and it was very hard to understand the caller. Officer M. arrived at 5:06 AM. At 5:17 AM, Officer M. ran a license plate on a vehicle. That license plate was the license plate on Mr. Packingham's vehicle. Officer M. noted in the CADS at 5:21 AM, that he made contact with the anonymous caller. The caller gave vague information about the vehicles and the subjects. Officer M. wrote, "At this time negative vehicles were located that appeared to be burglarized. Everything appears to be 10-4 at this time." Officer M. cleared the call at 5:40 AM, meaning he left the scene 24 minutes after arriving.

The investigation revealed that when Officer M. arrived on scene they were flagged down by the female who wished to remain anonymous. The female was sitting in a car in the parking lot. Officer M. spoke to the female. The female told him that she had called and that it was "that vehicle over there." The female only motioned with her head as to which vehicle she was pointing to. She told Officer M. that the blue truck she had called about was "over there." The female refused to give Officer M. any further information and she drove away from the parking lot. The female did not offer any additional suspect information. Officer M. walked around the parking lot and checked all of the vehicles and he did not see any vehicles or trucks that appeared to have been burglarized. He saw no broken windows, no shattered glass, or anything like that. There was a single truck that looked like it might have been burglarized. The truck appeared to be a contractor type vehicle. The truck had papers throughout the cab but it could have just been messy and not burglarized. There were no signs of forced entry on any of the vehicles that the officer checked. Officer M. did run a plate through dispatch and it ended up that the plate that he ran did belong to the victim/complainant but the plate returned to a business and not to anyone living in the complex. The doors were locked on that truck and it did not appear that the truck had been burglarized. It was clear from the evidence that Officer M. conducted a sufficient preliminary investigation into the call for service.

Detective L. was interviewed. He took the original police report. The police report in this case is numbered 14-77389. The report indicated that Mr. Packingham discovered his burglarized truck at around 6:00 AM. The offenders had gained entry to the truck by prying the back sliding glass open. Detective L. processed the vehicle for latent prints but none were found. At 9:30 AM that same date, Detective L. was contacted by Mr. Packingham. Mr. Packingham told Detective L. that he had possible offender information that Mr. Packingham had obtained from a female who wished to remain anonymous. The female told Packingham that she had observed a female subject entering and exiting Mr. Packingham's vehicle through the rear sliding window with items in hand and that there was a male with the female. The anonymous witness said the female offender drives a four door Lincoln and that the female parks in the complex on a routine basis. The report was forwarded to NW Impact for review and follow up. A witness statement was obtained from Mr. Packingham.

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**Letter to Mr. Packerham**

**DATE**

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The witness statement written by Mr. Packerham indicated that Mr. Packerham was flagged down by another resident of the apartment complex. That resident, a female, told Mr. Packerham that she saw a female climb into his truck through the rear window and she saw the female steal items from Packerham's truck. There was a male subject standing by the dumpsters while the female was burglarizing his truck. The witness told Mr. Packerham that he had seen the man and the woman go into Apartment 1009 with the stolen items. The witness also provided Mr. Packerham with a license plate to a vehicle that the witness has seen the offender driving. The statement was obtained some 6 hours after the incident was originally reported to the police.

Mr. Packerham never provided the police with any specific information that would have lead the police to be able to speak with the female witness. Mr. Packerham never provided the police with a name or phone number for the witness or any way to contact the witness. Mr. Packerham never told the police that the witness was available or willing to talk to the police and in fact, Mr. Packerham made it clear that the female wanted to remain anonymous.

The limited information that Mr. Packerham did provide was passed on to the Northwest Impact Sergeant, Sergeant T.. Sergeant T. was made aware that there was a female witness who wished to remain anonymous and that the female had witnessed the burglary. Sergeant T. directed Detective L. to send uniformed police officers to the apartment where the offenders and stolen property might be located if they could identify any of the people who lived in that apartment. Sergeant T. also asked Detective L. to get a witness statement form from the victim. Sergeant T. said that he would assign the case to one of his Detectives to follow up on.

Detective L. called police dispatch and had them set up a call for Field Services officers to go to apartment 1009 of the complex to see if they could make contact with anyone in the apartment. That request for that call for service was at 11:02 AM, six hours or so after the burglary occurred. An Officer was dispatched to the apartment complex at 11:28 AM. Officer R. was the officer on that call. The comments directed Officer R. to do a knock and talk to try to ID the people in 1009. Officer R. arrived on scene at 11:55 AM and he made contact with the victim at 12:17. At 12:34 Officer R. indicated in his comments that he made contact with the victim of the burglary, Mr. Packerham, who provided to Officer R. the offender vehicle information. Officer R. indicated in his comments that he was unable to make contact with anyone in the apartment.

The Albuquerque Police Department had no way, at the time, to corroborate the information that was provided to Mr. Packerham by the anonymous female. Furthermore, by the time the last officer went to the suspected offender's apartment, 8 hours had passed since the burglary occurred. There was no way to obtain a search warrant on uncorroborated information when 8 hours had passed since the burglary.

The investigation revealed that the preliminary investigation into the burglary of Mr. Packerham's truck was sufficient.

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**Letter to Mr. Packingham**  
**DATE**  
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The CPOA finds Officer M.'s conduct to be **UNFOUNDED**, as the investigation determined by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer.

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

You have the right to appeal this decision. 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

M006780

**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

Kristie Jiron  
[REDACTED]  
Albuquerque, NM 87107

**Re: CPC # 215-14**

Dear Ms. Jiron:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on November 30, 2014, for an incident which occurred on November 20, 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. Jiron's complaint is based on Officer G.'s actions during a situation that occurred at her sons' school. Officer G. and Officer N. are the School Resource Officers at Ms. Jiron's sons' school. Ms. Jiron wrote Officer G. refused to take a statement from her sons. She wrote Officer G. suspended her sons based on false information. Ms. Jiron wrote Officer G. and Officer N. verbally abused her sons on a daily basis. Neither Ms. Jiron nor her sons participated in the investigative process for further elaboration or clarification.

The CPOA Investigator attempted to interview Ms. Jiron. Ms. Jiron had set an appointment for her and her sons. Ms. Jiron cancelled the first appointment and rescheduled. Ms. Jiron

failed to show up to the appointment and did not respond to subsequent attempts to contact her. The investigation was based on her limited written complaint.

**II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER G.'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, and the CPOA Investigator's interviews of Officer G. and Officer N..

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

*Steps to be followed in conducting preliminary investigations: 2. Locate, identify, and interview witnesses, victims and suspects 5. Report the incident fully and accurately.*

Ms. Jiron wrote that Officer G. refused to take a statement from her sons. Ms. Jiron wrote that Officer G. suspended her sons for five days based on false information.

Officer G. interviewed the victims in the case. According to the police report, when Officer G. escorted Mr. A. Jiron to his office, Mr. A. Jiron spit on the floor. Officer G. told Mr. A. Jiron to clean it up. Mr. A. Jiron dragged his foot through the spit and then spit again. Both brothers acted very nonchalant and superior about the whole situation. The brothers used profanity and never wanted to provide their side of what happened. Officer G. documented the incident as well as the lead up from the days prior. Suspension was decided upon by the school not the APD officers.

Ms. Jiron and her sons refused to participate in the investigative process so there was no clarification as to how Officer G. allegedly refused to talk to her sons or what information was allegedly false. Based on the police report written at the time of the incident it was clear neither of Ms. Jiron's sons wished to provide a statement. The report detailed out the incident and the lead up from the days prior. Suspensions are the purview of the school. Officer G. could have arrested Ms. Jiron's sons, but chose to allow things to be handled by APS.

I find Officer G.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the alleged conduct did occur, but did not violate APD policies.

(B) The CPOA reviewed Standard Operating Procedure Order 1-04-1(F) regarding Officer 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.*

Letter to Ms. Jiron

DATE

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Ms. Jiron wrote Officer G. verbally abused her sons on a daily basis. Ms. Jiron's sons had extensive disciplinary histories with the school. In general, Officer G. tried to let APS deal with the boys as their mother has a history of filing complaints against officers. Officer G. did not have daily interaction with the boys.

Ms. Jiron offered no information about Officer G.'s behavior. Ms. Jiron had no first-hand knowledge of the situation. Ms. Jiron refused to participate in the investigative process. She provided no evidence to support the allegation, but there was not clear and convincing evidence it did not occur. There was no lapel from the specific date in question.

I find the allegation of a violation of this SOP against Officer G. was **NOT SUSTAINED**, which means the investigation was unable to determine whether the alleged misconduct occurred.

(C) The CPOA reviewed Standard Operating Procedure Order 1-39-2(B) regarding Officer G.'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 G. wrote in his police report he initiated his camera at first contact. Officer G. attempted to download and wrote his lapel camera did not record the incident. Officer G. was assigned the Scorpion model of camera, which has been well documented to have problems. It is unknown if Officer G. recorded the incident in its entirety and the lack of video was due to equipment failure.

I find the allegation of a violation of this SOP against Officer G. was **NOT SUSTAINED**, which means the investigation was unable to determine if the alleged misconduct occurred.

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

(A) The CPOA reviewed Standard Operating Procedure Order 1-04-1(F) regarding Officer N.'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.*

**Letter to Ms. Jiron**  
**DATE**  
**Page 4**

Ms. Jiron wrote Officer N. verbally abused her sons on a daily basis. Ms. Jiron's sons have extensive disciplinary histories with the school. Officer N. also tried to APS address issues with the both boys. Officer N. did not have daily interaction with the boys.

Ms. Jiron offered no information about Officer N.'s behavior. Ms. Jiron had no first-hand knowledge of the situation. Ms. Jiron refused to participate in the investigative process. She provided no evidence to support the allegation, but there was not clear and convincing evidence it did not occur.

I find the allegation of a violation of this SOP against Officer N. was **NOT SUSTAINED**, which means the investigation was unable to determine if the alleged misconduct occurred.

Your complaint and these findings will be placed in Officer G.'s and Officer N.'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

cc: Albuquerque Police Department Chief of Police

M006784

**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

Mr. Jerome Montoya

Albuquerque, NM 87106

**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] Montoya, 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] Montoya on October 12, 2012, at 11:00 a.m. Mr. [REDACTED] Montoya 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

Letter to Mr. Montoya  
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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

M006787

**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

Lauren Torrez

██████████  
Albuquerque, NM 87122

**Re: CPC # 218-13**

Dear Ms. Torrez:

The complaint you filed against an unknown Albuquerque Police Department (APD) was received in our office on October 22, 2013 regarding an incident that occurred on October 19, 2014. A Civilian Police Oversight Agency (CPOA) Investigator, along with a contract independent investigator, were assigned to investigate your Complaint.

Ms. Torrez complained about an unidentified female APD police officer's treatment toward her during a traffic stop on October 19, 2013. The assigned contract investigator spoke with Ms. Torrez and obtained Ms. Torrez's license plate number. The contract investigator reviewed APD's Computer Aided Dispatch (CAD) reports for the date and time described, as well as APD police report records. There were no records of the encounter between Ms. Cole and any APD officers at the time, date, and location described. In addition, the contract investigator interviewed a female officer assigned to the Northeast Heights on the day and time described. The female officer did not recall any encounter with Ms. Torres. The female officer also stated that she always calls out her traffic stops over the radio. The lack of records precludes the CPOA from identifying the officer involved and investigating the complaint any further.

This matter will be administratively closed due to the lack of evidence. Thank you for your time to alert the Civilian Police Oversight Agency with your concerns.

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

Cc: Albuquerque Police Department Chief of Police

M006788

**CIVILIAN POLICE OVERSIGHT AGENCY**

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

DATE  
Via Certified Mail

Jeannine June Jaramillo  
[REDACTED]  
Albuquerque, NM 87121

**Re: CPC # 218-14**

Dear Ms. Jaramillo:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on December 5, 2014, for an incident which occurred on October 15, 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**

Ms. Jaramillo wrote Officer M. arrived at her house in response to her son's call to police. Ms. Jaramillo wrote a man that she knew went by the name "Speedy" showed up to her house with a gun on his hip. Speedy was at her house to collect a bag of clothes for a friend. The bag had been left there by the boyfriend of her friend, Natalie Gutierrez. The boyfriend had left because he and Ms. Gutierrez got into an argument, but forgot to take his clothes.

Ms. Jaramillo claimed Officer M. should not have accused Ms. Jaramillo of doing drugs. Ms. Jaramillo claimed Officer M. accused her of buying drugs from Speedy, which was not true. Ms. Jaramillo state that she and Officer M. got into an argument because Officer M. made

**Letter to Ms. Jaramillo**

**DATE**

**Page 2**

false accusations against her. Ms. Jaramillo wrote Officer M. called CYFD on her and provided CYFD with false information of her buying and using drugs.

Ms. Jaramillo stated that Officer M. went to her aunt's house, Antoinette Montoya. Ms. Jaramillo wrote Officer M. told Ms. Montoya to open the door when he went to her house. Officer M. told Ms. Montoya that Ms. Jaramillo did not have a warrant and that he just wanted to speak to her. Ms. Montoya told Ms. Jaramillo this information, but Ms. Jaramillo claimed Officer M. was lying because Ms. Jaramillo did have a warrant and Officer M. just wanted to arrest her because of their argument.

Ms. Jaramillo wrote she was filing the complaint in order to get her children back from CYFD. Ms. Jaramillo complained she has taken drug tests because of Officer M.'s false information. Ms. Jaramillo wrote she does not do drugs around her children.

The CPOA Investigator attempted to interview Ms. Jaramillo. Ms. Jaramillo provided a phone number, but the phone message on the number provided said there was no voice mail and therefore could not leave a message. A certified letter was sent to Ms. Jaramillo asking for her participation, but Ms. Jaramillo never picked up the letter. The investigation was completed based upon her written complaint.

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

The Acting Executive Director reviewed the investigation conducted by the CPOA Investigator, which included review of the Complaint, SOPs, Computer-Aided Dispatch Reports, Albuquerque Police Reports, Officer M.'s lapel video, Officer D.'s lapel video, Officer S.'s lapel video and the CPOA Investigator's interviews of Officer M. and Officer D.

(A) 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.*

Ms. Jaramillo claimed Officer M. accused her of doing drugs. Ms. Jaramillo stated that she and Officer M. got into an argument because Officer M. made false accusations against her. Ms. Jaramillo wrote Officer M. lied to her aunt about her not having a warrant when she did because Officer M. wanted to arrest her. Ms. Jaramillo wrote she did not do drugs around her children and deserved her children back.

The lapel videos showed Ms. Jaramillo opened and then shut the door when officers responded to her call for help. The lapel videos showed Ms. Jaramillo was very intoxicated. Ms. Jaramillo told Officer M. men showed up and threatened her and her family with guns. Officer M.'s video showed Ms. Jaramillo knew all of the men who showed up at her house were into heroin; one was a drug dealer and the men were expecting drugs from Arizona. Ms. Jaramillo made some other statements about drugs, but she was very difficult to understand

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Letter to Ms. Jaramillo

DATE

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because she was crying and her words were slurred. Officer D.'s video and Officer S.' video both showed Ms. Jaramillo reacted angrily when they asked her why she shut the door on officers. Officer D.'s lapel video showed Ms. Jaramillo swore at him, became sarcastic, confrontational with Officer D.. Officer S.' video showed Ms. Jaramillo was very crass and talked about officers getting killed. Both videos showed neither Officer D. nor Officer S. had done anything to provoke Ms. Jaramillo's reaction. Officer M.'s video showed Officer M. told Ms. Jaramillo he would return. When Officer D. returned, Ms. Jaramillo had left the house before officers completed their investigation.

Officer M.'s video from the following day with CYFD showed the CYFD caseworker advised officers that Ms. Jaramillo had an open CYFD case with another caseworker involving drugs and lack of proper care. Officer M.'s video showed individuals were home, but refused to come to the door to talk to officers or CYFD so the children were placed on a 48 hour hold. Officer M.'s video showed when he talked to Ms. Jaramillo's aunt that Ms. Jaramillo's aunt said Ms. Jaramillo would not open the door because she feared arrest. Officer M.'s video showed he told Ms. Jaramillo and Ms. Jaramillo's aunt he was unaware of a warrant and did not care about that; he was focused on her resolving the issues with CYFD for her children's sake.

Ms. Jaramillo did not participate in the investigative process so the finding was based upon a review the lapel videos and interviews with the officers involved. The lapel videos showed that by clear and convincing evidence that the alleged misconduct did not occur.

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

Your complaint and these findings will be placed in Officer M.'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>.

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**Letter to Ms. Jaramillo**

**DATE**

**Page 4**

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

M006792

**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

Jodi Keeton  
[REDACTED]  
Albuquerque, NM 87108

**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.

Letter to Ms. Keeton

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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

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Letter to Ms. Keeton

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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

M006797

**Letter to Ms. Keeton**

**Page 6**

cc: Albuquerque Police Department Chief of Police

M006798

**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

Marcellia Smith  
[REDACTED]  
Albuquerque, NM 87108

**Re: CPC # 222-14**

Dear Ms. Smith:

The Complaint you filed against the Albuquerque Police Department (APD) was received by our office on December 15, 2014, for an incident which occurred on October 8, 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. Smith wrote she was sleeping when Officers M. and T. entered her apartment. Ms. Smith wrote nothing had been going on and she was fine. Ms. Smith wrote she staggered into Officer M. accidentally. Ms. Smith wrote the next thing she knew was that she was face down on the floor in handcuffs. Ms. Smith stated she was bleeding from her face. Ms. Smith wrote she was in and out of consciousness and could have bled to death because she is "anemic".

The CPOA Investigator interviewed Ms. Smith. Ms. Smith repeated that nothing had been going on and the officers entered without invitation. Ms. Smith denied calling to the officers. Ms. Smith denied an altercation occurred between her and Ms. Tanori. Ms. Smith denied she wanted officers to make Ms. Tanori leave. Ms. Smith denied she said a different name than

Letter to Ms. Smith

DATE

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her own. Ms. Smith denied she confronted Officer M. or shoved him. The next thing she knew she was face down in blood.

## II. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER M.'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, The Use of Force Investigation conducted by APD, the field investigator photos, Officer M.'s lapel videos, Officer T.'s lapel videos, Sergeant Y.'s lapel videos and the CPOA Investigator's interviews of Marcellia Smith, Dena Tanori, Officer M. and Officer T..

(A) The CPOA reviewed Standard Operating Procedural Order 1-02-2(B)(2) regarding Officer M.'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. Smith claimed she did not ask for assistance or ask that the officers enter the apartment. Ms. Smith claimed she was sleeping when officers entered her bedroom. Ms. Smith also denied she made allegations against Ms. Tanori or that she wanted Ms. Tanori kicked out of the apartment. Ms. Smith denied she used an incorrect name when the officers asked. Ms. Tanori claimed the officers walked in without permission. Ms. Tanori agreed she may have told officers there had been an altercation where she had been struck by Ms. Smith. Both Ms. Smith and Ms. Tanori admitted they were intoxicated.

Officer T.'s video showed there was shouting and loud music coming from the apartment. Officer M.'s video showed neighbors said there was a lady screaming and indicated Ms. Smith's apartment. Both videos showed that Officer T. knocked on the door and it swung open, but neither officer entered initially. The videos showed Ms. Tanori denied officers entry into the apartment. However, once the music was turned down Ms. Smith's voice could be heard and she pleaded for officers to come in. Based on Ms. Smith's request for help, officers had a right to enter. The various charges were up to Officer T., but Ms. Smith later pushed Officer M. which explained the Battery on an Police Officer charge. Both Ms. Smith and Ms. Tanori were intoxicated and their memory could have been affected.

The CPOA finds Officer M.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the alleged conduct did not violate APD policies, procedures or training.

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**Letter to Ms. Smith**

**DATE**

**Page 3**

(B) The CPOA reviewed Standard Operating Procedural Order 2-52-3(A) regarding Officer M.'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 gain control of a combative prisoner and to defend an officer or member of the public from the physical acts of another.*

Ms. Smith claimed she must have gotten up too fast and accidentally staggered into Officer M.. Ms. Smith claimed when she touched Officer M. he misread the situation, which caused Officer M. to overreact. Ms. Tanori identified the wrong officer as the one having used force against Ms. Smith. Ms. Tanori claimed Ms. Smith must have stumbled into the officer because she saw no hand movement on the part of Ms. Smith. Ms. Tanori stated the officer overreacted.

The video showed the use of the takedown maneuver was reasonable to prevent imminent bodily harm to Officer M. and possibly others. Per policy when a confrontation escalates suddenly, an officer may use any means or device necessary to defend himself as long as the force was reasonable. Ms. Smith shoved Officer M. without provocation. Officer M. used no additional force on Ms. Smith. A full administrative review and use of force reporting form was completed by the supervisor.

The CPOA finds Officer M.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the alleged conduct did not violate APD policies, procedures or training.

(C) The CPOA reviewed Standard Operating Procedural Order 2-52-6(D)(2)(b) regarding Officer M.'s conduct, which states:

*In situations where the combative subject is forced into a face-down position, when safe to do so officers are expected to: Position the subject on their side or sit them up as circumstances allow so as not to induce reduced airflow or diaphragm function.*

Ms. Smith believed she lost consciousness and was face down in a pool of blood. Ms. Tanori stated Ms. Smith had a medical condition that made Ms. Smith bleeding even more serious. Ms. Tanori said the officers took a long time to pick Ms. Smith up from the floor.

The videos showed once Ms. Smith was restrained the officers left her on the floor face down. The videos showed officers did not administer first aid. Occasionally one of the officers would shake her to see if she would respond. The videos showed Ms. Smith was uncooperative with paramedics when they arrived. Officer M. at a minimum should have rolled her to the side and been more attentive to her condition.

M006801

Letter to Ms. Smith

DATE

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The CPOA finds Officer M.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means the alleged misconduct did occur.

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

(A) The CPOA reviewed Standard Operating Procedural Order 1-02-2(B)(2) regarding Officer T.'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. Smith claimed she did not ask for assistance or ask that the officers enter the apartment. Ms. Smith claimed she was sleeping when officers entered her bedroom. Ms. Smith also denied she made allegations against Ms. Tanori or that she wanted Ms. Tanori kicked out of the apartment. Ms. Smith denied she used an incorrect name when the officers asked. Ms. Tanori claimed the officers walked in without permission. Ms. Tanori agreed she may have told officers there had been an altercation where she had been struck by Ms. Smith. Both Ms. Smith and Ms. Tanori admitted they were intoxicated.

Officer T.'s video showed there was shouting and loud music coming from the apartment. Officer M.'s video showed neighbors said there was a lady screaming and indicated Ms. Smith's apartment. Both videos showed that Officer T. knocked on the door and it swung open, but neither officer entered. The videos showed Ms. Tanori denied officers entry into the apartment. However, once the music was turned down Ms. Smith's voice could be heard and she was pleading for officers to come in. Based on Ms. Smith's request for help officers had a right to enter. Officer T.'s video showed Ms. Smith gave two different first names when asked. Officer T.'s video showed Ms. Smith claimed Ms. Tanori was abusive, but provided no specifics. The videos showed Ms. Tanori accused Ms. Smith specifically hitting her on the side of the head. Officer T. saw evidence of injury on Ms. Tanori. Both Ms. Smith and Ms. Tanori were intoxicated and their memory could have been affected.

The CPOA finds Officer T.'s conduct to be **EXONERATED** regarding the allegation of a violation of this SOP, which means the alleged conduct did not violate APD policies, procedures or training.

(B) The CPOA reviewed Standard Operating Procedural Order 2-52-6(D)(2)(b) regarding Officer T.'s conduct, which states:

*In situations where the combative subject is forced into a face-down position, when safe to do so officers are expected to: Position the subject on their side or sit them*

Letter to Ms. Smith

DATE

Page 5

*up as circumstances allow so as not to induce reduced airflow or diaphragm function.*

Ms. Smith believed she lost consciousness and was face down in a pool of blood. Ms. Tanori stated Ms. Smith had a medical condition that made Ms. Smith bleeding even more serious. Ms. Tanori said the officers took a long time to pick Ms. Smith up from the floor.

The videos showed once Ms. Smith was restrained the officers left her on the floor face down. The videos showed officers did not administer first aid. Officer M. shook her one time to see if she would respond. Officer M. bent down another time to look at her. The videos showed Ms. Smith was uncooperative with paramedics when they arrived. Officer T. did not roll her to the side as he thought he had. Officer T. at a minimum should have rolled her to the side and been more attentive to her condition.

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

Your complaint and these findings will be placed in Officer M.'s and Officer T.'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

cc: Albuquerque Police Department Chief of Police

M006803

**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 DeAgüero

██████████  
Albuquerque, NM 87111

**Re: CPC #223-14**

Dear Mrs. DeAgüero:

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 DeAgüero 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. DeAgüero 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. DeAgüero 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

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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 DeAguero 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. DeAguero had complained of. Officer G. admitted fault in the accident.

Mr. DeAguero 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 DeAguero 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. DeAguero 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. DeAguero 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 DeAguero'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. DeAguero 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. DeAguero meant by and "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.

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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.*

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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.

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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

M006809

**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

Michael Kristek

██████████  
Albuquerque, NM 87105

**Re: CPC #225-14**

Dear Mr. Kristek:

The complaint you filed against Officer M. of the Albuquerque Police Department (APD) was received by our office on December 17, 2014 for an incident which occurred on December 10, 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. 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**

Michael Kristek wrote in his complaint that on December 9, 2014 one of his apartment managers, Taylor Caudillo, placed \$6,639.00 in cash in a safe at ██████████, ██████████. The money was from collected rent from his renters. ██████████ was used by Mr. Kristek's other apartment manager, Sean Paton. Mr. Paton witnessed the money being put into the safe. On December 10, 2014 at about 7:30 am, Mr. Kristek went to ██████████ to collect the cash that was in the safe. Both apartment managers were not present when Mr. Kristek opened the safe. When Mr. Kristek opened the safe, there was no money in it. Mr. Kristek called both managers back to the apartment. When Mr. Kristek asked Sean Paton where the money was, Sean got very angry, so much so that Mr. Caudillo convinced Mr. Kristek to go with Mr. Caudillo to another property so Sean could cool down.

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Letter to Mr. Kristek

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Sean called the police in the meantime. Officer M. responded to the call and he contacted Mr. Kristek by phone and asked him to come back to the property. Mr. Kristek couldn't understand why Officer M. wanted him to go back to the scene when he and Taylor were handling the situation.

Mr. Kristek complained that Officer M. asked him if he took the money. When Mr. Kristek wrote that he denied that he took the money, and Officer M. did not believe him. Mr. Kristek complained that Officer M. never took a written statement from him nor did he take any notes during the investigation. Mr. Kristek said that he fired Sean on the spot in front of the officer and gave Sean 24 hours to vacate his apartment. Officer M. told Mr. Kristek that he could not force Sean to vacate unless he followed the tenant eviction process. Mr. Kristek said that he asked Officer M. to have the theft investigated further by having the safe processed for fingerprints to see who may have accessed the safe. Officer M. refused to do that. When he asked Officer M. to search Sean's apartment for the money Officer M. refused to do that also and he also refused to write out paperwork to get a search warrant.

Mr. Kristek complained that Officer M. was not interested in anything that Mr. Kristek had to say and had concluded that Sean was innocent. Officer M. allegedly refused to allow Mr. Kristek to remove items from Sean's apartment because the Officer believed that Sean's apartment was a residence and not an office.

#### **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 Citizen Police Complaint, the original police report filed by Officer M., a review of Officer M.'s lapel video recording, a review of the Computer Assisted Dispatch (CAD) report, an interview with the Complainant, and interviews with Officer M. and Mr. Caudillo.

A) The CPOA reviewed Standard Operating Procedure Order 1-04-4(O) regarding Officer M.'s conduct, which states:

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

Mr. Kristek complained that Officer M. was not interested in anything that Mr. Kristek had to say and that Officer M. had concluded that Mr. Kristek's apartment manager was innocent before Officer M. even investigated the theft. As evidence of that allegation, Mr. Kristek said that Officer M. never took his statement and Officer M. just seemed like he did not care about the incident.

Officer M. recorded the entire incident on lapel camera video. That video was reviewed and it showed that Officer M. was very concerned about the theft. The video showed that Officer M. spoke solely and directly with Mr. Kristek for a little over 15 minutes. Officer M. appeared to be very interested in Mr. Kristek's story and he listened to everything Mr. Kristek

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had to say. A written statement was not required by Standard Operating Procedure and Mr. Kristek's verbal statement was recorded in its entirety on video.

The Computer Assisted Dispatch (CAD) report showed that Officer M. was on scene from 9:39 AM to 11:48 AM. The lapel video showed that Officer M. was conducting his investigation into the theft almost that entire time. Officer M.'s police report also was very detailed as to whom he spoke with, what they told him, and his observations of the evidence.

Though Mr. Kristek's and Officer M.'s views differed on what could have happened to the missing money, all of the evidence gathered during the CPOA investigation showed that Officer M. acted professionally and responsibly throughout the incident.

The CPOA finds with regards to the allegation made by Mr. Kristek about Officer M.'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.

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

*Steps to be followed in conducting preliminary investigations:*

*3. Protect the crime scene and the evidence. Ensure that necessary evidence is collected.*

Mr. Kristek complained that Officer M. failed to conduct a proper preliminary investigation. Specifically he complained that Officer M. refused to have the theft investigated further by having the safe processed for fingerprints to see who may have accessed the safe. Officer M. also refused to search the apartment manager's apartment for the money. Officer M. also refused to write out paperwork to get a search warrant.

The lapel video in this case, and the report, as well as statements taken from everyone involved, showed that the money was placed in the safe the night before by Mr. Kristek's two apartment managers. The money drop was witnessed by one of Mr. Kristek's apartment manager's teenage child. Several other people including the apartment manager's girlfriend, a female friend, another male roommate, as well as other people, including Mr. Kristek, had access to the apartment where the safe was. Any one of those people could have left fingerprints on the safe and the presence of those fingerprints would not have proved who took the missing money. Furthermore, only Mr. Kristek had the combination to the safe. There were no signs of forced entry to the apartment and there were no signs of forced entry or tampering with the safe. Mr. Kristek went into the safe and discovered the money was missing. Instead of staying at the apartment and calling the police, Mr. Kristek left before the arrival of the police and so did the other apartment manager. If either Mr. Kristek or the other apartment manager had the money in their possession when they left the residence, the probable cause necessary to obtain a search warrant for the apartment ended when they left

Letter to Mr. Kristek

DATE

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the property. Information from both apartment managers indicated that it was likely that Mr. Kristek took the money and then claimed that it was missing so that Mr. Kristek could terminate the apartment manager that he had been having problems with.

There was insufficient probable cause available to Officer M. to obtain a Search Warrant for the apartment to see if the money was there.

The lapel video showed that Officer M. interviewed all parties at the scene, not just the managers and Mr. Kristek as Mr. Kristek alleged. Officer M. conducted a thorough and sufficient preliminary investigation into the theft of the money.

The CPOA finds with regards to the allegation made by Mr. Kristek about Officer M.'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.

Your complaint and these findings are made part of Officer M.'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>.

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

M006813

**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

Ariana Furst  
[REDACTED]  
Ilfeld, NM 87538

**Re: CPC #228-14**

Dear Ms. Furst:

The complaint you filed against Officer W. and Officer L. of the Albuquerque Police Department (APD) was received by our office on December 23, 2014 for an incident which occurred on July 24, 2014. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA thoroughly and impartially investigated your complaint. The CPOA made findings of whether the Albuquerque Police Department (APD) 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**

Ariana Furst wrote that when she was arrested on July 24, 2014 she was injured while being handcuffed, and was invasively and improperly searched.

Ms. Furst wrote that when Officer W. handcuffed her, her hands were broken and her hands immediately became visibly bruised and swollen. Ms. Furst also wrote that when a female officer, Officer L. searched her, she was sexually assaulted by the officer. The sexual assault that allegedly occurred consisted of the female officer touching Ms. Furst in her genital area; wiping her hand vigorously and roughly around Ms. Furst's vaginal area. It was also alleged that the female officer's hands went inside of Ms. Furst's shirt and bra and that Ms. Furst's breasts were touched and grasped by the female officer. Ms. Furst considered her treatment by the APD officers as torture.

**I. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER W.'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 W., a review of the Computer Assisted Dispatch (CAD) report, a review of Ms. Furst's Metropolitan Detention Center records, and interviews with Officer W., Officer C., Officer L., and Officer Z.. Ms. Furst did not provide a telephone contact number on her complaint. Ms. Furst provided a mailing address in Ilfeld, NM. She also provided an e-mail address where she could be reached. Ms. Furst did not respond to the CPOA Investigator's requests for an interview. The investigation was conducted based on the allegations contained in Ms. Furst's written complaint.

A) The CPOA reviewed Standard Operating Procedure Order 2-19-3 B (2) regarding Officer W.'s conduct, which states:

***B. Handcuffing of Prisoners***

***2. Handcuffs and leg shackles will be double locked when in use.***

Ms. Furst complained about her arrest five months after it occurred. Ms. Furst complained that as soon as she was handcuffed by Officer W. that her hands were broken. Ms. Furst claimed that her hands were quickly and visibly bruised and that the handcuffs cut into her wrists leaving bruises. Ms. Furst claimed that it took her broken hands about a month to recover.

The police report indicated that when Officer W. handcuffed Ms. Furst, he made sure that the handcuffs were double locked and properly spaced. Officer W. told the CPOA Investigator that he made sure that the handcuffs were not put on too tight; that the handcuffs were properly spaced and double locked to prevent them from getting tighter. All four officers who participated in this case were interviewed and none of the officers recalled Ms. Furst complaining about the handcuffs.

Officer C., who assisted in the arrest, saw Ms. Furst handcuffed and he said that she was properly handcuffed. Officer C. saw no injuries to Ms. Furst's hands and Ms. Furst never complained at the scene or anytime thereafter about the handcuffs being too tight or that Ms. Furst's wrists had been injured by the handcuffs. Officer L. said that she conducted the searches of Ms. Furst and she did not see any injuries on Ms. Furst's wrists, nor did Ms. Furst ever complain to her or any of the other officers that her wrists were injured. Officer Z. who was also at the scene of the arrest said that he never heard Ms. Furst complain that her wrists were hurting, that the handcuffs were too tight, or that she was injured in any way.

The Bernalillo County Metropolitan Detention Center was contacted about Ms. Furst. The records there showed that Ms. Furst spent about three weeks in detention in MDC after being arrested on the outstanding misdemeanor warrant. During the approximately three weeks that

**I. FINDINGS AND CONCLUSIONS REGARDING APPLICABLE STANDARD OPERATING PROCEDURES REGARDING OFFICER W.'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 W., a review of the Computer Assisted Dispatch (CAD) report, a review of Ms. Furst's Metropolitan Detention Center records, and interviews with Officer W., Officer C., Officer L., and Officer Z.. Ms. Furst did not provide a telephone contact number on her complaint. Ms. Furst provided a mailing address in Ilfeld, NM. She also provided an e-mail address where she could be reached. Ms. Furst did not respond to the CPOA Investigator's requests for an interview. The investigation was conducted based on the allegations contained in Ms. Furst's written complaint.

A) The CPOA reviewed Standard Operating Procedure Order 2-19-3 B (2) regarding Officer W.'s conduct, which states:

***B. Handcuffing of Prisoners***

***2. Handcuffs and leg shackles will be double locked when in use.***

Ms. Furst complained about her arrest five months after it occurred. Ms. Furst complained that as soon as she was handcuffed by Officer W. that her hands were broken. Ms. Furst claimed that her hands were quickly and visibly bruised and that the handcuffs cut into her wrists leaving bruises. Ms. Furst claimed that it took her broken hands about a month to recover.

The police report indicated that when Officer W. handcuffed Ms. Furst, he made sure that the handcuffs were double locked and properly spaced. Officer W. told the CPOA Investigator that he made sure that the handcuffs were not put on too tight; that the handcuffs were properly spaced and double locked to prevent them from getting tighter. All four officers who participated in this case were interviewed and none of the officers recalled Ms. Furst complaining about the handcuffs.

Officer C., who assisted in the arrest, saw Ms. Furst handcuffed and he said that she was properly handcuffed. Officer C. saw no injuries to Ms. Furst's hands and Ms. Furst never complained at the scene or anytime thereafter about the handcuffs being too tight or that Ms. Furst's wrists had been injured by the handcuffs. Officer L. said that she conducted the searches of Ms. Furst and she did not see any injuries on Ms. Furst's wrists, nor did Ms. Furst ever complain to her or any of the other officers that her wrists were injured. Officer Z. who was also at the scene of the arrest said that he never heard Ms. Furst complain that her wrists were hurting, that the handcuffs were too tight, or that she was injured in any way.

The Bernalillo County Metropolitan Detention Center was contacted about Ms. Furst. The records there showed that Ms. Furst spent about three weeks in detention in MDC after being arrested on the outstanding misdemeanor warrant. During the approximately three weeks that

Letter to Ms. Furst

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Ms. Furst was in jail, she never complained to the medical staff that her hands were broken and she was never seen or treated for any injuries to her wrists. The only thing Ms. Furst was seen for by the medical staff at MDC was a Mental Health Evaluation.

There is credible no evidence to support Ms. Furst's allegation that she was injured when she was handcuffed.

The CPOA finds with regards to the allegation made by Ms. Furst about Officer W.'s conduct that the allegation was **UNFOUNDED**, which means that the investigation determined by clear and convincing evidence that the alleged misconduct did not occur.

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

*All recordings listed above and/or where an arrest was made will be tagged into evidence, and will be listed on the report as being tagged.*

Officer W. was required by SOP to tag his lapel video of his contact and arrest with Ms. Furst into evidence. Officer W. failed to do that and because he failed to do that the lapel video recording of the encounter was eventually deleted. The lapel video that was recorded was deleted 120 days after the arrest.

The CPOA finds with regards to the allegation made by Ms. Furst about Officer W.'s conduct that the allegation was **SUSTAINED**, as the investigation determined by a preponderance of the evidence that the alleged misconduct did occur.

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

- A) The CPOA reviewed Standard Operating Procedure Order 1-02-2 B (2) regarding Officer W.'s conduct, which states:

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

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

Ms. Furst complained that when female Officer L. searched her, Officer L. sexually assaulted Ms. Furst. The sexual assault that allegedly occurred consisted of Officer L. touching Ms. Furst in her genital area. Officer L. allegedly wiped her hand vigorously and roughly around Ms. Furst's vaginal area. Ms. Furst further alleged that Officer L.'s hands went inside of Ms. Furst's shirt and bra and that Ms. Furst's breasts were touched and grasped by Officer L..

M006817

The investigation showed that Officer L. conducted two searches of Ms. Furst incident to the lawful arrest. Officer W. witnessed both searches.

The initial search of Ms. Furst occurred in the back seat of the police car. Officer L. had been requested to assist at the scene of the arrest because Ms. Furst refused to be searched by a male police officer. All of the officers interviewed described Ms. Furst as being angry and agitated. Officer W. and Officer C. noted that Ms. Furst's behavior was unusual as Ms. Furst was described as being agitated but also speaking in ramblings with broken thought patterns. Officer C. and Officer W. as well as the Manager of the Dollar Tree store where the incident occurred all suspected that Ms. Furst was under the influence of some type of stimulant or drug at the time of the incident.

Officer L. and Officer W. said that because of Ms. Furst's agitated state that the initial search was conducted while Ms. Furst was seated in the back seat of the police car. However, based on how Ms. Furst was seated, the initial search was not thorough enough to determine if Ms. Furst was armed or carrying any contraband.

Officer L. said that the initial search consisted of a pat down of the outer garments of the upper torso down to the waist area. Officer L. said that she ran her fingers around the top of Ms. Furst's underwear line as in the past Officer L. has found needles and drugs concealed in the top of the underwear. The waist band of the underwear can easily be folded over to conceal drugs and drug paraphernalia. Officer L. and Officer W. said that Officer L. never reached under Ms. Furst's shirt as Ms. Furst alleged.

The second search of Ms. Furst occurred outside the car. Officer L. said that she searched Ms. Furst as she had been taught in the police academy. She checked the outside of the garments, and then grabbing the middle part of the bra, over the clothes she pulled the bra forward and shook it. No contraband fell out. Officer L. then ran her hands under the cup area of the bra, outside the shirt, then along the side straps of the bra, and then over the shoulder straps.

Officer L. ran her hands down the outside and the inside of the pant legs on each leg. She said that she used the side of her hand to feel between the leg line and the genital area, all areas where weapons and narcotics have been discovered in the past. Officer L. said that for some people, being searched in that manner is uncomfortable and seen as invasive, but the search is designed to detect weapons or contraband that may be hidden in discreet places that officers may be disinclined to touch.

Officer L. denied that she sexually assaulted Ms. Furst. Officer L. said that she never grasped Ms. Furst's breasts, that she did not wipe her hand vigorously back and forth against Ms. Furst's vagina, and that she did not place her hands under Ms. Furst's shirt as Ms. Furst had alleged. Officer L. said that she searched Ms. Furst in compliance with her training and that there was nothing sexual about it.

Letter to Ms. Furst

DATE

Page 5

Officer W. said that he witnessed both searches and the searches were conducted in a "textbook" manner. They were conducted the way that officers are trained to conduct such searches. Officer W. also said that there was nothing sexual about the searches. Officer L. did not grasp Ms. Furst's breasts under Ms. Furst's shirt. Officer W. said that Officer L. did not rub her hand back and forth vigorously against Ms. Furst's vaginal area.

The CPOA finds with regards to the allegation made by Ms. Furst about Officer L.'s conduct that the allegation was **EXONERATED**, which means that the investigation showed by a preponderance of the evidence that the alleged conduct did occur but it did not violate APD policies, procedures, or training.

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

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

If you have a computer available, we would greatly appreciate 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

M006819

## **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  
[REDACTED]  
Albuquerque, NM 87108

**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

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

M006823

## **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

Kristy Jiron

████████████████████  
Albuquerque, NM 87112

**Re: CPC #249-13**

Dear Mrs. Jiron:

The complaint you filed against Officer N. of the Albuquerque Police Department (APD) was received in our office on December 17, 2103 regarding an incident that occurred on December 16, 2013. A Civilian Police Oversight Agency (CPOA) Investigator and an independent contract investigator were 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**

Kristie Jiron wrote in her complaint that on December 16, 2013, her son was detained at Valley High School by Officer N.. During this detention Officer N. pulled his baton for no reason. Jiron also alleged that Officer N. used profane language and called her son a "pussy" and told her son "Do something so I can lay you out in 2 hits." Jiron also alleged that Neal referred to her as a "whore" when her son had asked that his mother be called to the scene.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Report in the case, a review of a recorded interview with Officer N., and a telephonic interview with Kristy Jiron.

A) The CPOA reviewed Standard Operating Procedure 1-04-1 (F) regarding Officer N.'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.*

Mrs. Jiron alleged that Officer N. pulled his baton out for no reason and threatened to strike her son. In addition the complaint alleged that Officer N. referred to [REDACTED] Jiron's mother as a "whore" and directly called [REDACTED] Jiron a "pussy."

The investigation revealed that although Officer N. pulled his baton the pulling of that baton was well within reason based on the actions of [REDACTED] Jiron at the time of the incident. [REDACTED] Jiron was loud, abusive and used curse language towards an unarmed Albuquerque Public Schools CSA. In addition, [REDACTED] closed distance on the CSA leading Officer N. and the CSA to believe that she was in immediate peril of being struck by [REDACTED] Jiron. [REDACTED] Jiron told the officer "Fucking cop, if you didn't have that badge I would pop you in the face."

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

B) The CPOA reviewed Standard Operating Procedure 1-04-4 (P) regarding Officer N.'s conduct, which states:

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

Mrs. Jiron alleged that Officer N. pulled his baton out for no reason and threatened to strike her son. In addition the complaint alleges that Officer N. referred to [REDACTED] Jiron's mother as a whore and directly called [REDACTED] Jiron a "pussy."

Although there was no evidence to support the allegation that Officer N. used the term "pussy" or referred to Mrs. Jiron as a whore, there is evidence that Officer N. told [REDACTED] Jiron to "shut the fuck up." Officer N. documented this in his report.

The CPOA find Officer N.'s conduct to be **SUSTAINED** regarding the allegation of a violation of this SOP, which means that the investigation determined by clear and convincing evidence that the alleged misconduct did occur.

**Letter to Mrs. Jiron**

**DATE**

**Page 3**

Your complaint and these findings are made part of Officer N.'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

M006826

**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

Adonus Encinias  
[REDACTED]  
Albuquerque, NM 87106

**Re: CPC #253-13**

Dear Mr. Encinias:

The complaint you filed against the Albuquerque Police Department (APD) was received in our office on January 2, 2014 regarding alleged incidents that occurred since September 2013. A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your Complaint. The Administrative Office of the CPOA attempted to investigate your complaint. The CPOA made a finding, based on limited information you provided, of whether the Albuquerque Police Department (APD) violated Standard Operating Procedures (SOPs) based on a preponderance of the evidence. A preponderance of the evidence means that one side has a greater weight of evidence that is more credible and convincing than the other side. Another way of saying it is more than 50% of the credible evidence. If the credible evidence is 50-50, the proper finding is Not Sustained.

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

**I. THE COMPLAINT**

Mr. Adonus Encinias wrote in his complaint that in September of 2013 he was a witness to a violent crime. Mr. Encinias wrote that since that time the Albuquerque Police Department has been harassing him and his family.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS) and the Citizen Police Complaint.

A) The CPOA reviewed Standard Operating Procedure 1-04-1 (F) regarding the Albuquerque Police Departments conduct, which states:

Letter to Mr. Encinias

DATE

Page 2

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

Mr. Encinias wrote that he was a witness to a violent crime in September of 2013. Mr. Encinias wrote that he and his family have been harassed since that time by the Albuquerque Police Department.

Mr. Encinias had been contacted on numerous occasions by the CPOA Investigator via email and phone without success in obtaining further information. Mr. Encinias scheduled an in person interview with the Civilian Police Oversight Investigator, however Mr. Encinias did not call to cancel nor did he show up for the scheduled appointment. Without Mr. Encinias's input to provide further information regarding the specifics of times, dates, officers involved etc., this case could not be further investigated.

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** your complaint, which means, the investigation cannot be conducted because of the lack of information in the complaint.

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by

Robin S. Hammer, Esq.  
Acting Executive Director

Cc: Chief of Police

M006828

## **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

James Chavez

C/O Vance, Chavez & Associates

3220 Gold Ave, SW

Suite 1400

Albuquerque, NM 87102

**Re: CPC #255-13**

Dear Mr. Chavez:

The complaint you filed against Officer N., Officer V., Officer L., and Officer W., of the Albuquerque Police Department (APD) was received in our office on December 30, 2013 regarding incidents that occurred on October 24, October 25, November 11, and November 13, 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. 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**

James A. Chavez, an Attorney representing the Wyoming Terrace Mobile Home Park filed his complaint alleging that on October 24, 2013, October 25, 2013, November 11, 2013, and November 21, 2013, different tenants of the Wyoming Terrace Mobile Home Park were attempting to move their mobile homes out of the park, but the tenants had not paid a \$1500.00 "move out deposit" required by the Mobile Home Park Owners. Mr. Chavez alleged that on each occasion, an APD police officer, or officers responded to a call for service and each of the officers took action that allowed the tenants to remove the homes from the mobile home park without paying the move-out deposit. Mr. Chavez alleged that each situation was a civil matter taking place on private property and that the police have no right

Letter to Mr. Chavez

DATE

Page 2

to interfere with the mobile home park's procedures governing the removal of the resident's homes.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator, which included a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Reports in the case, The Computer Assisted Dispatch (CADS) Reports, lapel camera video, an interview with Mr. Chavez, interviews with Officer N., Officer V., Officer L., and Officer W.. Applicable State Statutes, as well as a court ruling by a Metropolitan Court Judge was also reviewed.

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

*Officers shall familiarize themselves 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 make only those arrests, searches, and seizures which they know or should know are legal and in accordance with departmental procedures.*

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

James Chavez, attorney for Wyoming Terrace Mobile Home Park, stated that officers out of the Phil Chacon substation have taken it upon themselves to interfere in civil matters within private property, namely the Wyoming Terrace Mobile Home Park. Mr. Chavez stated that Officer N. was present on November 31, 2013. Mr. Chavez alleged that the Officer N. acted to the detriment of his client's private property rights. Mr. Chavez said that owners must pay a \$1500 moving fee deposit before their mobile home could leave the property. Mr. Chavez claimed that Officer N. either ordered or allowed the mobile homes to be removed from the park without the consent of park management. Mr. Chavez stated that these incidents are civil matters and the police have no business being involved in civil matters.

Officer N. was dispatched to the Wyoming Terrace Mobile Home Park on November 21, 2013, because a Spanish-speaking officer was needed. The park management had refused to allow a mobile home to be moved from the park until a \$1500 moving fee was paid. The owner of the mobile home had all the proper paperwork and was not in arrears on her rent. The tow truck driver offered his paperwork to management, but they refused to take it. The park management could not produce paperwork to support that the home owner must pay \$1500 moving fee before moving the mobile home out of the lot. The park management refused to provide Officer N. with any paperwork regarding the moving fee policy. The

Officers were there to make sure that problems did not arise during the incident. Without any paperwork shown by the management to the officer that the mobile home did in fact have a lien on it, there was no way that Officer N. could prevent the owner from moving the mobile home. Officer N.'s lapel video recording showed that the park management personnel were rude, stating that they would file a lawsuit and file a complaint against the officers. The video also showed that Park management became irate and told Officer N. not to come back to the property.

There was a court finding in one of the cases and the Judge hearing the case ruled that charging a move out deposit does not appear to be illegal but because the move out deposit was not identified before the move in and because it was not part of any lease agreement, the move out deposit, demanded on the day a tenant is moving their home from the park, is inappropriate and it breaches the duty of good faith that is a requirement of the law. Absent any proof that there is a lien on the mobile home to prevent it from being moved, the officer acted appropriately.

Mr. Chavez alleged that the Police had no business getting involved in this matter in the first place. Police Officers will always respond to calls for service from citizens who believe they are being wronged, whether or not it is on private or public property. Our review of the evidence and of the facts and circumstances surrounding the case show that Officer N. acted appropriately and within policy.

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

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

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

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

James Chavez, attorney for Wyoming Terrace Mobile Home Park, stated that officers out of the Phil Chacon substation have taken it upon themselves to interfere in civil matters within private property, namely the Wyoming Terrace Mobile Home Park. Mr. Chavez stated that Officer Volzer was present on October 24, and October 25, 2013. Mr. Chavez alleged that the Officer Volzer acted to the detriment of his client's private property rights. Mr. Chavez said that owners must pay a \$1500 moving fee deposit before their mobile home could leave the property. Mr. Chavez claimed that Officer Volzer ordered or allowed the mobile homes to be

Letter to Mr. Chavez

DATE

Page 4

removed from the park without the consent of park management. Mr. Chavez stated that these incidents are civil matters and the police have no business being involved in civil matters.

Officer V. was dispatched to the Wyoming Terrace Mobile Home Park on October 24 and October 25, 2013, and he has been dispatched to the park several times. On October 24, he observed that a park management truck was blocking a mobile home from being moved from the park. The park management personnel told Officer V. that the mobile home could not leave the park until a \$1500 moving fee and lien was paid. The owner of the mobile home claimed to have no idea about the moving fee. The weather was very windy, and the mobile home could not safely be moved at that time. Officer V. left the scene. The mobile home was apparently moved sometime later in the day, but Officer V. was not present.

On October 25, Officer V. was dispatched to the park. A park management truck was blocking a mobile home from being moved out of the park. Officer V. spoke to the park management personnel about the situation, but stated that he never gave a direct lawful order that the mobile home would be moved from the park. Mr. Chavez alleged that a Sergeant arrived on scene and the Sergeant told Officer V. this was a civil matter. Officer V. stated that at no time did he request a Sergeant to respond to the scene. Even though this was a civil matter, Officer V. was there only to keep the peace. Shortly thereafter, the tow truck driver did remove the mobile home from the park.

There was a court finding in one of the cases and the Judge hearing the case ruled that charging a move out deposit does not appear to be illegal but because the move out deposit was not identified before the move in and because it was not part of any lease agreement, the move out deposit, demanded on the day a tenant is moving their home from the park, is inappropriate and it breaches the duty of good faith that is a requirement of the law. Absent any proof that there is a lien on the mobile home to prevent it from being moved, the officer acted appropriately. Mr. Chavez alleged that the Police had no business getting involved in this matter in the first place. Police Officers will always respond to calls for service from citizens who believe they are being wronged, whether or not it is on private or public property. Our review of the evidence and of the facts and circumstances surrounding the case show that Officer V. acted appropriately and within policy.

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

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

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

M006832

Letter to Mr. Chavez

DATE

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

James Chavez, attorney for Wyoming Terrace Mobile Home Park, stated that officers out of the Phil Chacon substation have taken it upon themselves to interfere in civil matters within private property, namely the Wyoming Terrace Mobile Home Park. Mr. Chavez stated that Officers W. and Officer L. were present on November 11, 2013 (actual date determined to be 11-8-13). Mr. Chavez alleged that the Officers W. and Officer L. acted to the detriment of his client's private property rights. Mr. Chavez said that owners must pay a \$1500 moving fee deposit before their mobile home could leave the property. Mr. Chavez claimed that Officer W. and Officer L. ordered or allowed the mobile homes to be removed from the park without the consent of park management. Mr. Chavez stated that these incidents are civil matters and the police have no business being involved in civil matters.

The investigation revealed that the actual date of the incident was November 8, 2013. Officer W. had requested Officer L., who was acting sergeant at the time, to respond to the mobile home park at the request of park management. Upon arrival, she noted that a park management truck was blocking a mobile home which had been towed into the street. The truck was blocking access to the roadway. For safety reasons, Officer W. informed park management that their truck had to be moved because it was blocking the roadway. Management refused to remove their vehicle from the street. Officer W. informed park management that the vehicle would be towed. Park management then agreed to move the truck. Officer W. was informed that park management was trying to charge a \$1500 moving fee to the owner of the mobile home, but management had no paperwork to that effect. The mobile home owner did have all their paperwork in order. The mobile home had been moved into the street, and the tow truck then moved the mobile home from the park property. Officer L. was subpoenaed to a court hearing before Metro Court Judge Sedillo, but was not allowed to testify. Judge Sedillo ruled that the park was engaging in Unfair Practices and must return the moving fee that they had charged.

There was a court finding in one of the cases and the Judge hearing the case ruled that charging a move out deposit does not appear to be illegal but because the move out deposit was not identified before the move in and because it was not part of any lease agreement, the move out deposit, demanded on the day a tenant is moving their home from the park, is inappropriate and it breaches the duty of good faith that is a requirement of the law. Absent any proof that there is a lien on the mobile home to prevent it from being moved, the officers acted appropriately. Mr. Chavez alleged that the Police had no business getting involved in this matter in the first place. Police Officers will always respond to calls for service from citizens who believe they are being wronged, whether or not it is on private or public property. Our review of the evidence and of the facts and circumstances surrounding the case show that Officer L. acted appropriately and within policy.

M006833

Letter to Mr. Chavez

DATE

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

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

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

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

James Chavez, attorney for Wyoming Terrace Mobile Home Park, stated that officers out of the Phil Chacon substation have taken it upon themselves to interfere in civil matters within private property, namely the Wyoming Terrace Mobile Home Park. Mr. Chavez stated that Officers Jacob W. and Officer L. were present on November 11, 2013 (actual date determined to be 11-8-13). Mr. Chavez alleged that the Officers W. and Officer L. acted to the detriment of his client's private property rights. Mr. Chavez said that owners must pay a \$1500 moving fee deposit before their mobile home could leave the property. Mr. Chavez claimed that Officer W. and Officer L. ordered or allowed the mobile homes to be removed from the park without the consent of park management. Mr. Chavez stated that these incidents are civil matters and the police have no business being involved in civil matters.

The investigation revealed that the actual date of the incident was November 8, 2013. Officer W. was dispatched to the Wyoming Terrace Mobile Home Park regarding a truck that was blocking a mobile home from being moved from the park. There have been several incidents of this nature at the park. The mobile home had already been moved into the street before two park management trucks blocked it from moving any further. The trucks were blocking access to the street. Officer W. informed the park management that their vehicles had to be moved because it was a safety concern for emergency vehicles. Park management told Officer W. this was a civil matter, and their policy allowed them to collect a \$1500 moving fee before any mobile home was moved from the property. Officer W. informed park management that their vehicles would be towed because they were illegally blocking the roadway. Management at first refused to move the vehicles, but before the tow truck was called, management agreed to move the vehicles. The towing company and the mobile home owner had the proper paperwork. The mobile home had already been moved into the street, and the tow truck moved the mobile home off the property.

There was a court finding in one of the cases and the Judge hearing the case ruled that charging a move out deposit does not appear to be illegal but because the move out deposit was not identified before the move in and because it was not part of any lease agreement, the

Letter to Mr. Chavez

DATE

Page 7

move out deposit, demanded on the day a tenant is moving their home from the park, is inappropriate and it breeches the duty of good faith that is a requirement of the law. Absent any proof that there is a lien on the mobile home to prevent it from being moved, the officers acted appropriately. Mr. Chavez alleged that the Police had no business getting involved in this matter in the first place. Police Officers will always respond to calls for service from citizens who believe they are being wronged, whether or not it is on private or public property. Our review of the evidence and of the facts and circumstances surrounding the case show that Officer W. acted appropriately and within policy.

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

Your complaint and these findings are made part of Officer N.'s, Officer V.'s, Officer L.'s, and Officer W.'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

M006835

## **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

Mike Arellanes

██████████  
Santa Fe, NM 87508

**Re: CPC #257-13**

Dear Mr. Arellanes:

The complaint you filed against Officer J., and of the Albuquerque Police Department (APD) was received in our office on January 2, 2014 regarding an incident that occurred on December 25, 2013. A Civilian Police Oversight Agency (CPOA) Investigator and a contract independent investigator were 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**

Mike Arellanes alleged that complaint that on December 25, 2013, Officer J. illegally forced his way into Mr. Arellanes' friend's yard and damaged the gate.

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

The Acting Executive Director of the CPOA reviewed the investigation conducted by the CPOA Investigator and the independent contract investigator, which included an interview with Mr. Arellanes, a letter from Stan and Margaret Allen, a review of the applicable Standard Operating Procedures (SOPS), the Citizen Police Complaint, the Albuquerque Police Department Report in the case, The Computer Assisted Dispatch (CADS) Reports, and interviews with Officer J., and Sergeant J..

M006836

A) The CPOA reviewed Standard Operating Procedure regarding Officer J.'s conduct, which states:

*Officers may conduct warrantless searches in order to uphold individual civil rights, protect officers and others.*

The police report states that Officer J. was dispatched to [REDACTED] for a welfare check on the caller's 13 year old grandson. The grandmother believed that the 13 year old's father, Mr. Arellanes, was possibly driving and had the 13 year old drive Mr. Arellanes. Officer J. arrived at the address and noticed a chain-link fence surrounding the residence. Officer J. pushed open the gate without damaging the gate. Mr. Arellanes came to the door and told Officer J. that his 13 year old son was with his mother and not at the residence. A female resident of the home, who did not wish to be identified, was upset that Officer J. had knocked on her door and accused Officer J. of damaging her gate.

Officer J. called his Sergeant, Sergeant J. to the scene to inspect the gate and to speak with the woman. Sergeant J. did not observe any damage to the fence or gate.

Officer J. was lawfully on the property, conducting a welfare check on a minor child.

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

B) The CPOA reviewed Standard Operating Procedure 2-02-1, Damage to Civilian Property, regarding Officer J.'s conduct, which states:

*Personnel will complete an offense/incident report detailing the exact damage and forward a copy of the report to Risk Management..*

A female resident of the home, who did not wish to be identified, was upset that Officer J. had knocked on her door and accused Officer J. of damaging her gate. Once the woman accused Officer J. of damaging her fence and gate, Officer J. called his Sergeant to the scene. Sergeant J. inspected the gate and to spoke with the woman. Sergeant J. did not observe any damage to the fence or gate.

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

Your complaint and these findings are made part of Officer J.'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

**Letter to Mr. Arellanes**

**DATE**

**Page 3**

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

M006838

## **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*

Edward W. Harness, Executive Director

Via Certified Mail

Sabine Brown

Albuquerque, New Mexico 87121

**Re:    CPC # 207-15**

Dear Ms. Brown:

Your complaint against unknown Bernalillo County Sheriff's Office (BCSO) Deputies was received in our office on October 24, 2015. Your complaint was assigned to a Civilian Police Oversight Agency (CPOA) Investigator for review on October 30, 2015.

### **I. THE COMPLAINT**

Your complaint alleged misconduct on the part of unknown BCSO Deputies 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

M006839

Letter to Ms. Brown

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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

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

CC: Albuquerque Police Department, Chief of Police

M006840

**From:** [Leonard Waites](#)  
**To:** [Beth Mohr](#); [Mark T. Baker](#); [Joanne Fine](#); [Scott S. Wilson](#); [Jeannette V. Baca](#); [Moira Amado-McCoy](#); [Eric Cruz](#); [Leonard Waites](#); [susanne.brown37@gmail.com](#); [David Ring](#)  
**Subject:** Fwd: Work completed between 7/17/15 and 7/23/17  
**Date:** Friday, July 24, 2015 6:54:04 AM

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----- Forwarded message -----

**From:** **Hammer, Robin** <[rhammer@cabq.gov](mailto:rhammer@cabq.gov)>  
**Date:** Thu, Jul 23, 2015 at 2:27 PM  
**Subject:** Work completed between 7/17/15 and 7/23/17  
**To:** Leonard Waites <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>

Leonard:

Pursuant to the POB's letter of reprimand, I am reporting the cases completed between 7/17/15 and 7/23/15:

253-13

20-15

21-15

58-14

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

M006841

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

--  
Leonard Waites Chairman  
Police Oversight Board

**From:** Leonard Waites  
**To:** Beth Mohr; Mark T. Baker; Jeannette V. Baca; POB; Eric H. Cruz; Joanne Fine; Scott S. Wilson; David Ring; susanne.brown37@gmail.com; Dr. Moira McCoy POB; Leonard Waites  
**Subject:** Fwd: Work completed between 7/24/15 and 7/31/15  
**Date:** Friday, July 31, 2015 7:42:41 PM

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----- Forwarded message -----

From: "Hammer, Robin" <rhammer@cabq.gov>  
Date: Jul 30, 2015 5:24 PM  
Subject: Work completed between 7/24/15 and 7/31/15  
To: "Leonard Waites" <phamason.lw@gmail.com>  
Cc:

Leonard:

Pursuant to the POB's letter of reprimand, I am reporting the cases completed between 7/24/15 and 7/31/15:

47-15

71-15

4-15

61-15

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

M006843

(505) 924-3770

Fax: (505) 924-3775

<http://www.cabq.gov/cpoa>

**From:** [Leonard Waites](#)  
**To:** [Susanne Brown](#); [David Ring](#); [Jeannette V. Baca](#); [Joanne Fine](#); [Eric H. Cruz](#); [Mark T. Baker](#); [Beth Mohr](#); [Scott S. Wilson](#)  
**Subject:** Fwd: pre-work for Sept 3rd training  
**Date:** Tuesday, August 25, 2015 7:24:30 AM  
**Attachments:** [POB Pre-Class Assignment.docx](#)  
[Diversity + Conflict Inventory.docx](#)

---

All, attached are pre-work/information that needs to be looked at prior to our training.  
Leonard

----- Forwarded message -----

From: "Moira Amado-McCoy" <[amadamccoy.pob@gmail.com](mailto:amadamccoy.pob@gmail.com)>  
Date: Aug 24, 2015 10:55 PM  
Subject: pre-work for Sept 3rd training  
To: "Mark Baker" <[mbaker@peiferlaw.com](mailto:mbaker@peiferlaw.com)>, "Leonard Waites" <[phamason.lw@gmail.com](mailto:phamason.lw@gmail.com)>, "Leonard Waites, ([leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com))" <[leonard.waites@yahoo.com](mailto:leonard.waites@yahoo.com)>  
Cc:

Hi, Leonard.

Here are the two documents Ms. Ngoran has provided as pre-work for our Sept. 3rd training. Will you please make sure all board members receive these documents. She has asked that the appropriate pieces ("inventory") be returned to her by 8/29.

Thank you. I'm excited about the work here; I think it will be a useful and meaningful part of our continuing work together. We'll certainly have the potential to be a very well-oiled machine when all is said and done!

Best,

Moira

Sofiah Ngoran + Company, LLC.

Organizational Training, Development, Coaching + Mediation Services

Sofiah Ngoran-Nguessan  
sofiahngoran@gmail.com  
505-982-9088

August 23, 2015

Welcome POB Members:

I'm Sofiah Ngoran, the Diversity Instructor for the upcoming training session on September 3, 2015 from 5:30-8:00. I'm pleased to have the opportunity to work with you on this very important and timely topic.

Due to our limited time together, the amount of information needed to adequately cover the subject, and the importance of the topic in your leadership role as a Police Oversight Board Member, I have provided pre-class work. It is my hope that you find this work as I did – thought provoking and inspiring!

I've provided questions and comments in each Section One-Ted Talks. Please take notes and come prepared to discuss them and all other points of interest and importance.

In Section two you will listen to a 5-minute audio case study and take a test for Bias embedded in the written transcript.

When you have completed Sections One and Two then move onto Section Three which is the Diversity + Conflict Inventory. It is in a separate file and should be sent back to me directly.

Please bring a binder and all pre-work to class, including scores from the Test.

If you have questions or comments, you are free to contact me.

I look forward to meeting all of you.

Sofiah Ngoran  
[sofiahngoran@gmail.com](mailto:sofiahngoran@gmail.com)

M006846

Section one: Ted Talks

**Instructions: Listen to the following 4 Ted Talks. Talks range from 12 to 15 minutes.**

**Ted Talk Topic 1: What does it take to be a great leader of the 21<sup>st</sup> Century?**

[http://www.ted.com/talks/roselinde\\_torres\\_what\\_it\\_takes\\_to\\_be\\_a\\_great\\_leader](http://www.ted.com/talks/roselinde_torres_what_it_takes_to_be_a_great_leader)

1. What qualities and attitudes are necessary to be an effective leader on the POB?
2. How diverse is the POB board, your network, those you serve?

**Ted Talk Topic 2: Why good leaders make you feel safe**

[http://www.ted.com/talks/simon\\_sinek\\_why\\_good\\_leaders\\_make\\_you\\_feel\\_safe](http://www.ted.com/talks/simon_sinek_why_good_leaders_make_you_feel_safe)

Trust and cooperation are not something you learn from instruction. It's a feeling.

1. How do you develop trust and cooperation among your board members and the public you serve?

**Ted Talk Topic 3: Dare to disagree**

[http://www.ted.com/talks/margaret\\_heffernan\\_dare\\_to\\_disagree](http://www.ted.com/talks/margaret_heffernan_dare_to_disagree)

1. What skills/abilities are needed to effectively disagree?
2. What do you think about Ms. Heffernan's idea of Conflict as Thinking?

**Ted Talk Topic 4: Diversity is Necessary for Human Evolution**

<http://tedxtalks.ted.com/video/Diversity-is-Necessary-for-Huma;search%3Atag%3A%22tedxabq%22>

1. Have you ever felt different from others?
2. Everyone has unconscious bias. Which Biases serve you and which don't?
  - Unconscious bias drives behavior. Bad motives can hide under good intentions
  - Everyone has good intentions but they are not enough.
  - We must get along and communicate effectively. Remember the 5 C's.
    - Commitment to take others point of view seriously
    - Consciousness
    - Compassion
    - Curiosity
    - Courage

Section two: Short Case study+ test for bias

Instructions: 1) Listen to the 5-minute Audio clip with written transcript - "Can Health care be cured?" 2) Take the Test for Bias. The test link is embedded in the transcript about half way down. Click on implicit association test, a series of timed computer tests that measure unconscious attitudes around race, gender, age, weight and other categories. The results from this test are confidential. No one has access to the results but you and Project Implicit. You will not be required to discuss your biases with other members of the Board. We will, however, discuss general questions around unconscious bias, how it reveals itself, and our thoughts about the efficacy of the test.

***Be sure to read all instructions and information provided before taking the test***

<http://kanw.com/post/can-health-care-be-cured-racial-bias>

**NOTE:** There are 14 different IATs to choose from. **For class, take the following 3 tests ONLY - Age, Race, Gender-Career.** Each test is about 10 minutes. You can take any others you like but bring the results from these three tests to class.

Instructions: Please complete the Diversity Conflict Resolution Inventory Tables below. The Diversity Inventory is based upon the areas mentioned in the Implicit Association Test. See descriptions from that link.

Please send this section directly back to sofiahngoran@ gmail.com by August 29.

Section Three: diversity + conflict inventory

<b>DIVERSITY Testing Areas of IAFT (See Implicit Association Test for descriptions)</b>	<b>Testing Scores for: Age Race Gender-Career</b>	<b>Familiarity (F) Familiar (UNF) Unfamiliar</b>	<b>Level of Skill or knowledge in dealing with these areas? (None, Beginning, Intermediate, Advanced)</b>
Age *			
Arab-Muslim			
Asian			
Disability			
Gender-Career *			
Gender-Science			
Native			
Race *			
Religion			
Sexuality			
Skin Tone			
Weight			
Weapons			

<b>CONFLICT RESOLUTION COMPETENCIES</b>	<b>Familiarity (F) Familiar; (UNF) Unfamiliar</b>	<b>Level of Skill or knowledge in dealing with these areas? (None, Beginning, Intermediate, Advanced)</b>
Collaboration & Engagement		
Communication Skills - Active Listening, Summarizing, Reframing, Deflecting ( <i>circle all that apply</i> )		
Creating safe spaces		

<b>CONFLICT RESOLUTION COMPETENCIES</b>	<b>Familiarity (F) Familiar; (UNF) Unfamiliar</b>	<b>Level of Skill or knowledge in dealing with these areas? (None, Beginning, Intermediate, Advanced)</b>
Creating workable agreements		
Cross Cultural Competence with other cultures		
Dealing with your Defensiveness		
Empathy		
Impartiality - Objectivity		
Knowledge of tactics in dealing with (i.e.) hidden agendas, good/bad cop, other deceptive games		
Knowledge of your Unconscious and Conscious Biases + preferences		
Tolerance for Conflict		
Tolerance for Differences		
Understanding & Managing the Lizard Brain		

**From:** [cfoster643](#)  
**To:** [POB](#)  
**Subject:** Greetings  
**Date:** Friday, August 14, 2015 8:23:18 AM

---

Please provide resumes of executive director candidates

Sent from my T-Mobile 4G LTE Device

M006851

**From:** Jonathan Locke  
**To:** POB  
**Subject:** Highway Patrolling  
**Date:** Thursday, June 25, 2015 5:01:08 PM

---

Dear Board Members,

I moved to Albuquerque from Seattle almost two years ago and while I love my new hometown very much, I am absolutely STUNNED by relative lawlessness of Albuquerque drivers on the freeways. In Seattle, it is rare to see serious traffic violations at all and you almost cannot get on the freeway at any time of the day or night without seeing someone pulled over for a minor violation. These two things are directly connected. By contrast, in the past two years in Albuquerque, I have yet to witness ANYONE pulled over for any reason on I-25 or I-40, and the extremely dangerous way that people drive reflects the fact that they know that highway laws are either not being enforced seriously or perhaps even at all (I've certainly never seen anyone pulled over, although I see moderate violations almost every time I get on the freeway and really serious and dangerous violations several times a month, things like: people cutting across several lanes of traffic just inches from bumpers at a high rate of speed without signaling (happened to me this afternoon), cutting across traffic medians (extremely dangerous for road crews), passing on the shoulder at high rates of speed, tailgating, drunk driving and much more). The nearly daily occurrence of traffic accidents and fatalities definitely reflects the sad, reactive state of highway law enforcement.

I know it is perceived that the APD has bigger fish to fry with so much violent crime going on and I do agree that it takes priority if there are no resources that could even be hired, but I think it could be quite short sighted to give up entirely on highway law enforcement, because it could have some great benefits to the community at marginal cost (through increased ticketing revenues):

- Fewer highway accidents, delays, injuries and deaths (which have terrible and lasting impact on NM families)
- Lower overall crime rates, including violent crime (the success of NYC's "broken window" theory suggests that enforcement of basic laws does indeed prevent more serious crime)

Thanks for your time and attention,

Jonathan Locke  
[REDACTED]

M006876

**From:** Contreras, Michelle  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown  
**Cc:** Skotchdopole, Paul A.; Mark Baker, Esq.  
**Subject:** IA Stats for July and August 2015  
**Date:** Wednesday, September 30, 2015 4:17:54 PM  
**Attachments:** IA Stats for July and August 2015.pdf

---

Good afternoon POB:

For you information, I am passing on the attached IA Stats from Lt. Garcia. If you have questions, please feel free to contact our office.

Thanks.  
Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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>

**POLICE OVERSIGHT COMMISSION**  
**INTERNAL AFFAIRS**  
**STATISTICAL DATA FOR THE MONTH OF JULY 2015**

---

**APD 911 Communications Center**  
**Dispatched calls for Service for JULY 2015: 46,260**

**INTERNAL CASES FOR THE MONTH OF JULY 2015**

**I's**

**Internal Cases Received: 11**

**Comprised of:**

- **3-Internal Affairs Investigated case**
- **8-Area Command Investigated cases**

**Internal Cases Administratively Closed: 0**

**Internal Cases Mediated: 0**

**Total Internal Cases Completed the Month of JULY: 18**

**Comprised of:**

- **9-Accidents**
- **4-Internal Affairs Investigated cases**
- **5-Area Command Investigated cases**

**Discipline imposed for Internal Cases/ JULY 2015:**

**4: Verbal Reprimand**  
**6: Letter of Reprimand**  
**1: 8-Hour suspension**  
**2: 24-Hour Suspension**  
**1: 40-Hour suspension**  
**3: Termination**

**Pending Cases for the Month of JULY 2015: 7**

09-18-15P04:44 RCVD

**POLICE OVERSIGHT COMMISSION**  
**INTERNAL AFFAIRS**  
**STATISTICAL DATA FOR THE MONTH OF AUGUST 2015**

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**APD 911 Communications Center**  
**Dispatched calls for Service for AUGUST 2015: 46,479**

**INTERNAL CASES FOR THE MONTH OF AUGUST 2015**

**I's**

**Internal Cases Received: 38**

**Comprised of:**

- **3-Internal Affairs Investigated case**
- **35-Area Command Investigated cases**

**Internal Cases Administratively Closed: 0**

**Internal Cases Mediated: 0**

**Total Internal Cases Completed the Month of AUGUST: 27**

**Comprised of:**

- **20-Accidents**
- **2-Internal Affairs Investigated case**
- **5-Area Command Investigated cases**

**Discipline imposed for Internal Cases/ AUGUST 2015:**

**9: Verbal Reprimand**

**16: Letter of Reprimand**

**1: 56 Hour suspension**

**1: Termination**

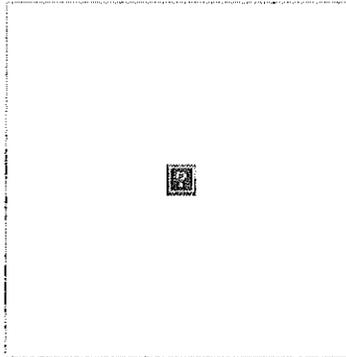
**Pending Cases for the Month of AUGUST 2015: 17**

09-18-15P04:44 RCVD

**From:** [NACOLE Director of Training & Education](#)  
**To:** [Joanne Fine](#)  
**Subject:** IMPORTANT Information Regarding 2015 Annual NACOLE Conference  
**Date:** Tuesday, July 21, 2015 7:18:39 AM

Important information regarding registration and hotels for the  
2015 Annual Conference

[View this email in your browser](#)



## **EARLY REGISTRATION DEADLINE FOR THE ANNUAL NACOLE CONFERENCE IS**

### **JULY 31, 2015**

The early registration deadline for the 2015 Annual Conference is quickly approaching. All paid registrations received on or before this date will qualify for the reduced rate. To guarantee your discount, register today!

For more information and to view a copy of the conference schedule, visit the [Annual Conference Page](#) on the NACOLE website.

**REGISTER NOW**

## **ADDITIONAL HOTELS NOW AVAILABLE FOR THE 2015 ANNUAL CONFERENCE**

The NACOLE block of rooms at the host hotel for the 2015 Annual Conference, the [Mission Inn Hotel & Spa](#), in downtown Riverside, California is close to being sold out. Because of this, we have made arrangements for additional blocks of rooms at two hotels also located in downtown Riverside. All three hotels are within walking distance of the Riverside Convention Center where our conference

sessions will be held. Make your reservation today by contacting one of the following hotels:

- MISSION INN HOTEL & SPA: Our host hotel, is offering attendees a special rate of \$130.00 per night. Reservations may be made by calling their reservation line at 800.843.7755. In order to receive this special rate, please make your reservations prior to September 11, 2015 and let them know that you are part of the 21st Annual NACOLE Conference.
- MARRIOTT RIVERSIDE: This hotel is offering a special rate of \$135.00 for single and double occupancy. To receive this rate, please make your reservations prior to September 11, 2015 and let them know that you are part of the 21st Annual NACOLE Conference 2015. Reservations for this property may be made by calling 800.228.9290 or by visiting our dedicated online reservation link [HERE](#).
- HYATT REGENCY PLACE: The Hyatt Regency Place is offering a special rate of \$115.00 for single and double occupancy. To receive this rate, please make your reservations by September 20, 2015 and mention our group code, G-NACL. Reservations for this property may be made by calling 888.492.8847 or by visiting our dedicated online reservation link [HERE](#).

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You are receiving this email because of your participation and/or interest in the upcoming Academic Symposium

**Our mailing address is:**

NACOLE  
P.O. Box 87227  
Tucson, AZ 85754

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**From:** Beth Mohr  
**To:** Leonard Waites; Scott S. Wilson; Joanne Fine; Moira Amado-McCoy; susanne.brown37@gmail.com; Jeannette V. Baca; David Ring; Eric H. Cruz; Huitts, Samantha M.; Mark T. Baker  
**Subject:** IMPORTANT: NACOLE's  
**Date:** Thursday, July 23, 2015 7:00:33 PM

---

All: Please take a few moments to carefully review what's below - this is the NACOLE suggested qualifications for a position such as the Executive Director of the CPOA. These are the kinds of qualities we will be seeking in our applicants during the interview. All of you know this instinctively, of course, but it's nice to see it in print. -B

## **SUGGESTED STANDARDS FOR OVERSIGHT EXECUTIVES: Directors, Auditors, and Monitors**

### **1. QUALIFICATIONS FOR CIVILIAN OVERSIGHT EXECUTIVES**

#### **1. EDUCATION**

1. A Bachelor of Arts/Science or an equivalent degree. Master's degree, Juris Doctorate, or PhD is highly desirable.

#### **2. EXPERIENCE**

1. At least four (4) years of experience in the field of public or private administration or in the practice of law.
2. Prior managerial or supervisory experience.

#### **3. REQUIRED KNOWLEDGE, SKILLS & ABILITIES**

1. Creative, innovative and outgoing leader with recognized judgment, objectivity and integrity with a commitment to achieving solutions and results
2. Strong passion for community relations and outreach with the ability to build strong, yet independent working relationships with a wide array of constituents and community representatives particularly, experience working with multicultural/ethnic communities
3. Ability to bridge community and institutional concerns around fairness and justice issues and knowledge of social problems, community attitudes, organization and subcultures
4. Work effectively within the framework of governmental and judicial structures
5. Exceptional analytical, verbal and written communication skills
6. The ability to manage people
7. Knowledge of organization and management practices and methods, including goal setting, program development and implementation, employee supervision, personnel management, employee relations, team building, budget development and financial management
8. High level of resiliency and the ability not to personalize adversity
9. The ability to interact and operate effectively with various stakeholders, e.g., elected and appointed officials, law enforcement officers and administrators, community groups, and others
10. The ability to work independently, fairly and objectively
11. Effective facilitation, negotiation and diplomacy skills
12. A willingness to make a long- term commitment to the organization
13. Knowledge of general legal principals and statutory law including knowledge of employer-employee hearing and administrative procedures

14. Knowledge of principles, practice and procedures related to conducting investigations and administrative hearings including rules of evidence and due process
15. Knowledge of police administration and organization, and the rules, laws and regulations thereof

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:** Silvio Dell'Angela  
**To:** Romero, Annabelle J.  
**Cc:** City Clerk Staff; Hernandez, Jimmy S.; Info@nmfog.org; Hoffman, Lou D.; Eden, Gorden; pmrinc@mac.com; Yoshimura, Debra  
**Subject:** IPRA response for Phase 1 due Thursday. New IPRA request for Phase 2  
**Date:** Tuesday, August 11, 2015 9:26:07 PM

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Annabelle

Your response to my July 29 NM IPRA request is due this Thursday 8/13 and is available now and clearly also releasable public information.

I understand Phase 2 was very short and now completed. Therefore IAW the NM IPRA request the names of the attendees at the Phase 2 effort within the prescribed 15 days from today-NLT 8/26 and a copy of its report when published/posted on line.

All want believe that the money to UNM and to your office was well spent but understand most are skeptical believing it is just a PR distraction stunt and wished to be proved wrong.

We still haven't seen the results of UNM's study of how best APD could utilize their body recorders-something that could have been more credible if APD researched and adopted the successful SOPs/policies of other police forces such as that used by Rialto, California's PD.

Please manage this effort not only as a city employee but as a taxpayer as well.

Thank you

Silvio  
For WE THE PEOPLE

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**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Wednesday, July 29, 2015 1:33 PM  
**To:** 'Office of Diversity and Human Rights'; 'aromero@cabq.gov'  
**Cc:** 'dharris@cabq.gov'; 'Office of Diversity and Human Rights'; 'reygarduno@cabq.gov'; 'Mayor Berry'; 'dgibson@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'Eden, Gorden'; 'Office of Diversity and Human Rights'; 'Vanita.Gupta@usdoj.gov'; 'danlewis@cabq.gov'; 'kensanchez@cabq.gov'; 'trudyjones@cabq.gov'; 'kpena@cabq.gov'; 'Board of Regents' Office'; 'Yoshimura, Debra'; 'Norita10.na@gmail.com'; 'City Clerk Staff'; 'Hoffman, Lou D.'  
**Subject:** Ms. Anaya's comment and an apparently required NM IPRA request to get what I requested

Annabelle

Info also to the media, UNM Regents and others-sent to them Bcc

This Phase 1 effort was worst than a "dog and pony show"-as Nora described it while the referenced Phase 1 report prepared by UNM and those reports that will follow appear to be a waste of \$150,000 of our tax dollars. You avoided answering many of my questions in my July 26 e-mail below but merely sent the website reference to the UNM Phase 1 report.

M006884

I had asked for minutes of the meetings that would include the names of those attendees but these were never provided. I guess you now need a NM IPRA request to comply.

Therefore IAW the NM IPRA,

1. Request the opportunity to review or provide me with copies of the sign in sheets showing the attendees at these UNM conducted 22 "dialogues" and the names of those others aside from the four UNM folks who also participated in them.
2. Request the opportunity to review the resumes/qualifications of Dr. Guerin and his three likely graduate students, Tonnigan, Minssen and Torres to determine their qualifications to execute these Collaboratives.

I think UNM's Dr. Guerin was also given a contract to study APD's use of body recorders.

I would have thought rather than tasking UNM's Institute for Social Research, those from the Law School would have been more appropriate/knowledgeable in this reform area.

Preferably, honest retired APD officers like those four I mentioned and others who can make this more than just a data gathering effort resulting in no real changes to APD should have been hired as consultant to do this work. Those good cops if employed by us taxpayers would have had the prerequisite expertise to make this a meaningful outreach effort.

I'm sure you are aware of the tax dollars and the time of good volunteers that were wasted on the 2013 police oversight task force whose most critical January recommendations/reform of the citizens' police oversight process were ignored by both Cincinnati consultant Scott Greenwood, the Council but also the DOJ.

UNM's Dr. Bruce Perlman who was never mentioned in the Council's ordinance creating this oversight task force was nevertheless give the bulk of our tax dollars to manage the effort behind the scenes.

I guess some of us who have been on the front lines writing to and meeting with the DOJ, Council and other city leaders and were the ones who ultimately were the ones (along with the national media) who ultimately brought the DOJ here were somehow not deemed to be the "safe" stakeholders.

I note the name of one of your chosen gatekeepers who authored the July 25 e-mail to fellow activist Isle Biel below extended her the invite to participate in this Phase 2 "Collaborative." I guess not inviting me and likely others known to be active in this long APD reform struggle was just an oversight. Informed people are apparently not welcomed.

Understand my issue is not with the good people at UNM given this task but with those in the Mayor's office and the leadership of APD who are perpetuating this charade trying to convince APD really cares what comes out of this effort.

As I said before, they did these Collaboratives in Cincinnati and reform there took seven long years because the collaborative were also likely just a PR effort with resulting recommendations that their police department, assigned DOJ monitor and DOJ investigators ignored.

Those in the media particularly the ones who attended the dialogues have a responsibility to also question this research effort given to UNM. I can recall them only covering one of these "dialogues." Maybe they thought they were also PR efforts by those in the Mayor's office.

**They likely saw how the improper no bid contract by Schultz to employer TASER Inc. was covered up in the amended Internal Auditor's report because the Mayor was also involved by "greasing" this \$1.9 million contract for Schultz. As I said in previous e-mails, there is NO room for integrity in this Berry administration.**

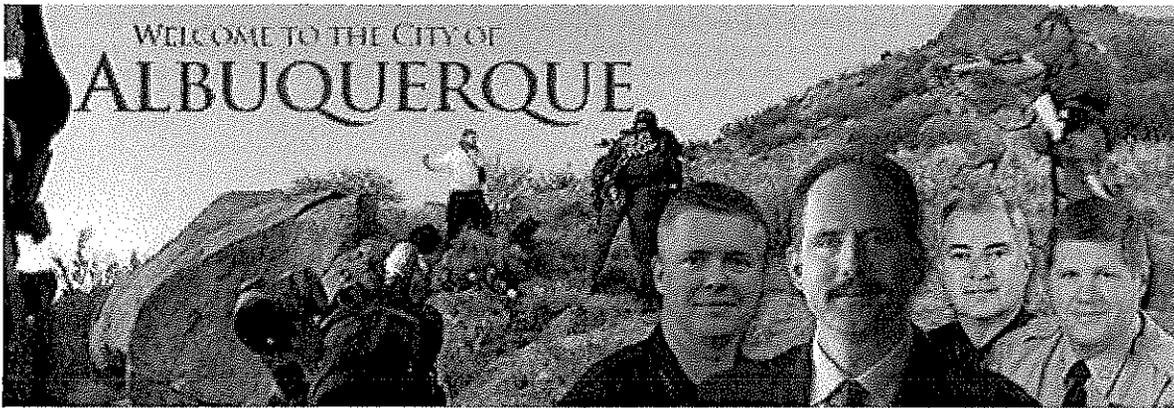
Meanwhile our Mayor remains in hiding, coming out of his cave on the 11<sup>th</sup> floor only to travel out of the city or to cut ribbons or do other meaningless PR tasks.

I await your reply to my IPRA request

Regards

Silvio

For WE THE PEOPLE



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**From:** Nora Anaya [<mailto:norita10.na@gmail.com>]

**Sent:** Wednesday, July 29, 2015 10:14 AM

**To:** Silvio Dell'Angela

**Cc:** [dharris@cabq.gov](mailto:dharris@cabq.gov); Office of Diversity and Human Rights; [reygarduno@cabq.gov](mailto:reygarduno@cabq.gov); Mayor Berry; [dgibson@cabq.gov](mailto:dgibson@cabq.gov); [ibenton@cabq.gov](mailto:ibenton@cabq.gov); [bwinter@cabq.gov](mailto:bwinter@cabq.gov); Eden, Gordon; Office of Diversity and Human Rights; [Vanita.Gupta@usdoj.gov](mailto:Vanita.Gupta@usdoj.gov); [danlewis@cabq.gov](mailto:danlewis@cabq.gov); [kensanchez@cabq.gov](mailto:kensanchez@cabq.gov);

M006886

[trudyjones@cabq.gov](mailto:trudyjones@cabq.gov); [kpena@cabq.gov](mailto:kpena@cabq.gov); Board of Regents' Office

**Subject:** RE: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?

With All Due Respect:

The Foundation Of This Infamous Collaborative Has Been Built With Low Grade Material. Therefore it is crackling at the seams without a sound foundation,

This so called "COLLABORATIVE" Simply Put-It's futile-equal to a dog & pony show ! Compared to the window dressing at Wal-Mart.

NORA TACHIAS ANAYA

On Jul 28, 2015 8:08 PM, "Silvio Dell'Angela" <[Dellansi@comcast.net](mailto:Dellansi@comcast.net)> wrote:

Annabelle

I did a cursory review of the lengthy UNM document posted on the website regarding Phase I effort that allegedly began on October 27, 2014 and lasted until June 6, 2015. This Collaborative study directed by the City Council (who unfortunately thus far has shown no real interest in real reform and involvement in the negotiation process with the DOJ), was seemingly assigned/contracted to the wrong people-your office and to UNM. Much like tasking some unqualified but apparently needing work researchers at UNM to do a study on proper use of APD recorders that apparently has not yet been completed, it is questionable now that the good folks at UNM's Institute of Social Research had any more competence in evaluating just what were the key priorities in police reform are here. Note in the charts in this Phase I report that that police accountability 3.4%, administrative /leadership changes-4.5% and transparency-3.1% were given low priorities although these are the key elements in any police reform. It demonstrates the UNM facilitators lack of knowledge.

A lot of taxpayers' dollars could have been saved on the APD recorder study by merely adopting the policies in Rialto, California or in an another US city where SOPs were in place and there was zero tolerance on rogue officers like killer cop Jeremy Dear and his partner Tanner Tixier who don't record. UNM has never been involved in offering reform remedies, thus, as this Phase I study document shows, those from UNM running it clearly lacked the expertise in evaluating what's are the real problems and solutions. We who have been deeply involved since the APD bloodbath that began in earnest under our still in hiding-MIA Mayor Berry and Chief Schultz know the tough decisions that have to be made to clean up the cesspool in APD. Chief Eden has no clue or is unwilling to do any reform. As asked for no names of participants during the Phase I effort are listed in the report. It appears that much like the earlier APD recorder study given to UNM, this \$150,000 one was just a reward for UNM's support of the Mayor's "Innovate ABQ" and did not seek the most qualified people to do this community outreach effort.

UNM recently embarrassed itself when first firing outspoken APS Board member Kathy Korte for daring to criticize-call a well connected NM legislator a traitor for betraying his and her constituents and her criticism of the Governor's seemingly questionable APS testing policy.

M006887

Kathy had to be shut up and every effort done to make sure she was not re-elected. The power brokers succeeded. Further the UNM Law School's acceptance of an APD (screw around on his wife) fired APD cop with a checkered past that included escaping a murder charge of his wife and his alleged false claims of a his stolen truck found in Mexico with his keys also showed where UNM's leadership lies and it's not with the people. This was also disappointing to all. We citizens would have been better served if honest retired APD officers like Dan Klein, Tom Grover, Paul Heh, Sam Costales and others were contracted to conduct these 22 sparsely attended "dialogues" many scheduled during working hours. They knew where the skeletons in APD were. This outreach effort was modeled after those done in Cincinnati where it took seven long years after the DOJ's investigation of their police department to accomplish any meaningful reform. Why would anyone except the naive volunteer to serve on this next Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning effort? A reading of your referenced Phase One Report seems to confirm that nothing meaningful will come from their efforts. Sorry for my skepticism. I won't be part of this charade!

Silvio

For WE THE PEOPLE

---

**From:** Romero, Annabelle J. [<mailto:aromero@cabq.gov>] **On Behalf Of** Office of Diversity and Human Rights

**Sent:** Tuesday, July 28, 2015 4:12 PM

**To:** 'Silvio Dell'Angela'

**Cc:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net); Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; POB; [Nmmoon2004@aol.com](mailto:Nmmoon2004@aol.com); Office of Diversity and Human Rights; Eden, Gorden; Moses, Karen

**Subject:** RE: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?

**I invite you to learn more about the Albuquerque Collaborative on Police Community Relations by reading the Phase One Report at the following link**

**<https://www.cabq.gov/mayor/police-outreach/phase-one-report>. Please note that the Albuquerque Collaborative on Police Community Relations effort was specifically intended to gain the Community's perspective on what issues are most important and what solutions the Community might suggest.**

ANNABELLE J. ROMERO

*Deputy Director, Office of Diversity and Human Rights*

City of Albuquerque, New Mexico

Office [505-768-3307](tel:505-768-3307) / Fax [505-768-4655](tel:505-768-4655) / v/tty [800-659-8331](tel:800-659-8331)

[aromero@cabq.gov](mailto:aromero@cabq.gov) / [www.cabq.gov](http://www.cabq.gov)



---

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

M006888

**Sent:** Tuesday, July 28, 2015 11:54 AM

**To:** Romero, Annabelle J.

**Cc:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net); Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; POB; [Nmmoon2004@aol.com](mailto:Nmmoon2004@aol.com); Office of Diversity and Human Rights; Eden, Gorden; Moses, Karen

**Subject:** FW: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?

Annabelle

**Do you plan to respond or are the answers to my questions too embarrassing?**

Silvio

---

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Monday, July 27, 2015 5:12 PM

**To:** 'aromero@cabq.gov'

**Cc:** 'mcruz@hearst.com'; 'stop\_police\_violence\_in\_abq@lists.riseup.net'; 'cespinoza@cabq.gov'; 'ttixler@cabq.gov'; 'pmrinc@mac.com'; 'Eden, Gorden'; 'POB@cabq.gov'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'jbenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'Bill Rehm'; 'lisa.torraco@nmlegis.gov'; 'kbrandenburg@da2nd.state.nm.us'; 'pmrinc@mac.com'; 'Mayor Berry'

**Subject:** RE: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?

Annabelle

Info those shown and not shown including many neighborhood leaders. I await your response to my questions below. Related to this matter was last night's story by KOAT's reporter Megan Cruz below showing that those interviewed mentioned only superficial-merely "interesting" proposed changes. My comments to it are highlighted below. Among the info I asked for below is just who were those involved in these "22 dialogues" that you mentioned in your invite below? You should have a record of them and when they occurred

I await your response. Thank you

Silvio

For WE THE PEOPLE

296 3241

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**"Residents spearhead ???change in APD Community policing councils**

M006889

***provide new suggestions-updated 7:12 AM MDT Jul 27, 2015***

**ALBUQUERQUE, N.M.** —A major overhaul is in full swing for Albuquerque police. Last year, the Department of Justice found APD had a pattern of deadly force and ordered several changes, including a push for APD to be more community-oriented. To Michael Mora, that means, "doing more within the neighborhood." APD agreed, so it created what's called "community policing councils" across the city to find out what people think the department needs to change. Police said residents have already come up with some pretty interesting ideas." Just "interesting"? How about more than just interesting ideas like APD not editing and releasing full recordings of officers acts of excessive force including shootings rather than stonewalling NM IPRA requests? How about holding the far too many bad cops and their bad leadership accountable by charging and firing them? How about giving the citizens' Police Oversight Board real power? How about putting meaningful information into the current meaningless reports issued by Robin Hammer for the new Police Oversight Agency? Today's Journal article documenting the \$13k taxpayers spent to send not one-but four Cultural Services employees to an April Jazz Fest in New Orleans while running up lavish expenditures there that was first reported in a April or May KRQE story-a trip the four failed to report. Today's article also mentions two trips by Councilor Benton to attend conferences on civilian oversight-I assume the meetings were hosted by NACOLE. Apparently no changes to our weak oversight process resulted from those conferences after he came back. How about putting dash-cams back in APD vehicles. Mayor Chavez had them removed after they captured too much incriminating information shown on the "COPS" TV show that he also banned? How about clarifying the limitations of "privileged immunity" for officers really means? How about clarifying the limited protections offered officers by the 1967 "Garrity vs. Supreme Court" ruling as the DOJ did following their investigation of the Seattle PD. See page 1 of their letter attached. How about implementing the changes proposed by APD Forward in the Amicus Curiae sent to Judge Brack on 1/14/15 that Brack ignored? See page 1 attached "First, people said they thought the tint on some APD patrol cars was too dark. "You can't see the police officer inside," said Albuquerque resident Robert Page. He said when you can't see the officer inside, it's hard to get to know who is patrolling the neighborhood." "You know, you can't wave or smile at them, you have no idea and you miss that chance to interact," said APD spokesperson Celina Espinoza." APD officer Celina Espinoza who was interviewed has thus far been an embarrassing spokesperson for APD as has Tanner Tixier-the former partner/accomplice of trigger happy and never make recordings cop Jeremy Dear in the murder of Mary Hawkes. We are getting tired of hearing from both. "So APD measured the tints on all their car windows. It actually found some were too dark, so those windows are being fixed at the officers' expense. Why were the window tinted by the officers in the first place-something known by their leadership? "Another suggestion had to do with the department motto on the cars. Instead of "In Step With Our Community," residents requested "To Protect and Serve. APD officials said they think that's a "pretty good idea" too so the motto will change on the vehicles next year." Why wait until next year? I suggested this change numerous times to APD beginning in 2011. Previously all APD vehicles had "To Protect and Serve" on them but this was changed. Many believe because of their oppressive blue code of silence that punishes honest officers, the only "Community" APD has

been in step with has been their own-the reason for the DOJ investigation. Further the new almost black \$40K Dodge Charger low reliability muscle cars don't even have a slogan on them. Any slogan means nothing if only there for PR purposes if APD ignores it-doesn't walk the talk. I also recommended why did APD not keep all of the APD cars white as were those earlier vehicles bought? At a Council meeting SW Mesa leader Louie Tafoya was also openly critical of the change to the black color but like me was ignored. Was the old white color not deemed intimidating enough by then Chief Schulz? *"So while the top brass make a lot of huge reforms,"* What "huge reforms"? *"the department wants you to know the little things matter, too."* *"We can't transform the community ourselves," said Espinoza.* APD'S job is not to transform the community but to transform themselves and now serve and protect the community.

---

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]

**Sent:** Sunday, July 26, 2015 6:50 PM

**To:** 'aromero@cabq.gov'

**Cc:** 'Nmmoon2004@aol.com'; 'jsebiel@icloud.com'; 'stop\_police\_violence\_in\_abq@lists.riseup.net'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'jbenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'Elizabeth Martinez'; 'Damon Martinez'; 'Vanita.Gupta@usdoj.gov'; 'Eden, Gorden'

**Subject:** RE: [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

Annabelle

Some added comments-questions.

It seems kind of late to invite we-the people to now "collaborate" after the words of the DOJ agreement defining its limitations and the limitations of the monitoring team have already been put in concrete. Not stated by you are the specific goals, what is the agenda and just what powers this "action planning session" of the Albuquerque Collaborative on Police Community Relations really has.

You mention 22 community dialogues already held. I'm not aware of any of them but only one public meeting hosted by Dr. James Ginger. Shouldn't the city website post the minutes of these 22 dialogues? Just what is to be determined during these Community Education, APD/Community Communication & Collaboration sessions? More importantly, to what extent with this third group have any real influence over any "improvements to APD" since it was made quite clear to all including our City Councilors that the monitoring team PMR Inc. work for only those in the DOJ and Federal Judge Brack and have no obligation to listen to the Councilors or we-the people who they are supposed to represent. The Councilors have been willing bystanders in the whole reform process thus far and have essentially ignored what changes to APD we have demanded. Nor is consultant Scott Greenwood-and if still involved, his partner Tom Streicher obligated to comply with our demands but only to the wishes of the Mayor who contracted for their work over our objections. Further, will local NAACP boss-now another of the Mayor's consultants- Harold Bailey be involved and if so, how? It begs a question of skeptics like me whether this is just another Mayor Berry public relations ploy to give the illusion of real citizen involvement in the reform. As the saying goes-fool me once-shame on you. Fool me twice-shame on me. More specifics/details are needed Annabelle. I'm sure you have them to prove we will not be wasting our time if we choose to volunteer.

Thank you

Silvio

For WE THE PEOPLE

---

**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] **On Behalf Of** Silvio Dell'Angela  
**Sent:** Saturday, July 25, 2015 1:23 PM  
**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)  
**Subject:** RE: [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning  
Thanks

---

**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] **On Behalf Of** Ilse Biel  
**Sent:** Saturday, July 25, 2015 12:38 PM  
**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)  
**Subject:** [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning  
Begin forwarded message:  
From: [dono248@aol.com](mailto:dono248@aol.com)  
**Subject: Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning**  
**Date:** 25 July 2015 at 12:34:07 GMT-6  
**To:** [ilsebiel@icloud.com](mailto:ilsebiel@icloud.com)

Ilse

Would you want to post this to the STOP list serve ?Hoping we can get more attendees from a broader spectrum of our ABQ population, including homeless.....

LD

-----Original Message-----

From: nmmoon2004 <[nmmoon2004@aol.com](mailto:nmmoon2004@aol.com)>  
To: dono248 <[dono248@aol.com](mailto:dono248@aol.com)>  
Sent: Fri, Jul 24, 2015 10:59 pm  
Subject: Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

-----Original Message-----

From: Romero, Annabelle J. <[aromero@cabq.gov](mailto:aromero@cabq.gov)>  
Sent: Fri, Jul 24, 2015 7:12 pm  
Subject: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

**Attached is an invitation to participate in an action planning session of the Albuquerque Collaborative on Police Community Relations. The outcome of the 22 community dialogues conducted in the past year resulted in recommendations that fell into three major categories, Community Education, APD/Community Communication & Collaboration, and Improvements to APD. If you wish to participate in and work on the action planning of the category of your choice as referenced you must register on line at <http://www.cabq.gov/mayor/police-outreach/community-outreach-meetings-application>. The courtesy of a response is required no later than Monday, August 3, 2015 to ensure enough food is ordered for everyone. RSVP by responding to this email or calling 505-768-4712. For more information or if you are a person with a disability and require a reasonable accommodation to observe or participate in this meeting, please contact Ms. Shannon Triplett as soon as possible at 505-768-4712 or email at [odhr@cabq.gov](mailto:odhr@cabq.gov).**

M006892

ANNABELLE J. ROMERO  
*Deputy Director, Office of Diversity and Human Rights*  
City of Albuquerque, New Mexico  
Office 505-768-3307 / Fax 505-768-4655 / v/tty 800-659-8331  
[aromero@cabq.gov](mailto:aromero@cabq.gov) / [www.cabq.gov](http://www.cabq.gov)

**From:** Beth Mohr  
**To:** Leonard Waites; Scott S. Wilson; Moira Amado-McCoy; Joanne Fine; Eric H. Cruz; Jeannette V. Baca; David Ring; susanne.brown37@gmail.com; Mark T. Baker  
**Subject:** Interview Order  
**Date:** Tuesday, July 28, 2015 8:25:00 PM

---

All: I propose the following interview order, Mr. Harness first, because he has a flight back to catch and needs to go first; the others in Alpha order by last name. Those of you for whom I am making materials, they will be in this order. Others, if you'd like to order your materials thusly, it will be less confusing.

If someone wants to propose some other order in the public meeting, that's fine, as long as Mr. Harness can go first.  
Thanks, -B

CPOA Executive Director Candidates – In order of interview:

- 1 - Edward Harness
- 2 - D. L. (Duncan) Bradley
- 3 - John Grubestic
- 4 - Robin Dozier Otten
- 5 - Jay Rowland
- 6 - Edna Frances Sprague

Beth A. Mohr, Volunteer  
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:** Leonard Waites; Scott S. Wilson; Moira Amado-McCoy; Joanne Fine; Eric H. Cruz; David Ring; Jeannette V. Baca; susanne.brown37@gmail.com; Mark T. Baker; Hults, Samantha M.; Jacobi, Jenica I.; Hernandez, Jessica M.  
**Subject:** Interview questions for CPOA Executive Director applicants  
**Date:** Tuesday, July 21, 2015 6:03:32 PM

---

All: Please email me your proposed interview questions right away, these will be put together by the personnel subcommittee in the July 24th meeting; if you're coming to that meeting, you can propose them live and in-person.

Lawyers: If you'd like to propose a hypothetical legal questions, I'd appreciate it. Otherwise, I'll be left to my own devices, and will come up with some impossible legal conundrum that will leave applicants banging their head on the podium. Seriously though, any legal hypothetical that would shed light on the applicants understanding of issues like search and seizure, excessive force or false arrest. Any legal hypothetical 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.

Call with any questions. -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:** POB; Hammer, Robin; Hernandez, Jessica M.; Skotchdopole, Paul A.; O'Neil, Erin; Davidson, Christopher; Cash, Paul  
**Subject:** Invitation to Heroes Luncheon honoring APD Officer Golson  
**Date:** Tuesday, July 21, 2015 7:11:12 PM

---

Some friends and colleagues of mine are putting on a Heroes Luncheon: "We will be honoring the 2015 Hero of the Year, APD Officer Lou Golson, as well as many other leaders from the state. The keynote speaker will be U.S. Marshal Conrad E. Candelaria."

Conrad is also a dear friend, but I won't be able to attend. I've been asked to extend an invitation to the POB and CPOA offices, with the "public official" discount, in recognition of your service. The link below will provide additional information if you're interested:

<http://www.eventbrite.com/e/2015-new-mexico-business-coalition-heroes-luncheon-tickets-17159278865?ref=ebtnebregn>

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:** Joanne Fine  
**Subject:** Is this what you're talking about?  
**Date:** Monday, August 03, 2015 2:06:17 PM

---

You're going to bring copies of this stuff to the meeting, right? -B

<http://watchdog.org/6159/nm-senator-richardson-seriously/>

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*

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## John Grubestic: Senator Richardson. Seriously.

By Rob Nikolewski / March 10, 2011 / No Comments



Like 0

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Senator Richardson.

Say it slowly, try not to throw up and give it a chance to sink in. It makes perfect sense. Come on folks, if I can say it so can you... SENATOR RICHARDSON.

Yes, *that* Richardson, Big Bill, Slick Guillermo, the flabby King.

Richardson ([http://www.ballotpedia.com/wiki/index.php/Bill\\_Richardson](http://www.ballotpedia.com/wiki/index.php/Bill_Richardson)) is the only Democrat that merits consideration. Balderas, the two Martins, that Diane lady ([http://www.ballotpedia.com/wiki/index.php/Diane\\_Denish](http://www.ballotpedia.com/wiki/index.php/Diane_Denish)) who even the President couldn't remember (<http://www.ihatethemedia.com/barack-obama-cannot-pronounce-diane-denish>) , Patsy Madrid ([http://en.wikipedia.org/wiki/Patricia\\_A.\\_Madrid](http://en.wikipedia.org/wiki/Patricia_A._Madrid)) (who last time I checked couldn't even remember who she was), Benito Lujan ([http://www.ballotpedia.com/wiki/index.php/Ben\\_Ray\\_Lujan](http://www.ballotpedia.com/wiki/index.php/Ben_Ray_Lujan)) ? One more time, together... Senator Richardson!

(<http://www.capitolreportnewmexico.com/wp-content/uploads/2011/01/john-grubestic.jpg>)

John Grubestic

John Grubestic

John Grubestic

John Grubestic

Getting easier right? It should be. Especially for all you Democrats that have almost managed to wash the taste of his butt off of your lips. Pucker up, assume the position and get him elected!

We are not sending someone to Washington to make friends, play by a mythical set of rules and sit around waiting for the

M006898

Labs to shut down, see Kirtland relegated to Nerf warfare and watch as any available money goes elsewhere; the current Congressional delegation has it covered.

Don't take a knife to a gun fight; don't send a man wearing a suit made of salmon into a den of grizzlies or a Girl Scout to a crack house. We need to send the most successful hood (I mean this in the best sense as in ...Robin) New Mexico has ever produced to represent our interests in a city that has more unindicted felons roaming the streets than anywhere else in the world.

New Mexico needs a senator with the morals of a tapeworm, the energy of a drug-addled mongoose and the cajones of a rutting moose. Somebody who can down a gallon of vodka, bed an intern and finagle funding out of an economy that is sputtering like an accountant with a speech impediment at an IRS audit.

New Mexico doesn't need a dedicated family man/woman, a loving husband/wife or the mother/father of the year or somebody that tells us they are. They might show up at church, but nine times out of ten they have bones buried in their basement and spend too much time trying to hide the evidence instead of doing their jobs.

No one in Congress comes close to being the image they created, they just haven't been caught. The truly successful politicians don't care. Slick Willy, John, Bobby, Ted, Lyndon, Newt, tricky Dick, each had their own set of demons, but they all had the ability to consistently sell us a bucket of horse shit and get the job done.

New Mexico needs someone who can gut his own mother and eat her liver, chase it with a bottle of '82 Chateau Lafite and still have an appetite for a bucket of Häagen Dazs.

We need to stop electing our public servants based on the myths manufactured by the media. Better to elect the devil we know than the milquetoast we don't. Richardson is calculating, competitive and ruthless. He has every attribute and a resumé, which New Mexico has paid for, that would make him our finest senator.

Richardson is electable. Bill and his buddies can raise or steal all the money he needs to match Heather's junta of henchmen. Money changes political reality; Richardson is the keeper of the keys to the bank.

We don't need a camp counselor named Heinrich ([http://www.ballotpedia.com/wiki/index.php/Martin\\_Heinrich](http://www.ballotpedia.com/wiki/index.php/Martin_Heinrich)) as senator — maybe a Field Marshall or a Reich Fuhrer — but not a senator. Marty #2 ([http://en.wikipedia.org/wiki/Martin\\_Ch%C3%A1vez](http://en.wikipedia.org/wiki/Martin_Ch%C3%A1vez)) got stomped state wide. Besides, I think we need a sign that says "You must be this tall to get on this ride" before we send anyone to Washington. That would probably toss Benito out and his daddy (they are a package deal) and maybe Denish, Madrid and definitely Luján-Grisham (<http://michellelujangrigham.net/>).

Sorry Hector (<http://www.saonm.org/about-hector-balderas>), bald guys don't get elected to prominent positions in the United States. Grow a goatee and you might have a shot in the Balkans.

Richardson has credentials. He is the best man money can buy. Realistically, there is not one member of Congress or politics in general who hasn't sold something at some time to get where they are.

Politics is not pretty; it is not clean and there is nothing ethical about it. The profession is as noble and virtuous as convention for pedophiles at Disney World.

Richardson knows the game. He can cut throats better than Jack the Ripper and could charm the pants off Mother Teresa.

And not get caught! With the string of has-beens and never-will-bes that Democrats are lining up, he is our only hope.

The only senator from New Mexico who clearly understood his role was Domenici ([http://en.wikipedia.org/wiki/Pete\\_Domenici](http://en.wikipedia.org/wiki/Pete_Domenici)).

Saint Pete was no saint. He brought money to New Mexico. That is the one and only job a senator has — bring home the pork. You get the pork by being tougher, meaner and more ruthless than the scumbags who surround you. Bill is our greatest scumbag. Give him a shot, folks.

One more time, slowly ... Senator Richardson.

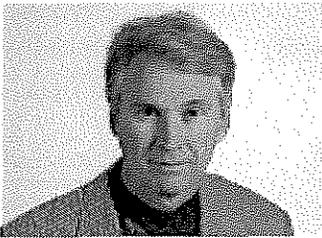
*John Grubseic is a former New Mexico legislator, who served as state senator from 2004-2008, representing Santa Fe. He now practices criminal law in Albuquerque.*



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Rob Nikolewski

Rob is the National Energy Correspondent for Watchdog.org. Rob is an Emmy-winning news anchor who has held many prominent positions in the journalism field for over 10 years working for MSNBC, Fox Sports Net Pittsburgh and several local television stations. He served as the bureau chief for New Mexico Watchdog and Capitol Report New Mexico for four years. Rob can be reached on Twitter at @NMWatchdog or by email at [rnikolewski@watchdog.org](mailto:rnikolewski@watchdog.org)



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**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** Isn't it time to hold police officers to a higher standard here? The culture of corruption continues  
**Date:** Friday, September 18, 2015 3:44:31 PM  
**Attachments:** [NO war on police.doc](#)  
[MurderersSandy&Perez.doc](#)  
[9-15-15EYE.doc](#)  
[3-6-15JnlCostales.doc](#)

---

## ALL-Bcc

Today's Journal opinion piece by Leonard Pitts shown below is something that other brave people in our reform movement and I have been preaching for a long time. But we have only been met with threats, censorship and deaf ears from APD and our City leaders. One, attorney Mary Han was likely murdered because she was far too much of a threat to APD.

### MORE FORMER COPS SELECTED AS "JURORS" OF THEIR BAD BROTHER COPS

We see from the latest disgraceful powerless agreement negotiated by the DOJ with Berry and his mercenaries that \$4.5+ million of our tax dollars is being wasted on retired cops/foxes guarding the hen house/ who are now asked to sit as jurors of their brothers-our criminal cops.

With the Berry/Perry hiring of Cincinnati's former disgraceful Police Chief Tom Streicher, yet another brother in blue "keep bad cops out of jail" family member had also joined this biased jury.

Now with the recent irresponsible appointment of an unqualified smooth and double talking former Milwaukee cop Ed Harness as Executive Director of the new Police Oversight agency, there now will be a total of four more ex cops added to the "keep cops unaccountable/out of jail" jury making the new Police Oversight Agency even more of a travesty than before-a sick joke played on citizens.

### WHY I'M DISGUSTED ALONG WITH OTHERS

During most of my 22 years as an Air Force officer (one in 'Nam) and later for eight years as a manager of multi-million dollar projects/contracts for a large aerospace company, I held not only a Top Secret clearance but also was cleared for "special category intelligence" (SCI) information to allow me to do what is often called super secret "black work." There was absolutely no tolerance for anyone with a TS/SCI clearance and SCI access screwing around on your wife, beating up people, drunkenness or other substance abuse including DWIs, lying or any other egregious misconduct.

Any would be justification for having one's clearance and SCI access removed and being drummed out of the service or have any future promotion opportunities denied. In England where I commanded a squadron of over 400 TS/SCI cleared men and women, we even had travel restrictions limiting where we could travel. There was zero tolerance on people with a corrupt/weak character.

## UNACCOUNTABLE PHONY HERO COPS HERE DISGRACING THIS CITY

But here in the US, the rules for our police officers are far different as these self-proclaimed heroes are allowed to do all of these unforgivable things and more-even murdering people without any fear of ever being held accountable.

Some disgraceful former cops (family members/their jurors) have even insulted us by demanding the passage of legislation calling for any killing of a NM police officer (a rare occurrence here) a hate crime claiming there is now a war on police.

See this attached that damns this blatant lying propaganda. See <http://www.truth-out.org/news/item/32828-as-james-blake-calls-for-james-frascatore-s-nypd-badge-hear-firsthand-account-of-cop-s-violent-past>

Are you paying attention (former cop-now my) NM Representative Bill Rehm and his fellow former cop brother Paul Pacheco?

With Eden's disgraceful appointee-urban warrior Jack Jones now heading the NM Police Academy we have the same problem that journalist Pitts talks about. Then there was the recent private "killology" training course endorsed by an APD Lieutenant also promoted by the vindictive father of State cop-James McGrane killed nine years ago. Only silence to this insulting private training from those downtown.

Also supporting this hero worship-no accountability for cops were the County Commissioners who refused to demand that BCSO Sheriff Manny Gonzalez equip his deputies with body cameras. Instead they recently approved \$800,000 to build two additional memorials for cops even including those who killed themselves while driving recklessly. Merely wearing a police badge gives you hero status.

Instead of just two memorials at \$400,000 each, many ask why not waste \$2 million of our tax dollars and build one memorial in all five County districts? How many do we have for our military veterans-our real heroes? Will BERNCO Commissioner Wayne Johnson who supported this \$800,000 waste of our tax dollars-one memorial in his district who many believe will run for Mayor be just another Berry? I hope not.

With media seeking hound Ken Sanchez's record as an enabler of all this in APD, it's amazing that he is even considering running. We also need more than just lip service from Dan Lewis-another possible candidate. See the latest by Joe Monahan on this and check out the upcoming ABQ Free Press.

## PROTECTING BOYD'S MURDERERS PEREZ AND SANDY AND OTHER BAD COPS IN APD

With unethical cowards sitting in the Mayor's, Legal's, APD command staffs' and APOA/APD union's offices there is a new concentrated propaganda campaign by their agents in the Journal and elsewhere to free Perez and Sandy, the two APD murderers of homeless camper James Boyd-the only recorded APD murder the public ever saw. In addition to the fund raising

campaign for the two by the APOA, there will be now a request to move the trial to Las Cruces by Sandy's attorney.

As screw-around lothario Levi Chavez Jr. (conduct excused by Schultz as just "nature at play") was kept on the city's payroll for over two years by Schultz with Berry's blessing before finally brought to trial, Keith Sandy too was kept on the payroll for many months and allowed to retire rather than be fired. Nice job boys!

Cover-ups were done by APD in Chavez's likely murder of his wife as well as with Perez's and Sandy's murderers of Boyd. See the attached two articles on Sandy and Perez-particularly the 2014 one discussing the cowardly Berry and Eden. Also see what honest retired cop Sam Costales said in March at a UNM hosted forum regarding Boyd's killing, the more bad apples than good in APD and the DOJ-copy attached.

Has anyone one forgotten about APD's cover up of the murder of attorney Mary Han who apparently knew too much. Former APD NM IPRA stonewaller Reynaldo Chavez finally spilled his guts in a lawsuit against APD alleging Berry's disgraceful personal attorney Jessica Hernandez's minion Kathryn Levy told him to withhold incriminating records of that Han murder. Has Hernandez spoken out lately about this? Coward!

Finally, see the latest Eye on Albuquerque posting attached on Berry's/Perry's/Eden's new disgraceful APD Major Jessica Evergerd-Tyler hired by Perry with Berry's blessing. This is the same Perry along with Hernandez who insulted the Council with his excuses for giving Eden's already overpaid command staff retention pay raises. Perry needs to be fired along with Eden and all of his senior command staff.

It's also time for the Berry and Martinez controlled Journal to get out of the protect the bad/killer cop defense business and maybe Publisher William P. Lang needs to clean his house there to make this happen.

**Do those in the DOJ and on the City Council finally get it? Not yet-it seems**

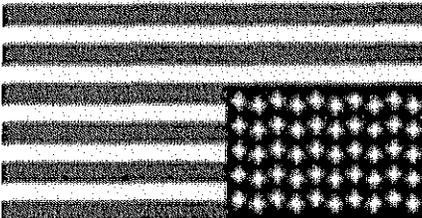
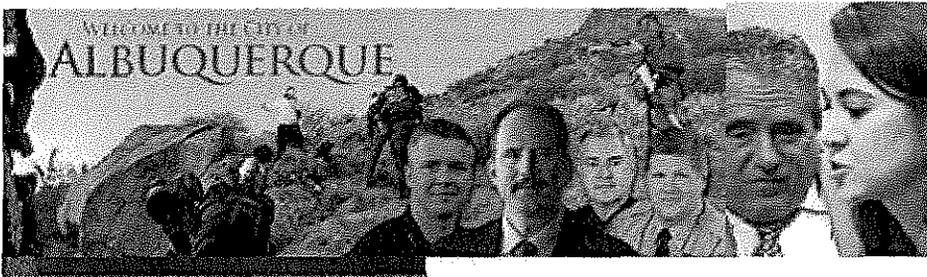
Disgusted,

Silvio  
296 3241  
For WE THE PEOPLE

P.S.

D'Val Westphal's UpFront article in the Journal today reported the many disgusted with Berry's blatant waste of our tax dollars on his newest white elephant-albatross, the unjustified ABQ Rapid Transit System that Councilors believe is a done deal. Maybe it's time for citizens, developers and merchants along Central to write directly to the Department of Transportation urging to reject the \$80 million request for it. Apparently Bruce Rizzieri is now in hiding and sends his minion/propagandist Dayna Crawford out to lie for him. Don't confuse us with the

facts she says.



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

<http://www.abqjournal.com/645934/opinion/its-time-to-hold-police-officers-to-a-higher-standard.html>

**It's time to hold police officers to a higher standard** By Leonard Pitts / Syndicated

Columnist Friday, September 18th, 2015 at 12:02am

*He was not a terrorist with a dirty bomb in his suitcase. He was not a stalker with a Glock in his fist. He was not even a mugger with a switchblade in his pocket. James Blake was not, in other words, an imminent danger of the sort that might have justified a police officer tackling him to the ground last week, as much of the world has now seen in a surveillance video. All Blake was – more accurately, all the police believed him to be – was a guy who had committed credit card fraud. And he wasn't even that. Rather, Blake is a retired tennis star who was waiting outside a Manhattan hotel for a car that was to take him to the U.S. Open when he was grabbed and thrown to the pavement by James Frascatore, an undercover NYPD cop. This was for – it bears repeating – credit card fraud. Working from a tip and from a photograph, Frascatore attacked the wrong man. Blake says that, during the assault, neither Frascatore nor his colleagues ever identified themselves as police. Sadly, Blake's account meshes seamlessly with other recent tales of thuggish policing of the type you never saw from Officer Pete Malloy on "Adam-12." In his book "The Divide," Matt Taibbi tells the story of a musician named Patrick who was assaulted by three cops at a subway station after they apparently mistook a roll-your-own cigarette for a marijuana joint. Patrick thought he was being robbed. Then he thought he was being kidnapped. "Call the cops!" he cried out to passersby. It did not occur to him that the people slamming his head against concrete were the cops. Not to put too fine a point on it, but something's very wrong when you can't tell the cops from the robbers. You should not be shocked to hear that Frascatore's colleagues apparently attempted to cover his backside; they failed to file required paperwork reporting the arrest. You should not be stunned to learn that his union stood up for him; union chief Patrick Lynch praised him for a "professional" takedown, and criticized as "premature and unwarranted" Frascatore's restriction to modified duty. Finally, you should not*

be surprised to find out Frascatore has a history of brutality complaints and is reported to be a defendant in two federal cases alleging excessive force. You should not be shocked, stunned or surprised because, let's face it: ***In America these days, a bad cop is more likely to win the lottery than be held accountable for his misbehavior.*** While we are apportioning blame for that sorry state of affairs, let's not forget the politicians and members of the punditocracy who pretend that questioning police is equivalent to hating them or that the person who is critical of law enforcement is the moral equivalent of the psycho who guns a cop down for fun. "Power," Britain's Lord Acton famously wrote, "tends to corrupt and absolute power corrupts absolutely." What we accord police in the absence of accountability comes pretty close to absolute power. From McKinney, Texas, where a police officer pulled a gun and threw a 15-year-old in a bikini to the ground, to Ferguson, Mo., where police used the citizenry as a kind of municipal ATM, to New York City, where James Blake was tackled like an ISIS courier with a briefcase full of anthrax, we are seeing what that looks like and it isn't pretty. Blake has called for Frascatore to be fired, and that would be an excellent place to start. But we also need to talk about reform: better training, greater oversight and strategies to interdict the cop code of silence – the "stop snitching" mentality – that makes too many good cops unwitting conspirators with too many bad ones. At their best, police demand that crooks answer for what they do. ***It's high time we started demanding the same from them.***  
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*Updated: 09/14/2015 6:28 PM | Created: 09/14/2015 5:09 PM By: Blair Miller, KOB.com*

The trial for two Albuquerque police officers accused of second-degree murder in the shooting death of James Boyd in the Albuquerque foothills last year has been tentatively set for Aug. 15, 2016. The trial for Keith Sandy and Dominique Perez is expected to last for three weeks, including one week for jury selection. Prosecutors have said they will need four days to present their case; defense attorneys plan to use the rest of the time. At a scheduling conference in Albuquerque Monday, there was also discussion of possibly changing the venue for the trial to Las Cruces, as the case has received major attention in Albuquerque. However, no motion for a change-of-venue has been submitted at this time. Sandy's attorney, Sam Bregman, said the judge gave a December deadline to file a motion for a change of venue. Bregman said he plans to file the motion and hopes to have the trial in Las Cruces – outside the Albuquerque media market at the very least. An Albuquerque judge ruled on Aug. 18 the two men will stand trial for Boyd's death. They both face second-degree murder, voluntary manslaughter and battery charges. Neither Sandy or Perez were in court Monday, which Judge Alisa Hadfield brought up because neither filed a motion to recuse their appearance.

*Updated: 09/30/2014 1:00 AM | Created: 09/28/2014 9:57 PM By: Chris Ramirez, KOB Eyewitness News 4*

UPDATE (9/29, 10 p.m.): The Albuquerque Police Department maintains that instead of saying "For this f\*\*\*ing lunatic? I'm going to shoot him in the penis with a shotgun here in a second," Officer Keith Sandy said, "For this f\*\*\*ing lunatic? I'm going to shoot him with a Taser shotgun in a second." Repeated requests by KOB to talk to Mayor Richard Berry were denied Monday evening, but the Mayor's Office sent a security guard instead. When KOB asked to speak with APD Chief Gorden Eden, his spokesperson, Janet Blair, also stonewalled us:

Chris: We're just trying to figure out when we can get that interview with Chief Eden

Janet: Chief Eden is not doing any interviews on this.

Chris: Why is that?

Janet: I'm waiting to deliver something. I can't talk to you right now about this.

Chris: Well that's the problem. We've been asking to talk to Chief Eden and he's not talking and then we don't get a reason from you as to why he's not talking. I think this administration should be a little more transparent.

Janet, you ignoring us doesn't help the situation.

Janet: Chris the chief is not doing interviews today.

Chris: That's fine, but can you explain to us why

Janet: No, I can't

Chris: Why? Why can't you explain to us why Chief Eden won't sit down and talk about this very important issue.

In a prepared statement, the chief wrote that he could no comment because this material is evidence in a federal criminal investigation. But some Albuquerque city councilors gave limited comments about what they saw on KOB Sunday night. "As somebody who works in the community, and for the community, and as a public official, police officers shouldn't be saying those things," said city councilor Don Harris. "It's obviously shocking; it's very disturbing, and we're going to do better." "In the entire time that I've been serving on the Albuquerque City Council, the chief has never consulted me regarding any personnel issue," city councilor Ken Sanchez said. Meanwhile, Keith Sandy continues to collect a paycheck and carry a gun and a badge, and our mayor and police chief continue their silence on an issue weighing heavily on the heart of our community.

UPDATE (9/29, 5:25 p.m.): The Albuquerque Police Department questioned Monday whether Officer Sandy said he would shoot Boyd "in the penis with a shotgun," or if he would shoot him "with a Taser shotgun."

APD also released one single page from the ten-page New Mexico State Police report on the shooting, which details a follow-up interview with state police Sgt. Chris Ware, who said he "doesn't remember" what was said that day, but that he "believes" he said "Taser shotgun." APD did not provide KOB the complete report the statement was pulled from.

ORIGINAL (9/28, 10 p.m.): Two hours before Albuquerque Police Officer Keith Sandy shot and killed homeless camper James Boyd, he was recorded telling another officer that he would shoot Boyd in the penis with a shotgun. Sandy responded to the scene on March 16th where Boyd refused to come down from a makeshift campsite in the foothills near Tramway and Copper. At the scene, Sandy saw former colleague State Police Officer Chris Ware. Sandy didn't realize it, but Ware's dash cam was rolling and picked up their conversation.

Sandy: What do they have you guys doing here?

Ware: I don't know. The guy asked for state police.

Sandy: Who asked?

Ware: I don't know.

Sandy: For this f\*\*\*ing lunatic? I'm going to shoot him in the penis with a shotgun here in a second.

Ware: You got uh less-lethal?

Sandy: I got...

Ware: The Taser shotgun?

Sandy: Yeah.

Ware: Oh, I thought you guys got rid of those?

Sandy: ROP's got one.. here's what we're thinking, because I don't know what's going on, nobody has briefed me...

Civil rights attorney Shannon Kennedy represents Boyd's family in a wrongful death suit against APD. Kennedy believes Sandy spelled out his intentions, then carried them out. "Two hours later he's escalating the situation so he can do just that," Kennedy said in an exclusive interview with 4 Investigates. "It's chilling evidence and stunning that he has not been criminally indicted. He says to a state police officer 'that f'ing lunatic, I'm going to shoot him in the penis. It's crystal clear and he says it with contempt in his voice.'" In April, APD internal investigators asked Sandy about what he meant by the "shooting in the penis" comment. In an internal investigation transcript, sandy is quoted saying, "Jokingly, just kind of locker room banter, just told him, you know, 'Don't worry. I'll shoot him in the pecker with this and call it good.'" But a few minutes later, the transcript shows that Sandy recanted his statement. The investigator asked, "Did you say anything to Chris Ware about shooting him in the pecker?" Sandy responded, "I don't...no, I don't think I did." In the transcript, Sandy gave the internal investigators a lengthy explanation how the officers working in the Albuquerque Police Repeat Offenders Program (ROP) often make cruel and crude jokes. In fact, Sandy described the hostility among his peers getting so bad that the officers adopted a "safe word." When officer use the safe word, CHINA, all jokes must stop. Sandy told investigators he was merely making a crude joke when he said he wanted to shoot Boyd in the penis. "Of course it's not a joke because he went forward and actually shot him," Kennedy said. "Clearly he has complete disregard for people suffering from mental disabilities. He calls him an expletive lunatic and then in the next breath says I'm going to shoot him in the penis. What is so mortifying about this shooting, and thank goodness we have a tape to show exactly what he did-- which is instead of shooting him in the penis, he shoots him in the lower back. So had James Boyd not turned around at that moment to set down his bags, he would have been shot in the penis." Sandy, according to an APD spokeswoman, is on administrative leave, but may still carry his gun and badge.

## My Police Academy Teaches the 'War on Cops' Myth

In my rural red state police academy, instructors preach about 'officers dying left and right'—even though the numbers show this isn't happening. The trumpets of the thin blue line and right-wing news sources have been sounding, piping out warnings of a "War on Police." You may have heard it on talk radio, seen it on Fox News or even read it in the New York Post, but now the rhetoric of charlatans has reached me in class at my police academy in a Northern red state.

The War on Cops is a grossly inaccurate response to recent police killings which are on track for another year that will rival the safest on record. Gunfire deaths by police officers are down 27 percent this year, according to the Officer Down memorial page, and police killings in general are at a 20-year low, given current numbers for 2015. Police deaths in Barack Obama's presidency are lower than the past four administrations, going all the way back to Ronald Reagan's presidency. Not a single iota of evidence supports a War on Police, but it has become a battle cry among some in the academy.

Over 80 percent of police departments in the United States are facing issues with low recruitment numbers. As an Iraq War veteran I sought to solidify my chance of employment working in law enforcement by attending a local police academy. I enjoyed serving my country as military police and will do such now as a sworn police officer back home. What are they telling us in a post-Michael Brown academy? The culture of police brutality is infrequently addressed, but what is continually mentioned is the notion that there is a War on Police. By whom? Depends on whom you ask.

Some instructors blame the Obama administration, which has provided extra funding to police departments to hire Iraq War veterans such as myself. Others, citing news organizations and politicians, try to pin it on the Black Lives Matter movement. How are they attempting to substantiate this? By highlighting a few high-profile police killings in the past few months, especially the tragic, execution-style death of a Texas sheriff at a gas station. Many activists tried to tie the accused murderer, Shannon Miles, to the Black Lives Matter movement in the immediate aftermath as a motive. He had no ties to the movement. Miles, however, had been previously declared mentally incompetent.

"The Obama administration and Eric Holder are undermining the police. We have officers dying left and right and he's dicking off in Alaska," says one of my instructors, referring to the president's trip to Alaska last week. Our instructor is likely trying to warn us to take heed of the dangers of the job, and not expect to be thanked by politicians for doing it. But he has made the government and the people we're meant to serve out to be boogeymen in the process.

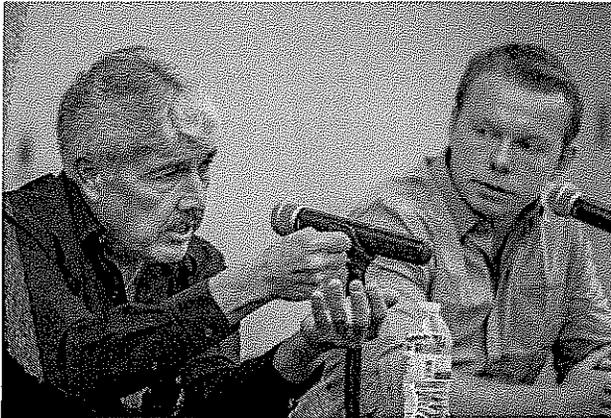
Bad guys have been shooting cops for years, but this is neither a new nor growing phenomenon. A whole generation has grown up knowing the phrase "fuck the police" as a song lyric, a response to the mass incarceration culture spawned from a War on Drugs that numbers show disproportionately and unfairly targets black Americans. I understand as a law enforcement professional—and as someone capable of fairly reading mountains of data—that the Drug War has been unfairly used as a tool of oppression against the black community. It is why the American public overall has shown they have less confidence in police in recent times.

But there is no War on Police. This Us vs. Them mentality still prevails even in fresh academy cadets. Perhaps some of these people will become future jackbooted, truncheon-wielding oppressors. Or perhaps they will encounter the reality that betrays the fear they are taught.

*Clayton Jenkins, who is writing under a pseudonym, is an Iraq War veteran training to become a police officer.*

# Ex-APD officer unmasking 'culture of aggression'

By [Mike Bush / Journal Staff Writer](#) PUBLISHED: Friday, March 6, 2015 at 12:05 am



Former Albuquerque police officer Samson Costales, left, makes a point during an appearance at the University of New Mexico on Thursday. Costales is outspoken about problems at APD. At right is UNM student Jack Cox, the event's moderator. (Roberto E. Rosales/Albuquerque Journal)

Disgusted, the second officer threw the suspect into the back seat of a hot car.

A little later, back at the station, Costales gave the suspect, by then drenched with sweat, a Coke. As a result, officers teased him about the soft drink and chastised him for not shooting the man, "like it was an honor or something to kill them," he said.

Costales was responding to a question put to him by Jack Cox, a junior at the University of New Mexico who moderated a question-and-answer session with the retired officer Thursday.

About 70 people listened intently as Costales presented an insider's view of what the U.S. Department of Justice called a "culture of aggression" at the Albuquerque Police Department. It was that same culture that led to the department's investigation, which found an unconstitutional use of excessive nonlethal and fatal force in 20 police shootings between 2009 and 2013.

Before Costales' talk at UNM, the APD issued a brief statement: "We respect everyone's right to have an opinion and share it with others. Our hope is that those who are most critical of our department will roll up their sleeves to be a part of the solution, in a productive manner."

Costales was invited to UNM by American Studies professor David Correia for a class on police violence and social control. Correia was arrested last June after he and a dozen other activists briefly occupied Mayor Richard Berry's office to protest police brutality. The charges were later dropped.

The federal investigation of the APD didn't include the six people killed by police officers since January 2014, including the shooting death of homeless camper James Boyd in the Sandia foothills in March, before the report was released.

"I think I just witnessed a murder," Costales recalled saying when he saw the video of the Boyd shooting.

Costales has spoken out against the APD before, including this year in a pair of scathing reports in two national magazines, The New Yorker and Rolling Stone.

He also testified against two Bernalillo County sheriff's deputies who arrested Al Unser Sr. in 2006, an event Costales described in great detail Thursday. The deputies twisted Unser's arm and threw him to the ground before arresting him, none of which was necessary or justifiable, he said.

After his testimony, he said, the police union posted a statement on its website calling him a rat and advising officers that, if he showed up at a scene, they should chase him away.

Since the DOJ report, Costales said he hears all the time about "the few bad apples" that mar the department's reputation.

In fact, he said, "there are more bad apples than good." And those good apples are afraid to come forward to report police wrongdoing, he said. Since the federal report last year, the APD has been "putting on a show for the DOJ," Costales said. "It's all window dressing."

**CAN THIS BE TRUE?**

We at the EYE have been hearing for some time about the new Major at the A.P.D. Training Academy, Jessica Tyler (Eversgerd her maiden name). You may remember the last A.P.D. Academy Director, Mr. Wolf, was having an affair with a sworn A.P.D. Officer and resigned in customary APD disgrace. **Our Eyes tell us that Major Evergerd-Tyler applied to A.P.D. in 1999 but was turned down because she failed the polygraph.**

Well, you can guess what happened next. Evergerd-Tyler applied to The Bernalillo County Sheriff Department and was hired. As time went by Evergerd-Tyler was promoted to lieutenant under the nefarious Sheriff, Darren White. Evergerd-Tyler then became a captain was placed in charge of training for the Bernalillo County Sheriff Department. Evergerd-Tyler's husband is a retired Sandoval County Sheriff deputy and is now working for The Sandoval County Sheriff, Doug Wood, in a civilian position, we are told with their training department. The Sandoval County Sheriff Department is a small department so they pay A.P.D. or The Bernalillo County Sheriff Department to train their cadets.

Sandoval County had several new cadets to be trained; however neither APD nor Bernalillo County had an academy class going at the time. Now we have a new Bernalillo County Sheriff, Manny Gonzales, and it is discovered B.C.S.O. held an academy for the cadets who needed to get certified, mostly for Sandoval County. It is also discovered J. Evergerd-Tyler was paid "under the table" to host and conduct that academy class. An investigation was started and J. Evergerd-Tyler resigned. J. Evergerd-Tyler was then hired by A.P.D. given the rank of major and is now in charge of The A.P.D. Academy.

**We know Berry and Eden's preferred job qualifications is someone who is unethical and controllable. Evergerd-Tyler exceeds both of these preferred qualifications.**

**Our Eyes tell us Rob Perry hired J. Evergerd-Tyler.** Now let us not forget the nefarious Darren White is a reserve officer for Sandoval County and a close friend of Rob Perry. Our Eyes tell us Major Evergerd-Tyler Law Enforcement Certification has been sent to the Law Enforcement Board for de-certification. We know the administration has a good friend on the LE Board who commonly does the administration bidding. **IF THIS IS TRUE, MAYOR BERRY SHOULD FIRE ROB PERRY AND J. EVERGERD-TYLER AT ONCE.**

**If this is true no wonder A.P.D. is in a free fall. If this is true, do you dare do this while under the eye of the D.O.J.?** We at the Eye want to hear from you. We know the rank and file knows this story to be true. It is time; past time to get involved. Local Media investigate, push the issue we nobody's have the right to know. As for Manny Gonzales, **Thank you** for standing up and doing the right thing.

Posted by [Stealth](#) at 9/15/2015 08:27:00 PM 8 comments:  [Links to this post](#)

Labels: [APD Gordon Eden](#), [BCSO Jessica Tyler](#), [CAO Rob Perry](#), [Darren White](#), [Doug Wood](#), [Wolf](#), [Mayor](#), [Sheriff Manny Gonzales](#)

**From:** [Silvio Dell'Angela](#)  
**To:** [Joanne Fine](#)  
**Subject:** Joanne-Who is the District 8 appointee to the POB? Thanks.  
**Date:** Thursday, August 13, 2015 11:38:26 AM

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**From:** Silvio Dell"Angela  
**To:** Silvio Dell"Angela  
**Subject:** Joe Monahan"s July 30 and 31 postings-Betty Rivera out, the failure of leadership here including the Council, media and business leaders ignoring a city in a downward spiral  
**Date:** Friday, July 31, 2015 6:07:03 PM  
**Attachments:** JMonahan.doc  
**Importance:** High

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TO: All

Reference my e-mail today "*Preliminary hearing Monday for Boyd's killers-Perez and Sandy, former APD cop Dawne Roberto, the ABQ Free Press, hopefully new oversight ED Jay Rowland and more.*"

In it I referred to Joe Monahan's article in the latest copy of the ABQ Free Press. Attached are other must-read articles Joe posted on his website yesterday and today.

This city has been in a downward spiral since Berry took over and we have two councilors who should be replaced still running unopposed. Apathy at its worst and more of the same.

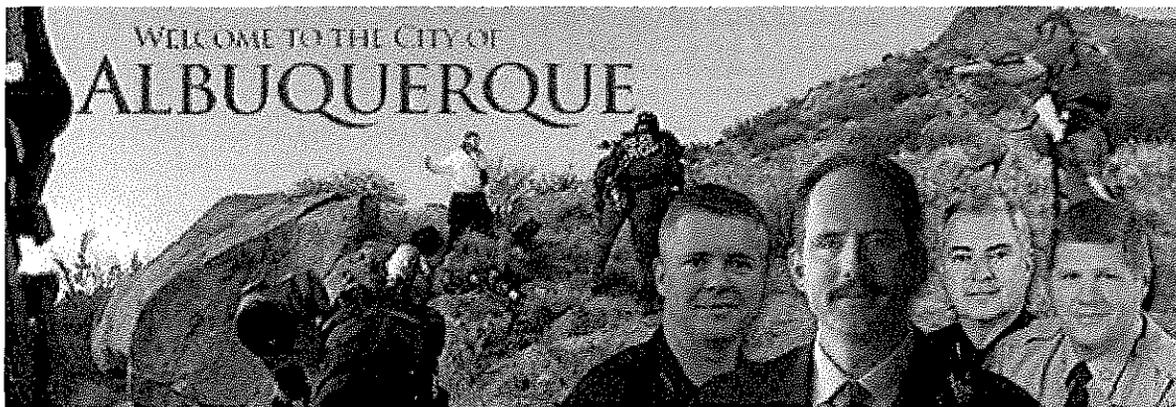
See <http://www.joemonahansnewmexico.blogspot.com/>

P.S. There was also another APD police shooting today

Regards

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

M006914

Friday, July 31, 2015

### Friday Clippings From Our Newsroom Floor

The politicians would take credit if they could, but the reason behind the best economic news we've had around these parts lately is beyond their control.

It's the end of the drought--at least for now- as seen in living color in this pic sent in by friends in Edgewood who are enjoying one of their most intense rainy seasons in decades. Is that really NM?

On the east side of the state--where extreme conditions have prevailed--the drought is also over. A rancher describes the cattle grazing there as "fat and sassy." . . .

Those Republicans in control of the state House for the first time in over 60 years have been feeling their oats. And they like the feeling, so they are out on the campaign trail this summer raising money for the battle next year to keep the chamber under their wing.

NM House Speaker Don Tripp was feted at an ABQ fund-raiser Thursday night, with proceeds going to the Speaker's PAC. Among those co-hosting was former NM GOP Chairman and oilman Harvey Yates, 2010 GOP Guv hopeful Doug Turner, as well as members of the Bursum banking and ranch family in the Socorro area, the region represented by Tripp in the House. . .

ABQ City Hall Alligators are reporting that Betty Rivera, Mayor Berry's director of the Cultural Services Department, is out. That comes on the heels of the news that four department supervisors took an expensive junket to New Orleans that Chief Administrative Officer Rob Perry criticized. . . .

Thursday, July 30, 2015

### About That New ABQ Crime Paradigm: The Readers Take The Floor With Comment, Concern And Insight; Holster Up Your Smith And Wesson And Come On In

Sure, we know that the important political news is how Sen. Martin Heinrich has landed the sixth spot on "The Hill's 50 Most Beautiful List" but we'll save that for another time. (By the way, the hard news about Heinrich from our Potomac Alligators is that Steve Haro, Heinrich's longtime chief of staff, is soon departing for a slot at the Dept. of Commerce.) In any event--beauty contests notwithstanding--today we stay on the more serious side of the aisle and run a wide range of reader reaction we received to our Wednesday blog on ABQ's disturbing new crime paradigm. Vox Populi, take it away. . .

#### VOX POPULI

Dennis Gabaldon writes:

*Joe, Hooray! Your article is spot on and hits the nail on the head. Finally a voice telling it like it is, and pointing the finger at Mayor Berry, Chief Administrative Officer Perry, the APD brass and the media. The Journal and the TV stations have been giving a pass to this administration and also to the Martinez administration, and where has it got us? No jobs, no teachers, violent crime, and all are brightest young people fleeing to Denver and Phoenix. Lower the corporate taxes and watch our infrastructure crumble, then try to make up for it with higher gross receipts tax. The Democrats are just as guilty, for sitting on their hands and not having the guts to stand up to all this travesty. We need all the media to open up*

M006915

*their eyes, and follow your lead. Great Work!*

James Jimenez writes:

*All I can say is thanks for being a voice of clarity on our leadership failures.*

Anonymous writes:

*Very well done piece. I actually just bought a Smith & Wesson.*

John Ingram writes:

*Joe: We share your outrage. We attended an "Oasis" class last week wherein a former UNM professor of Greek Classical History spent an hour and a half taking about the final decades of the Roman Empire, entitled "We had to destroy the Empire to save it." His lecture caused us to reflect on the state ABQ is now in, a state of decline which you so accurately describe in your blog today.*

Gina St Jean-Bracamonte writes on our [Facebook](#):

*Well said, Joe. The ABQ fire department dispatcher response to the shooting of a teenager ("I'm not going to deal with this" [click](#)) highlights the apathy and non-compassion that seemingly prevails in our city. Change on ALL levels has to occur.*

Thanks, Gina. That chilling story of the 911 dispatcher hanging up on the caller who was seeking help for her dying 17 year old friend made the [NBC Nightly News](#) and other national media. The dispatcher has since resigned.

Also from Facebook, Andy Weiman writes:

*We had many of these same issues in the first term of Mayor Berry. Why did the public re-elect him?*

Joe Craig writes:

*"One man with courage is a majority." Thomas Jefferson. Thank you, Joe Monahan.*

Thanks for that, Joe, but there's more than one. Read on. . . .

## **VOX POPULI CONTINUES**

Melissa Ariel Romero shared our post on Facebook and writes:

*This is an important read for everyone who calls or has called Albuquerque home. . . Albuquerque has been in a state of decline and decay for years, and I am not the only one who left, in whole or in part, because of crime and the wholesale lack of accountability of our law enforcement and leadership, who accept this status quo as inevitable and unavoidable, or even celebrate the glamorization of this trend on national television, despite the very real victims involved. Until there is real and genuine turnaround, the brain drain and value drain from New Mexico will continue unabated, and ridding ourselves of the tyranny of low standards would be a good start.*

Anonymous writes:

*A recent front page of the Journal contains a graphic example of the disconnect between aspirations and reality in our struggling city and state. A columnist reports on the results of a query he put to readers about "how to put Albuquerque on the map." At his invitation readers suggested ideas from a Sandia Skywalk to a Venice, Italy themed canal system off of the Rio Grande, to a water slide from the Sandias to the river, among others. All were well intentioned ideas but surrounding them on the front page were*

*the other headlines: "Murder suspects grandma goes to jail," "Suspect in carjacking makes major criminal leap," "Wrong man arrested in student's death," and the lead story, "NM's drug deaths highest ever." Seems we are already "on the map" but for all the wrong reasons. None of Dan Herrera's correspondents suggested ideas to alleviate these unfortunate signs of the local state of affairs.*

Keith Miller writes:

*Simply, the people that are "ruining or running" the state are like professors at schools of "higher" education. They are vested, they get their salary, their retirements, they hang out with their cronies, pass around what little comes in and tell us we should be happy for their patronage and expertise. People are SICK of the BS and it is getting ready to hit the fan.*

Melissa Williams posts:

*Albuquerque needs help. The news broadcasts are so terrifying. . . Something has to be done to clean up the crime and image of this beautiful city. . . The criminal activity is frightening and it's frightening that that is all the news stations emphasize. People are leaving here in record numbers. Hello Mayor! Hello City Council! Hello Governor! Help this city pick and clean itself up. Where is law enforcement?*

E.g. Boston writes;

*Well said, Joe. After being a neighborhood association vice-president for about 9 years, I had observed much of what you have observed. Time for everyone to demand better of our influential citizens, politicians, and law enforcement departments. We need to take back our city!*

Liz Bustamante writes:

*You nailed it again, Mr. Monahan.*

Thanks Liz and to all who took time to comment. This is it. . .

(c)NM POLITICS WITH JOE MONAHAN 2014. Not for reproduction without permission of the author  
Posted by: [Joe Monahan / Thursday, July 30, 2015](#)

**Wednesday, July 29, 2015**

### **ABQ's New Crime Paradigm: City Soaked In Violence Prompts Run On Guns; Analysis, Commentary And Some Outrage**

The very fabric of Albuquerque seems to be unraveling as a crime wave soaks the city provoking the kind of primal fear you would expect roaming the streets of Sarajevo--not New Mexico's largest city. The shocking news that citizens are flocking to gun stores to buy arms to protect themselves against an ever bolder class of local criminal reveals for all to see the breathtaking and systemic failure in leadership that has engulfed ABQ and threatens its future as a livable environment.

Like a wildfire, crime is now leaping boundaries that previously served as barriers. The cold-blooded killing of a 60 year old in his driveway by a mob of teens near the normally placid Lomas and Tramway neighborhood was the proverbial straw that broke the camel's back. It followed closely a series of other alarming crimes and gave us the run on guns and reawakened our instinct for vigilante justice. So how did we get here? It's about accountability. There is none. It's about apathy. There's too much.

Mayor Richard Berry and Chief Administrative Officer Rob Perry have lost control of events. They have stubbornly refused to implement the sweeping personnel and policy changes so desperately needed at APD to halt the decline in police response times and the collapse in the number of officers patrolling the streets. The criminals get the message. You get a Smith and Wesson for your bedside.

The city council has awakened from a deep slumber but is still napping. There is no passion or fire for the fight that is now so necessary if ABQ is to be rescued from the death spiral it is enduring.

In many ways we have become a community in retreat. In the face of the chaos two city council seats in the October city election go unopposed. The speculation about who might be the next leader of the city barely rises to a murmur. The historic crash in turnout in the 2013 city election now seems more predictive of the future and not a fluke.

Local journalism is failing. How in the name of Billy the Kid can you do a news story about citizens arming themselves out of fear and not interview the mayor, the police chief and the business leadership and ask them what they are doing about it? How? Why do we get sensational TV reports about "Boomerang Thugs" that fault the judiciary but exonerate the leadership of this city, state and APD whose duty it is to keep us safe? Why?

The business community continues to play ostrich and refuses to acknowledge that ABQ's reputation for violence and now racial division is killing us economically. We are the only Sunbelt city not thriving, yet even when the crime extends to the city's most affluent and heavily gated zip codes, the rationalization goes on. "Well, it's not as bad as Detroit or Baltimore." Does the Anglo business community that is Mayor Berry's political base still not see that by turning their heads away from confronting him that they are enabling the city's decline and the decline of their own economic fortunes?

Albuquerque is a city that has learned to live with lower expectations economically and in other ways in exchange for the unique way of life offered here. But that bargain does not include feeling terrified in your home no matter your neighborhood.

I'm older now and sometimes the outrage turns to sadness, even nostalgia. What would leaders like former Mayor Kinney have done? Or Senator Pete Domenici who led the city for a time in the 60's? Did the economic collapse and federal cuts make today's Albuquerque of callousness and indifference inevitable? Or does a passionate, competent leadership make all the difference to a city's fate? We still believe the latter. Albuquerque sorely misses the political ethic of the past. It yearns for leaders who will begin patching the fabric of a city so torn apart. And it waits.

This column is also running in the current edition of the [ABQ Free Press](#) on newsstands now. This is the home of New Mexico politics. [E-mail](mailto:jmonahan@ix.netcom.com) your news and comments. (jmonahan@ix.netcom.com)

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Posted by: Joe Monahan / Wednesday, July 29, 2015

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** Joe Monahan's blog: APS Valentino - Hanna - Winter - Susana / Google leaving - Susana ??? / mining contamination + more by me on APD and Eden  
**Date:** Wednesday, August 12, 2015 3:59:20 PM  
**Attachments:** [image002.png](#)  
[LiveLeakAPD.doc](#)

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All-Bcc

#### JOE MONAHAN'S POSTINGS-A MUST READ

The following below are extracts from Joe Monahan's August 11 and 12 postings discussing our Republican machine-controlled state and city.

APS's new Superintendent Luis Valentino stepped on it big time first claiming his incriminating text message misspent to Don Moya instead of Hanna Skandera in Santa Fe and that Moya's earlier suspension was nobody's business since it was an APS "personnel matter." Really?

As all know from my e-mails to the City and APS and talks at Council meetings, while I first believed in Brad Winter as I did with the Berry deeming them good people, I later found out just who they really were and became more than disgusted of how naïve I was.

I have been critical of Brad (discussed in Joe's posting below concerning his successor) not only as a councilor but as first the deputy and then interim APS Superintendent.

I even wrote to APS's school board suggesting questions for the candidates applying for the Superintendent job and also asked for an appointment to meet with the eventual choice to discuss what changes were needed. But not surprisingly, APS's ??? leadership that included Brad and the School Board didn't want outsiders meddling in their little game.

I welcomed a minority Luis Valentino being named as the next superintendent believing it would be a welcomed change. But Luis proved to all that he was no different than the rest of those in the machine here. As the City-including APD, County and APS leaders do when asked for explanations of misconduct, the convenient answer to all is always that it's "a personnel matter"-something that they can't discuss.

As for Google's departure from the state that Joe also discusses, did in fact the State taxpayers really get back more all of its money given to Google and Titan as the Guv's spin doctor Jon Barela said when claiming NM "taxpayers are way ahead"? The 8/11 front page Journal article first quoting this "way ahead" assertion never looked into it actually what we taxpayers actually gave away but took Barela's word for it.

The Journal article only said that the State's investment "included \$995,000 for infrastructure improvements. How much was taxpayers' real investment? The Journal reporter never asked.

Are we assume we gave Google only \$5000 more just for us to break even? Is this being "way

ahead"? Let's get full accounting of just what taxpayers actually gave them and compare it to the \$1 million in claw back funds we received back. Jon Barela should have been on the deck of the Titanic to explain to all on board, "don't worry-all is well."

What an embarrassing spin doctor the Guv hired! But she has a legacy of bad hires there.

#### THE EMBARRASSING APD LEADERSHIP-ALSO SKILLED AT LYING AND COVERUPS

As Joe, the Eye on Albuquerque and ABQ Free Press among other reported, contrary to the claims of real APD reform going on here, its corrupt leadership that begins with Mayor Berry and Rob Perry-Chief Eden's boss right down to Eden and those cover-up artists like him don't really want reform to happen-just give the illusion of it. Our apathetic/MIA Councilors don't really care..

Appointed James Ginger hopes he will stay on the city's payroll "monitoring" APD for not only four years but possibly seven (or more) years as was the case with the monitor of Tom Streicher's former Cincinnati's PD.

On TV report last night APD's SWAT team was commended for not gunning down a wanted person but instead finally turning one of their vicious K-9 dogs loose on him who began tearing him to bits. The TV reporter tried to claim these bites that showed a large amount of blood through the person's shirt were only minor injuries. Really?

Does anyone have any doubt why James Boyd pulled out two small knives before being murdered by APD? It was to protect himself if another of Eden's furry vicious APD "officers" was turned loose on him. The K-9 handler turned the vicious dog loose while James Boyd was turning his back when shot and the dog began chewing on his dead body.

Had I been confronted with a K-9 or other vicious dog, I too would protect myself with anything I could get my hands on and kill the dog if I could. I was bitten by a Pit Bull recently as Ms. Bruin knows and it wasn't something I deemed minor.

Pete Dinelli's letter in today's Journal called for Berry to fire the Guv's unqualified and incompetent throwaway-APD Chief Gorden Eden something all of us have been repeatedly calling for. Eden has no self-respect and won't resign. He likes his big salary. Now we have another Martinez discard beholden to the machine and one Berry hired as our new City attorney. Is she really any better than the disgraceful Tourek?

If we could fire/recall Mayor Berry from office, that would also help. Berry's apparent instructions to Eden is to try not to shoot and kill anybody-at least for a while. But if you do, make sure there are no video recordings of it like the one incriminating helmet recording/likely inadvertently released of the Boyd murder by Sandy and Perez. See again the attached "Live Leak" report showing this was being done with other recordings to cover up the Boyd murder.

In the August 2 issue of the Journal once again we saw just the officers' version of what happened but no police recordings being released actually showing the killing by APD of Rafael

Molina on July 31. They would have confirmed that he actually had a weapon and was aiming it at officers while fleeing. Nor were we told just who was this (likely fictitious) "APD witness" who saw Molina raising his gun.

If a business surveillance camera ever recorded an APD shooting, Berry likely also told Eden to also make sure you seize and destroy it. We saw another example of this. Finally now after SEVEN long months APD was forced by a KRQE NM IPRA request-likely threat of a lawsuit to release more details of the never fully explained shooting by Lt. Greg Brachle of fellow officer Jacob Grant during a minor drug bust on Central. APD never released any videos of the shooting that APD would try to excuse it away.

APD even seized the surveillance video made at the McDonald's and likely destroyed it. We will never get the real story about this shooting that APD tried to justify in their Journal article today but conveniently omitted APD's unwillingness to release any video recordings. Par for the course at the Journal.

#### THE NAÏVE AND OR APATHETIC

There are still some naive among us who believe former cop James Ginger and his crew of mainly former cops in PMR Inc will force real change.

We may be insulted again as the first choice to be the new Executive Director of the new Police Oversight Agency is a former police officer from Milwaukee who has no clue what the oversight job here is. Just a lot of doubletalk by him during his interview with the POB.

Apparently Jay Rowland the only qualified applicant interviewed for the ED job is much too competent and scary to Eden and his corrupt APD minions and was only relegated to be the second choice for the job.

These same people believe that the \$15,000 citizen collaborative meetings run by UNM with alleged oversight by the "Office of Diversity and Human Rights" will really result in any real APD changes. The city's attorney is now helping stonewall my IPRA request for the names of those citizens who are participating in these seemingly PR only collaborative dialogues.

Transparency and accountability by APD were deemed by these participants in the "dialogues" to be unimportant but apparently removing tint from APD vehicle windows are. What a blatant waste of our tax dollars. Need I even mention Berry's latest fiscally irresponsible albatross-the ART down Central?

Is there any wonder why this State is among the worst in the US to retire in as reported in the Journal today?

See extracts from Joe's blogs below all of which and more can be found at <http://www.joemonahansnewmexico.blogspot.com/>

Silvio

For WE THE PEOPLE

**Wednesday, August 12, 2015**

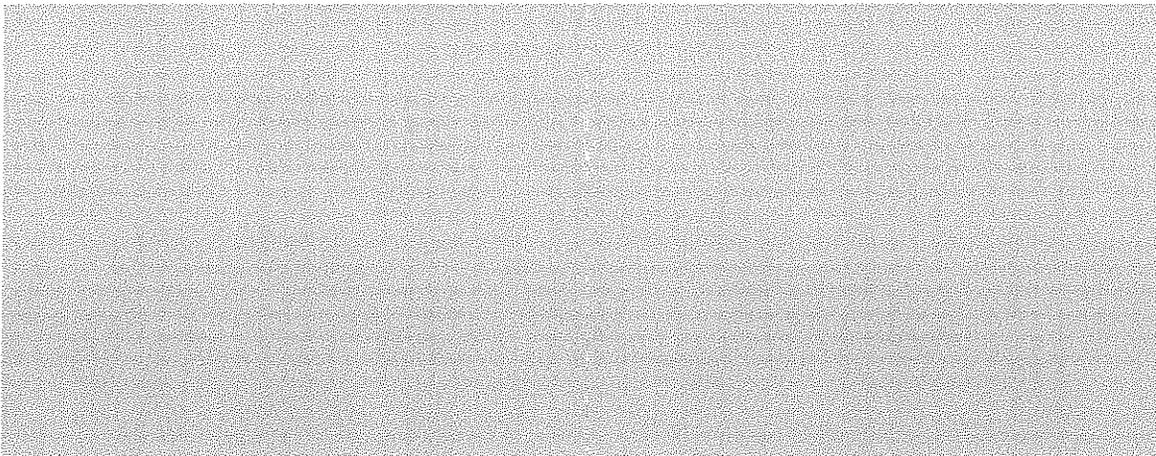
**Guv's Machine Gets New Friend; APS Super Goes All In But Botched Text Job Has Him Scurrying, Plus: More On The Google Move, Animus And Our Bottom Lines**



*Valentino*

That was fast. The brand new superintendent of the ABQ Public Schools wasted no time embracing the Guv's political machine and by doing so sent an icy message to those Dems and teachers who have been opposing the administration for some five years. But Luis Valentino's bow to the Machine was anything but smooth. He sent out a text message to state education chief Hanna Skandera vowing to bust APS finance head Dan Moya, an open opponent of the Guv and Skandera. But instead of sending it to Hanna, he sends it to Moya. Looks like Super Valentino failed the text test. Not a good start to the school year for him. He has put Moya on paid leave as he looks to axe him. Why Valentino—who came into ABQ from San Francisco—is so quick to kow-tow to the Fourth and Fifth Floors is an open question but the meaning is crystal clear. One of the Alligators comments: *Did you see the Don Moya firing text to Skandera? My question is how did the new APS super get so close to Skandera so fast to be texting her about "going after" people at APS? It tells me that this guy is tight with the Machine and that ought to send shivers up the spines of Dems and APS leaders. Did the APS School Board know this guy was going to be a hatchet man for Martinez/Skandera when they hired him?"* Shivers up the spines of Dems?" Well, the critics would say detecting spine in the Dem camp has been their problem.

Reader Richard Flores has more analysis of this:



Speaking of the Animus problem, Edwina Gardner writes: *Joe, as someone who grew up around mines, I put the blame squarely on the company that owned the mine tailings that spilled into the Animas River. New Mexico suffers deeply from a proliferation of uranium poisoned wells, powdery tailings that blow in the wind, and well contamination. Companies came in and looted our natural resources and then left the mess to poison our state. No one cares, until tragedies like the Animas River occur. Politicians scream jobs from oil and mining companies, but the legacy of the destruction to land, and most important to people, can never be truly repaired.*

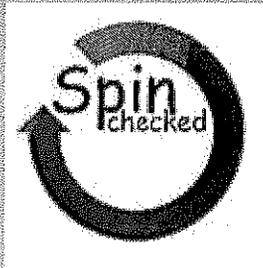
One more on Animus from John G.:

*Joe, you're asleep at the switch. What, if anything, is our congressional delegation doing to assess and mitigate the economic impacts of the Animas river disaster?*

Hey, John, we can't let our blogging pajamas go to waste, but we hear you on the DC delegation. Let's see.

## Tuesday, August 11, 2015

Spin Check: Who Lost Google? Is Anyone Asking? Plus: More On The Tuesday Econ Beat; Export Numbers Debunked, Oil Price Check And Animosity Over Animas



You know the economic spin is out of control when the administration claims "New Mexico taxpayers are ahead" now that one of the most valuable companies on the planet has decided to get out of here. The bizarre statement came in reaction to Google repaying the state \$1 million in economic development funds as it pulled its Titan Aerospace firm out of Moriarty. True, the state did recoup its money ???but it failed abysmally in its effort to keep Google in the state. While the Guv and administration spinners pat themselves on the back, they ought to be kicking one another in their posteriors. . .

But what else is new? We have seen Intel drift away and become a shadow of its former self without a peep from the state econ director who used to work for the semiconductor company's Rio Rancho plant. Reader Jason Lewis vents the exasperation that is spreading over the state's inability to get it right:

*So what happened that caused Google to exit stage left? And how can the taxpayers be "ahead" when one of the most innovative, well-known and well liked companies decides to say adios! to the Land of Enchantment? I'd really like to know who screwed this up. Then there are those*

Today 6:52 AM

Mrng Hanna.

This is Don not Hanna. Need her number?

I am going to go after Don Moya in d next couple of weeks. . My concern is that he has been allowed to ride roughshot over here and controls a lot of d financials. We are also trying to sell a bond. Our rating could be jeopardized. Any ideas?

*I am astounded that the new APS superintendent would reach out to an unpopular state bureaucrat for advice on how to oust a Finance Director who has been with district for five years. . . What is even more disconcerting is that Valentino would launch an early campaign to disassemble what is already in place at APS so soon after starting his job. It's almost as if he was hired to "clean house" instead of bringing a new vision and leadership that promotes a positive work environment and educational reform. I understand that managing the district's finances is a critical part of the job, but the way this was done appears to open the district up to liability and does further damage to APS in both it's credibility and public image. This fiasco is not a good way to start and makes me wonder if the APS Board hired this guy to strengthen collusion with the state, and thereby, crush teacher, student and community opposition to the Martinez/Skandera agenda.*

So jut how did Valentino become a Machine member in good standing? The strongest argument is that former interim APS Superintendent Brad Winter--who is an ABQ GOP city councilor and a member in good standing of the Machine--helped scout Valentino as his replacement and put him on the Machine-friendly path. APS is a billion dollar a year operation with scads of contracts, jobs etc. You can take it from there. . .

#### DON'T BLAME R'S

Not all were sympathetic to the blog argument Tuesday that the Governor and the economic development secretary should be put on the spot for the decision by Google to move its aerospace subsidiary in Moriarty to the San Francisco Bay area. A reader writes: *Don't be so hard on the Republicans for Google leaving Moriarty. Don't think the Dems could have made any difference. It was a matter of logistics, or lack thereof that facilitated this move. They literally had to send out of state for every part they needed. Made sense that it should be moved closer to its suppliers.*

This reader took the other side: *Losing jobs in our state is worse than the Animas river having toxins in it. The governor made an appearance on news stations to say how awful this was and has a lawsuit. But where was she when Google left and jobs were lost? Probably reading a book to 3rd graders for a positive photo-op.*

intermittent and mysterious announcements from Santa Fe that we are experiencing "record breaking exports" from NM. That would be nice but it turns out the spin on this one is also over the top. Dr. Chris Erickson of NMSU, a member of our list of "No BS Economists," does the fact check:

*This is more of an issue of things being warehoused and resorted and reclassified [than] where they were originated. In other words, a jumble of numbers that don't reflect economic reality on the ground. But that's what seems to happen when you breathe the rarefied air of the City Different. (Remember, those tourist numbers they put out?)*

## **PROOF - APD Covered Up Production of Videos of Shooting of James Boyd**

On March 17th 2014 Albuquerque Police (APD) shot and killed a homeless and mentally ill man - whose only crime was a violation of a municipal ordinance against camping in an open space area in the Sandia foothills at the eastern edge of the city.

On March 17th, the day after the fatal shooting, KRQE made a public records request for the videos of that incident. On April 1st, APD unlawfully denied that request.

**BUT ... Here is the REST of that Story.**

To this day - not only have the Keith Sandy videos mysteriously disappeared - but when the APD finally produced videos claiming to be ALL the videos of the incident - many of the videos were missing INCLUDING almost all that actually show the SHOOTING - most NOTICEABLY - the very videos (from the other shooter - Dominique Perez) from which the now-famous shooting clip was taken and released by APD that week.

On April 2nd, one day after KRQE's request was unlawfully denied, an investigator with the APD interviewed Kevin Fuller, APD Video Unit Supervisor. According to the interview - included in this video - Fuller was instructed on FRIDAY March 21st - to obtain the videos and place them in a Drop Box account.

On Thursday, March 27th - he was instructed to coordinate with several other persons - and to look at all the videos, frame by frame, and identify those parts that the Chief might have an "interest" in BEFORE they were released to the media.

Although those videos have since been released (those that have) WITHOUT being identified by officer or time - Fuller and his team broke down each video by officer and began this work. He was, at this time, told to "take out" all videos in which the audio or video contained the actual shooting.

On Friday March 28th Fuller was instructed to place the videos on another hard drive and provide them to the FBI. BUT ... on Friday evening - Commander Montano on behalf of the Chief contacted Fuller and stated he had "concerns" allegedly about the Chain of Custody. He ordered Fuller to "cease and desist." He was later then told to give Montano the hard drive and to delete the videos from the drop box account.

It is unlawful for the APD to withhold, delay, or deny public records that have no exemption provided by law. The APD clearly DELAYED production in order to find those videos it might find embarrassing - or creating liability - with regard to the act of the shooting of Boyd. It then DENIED unlawfully the production of those videos.

Since then - it has produced videos it has CLAIMED were the complete set. BUT there are several known videos missing - not least being all the videos taken by the second shooter, Dominique Perez, from whose videos the famous clip released by APD initially came. Although several other officers' videos are MISSING from the set produced as well.

It is clear that the APD has and continues to knowingly and willfully withhold those videos. This interview contains proof, at minimum, that the APD had delayed production of the videos, contrary to the Public Records law, in order to try and identify those videos it considered problematic - this specifically was a reference to anything officers may have said to each other during the incident AND anything that revealed either audio or video of the actual shooting of Boyd.

Read more at [http://www.liveleak.com/view?i=b19\\_1406012736#AwZiqcT7vXDsVvfx.99](http://www.liveleak.com/view?i=b19_1406012736#AwZiqcT7vXDsVvfx.99)

**From:** Silvio Dell'Angela  
**To:** Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.  
**Subject:** Joe Monahan: DOJ / APD / IRO/ Boyd/ secret grand juries+ the upcoming selection of POA Executive Director  
**Date:** Friday, August 14, 2015 2:30:36 PM

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## Councilors

Others Bcc

Reference my e-mail yesterday "*Please don't insult citizens again by choosing out of state uniformed and unqualified former cop Edward Harness to be next Executive Director of Police Oversight Agency-POA and earlier ones also discussing the Boyd murder by APD cops Sandy and Perez, Eden and postings in the ABQ Free Press.*"

Below is Joe Monahan's recent posting reporting things you will never read in the Journal or see on TV. It concerns the cover-ups of police departments saying *If a cop on the street doesn't report he/she used force, it doesn't get counted. No technology or amount of "reform" will change this fact.*

Even if you have technology such as body, helmet and other video and audio recorders, if they are told to be left turned off by the bad cops when they use excessive use of force or any recordings made destroyed (that seems to be the case here in APD with the Mayor's blessing) then it's always justified when officers lie to protect each other and fictitious-unnamed witnesses corroborate the cops' lies.

Note that this use of excessive force includes K-9 dogs sicced on those they encounter as if this was somehow a humane-not excessive force response. Boyd pulled out his knives to protect himself against the K-9 dog who was straining at the leash to get to him. Recently a dog was sicced on another uncooperative person and chewed him up causing excessive bleeding that APD said to the reporter that it was a humane response and not a serious wound.

In my last e-mail, I asked you not to perpetuate the past APD and Mayor controlled toothless citizen police oversight problem here by choosing a former (clueless of what's wrong here) Milwaukee cop to be the city's next Executive Director of the Police Oversight Agency instead of picking the only qualified candidate Jay Rowland. The first choice for the job by the POB confounded me.

I believe Jay was the IRO in 2004 mentioned in the posting by Joe below who APD apparently wanted out of the job. He wasn't willing to be the stooge for APD then and even now won't.

We have those here and also our county and state leaders including our NM legislators who think the judicial system is only to blame for the deplorable situation with APD here led by an incompetent APD Chief. This includes two legislators Bill Rehm and Paul Pacheco who were former cops and still seem to be more loyal to fellow cops-even the bad ones, than the people. It would have been nice if they also championed legislation calling for all cops to wear body cameras and turn them on-but don't hold your breath on that.

The arrogant BCSO Sheriff Manny Gonzalez pretends that he is doing a study to determine their need for his deputies but he really has no intent to equip his officers with body cameras even though APD likely still has its over 1000 "Scorpions" bought in 2010 and 2011 still sitting on the shelf unused after Mayor Berry "greased" a \$1.9 million dollar no-bid contract for Schultz to buy his employer/Taser's AXONS.

The BERNCO Commissioners and County Manager apparently don't care what Manny does. No recordings-no accountability. Nice! Nor do they care about creating a police oversight agency to investigate citizen complaints.

Looks like APD who was successful in stopping former honest APD cop Dawn Roberto from ever doing future police work also recently shut down another good news source-the Eye on Albuquerque as their last posting was July 5.

M006927

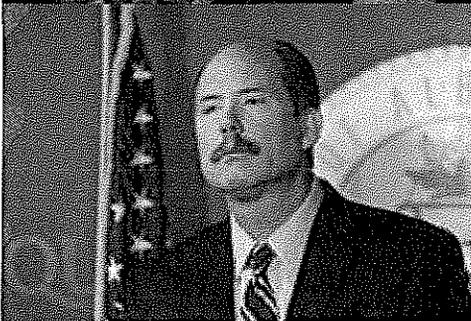
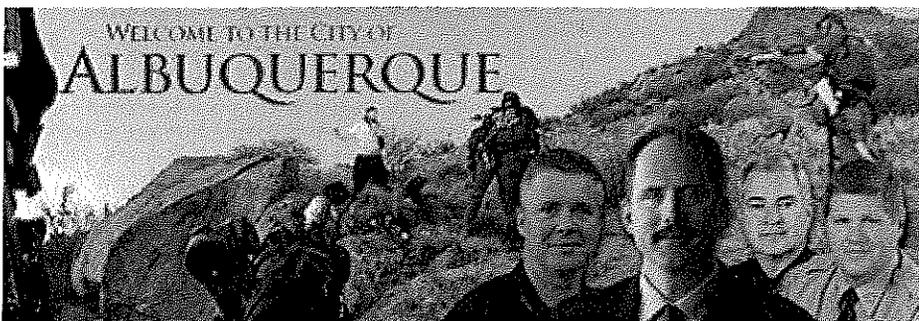
Now we have only Joe's columns and the ABQ Free Press and those other blogs and news outlets that honest cops and others will only share national and other news items with media sources they can trust..

More than disgusted-as you should be,

Silvio

For WE THE PEOPLE

Living in the land of hopelessness and apathy-(corrupt) "Mexico True"



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

[-http://www.joemonahansnewmexico.blogspot.com/](http://www.joemonahansnewmexico.blogspot.com/)

**Friday, August 14, 2015** Wrapping The Week With A Visit To The Crime Beat We wrap the blogging week with a visit to the crime beat. . .

With ABQ's APD under a Department of Justice consent decree to reform, this NYT piece sent in by readers is of interest:

*When the Justice Department surveyed police departments nationwide in 2013, officials included for the first time a series of questions about how often officers used force. . Obama and his top law enforcement officials have bemoaned the lack of clear answers to such questions.*

*Without them, the racially and politically charged debate quickly descends into the unknowable. The Justice Department survey had the potential to reveal whether officers were more likely to use force in diverse or homogeneous cities; in depressed areas or wealthy suburbs; and in cities or rural towns. Did the racial makeup of the police department matter? Did crime rates?*

*If a cop on the street doesn't report he/she used force, it doesn't get counted. No technology or amount of "reform" will change this fact. But when the data was issued last month. . . the figures turned out to be almost useless. Nearly all departments said they kept track of their shootings, but in accounting for all uses of force, the figures varied widely.*

Reader Chris comes with a follow-up:

*Back when ABQ had a decent Independent Review Officer (meaning [sorta] independent of APD), in 2004, he asked APD to release data on the number of times officers used any kind of force in the line of duty. They sent him a report, that revealed APD cops used force 551 times during the 2004 calendar year.*

*They tackled somebody to the ground nearly 200 times; they used mace or pepper spray nearly 150 times; they Tasered 85 suspects; they punched or kicked 63 people; they delivered 22 baton blows; they **sicked dogs on 12 suspects**; they killed three people. That's a lot of force. And it most definitely did not accurately reflect the actual number of times officers used force. If a cop on the street doesn't report he/she used force, it doesn't get counted.*

Is the public court hearing being conducted this month to determine whether two ABQ police officers will stand trial on criminal charges in the fatal shooting of James Boyd going to become standard procedure? The news:

*California this week became the first state to ban the use of secret grand juries when deciding whether to indict police officers in cases of deadly force. The bill, signed by Gov. Jerry Brown, was a response to the unrest that followed the grand jury decisions in Ferguson, Missouri, and in Staten Island, New York, not to indict the officers who killed Michael Brown and Eric Garner.*

*"The use of the criminal grand jury process, and the refusal to indict as occurred in Ferguson and other communities of color, has fostered an atmosphere of suspicion that threatens to compromise our justice system," state Sen. Holly Mitchell (D-Los Angeles), who authored the bill, said in a statement.*

*The new California law leaves it up to the prosecutor to decide whether to charge a police officer with using deadly force, a change that many hope will lead to more transparency and accountability.*

Thanks for stopping by this week. This is the home of New Mexico politics. E-mail your news and comments. ([jmonahan@ix.netcom.com](mailto:jmonahan@ix.netcom.com)) Interested in reaching New Mexico's most informed audience?

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** Journal and other propaganda-cops NOT heroes for merely wearing a badge and more  
**Date:** Saturday, September 12, 2015 2:51:33 PM  
**Attachments:** [WashPost-NoWar.doc](#)  
[9-11-15APDcop's wife&Rehm.doc](#)  
[Sylvia37.doc](#)  
[9-11-15Willoughby.doc](#)

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ALL

JOURNAL NOT INDEPENDENT BUT ITS LEADERSHIP CLEARLY IS PART OF THE GUV MARTINEZ MACHINE

You also saw my criticism of the Journal editorials that repeatedly parrots the Teflon Berry/Perry partly line on every issue. This includes the most recent one today trying to justify pay raises for APD's corrupt overpaid command staff and citing the fiscally irresponsible Ken Sanchez as supporting it.

Contrary to what it claims, the Journal has NEVER been an independent newspaper as it claims, but only an independently owned one. I have compared its editor to Hitler's propaganda minister Joseph Goebbels—a description many agree with. In addition to being one of the Journal's biggest customers, the Mayor secretly hired the Editor's attorney brother Jerry to be part of the negotiations with the DOJ.

Ryan Boetel joined the Dominique Perez defense team with his recent fluff piece. The disgraceful APOA VP Shaun Willoughby whose 2013 memo to the rank and file reiterated that all should remember that "it's them against us" and APD Command staff and his union leadership won't tolerate those honest cops who break the blue code of silence. Like Boetel, he is also doing his part to brainwash a future jury to free both killer cops Perez and Sandy in his interview with KOB last night. See attached.

THE JOURNAL'S CENSORSHIP

While making sure the letters to the editor from me and others are never printed, the Journal gives free publicity to today's Elks Lodge fund raiser for the "survival training" for officers sponsored by the vindictive father of BCSO's deputy James McGrane's killed NINE years ago. The original name for it was "killology" training. I guess that was too accurate.

Many regret the demise of the Tribune but we have the ABQ Free Press and other news sources to keep us informed of the culture of corruption rampant in this city and state and the still police state we live in whose THUG can threaten and kill citizens and get away with it.

MY AND OTHER CITIZEN EXPERINCES WITH APD AND THIS CORRUPT ADMINISTRATION

As I have often told you, after I dared to ask using the NM IPRA for recordings of APD's murder of my

M006930

neighbor Chris Hinz in June 2010, punk Chief Schultz warned me to "be careful."

Schultz likely also warned Mary Han before she was murdered and APD is now caught withholding incriminating recordings and other public information on that. Don't you think my wife worries every day that the cops will find a reason to kill me?

Then Schultz's "death squad"/SWAT Commander Bob Huntsman (now Eden's primary deputy) who lives less than 50 yards from my neighbor Chris Hinz's home likely during the almost two hours his two killers and a virtual army of police officers were on the scene, did nothing or likely urged his killers to shoot him twice while he was trying to surrender.

After their first shots by his SWAT killers Anthony Sedler and Eric Brown put Chris down on the driveway and gasping for his life, they shot again to make sure he was dead. They then cuffed his dead body and dragged it out to the street like a hunk of meat.

No APD crisis intervention team was intentionally ever called in. They wanted him dead. Withholding any recordings of the murder they made, Schultz's Internal Affairs would then lie to justify the murder as they typically do with all their others.

Two months later they almost killed another neighbor had I as the Neighborhood president not intervened. This was an unarmed mentally ill with PTSD Navy SEAL who had just returned from Iraq. A disgraceful female Schultz cop who debriefed me after the vet was taken to the hospital (at my insistence) would arrogantly tell me, "We could have killed that crazy guy if we wanted to."

Having seen what this SEAL likely went through while I served in Vietnam in 1969 and 1970, I chewed her ass out on my front porch as she like most in APD have no clue what our heroes face in a war. Her male partner told her to "shut up." I reported this but Shultz and Berry did nothing to that cop. Other threats by Schulz and APD were made against Ken Ellis whose son was murdered by APD.

APD also sent cars to the home of Sylvia Fuentes after she dared in March 2011 to demand answers to the Council to the murder of her son by APD officers. See attached. As I told you, Damon Martinez also sent his US Marshals to the home of Tony Pirard twice to threaten him to shut up-or else for daring to publicly criticize him, Judge Brack, Scott Greenwood and others-but again nobody downtown cared.

KILLING A POLICE OFFICER IS NOT A HATE CRIME

You saw my scathing e-mail about Schultz's former commander Conrad Candelaria now one of Damon Martinez's equally unaccountable US Marshals who claimed at a recent annual "heroes" luncheon for cops that any cop killing should be a hate crime. He apparently is jumping on the Police propaganda bandwagon claiming there is a war on our "hero" cops nationwide

The Berry Journal not surprisingly endorsed this. See <http://abqjournal.pressreader.com/bookmark/OQUTOR9IHDZ6/>. Now we see that Natasha

Neiberger, the wife of an APD officer tells KRQE the same thing with not surprisingly my NM Representative-a former cop Bill Rehm agreeing. See attached and <http://krqe.com/2015/09/11/wife-of-apd-officer-petitions-to-make-attacks-on-officers-a-hate-crime/>

Yet Rehm, another former cop legislator Paul Pacheco and others while in Santa Fe are not interested in sponsoring legislation demanding that each NM police officer wear body cameras. I suggest our new US AG do the same for all US Marshals but we know that won't happen.

I suggest that cop wife Natasha get a reality check-try to be the wife of a military member who doesn't enjoy the benefits of police officers and often goes off to war. These fellow vets are the ones who really serve and protect us. She should be embarrassed with her misguided appeal. All former and current military wives should be disgusted with her

See the attached Washington Post article below and attached <https://www.washingtonpost.com/news/the-watch/wp/2015/09/10/once-again-there-is-no-war-on-cops-and-those-who-claim-otherwise-are-playing-a-dangerous-game/>

THE NOW WE HAVE AN EVEN MORE DISGRACEFUL-PRO-BAD COP BIASED POLICE OVERSIGHT AGENCY

The Council's irresponsible selection of former cop Ed Harness Wednesday who is as unqualified for the new Executive Director's (ED) job as is Gorden Eden for the Chief's job shows just how bad things have become here. Harness' only managerial experience was his part time work as a quick shop manager. Ed's only mediation (not the job of the ED) work was with his local Better Business Bureau. His only police oversight work was in his local small village.

We read in today's Journal that Police Oversight Board Chairman, (a NAACP buddy of Berry's new disgraceful consultant-NAACP boss Harold Bailey) who never stayed to speak to the Council Wednesday claims that the Board is "Ready to go." Really? More excusals of police misconduct?

In one September e-mail to the Councilors, I said Dr. Moira Amado McCoy demonstrated to all that she was an elitist who would repeatedly talk down to them and the rest of us as if we were all idiots-not up to her perceived PhD intellect.

She would say that being an attorney was important for the ED although the POB already has an attorney. She incredulously deemed real police oversight experience here irrelevant but claimed Harness was instead a "transformational leader-a collaborator." She also questioned our allegedly "dichotomous thinking" saying police are not enemies of the people.

As my later September 11 e-mail to the Council and others stated, ***"Now with former cops Harness, two on the POB and Harness's investigator Paul Scottdopole, the Oversight Agency has lost all credibility with the people. Why even file a complaint against an APD officer as it would be a waste of time as the process has been corrupted? The situation we have now in the Agency is comparable to having the judge, the prosecutor and two members of the jury all family members***

*of bad cops against whom charges by the people are filed-CPCs or other."*

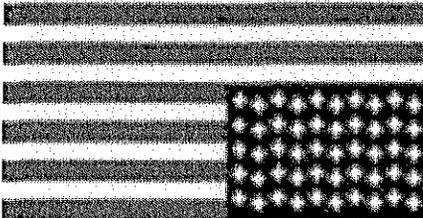
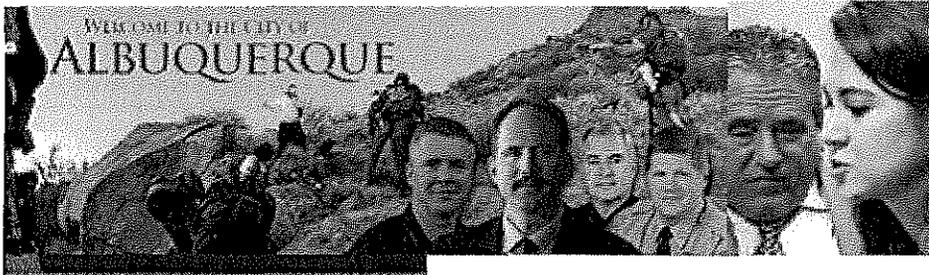
The reason that this City is the disgrace of the nation for its culture of corruption is because there is no demanded accountability for any of it by our city leaders and the Journal and some in the media are a big part of the problem.

Think about it!

Silvio

For WE THE PEOPLE

296 3241



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

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The WatchOpinion

Once again: There is no 'war on cops.' And those who claim otherwise are playing a dangerous game.

Comments 693

By Radley Balko September 10

Here's Fox News earlier this week, shamelessly exploiting a tragedy to gin up outrage.

They certainly aren't the only ones. Here are some more examples of media outlets and politicians spreading the hysteria:

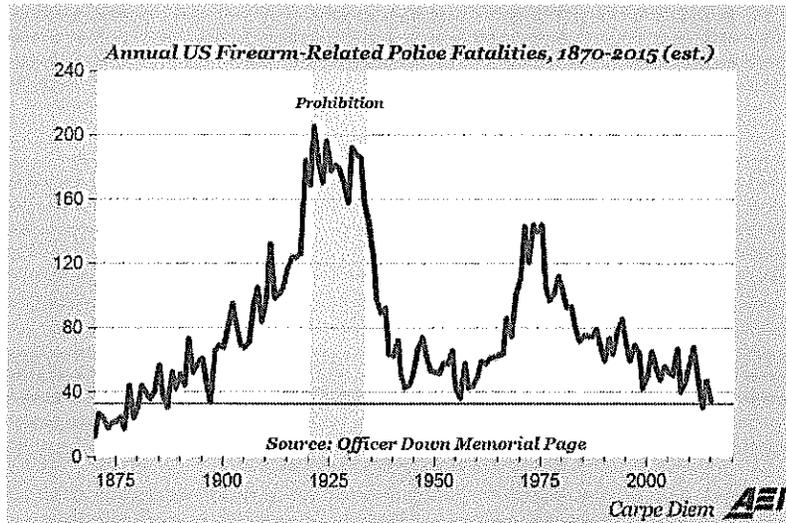
- "War On Police Sparks National Crime Wave"
- "Lt. Gov. Dan Patrick: There's A War On Cops And Media 'Are Not In Police Officers' Corner"
- "Police face recruiting shortage due to war on cops"
- "Do Cops' Lives Matter to Obama?"
- "[New York Police Chief] Bratton warns of tough times ahead due to 'war on cops'"

As I've noted here before, we're seeing similar rhetoric from politicians, particularly from GOP presidential hopefuls, including Donald Trump, Ted Cruz, and Scott Walker.

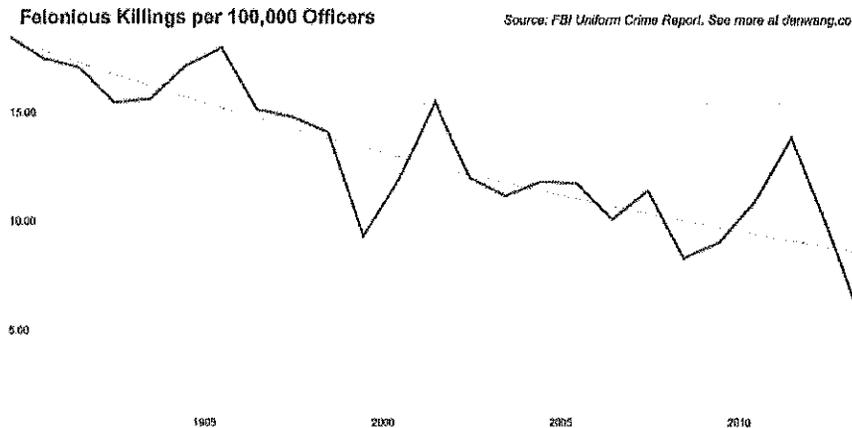
All of this fact-free fearmongering is having an effect. A Rasmussen poll taken last week found that 58 percent of respondents now believe there is now a "war on police." Just 27 percent disagreed.

So let's go through the numbers. Again. So far, 2015 is on pace to see 35 felonious killings of police officers. If that pace holds, this year would end with the second lowest number of murdered cops in

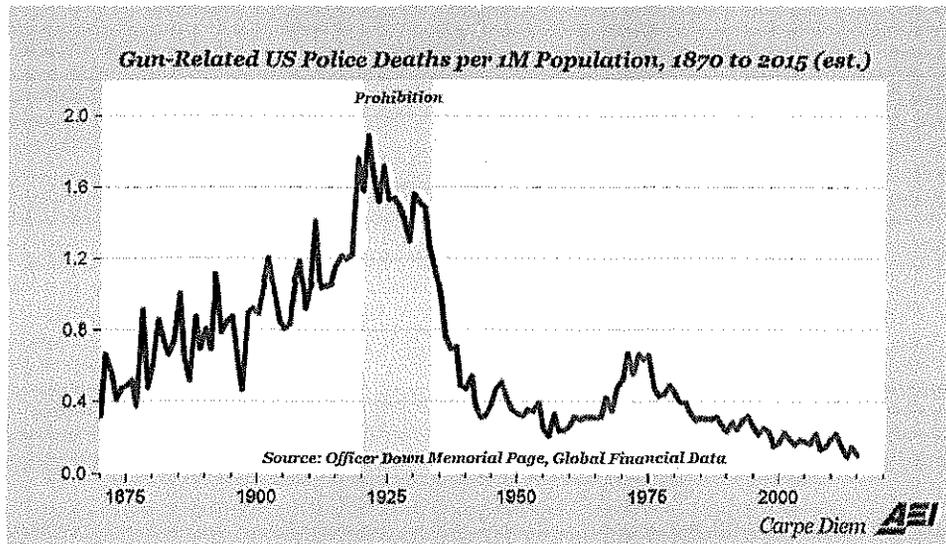
decades. Here's a graph depicting annual killings of cops with firearms from Mark A. Perry at the American Enterprise Institute:



But these are just the raw numbers. If we look at the *rate* of killings of cops, the trend is more pronounced. There are two ways to examine the rate of police killings. The first is to look at the rate of killings of cops per 100K cops on the street. This figure is somewhat difficult to calculate because there are widely varying estimates of how many cops are on the street. It depends on how you define "police officer," who is doing the estimating, and various other factors. But if you use consistent sources, the number of police has generally gone up, while the number of officers killed has generally gone down. So your graph looks something like this one, from Dan Wang:



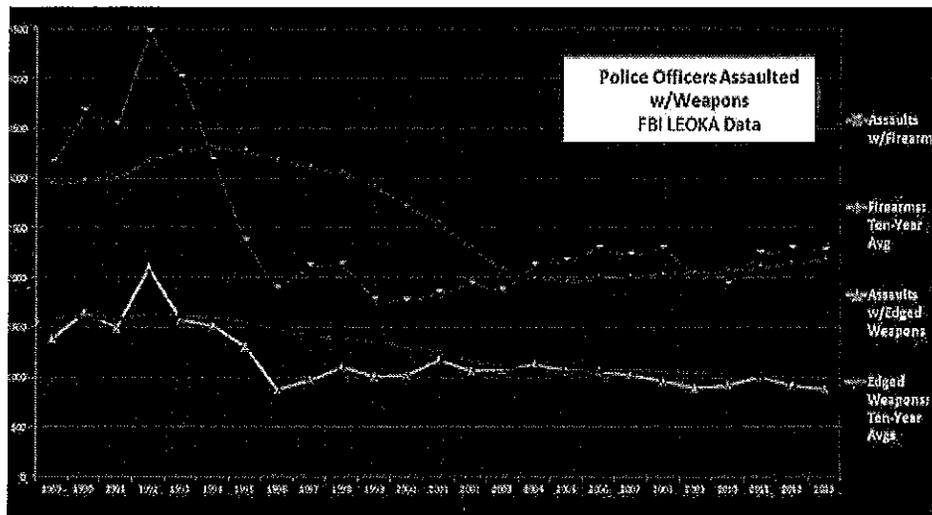
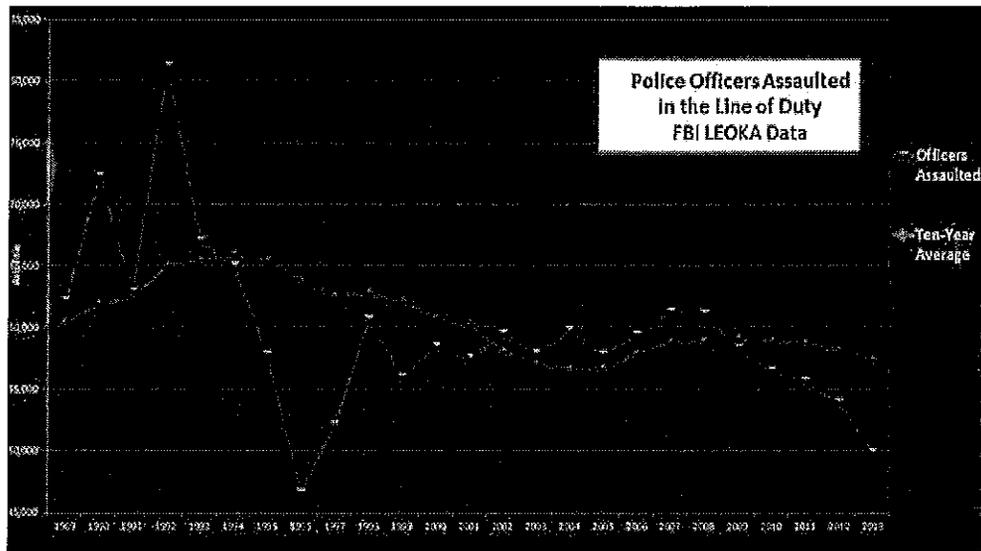
The other way you could measure the rate of killings of police officers is to look at the number with respect to the overall population. Here's another graph from Perry that plots those figures:



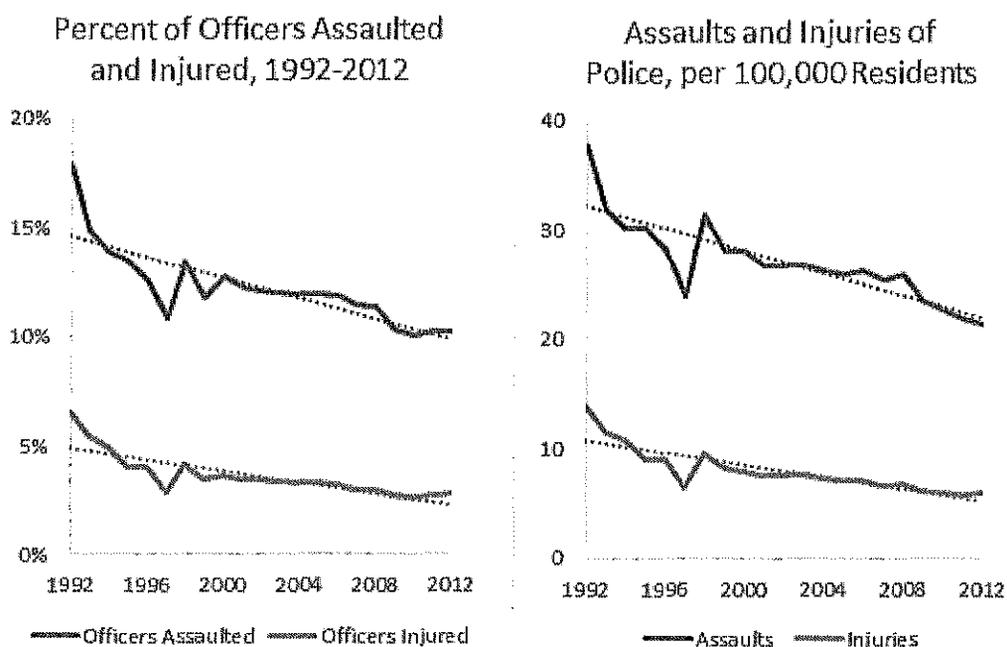
As you can see, by this measure 2015 is shaping up to be the second safest year for police *ever*, after 2013.

Speaking of which, it's important to note again here that 2013 was an abnormally and historically low year for police fatalities, as this graph from University of South Carolina law professor (and former police officer) Seth Stoughton shows.

So when police advocates say that 2014 saw an 80+ percent increase in homicides of cops over 2013, remember a few things: First, 2013 wasn't just an all-time low, it was an all-time low by a significant margin. Second, the 2013 figure was so low that even a small increase will look large when expressed as a percentage. Third, the figure for the following year, 2014, (51 officers killed) was essentially consistent with the average for the previous five years (50 killed), and still lower than any five-year average going back to 1960. ([See this graph](#), also from Wang.) Fourth, again, 2015 is on pace (35 killings) to be lower than any year but 2013. Another common response from police organizations and their advocates is that the reduction in fatalities is due to better medical care and improvements in protective gear such as bulletproof vests. Both things are undoubtedly true. But *assaults* on police officers are in decline as well. That is, not only are fewer people killing police officers, fewer people are trying to harm them. These graphs from Stoughton show the raw numbers of assaults on police:



As you can see, at best you could argue that assaults on police with firearms are about even with where they've been for most of the last decade, save for a dip in 2009 and 2010. But these too are raw figures. When we look at the rate of assault on cops, from either the perspective of total cops or total population, the downward trend once again becomes more pronounced. From Daniel Bier, here are two graphs looking at the assault *rates* on police officers.



Source: FBI

Any murder of a police officer is a tragedy. (As is any murder of a non-police officer.) But media outlets, politicians, and police advocates do real damage when they push this false narrative about a rising threat to law enforcement. First, this sort of propaganda weights the public debate and discourse. When there's a fictional "war on cops" blaring in the background, it becomes much more difficult to have an honest discussion about police cameras, police militarization, use of lethal force policies, police discipline, police transparency, training, police accountability, and a host of other issues. Of course, that's precisely the point.

But there's also a much more pernicious effect of exaggerating the threats faced by law enforcement. When cops are constantly told that they're under constant fire, or that every interaction with a citizen could be their last, or that they're fortunate each time they come home from the job in one piece, it's absolute poison for police-community relations. That kind of reminder on a regular basis would put *anyone* on edge. We're putting police officers in a perpetually combative mindset that psychologically isolates them from the communities they serve. Incessantly telling cops that they're under fire can condition them to see the people with whom they interact not as citizens with rights, but as potential threats. That not only means more animosity, anger and confrontation, it can also be a

barrier to building relationships with people in the community — the sorts of relationships that help police officers solve crimes and keep communities safe.

It also just makes for a miserable work life. If you've been trained to think your job is getting progressively more dangerous, and that a significant percentage of the people you encounter on a daily basis want to do you harm, you're going to be less tolerant of dissent. You're going to constantly be on-guard, on-edge, and jumpy. That isn't a state of mind that's conducive to de-escalation, that opts for persuasion over brute force, or seeks out peaceful conflict resolution. It's a state of mind ruled by the limbic system, not the frontal lobe. And yes, it's a state of mind that makes an officer more likely to reach for his gun. Again, this isn't a comment on cops. It's a comment on human beings in general.

An over-emphasis on and obsession with a "war on cops" would be dangerous and counterproductive even if it were true. But by every imaginable measure, it *just isn't true*. When this false narrative comes from police organizations and their supporters, it's at least somewhat understandable. When it comes from politicians, it's grandstanding and demagoguery. When it comes from media organizations, it's journalistic malpractice. And it's almost certainly getting people killed.

One last point: I've seen some police officials and their advocates respond to these statistics by pointing out that even if assaults and killings of cops are down, anti-police *rhetoric* is increasing. Therefore, they say, they're justified in proclaiming that there's a war on the police. This is nonsense. Police agencies are government agencies. They're government agencies in whom we entrust the power to detain, arrest, and kill. Yes, it's true that some people are demanding more of those agencies. It's true that personal technology is enabling people to create an independent video narrative of their interactions with police. It's true that those videos have sometimes revealed police misconduct and brutality, and that police officers, like all people, sometimes mis-remember, misstate, and outright lie when recounting contentious, traumatic, high-stakes incidents. And it's true that because of all of this, the public as a whole today finds police officers as a whole less trustworthy than in the past. It's also true that some activists, pundits, and politicians are demanding more accountability, transparency, and training for police.

None of these things are indicative of a “war.” On the contrary, all of this new skepticism, criticism, forced transparency, and mistrust of the police is — again — coming even as violence against police officers is reaching historic lows. This is how a democracy is supposed to work. It’s something worth celebrating.

Instead, police groups and their advocates are claiming that the mere act of criticizing a government entity is akin to declaring war on it, and that therefore, police critics are culpable every time a police officer is murdered. (And given the way they ignore and abuse statistics, those critics are also apparently culpable for a lot of murders that never happened.) They’re essentially saying that exercising constitutional rights and participating in democracy are in and of themselves acts of violence. And in many cases, this is coming from the very people that the government empowers to use actual violence.

***That*** is something worth worrying about.

Radley Balko blogs about criminal justice, the drug war and civil liberties for The Washington Post. He is the author of the book "Rise of the Warrior Cop: The Militarization of America's Police Forces."

## Wife of APD officer petitions to make attacks on officers a hate crime

By Candace Hopkins Published: September 11, 2015,

**ALBUQUERQUE (KRQE)** – The wife of an Albuquerque cop wants to make targeting a police officer a hate crime. She's launched an online petition to pressure state lawmakers to make it happen.

Hate crime laws aim to deter violence against people based on their race, religion or sexual orientation. Natasha Neiberger, wife of an APD officer, says it's time to include police in those laws.

"I believe it is a hate crime when you're targeting certain person just because of the uniform they wear," said Neiberger.

Neiberger says being a law enforcement family has always been hard, but recent ambushes on police officers make it even more difficult.

Neiberger said, "Every day, and it breaks my heart when my little girl, who's six, says goodbye daddy, love you, be safe, come home."

That's why she wants to see tougher penalties and she says hate crime laws are the way to do it. So far about 200 people have signed a **petition** she started, calling for the change. State Rep and Retired Deputy Bill Rehm is listening.

"I think that it is a law that is needed. We have seen a lot of increased violence towards the police recently," said Rehm. But the ACLU says the idea doesn't make sense.

"To categorize police officers as marginalized or oppressed really kind of misses the point, I mean, they're people with great power and authority in our society and are in fact sometimes used in the systems that oppress those vulnerable populations," said ACLU NM Communications Director Micah McCoy.

Representative Rehm says he'd be interested in sponsoring a bill, but says it should only be a hate crime if a police officer is simply targeted for being a police officer, not if an officer is hurt by a suspect who's trying to get away or doesn't want to go to prison.

A case that would fit the hate crime description would be the Christopher Chase shooting spree in Albuquerque a couple years ago. He shot and wounded officers because he had something against police. He was killed after a long chase.

Talk to City Council on March 3 2011 by Sylvia Fuentes

My name is Sylvia Fuentes. I am the mother of Len Eric Fuentes. "Human waste" #8 according to a Police Department detective on Facebook. Look at me, I am the mother of "human waste" #8.

Mr. Dell Angela, has been trying to tell you something over and over and over with letters, with e-mails, with phone calls but you are not listening. He is trying to tell you what kind of police officers we have in APD. Even now, after reading what the detective that shot the last victim said on Facebook, it does not phase you. 57 officers on Facebook are being looked into. It would be interesting to know how many of those officers took part in the shootings of the "human waste?" And if the officer that killed my son is also one of them.

The Police Department has lost its dignity and credibility. They are no longer in place to protect and to serve us; they are too busy protecting themselves. Their main job now is to protect themselves from those who are not on their side regardless of what they do, including killing and then lying about it to cover their crimes. These officers have developed a gang type mentality that tells us if you don't side with them, (the blue gang) then, you are on the side of the criminals.

I have not been here since November because of health issues and I am still not well, but I had to come today. The disposal machine killed human waste #10 out of 15. Last time I was warned that the police might send out thugs to harass me if I spoke out against them. Well they did even better than that, within 24 hours three of their vehicles were all within a stone's throw of my house. I sent all of you Council Members a picture of it by e-mail with the details and told you what happened and you did not even acknowledge me.

I wanted to take more pictures but I did not dare because the sun was out and my shiny camera might be considered a weapon and I might get shot to death. My son had no criminal record prior his incarceration, nor did he have one after his release. But like I said before, after they shoot them, the statement is always "they had a criminal record." Even if this record occurred years ago and they have paid their debt to society, it's as if it still justifies their death.

The Police Department wonders why so many cops are being attacked and they have to kill them? It is really a no brainer. They are the attackers, they are the aggressors. I have witnessed how they handle themselves with my own eyes. After they kill, all they have to say is that they were being attacked and they feared for their lives, and they get away with it. I bet they even practice saying it in their sleep.

We are told my son was wielding a knife and supposedly struggled with the police. If this is true why aren't there any bruises on his body except for the handcuffs that they

placed on him after he had mortally wounded him and he fell to the ground? If he was so close to them why aren't there any powder burn marks on his clothes or body? The Chief of police says that struggled with my son. Well I say they killed my son in cold blood and I wasn't there, neither was the Police Chief. But there were people there that saw it and now I really know first-hand why they fear the police. The officer/officers that killed him know that they lied and the witnesses that saw them know that they lied but they will keep quiet because they are afraid so the police will always get away with it.

The investigation that followed my son's death was a laugh. They claimed that they interviewed me when I was told that my son had been killed and I was blubbering like a fool and that there would be no further interview. I was also told that I could not have my son's silver skull buckle when I went to get his belongings because it had been shattered by a bullet-and they lied about that. When I told the Detective that I knew it hadn't been shattered, she changed her story and said it was evidence. I have to wonder about that evidence. Evidence of what? That they aimed for the skull and hit it? God knows, they had enough time to aim very well.

I asked her how long it would be before they would release the buckle and she said many years down the road, maybe never. She was very rude, insensitive and inconsiderate to me and people like me, pay her wages. But then maybe she just considers me human waste also for having a son like my Len.

In conclusion, I would like to say that they don't have to send any more police cars to my house. I get the message, I know, that you can not only find a reason to kill me but you can justify it and you can also go on Facebook and boast about it and get away with it.

Sylvia Fuentes

## Union starts fundraising website for ex-APD officers charged with murder

Updated: 09/11/2015 10:10 PM | Created: 09/11/2015 9:19 PM By: Kasla Gregorczyk, KOB Eyewitness News 4

The Albuquerque Police Officers Association is standing behind former officers Keith Sandy and Dominique Perez **as they head to trial**. The union created a website where the public can make donations to the two ex-officers after inquiries of how to donate came pouring in **DefendThisLine.com**.

"These aren't just police officers, they're fathers. We've got one that's a distinguished veteran, (distinguished? and thus to be above the law?) we have Keith Sandy with a legacy (legacy?) of law enforcement in his family," said Shaun Willoughby, vice president of the Albuquerque Police Officers Association. DefendThisLine.com also details Perez and Sandy's stories and the case.

"It's an educational (propaganda) website, it will give you some pictures, some history," Willoughby said. The union vice president says the site was something people were asking for. "How do we help, how do we donate? (Really?)

There really wasn't a central location, so we're fortunate that this website gives us a central location," he said. This website has no goal or specific fundraising amount it is trying to reach.

"They spent over \$100,000 each just to get through the preliminary hearing and they probably have \$250,000-300,000 each going forward into trial," Willoughby said. The money being raised is also for their home lives. "Just because they wear a uniform doesn't mean they don't have families and that they don't need our help. So we are begging everybody to please help these officers through this time," Willoughby said.

The union is also putting a special call out to law enforcement. "If every officer in the nation were to donate just \$1, it would dramatically impact their ability to defend themselves in their criminal trial," Willoughby said.

They also say that although DefendThisLine.com is currently up for Sandy and Perez, they plan to keep it running for any officers that may need assistance in the future.

**From:** Rita Daniels  
**To:** POB  
**Subject:** KUNM radio - request for brief phone interview  
**Date:** Wednesday, September 09, 2015 11:49:09 AM

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Hello,

Rita Daniels here from KUNM. I'm trying to get ahold of someone from the POB regarding the letter Leonard Waites drafted and delivered to Mayor Berry and Chief Eden yesterday regarding public review of proposed APD policy changes. Can someone please call me?

Thank you! I am on deadline for this afternoon.  
510-229-9964

--

Reporter  
KUNM  
510.229.9964

**From:** Silvio Dell"Angela  
**To:** "Board ED"; Christina.Albright@aps.edu  
**Cc:** reedy@aps.edu; ereed@kob.com; cheild@abqjournal.com; Winter, Brad D.; "Kathy Korte"; info@susanamartinez.com; "Board of Regents" Office"; news@dailylobo.com; dherrera@abqjournal.com; kwalz@abqjournal.com; CB4inNM@gmail.com  
**Subject:** LUIS VALENTINO, BRAD WINTER, DON DURAN, JOURNAL'S LEADERSHIP AND EDITORIAL BOARD AND THEIR PUPPET-MASTER THE EMBARRASSING GUV MARTINEZ  
**Date:** Monday, August 31, 2015 11:57:03 AM

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Christina

Info to all-many sent this Bcc. Also pass this to interim superintendent Reedy

**ONCE A LIAR-ALWAYS A LIAR**

"When I leave I will leave not asking for anything from anybody"-yet another lie told by Valentino. Once a liar-always a liar and yet it took three meetings for the embarrassing APS Board members to be shamed into finally saying no more. This disgraceful man deserved only what he had earned thus far-not \$80K more.

**WINTER WAS COMPLICIT**

What's being ignored by the media is that another Governor Martinez's puppet- Brad Winter still was there during this transition period to Valentino and likely knew all of it and said nothing. This told all that he was no better than Valentino. Brad likely worked with his puppet-master Guv Martinez to have UNMH fire Kathy Korte and get the Guv to help defeat her in her re-election bid.

It was likely Brad who recommended yet another attempted cover-up of APS corruption and getting rid of Moya. Also that the Board President Don Duran's daughter be hired buy his support. Also, why was the women from the search firm who "found" Valentino even hired? Why doesn't the media ask Brad what he knew/did while there during this transition period? Is this PhD elitist just a Teflon sacred cow here?

What about the Guv's puppets on the Journal's Editorial Board who recommended that Martinez be kept on? They are part of the problem-embrace the culture of corruption here including APD's and Berry's.

**TAX WASTING –UNJUSTIFIED SPECIAL SCHOOL ELECTIONS**

All saw the low voting numbers by a letter writer in the Journal letter today. For years, I have advocated moving the unjustified (after women were given the right to vote in all elections 100 years ago) special tax wasting APS elections to the fall and held in conjunction with regular elections. There would be far better than the 4% turnouts. APS's leadership and the Board preferred these low turnouts-tax wastes.

Brooks ignored my repeated appeals as did Winter and Valentino. And yet Brad wants to be re-elected to the Council this fall. Are those in District 4 blind to all this in APS and his loyalty to Berry and Guv Martinez? Appears so.

Silvio

### ***APS superintendent resigns, will receive \$80K settlement plus salary through Oct.***

Updated: 08/31/2015 10:43 AM | Created: 08/27/2015 7:00 AM By: Elizabeth Reed, KOB.com

*The Albuquerque Public Schools Board of Education voted to accept Superintendent Dr. Luis Valentino's voluntary resignation Monday. According to the voluntary resignation and settlement agreement signed by Valentino and the board, Valentino will receive a lump sum and sum-certain payment of \$80,000 plus his full salary and benefits according to the terms stated in his contract through Oct. 1, 2015--around \$120,000 in total. Valentino is solely responsible for the payment of all taxes owed on the settlement, if any.*

View: [Valentino Resignation and Settlement Agreement](#)

*"Given the parties' differing views of the current incidents and challenges in the district, and believing they have fundamental differences regarding the future of the district, an agreement has been reached which allows Dr. Valentino the ability to pursue other career interests and permits the board to hire another superintendent," school board member David Percy read the board's statement during the meeting.*

*The board announced Raquel Reedy will now serve as acting superintendent while the district searches for a new leader. Reedy currently serves as the associate superintendent for elementary education. Valentino started the job in July after an eight-month, nationwide search following the abrupt resignation of former Superintendent Winston Brooks last August. Valentino had a three-year, \$240,000 contract.*

*Read: [Luis Valentino's Contract](#) "When I leave I will leave not asking for anything from anybody," Valentino said at a [news conference in May](#). "I believe that my work will demonstrate that I'll deserve whatever I've gotten to that point."*

#### **VALENTINO CAUGHT UP IN HIRING CONTROVERSY**

*Thousands of Albuquerque residents signed a petition demanding the board fire Valentino following reports that he ignored warnings about his deputy superintendent from the district's own human resources department. Former deputy superintendent Jason Martinez faces six child sex abuse charges in Colorado and did not complete a required APS background check before his resignation on Aug. 20. He was arrested in Denver Wednesday for violating the terms of his release on bond. Valentino has insisted he didn't know about Martinez's charges. He also maintained that the district's human resources department did not warn him multiple times that Martinez had not completed his background check. Martinez was brought in by Valentino in June. He had previously worked for Houghton Mifflin Harcourt, a publishing house, as well as in an instruction and technology administrator capacity at Denver Public Schools. Martinez also got caught up in an exchange between Valentino and APS chief financial officer Don Moya over an RFP intended to assess the district's information technology systems that were offered to a disgraced former DPS employee he had previously worked with in Denver. Moya was placed on administrative leave Aug. 7 after he was accidentally sent a message by Valentino saying Valentino was "going to go after" Moya for having too much say in the district's finances. Moya filed a whistleblower lawsuit against Valentino, the APS School Board and Public Education Department Secretary Hanna Skandera last Monday, claiming they violated the New Mexico Whistleblower Protection Act and committed civil conspiracy.*

#### **APS SUPERINTENDENT WOES**

*Valentino's resignation marks the second APS superintendent in a year to leave following controversy. Last year, former Superintendent Winston Brooks received a \$350,000 payout for leaving the district, and the reasons for his resignation still remain unclear. KOB and the Albuquerque Journal have both sued APS to access records connected to Brooks's resignation. Valentino told KOB last week he did not think he would lose his job and said he did not plan to resign.*

#### **GROUPS REACT TO RESIGNATION**

*The Albuquerque Teachers Federation released the following statement after the announcement of Valentino's resignation: "This has been a difficult time for APS. Public trust has been eroded. The Board of Education and Dr. Valentino have reached a mutual agreement on his voluntary resignation. APS employees are ready to move forward." "Serious issues remain that are affecting APS students and teachers. We expect Acting Superintendent Raquel Reedy to direct her attention to these issues without delay. We stand ready to meet with Acting Superintendent Reedy to formulate a plan to address these serious concerns, such as, superfluous District-mandated testing; unnecessary paperwork requirements; the dysfunctional high school schedule; and others. Acting Superintendent Reedy should lead the District out of the recent crisis by focusing on the classroom, and take immediate steps to support educators who do the real work with our students."*

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From: Albright, Christina [mailto:Christina.Albright@aps.edu] On Behalf Of Board ED

Sent: Monday, August 31, 2015 7:24 AM

To: Silvio Dell'Angela

Subject: RE: Thanks-RE: Brad Winter-the forgotten Governor puppet-one of the best reason for term limits. Board President Don Duran, Joe Monahan's postings and the Guv's puppets-Duran and others

Thank you for sharing your concerns. I forwarded your email to the Board of Education yesterday. Please let me know if I can be of further assistance.

**Christy Albright**

*Be who you are and be that well. -Saint Francis de Sales*

Christy Albright on behalf of [Boarded@aps.edu](mailto:Boarded@aps.edu) | Albuquerque Public Schools | Board of Education Constituent Services  
Office: 505.880.3729 | [Christina.Albright@aps.edu](mailto:Christina.Albright@aps.edu) | PO Box 25704 Albuquerque, NM 87125-0704

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**From: Silvio Dell'Angela [mailto:[Dellansi@comcast.net](mailto:Dellansi@comcast.net)]**

**Sent: Sunday, August 30, 2015 11:41 AM**

**To: Board ED <[boarded@aps.edu](mailto:boarded@aps.edu)>; Albright, Christina <[Christina.Albright@aps.edu](mailto:Christina.Albright@aps.edu)>**

**Subject: Thanks-RE: Brad Winter-the forgotten Governor puppet-one of the best reason for term limits. Board President Don Duran, Joe Monahan's postings and the Guv's puppets-Duran and others**

**Christina**

The KKOB-770 call in talk show yesterday on this subject included calls from many APS teachers were disgusted with both the lying-unethical new Superintendent but the School Board's cowardice in not firing him, the Board President daughter and the search firm's person who found him. The host of the call in show Eric Straud (sp?) was equally disgusted and believed the Board will again betray us. I called in as well.

**(Remainder omitted in interest of brevity)**

**From:** Silvio Dell'Angela  
**To:** Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; Jones, Trudy  
**Subject:** Last Night's Council Meeting-Giving Garduno and Eden a free pass and another bogus outreach  
**Date:** Tuesday, October 20, 2015 3:23:37 PM  
**Attachments:** 10-11-15JnlLetter.doc

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## COUNCILORS

Bcc to others not shown

### BLESSING HISTORICAL REVISIONISM BY GARDUNO AND HIS P.C. CROWD

It's sad but not surprising that you accepted the disingenuous apology made by your President last night who said when calling three councilors cowards that it wasn't his intent to offend these councilors. Really Rey? It was yet another lie told them like the one Rey told me saying that he would permit me to show the American flag that I served under for 22 years upside down as an approved sign of distress.

I guess Councilor Lewis felt it was politically expedient to cancel his well justified censor of Garduno allegedly in the interest of compromise. What is disturbing is that you nine now are willing to consider a revised version of his resolution and still proclaim a Indigenous Peoples Day knowing full well that our tribes are not indigenous as I and other letter writers pointed out. You saw the October 11 letter (again attached) saying rightly that this historical revisionist effort was driven by hate!

You saw today's letter in the Journal shown again below. Our American Indian tribes are NOT indigenous to this land and any future day honoring them should be American Indian Day and not on Columbus Day.

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### Native Indians not indigenous

*IN THE Oct. 9 article about proclaiming the second Monday in October as Indigenous Peoples' Day ("Add Indigenous Peoples' Day to your calendar?"), the City Council is justifying it with a blind prejudiced eye. The design of the proclamation on Columbus Day is not by chance. It is to select a day celebrated by an explorer that opened genocide to the Native Americans, according to the article. The irony is that to recognize the Indians' persecution and genocide is to forget or ignore that there were many Indian tribes in north America that preyed upon other Indian tribes. Delaware, Shawnee and other Indian tribes fought both French and British armies, as well as other Indian tribes, during the French and Indian War. The most well-known Indians that attacked other Indian tribes and took slaves were collectively known as Apache. They were more nomadic and preyed on other Indian tribes before the white settler and soldier ever arrived. Additionally, there were tribes in northern U.S. and Canada that warred against other tribes. Indigenous is defined as originating in a region. I don't think there's anyone that believes that the American Indian grew out of the American soil. They were migrants from the Aleutian peninsula, the same migration that brought the white European settlers to this land. So my point is that, in order to recognize Indigenous Peoples' Day under the definitions of the City Council, it must exclude Native tribes that also participated in genocide and slavery. So do we only proclaim the day for the rest of the Indians? Columbus no more started genocide or Indian slavery any more than any other European explorer. And the Native Indian is no more "indigenous" to North America than the potato. DARRYL RICE Albuquerque*

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**AVOIDING THE ELEPHANT IN THE ROOM-APD'S BLATANT DEFIANCE OF THE IPRA WITH YOUR BLESSING-WHY THERE WILL NEVER BE ANY REAL APD REFORM HERE**

You saw my October 1 NM IPRA request to Chief Eden and repeated follow-ups for the videos of the latest APD shooting. During the Q&A you were again afraid to ask the Chief why he continues to not comply with my and IPRA requests of others as if this blatant non-compliance is irrelevant.

The fact is that the only video (likely inadvertently) released showing an actual shooting was the single helmet recording of Boyd's and Perez's murder of James Boyd. No videos before-and none since released by APD and you apparently don't care.

The ABQ Free Press, Eye on Albuquerque, Joe Monahan and other non Berry controlled news outlets spoke about the reform actions needed and the first starts with cleaning house in APD of its corrupt leadership.

Unlike any of you, I took the time to review the resumes of the over 40 other applicants from throughout the US for the Chief's job and many were eye-watering-had outstanding qualifications. But Berry didn't want anyone qualified but instead chose Eden who never met the City posted qualifications for the job but had a disgraceful record working for the Governor who was likely happy to get rid of him.

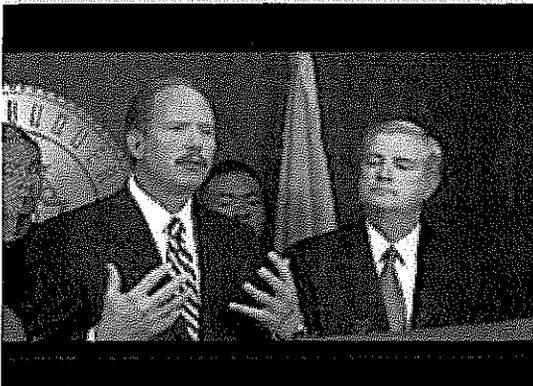
Then to do Eden's work for him Perry brought in Schultz's former SWAT/Death Squad Commander Bob Huntsman.

The low voter turnout in this past and the earlier elections is an indication that many here have given up on the elected and appointed leadership of this city realizing the culture of corruption will always be a way of life here. Joe Monahan today in his posting tells it like it is. He says rightly that you nine are part of the problem.

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**Tuesday, October 20, 2015 Joe Monahan**

**The Great Escape: Mayor Berry Goes Blameless As APD Problems Continue With No End In Sight: Officer Shortages, Low Response Times And Soaring Property Crimes; Our Silent City**



*Berry & Chief Eden*

*Imagine if someone put up half a million dollars in negative TV ads, calling ABQ Mayor Richard Berry to account for this collapse in the fight against crime. Do you think he would reach even 40% approval? Take a look:*

*The average response time to the most serious 911 calls has slowed from 8 minutes and 56 seconds in the 2010 fiscal year to 10 minutes and 43 seconds in the 2015 fiscal year, which ended in June. In that same time, the number of Priority 1 calls*

*Albuquerque police handled went from 53,000 to about 69,000, according to police records. In 2010, there were 30,663 violent and property crimes in Albuquerque. In 2014, there were 35,371, according to FBI statistics. While APD is losing officers and trying to recruit new ones, the Bernalillo County Sheriff's Office is close to fully staffed.*

*And then there's the tens of millions of dollars in lawsuit settlements because of police misconduct. That's on top of the Dept. of Justice having to come in here and reform the APD at an additional cost of millions.*

*Folks, this is not a partisan position. This is an utter lack of accountability in which the City Council and the conservative citadels of power--the Chamber of Commerce, the Economic Forum, NAIQP and the newspaper--share the blame as well as the Republican Mayor who has been at the helm since December 2009 and who now fully owns this mess.*

*ABQ's unsafe climate and reputation for crime is killing business development and making increasing swaths of city acreage unattractive for everyday living.*

*The solutions are out there: Replace the APD command structure that has presided over this disaster, bring in a new first-class police chief from out of town, double or triple our cadet classes and if need be double or triple the budget to do it, pay our police officers among the best in the nation and demand the best cadet candidates and restore community policing in high crime areas.*

*We won't belabor the point but if this town faced the crime crisis it has today when Democrat Marty Chavez was Mayor they would have strung him up in Old Town Plaza and left him to swing in the wind. Until you hear cries of pain from Berry's office, what you see is what you get.*

*Speculation that Mayor Berry will seek the '18 GOP gubernatorial nomination in the face of his administration's failure in the public safety arena as demonstrated by the inarguable facts noted above is nothing short of incredulous. It's almost as incredible as the police chief telling us that the shortage of police officers will get even worse.*

*For whatever reasons, ABQ is demanding much less of its leadership and it's getting less. No wonder the gun shops here are doing land office business.*

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#### PHONY OUTREACH MEETINGS-MERE PR/DAMAGE CONTROL STUNTS

All we see now are these well controlled outreach-collaborative meetings claiming you nine and the others enablers downtown really care. The next PMR Inc. \$4.5+ million monitoring team's "dog and pony" show will be sponsored by the good Dianne Gibson at Congregation Albert on November 5 at 6 PM for former cop Dr. James Ginger's to "hear from the community."

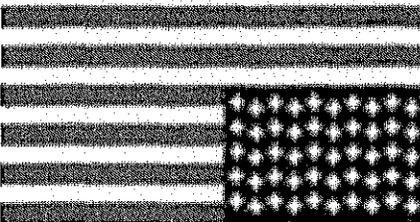
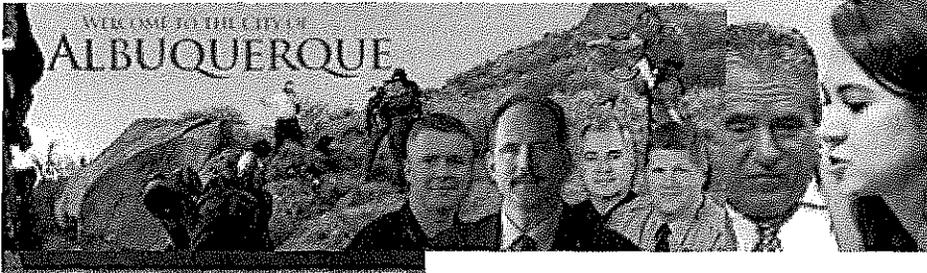
Apparently our community includes US attorney for NM Damon Martinez who sent his US Marshals out to threaten Tony Pirard the critic of the toothless reform agreement, the Mayor's personal attorney Jessica Hernandez, Chief Eden, Deputy Chief Huntsman and APOA President Stephanie Lopez all there to likely give their views-provide answers that Ginger can't come up with. This is because he really is uninterested if not clueless about the real reform solutions here.

Likely Eden and Perry the latter who has been compared to Al Capone will have some undercover APD officers there as well. Wouldn't it be nice if AG Loretta Lynch showed up from Washington

D.C. but based on her last two public pronouncements, we know whose side she is on.

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

# Attacks on Columbus driven by hate

By Jackie De La Porte / Albuquerque Resident Sunday, October 11th, 2015 at 12:02am

*History is history and Christopher Columbus ushered in the European "Age of Discovery" in 1492. Although there may have been many forays by previous explorers, Asians, Vikings, etc., into what is now known as the Americas; it was following Christopher Columbus' exploration into the "New World" which, yes, was inhabited by what we call indigenous people, that expanded worldwide European civilization. Discovering the discovered is still discovery.*

*There has been a movement afoot for some time (since 1954) to eliminate Columbus Day (first celebrated in 1938) as a national holiday. It has become fashionable for some people, through ignorance of history and the influence of revisionists' historic propaganda to bash Christopher Columbus and his accomplishments. What this reveals, in fact, is a hidden agenda to express hatred of the Italian-American and/or Hispanic people in a socially acceptable manner.*

*The Spanish brought with them horses, cattle, sheep, cats and other animals, and other types of agriculture that had never been seen here before. Plus the wheel, ironwork tools, a rule of equality under the law and a unifying language, among many other things. They brought Western Civilization to the New World. This is significant! Something to celebrate, not try to erase.*

*Outside groups have strived repeatedly and relentlessly to eradicate the honoring of Columbus and his substantial contributions to world history. Vilifying Spain, its people and the Roman Catholic Church does not change the fact that his achievements were amazing. Was he a perfect man, no, but who is?*

*This mariner's audacity, perseverance, constancy, vision, and competence in his profession in confronting uncharted seas is worthy of extreme honor.*

*Columbus Day is a federal and a state holiday. However, here at Albuquerque Public Schools, it was obliquely eliminated in favor of nothing. (Actually, now simply a four day "Fall Holiday" weekend).*

*On Wednesday the Albuquerque City Council voted to substitute Columbus Day for Indigenous People Day. Erasing history? How sad. Perhaps Indigenous Day is a good idea, but let us not be deceived that it must be on October 12 and no other.*

*Why insist on this day when there are so many other days from which to choose? It does not honorably serve one to diminish another. This movement to eliminate a day set aside to honor Christopher Columbus, who sailing west to encounter Asia, first stumbled across the Americas on Oct. 12, 1492 – he made four trips to the New World, changing the history of the world for all time – should not continue. Let us not be a party to revisionist hate.*

**From:** Silvio Dell"Angela  
**To:** "Arthur Tannenbaum"  
**Cc:** Lopez, Sabrina; Willoughby, Shaun T.; kwalz@abcjournal.com; Zaman, Jon K.; McKay, Dan; Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; Mayor Berry; Hernandez, Jessica M.; pmrinc@mac.com; "Elizabeth Martinez"  
**Subject:** Last night's Council meeting  
**Date:** Tuesday, September 22, 2015 12:37:47 PM

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ART

Thanks-but only Dianne Gibson gets it-is finally fed up with the BS-lies Perry, Hernandez and APD put out.

The blame falls directly on the shoulders of our corrupt-seemingly Teflon Mayor Berry who unlike other US city mayors, refuses to come to council meetings to face the people. Both Greenwood and Ginger are also cowards-only willing to speak separately with them in a rolling quorum-a blatant violation of the Open Meetings Act. The six Councilors who met with them and Berry's attorney Hernandez are disgraceful.

Schultz was the one who had Berry "grease" the \$70,000 no bid contract with Greenwood and the former disgraceful Cincinnati police Chief Streicher knowing he would give him almost \$600,000 later while most except Garduno and Lewis on Council rolled over for that scam-taxpayer rip-off-were cowards.

Berry and Perry also hired the Journal editor's attorney brother to "help" the two Cincinnati mercenaries negotiate with the DOJ in a nice little pay to play to reward the editor's editorial board and reporters for never blaming him for any of this. Notice Dan McKay never mentioned in the Journal today Councilor Gibson's anger last night with Perry's lying about the unjustified retention payments to Eden's senior command staff.

Also don't give Klarissa Pena credit she doesn't deserve as she is afraid to challenge Berry. Unless she has a learning disability Klarissa has been there long enough to figure out what's going on. Her past record when serving on the EPC was just as bad-she came never prepared. She was also the one councilor who personally benefited from the Mayor's initiative to reduce/suspend impact fees-so she owes him.

I guess instead of supporting her constituent Louie Tafoya last night, Klarissa patted herself on the back for nominating Louie for an award for serving both in the military and as a community leader as if that made up for ignoring his opposition to ART and other misconduct by the city. Louie is a class act and won't compromise his integrity for this meaningless award that he didn't even show up to receive.

You also shouldn't feel sorry for Stephanie Lopez as she and her equally corrupt (us against them-all honest cops who talk are "rats") VP Willoughby and their killers on their APOA Board are all part of the problem.

The blame should not only fall on our elected officials but those appointed like Perry, Hernandez,

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Eden, Huntsman and those in the procurement office who are equally to blame. As my earlier e-mail said, this is the fifth most corrupt state in the nation and our City is likely the most corrupt one nationwide.

Notice the four Republicans fell in line by voting against decriminalizing the small amounts of marijuana possession. Berry is viewing all of these four Republican sycophants of his as fools.

Notice once again, that the Council refused to put the public speakers' presentations put on the overhead projector on GOV-TV in a blatant act of censorship. They only put on GOV-TV the presentations of the city people and other friendlies/corruption supporters. Thank the Council's equally corrupt Jon Zaman for this.

Finally, are you really surprised with the sudden retirement of K-9 officer and his vicious dog on the scene of APD's murder of James Boyd? Now the dog who Boyd only tried to defend himself against with his small knives has to be euthanized as he is vicious.

This K-9 officer trained by then Schultz's SWAT/K-9 Commander-now Eden's disgraceful deputy Bob Huntsman apparently assumed charge of the killing of Boyd. This was because Eden was MIA and there also wasn't even one senior command staff officer-Lieutenant, Major, Deputy or other on the scene there.

It was getting dark and all 40+ cops wanted to get home to their families so Boyd was killed. The now retired K-9 officer then would lie on the stand in the preliminary hearing saying the APD shooters Sandy and Perez saved his life. But as you know, APD officers are trained to lie. More on this later.

Thanks Art for your good work

Silvio

For WE THE PEOPLE

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**From:** Arthur Tannenbaum [<mailto:a.r.t.man@earthlink.net>]

**Sent:** Tuesday, September 22, 2015 12:50 AM

**To:** Silvio Dell'Angela; [reygarduno@cabq.gov](mailto:reygarduno@cabq.gov); [dharris@cabq.gov](mailto:dharris@cabq.gov); [kpena@cabq.gov](mailto:kpena@cabq.gov); [dgibson@cabq.gov](mailto:dgibson@cabq.gov); [kensanchez@cabq.gov](mailto:kensanchez@cabq.gov); [ibenton@cabq.gov](mailto:ibenton@cabq.gov); [bwinter@cabq.gov](mailto:bwinter@cabq.gov); [danlewis@cabq.gov](mailto:danlewis@cabq.gov)

**Cc:** [slopez@cabq.gov](mailto:slopez@cabq.gov)

**Subject:** Re: Tonight's Council meeting

The legislators down there, with only a couple of exceptions here and there, get hustled constantly. Councilman Garduño is the only city councilor (also Lewis) who refused to fall for either of the two major rip-off contracts related to Justice, the "lead negotiator" in the APD/DOJ settlement agreement (Scott Greenwood) and the outrageous "Independent Monitor" bamboozle (James Ginger). These antics could serve as a learning lesson for the newer members of the Albuquerque City Council, Diane Gibson and Klarissa Peña; the other city councilors in my opinion really have no excuse....

I won't take sides in the internal battles going on within our municipal government except to state: I believe Stephanie Lopez was put in a very difficult situation and stood up well all things considered. The

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argument could be made, of course, that the \$200,000.00 misappropriated for upper management Police Dept. personnel is only a fraction of what Greenwood got away with and everyone wants a piece of the pie.

Look - it's time to stop blaming police for everything and time to put the responsibility and the accountability where it logically belongs. Collectively our elected officials in Albuquerque government have failed the entire city terribly.

THE END

-----Original Message-----

From: Silvio Dell'Angela

Sent: Sep 21, 2015 7:10 PM

To: [reygarduno@cabq.gov](mailto:reygarduno@cabq.gov), [dharris@cabq.gov](mailto:dharris@cabq.gov), [kpena@cabq.gov](mailto:kpena@cabq.gov), [dgibson@cabq.gov](mailto:dgibson@cabq.gov), [kensanchez@cabq.gov](mailto:kensanchez@cabq.gov), [ibenton@cabq.gov](mailto:ibenton@cabq.gov), [bwinter@cabq.gov](mailto:bwinter@cabq.gov), [danlewis@cabq.gov](mailto:danlewis@cabq.gov)

Cc: [slopez@cabq.gov](mailto:slopez@cabq.gov), [dmckay@abcjournal.com](mailto:dmckay@abcjournal.com)

Subject: Tonight's Council meeting- It's time to copy Councilor Gibson and stop pandering to the insulting APOA and Perry

Councilor

I hope you read this on your break. **I admire Councilor Gibson for daring to tell the truth about the unjustified pay raises/retention bonuses to Eden's Command staff that the red faced (intoxicated?) Perry and his ally (also red faced) Don Harris tried to justify with just their typical B.S..** Councilor Pena's uninformed defense of the retention bonuses was also embarrassing as were APOA President Stephanie Lopez comments. Not one honest officer respects Lopez knowing that she was charged with misconduct by the NM Police Academy Board. Stephanie, Shaun Willoughby and those on the APOA Board-many killers of citizens are disgraces to all of the honest rank and file officers. Yet with the exception of Councilor Garduno, you other five remained quiet on this retention pay scam on taxpayers-like cowards afraid to represent we the people. **Honest cops would tell you that APD could get rid of most on the Command staff beginning with Eden and APD would be better off. These overpaid senior Command officers caused the problem and not part of the solution.** Tony Pirard also told you cowards tonight what you didn't want to hear about other "inconvenient truths" about APD, about the DOJ and about the two killer cops-Perez and Sandy that you choose to ignore-want to sweep under the rug. The talk by Louie Tafoya was also on point. **It's a sad commentary on how bad things have become here. I wonder how Berry's/Eden's/Perry's "boy" Dan McKay will spin this in tomorrow's Journal and whether others in the media will report it.**

Silvio

M006958

**From:** [Silvio Dell" Angela](mailto:Silvio Dell)  
**To:** [ifworrall@comcast.net](mailto:ifworrall@comcast.net); [alretberg@gmail.com](mailto:alretberg@gmail.com); [hlhen@comcast.net](mailto:hlhen@comcast.net); [LasLomasNA@Comcast.net](mailto:LasLomasNA@Comcast.net); [candypatt@aol.com](mailto:candypatt@aol.com); [joevalles@aol.com](mailto:joevalles@aol.com); [tsplak59@gmail.com](mailto:tsplak59@gmail.com); [wscnamembers@gmail.com](mailto:wscnamembers@gmail.com)  
**Cc:** [POB](mailto:POB); [Ramirez, Chris](mailto:Ramirez, Chris); [KOB TV](mailto:KOB TV); [Beth Mohr](mailto:Beth Mohr); [Lewis, Dan P.](mailto:Lewis, Dan P.); [jnfo@hernco.gov](mailto:jnfo@hernco.gov); [Caleb James](mailto:Caleb James)  
**Date:** Wednesday, August 05, 2015 1:01:31 PM  
**Attachments:** [APDfwdAmicusCuriae.pdf](#)  
[Garrity-page 1.doc](#)

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**Dr. Joe and others in WSCONA**

**Reference my earlier recommended discussion subjects for the meeting tonight-sent to you today.**

**You might also find time tonight to also discuss something equally as important as APD manning levels-the Council's future selection of the next Executive Director for the new Police Oversight Agency.**

**Apparently the majority on the POB named as its first choice-a clueless/inexperienced former Milwaukee cop Ed Harness as discussed below. APD wants one of their own in the job someone who will continue to ignore their bad IA investigations and cover-ups. Robin Hammer was bad enough but now a former cop? If you are not concerned with this selection-you should be.**

**KOB had a great story about "boomerang thugs" that gave Eden, Huntsman, BCSO Sheriff Manny Gonzalez (who doesn't want body recorders for his deputies) and others some positive publicity for just one night answering KOB phones.**

**KOB or APD should have then put the photos of these characters in the Journal but they didn't do so forcing citizens to go to the KOB website. It seemed to be just a half-hearted one time PR effort.**

**Also not surprising was that no APD videos were made or released showing that Rafael Molina killed by APD officers Friday actually had a gun and aimed it at APD officers. He was shot in the back.**

**As with APD's murder of Mary Hawkes, where no recordings were made by scumbag cop Jeremy Dear and his partner (APD spokesman) Tanner Tixier, likely Dear put a throw down gun next to the body. Likely the same was true to justify Molina's killing**

**Note Joline Gutierrez-Krueger's front page article in the Journal today alleging APD and their medical investigator accomplice did a "cursory, superficial and incomplete investigation" alleging that respected attorney Mary Han committed suicide.**

**Some tell me Mary had information of APD's and other high ranking officials' involvement with a prostitution ring and were involved in some or all of the west side mesa killings of women-so she had to be silenced and her house searched by APD for this incriminating information.**

**We have more problems than possible APD manpower shortages that you assume exist but not yet proven.**

**The honest cops in APD are as disgusted as are we. Isn't it time for WSCONA to show up to Council meetings?**

**Cheers**

**Silvio**

M006960

**From:** JOEVALLES@aol.com [mailto:JOEVALLES@aol.com]  
**Sent:** Tuesday, August 04, 2015 10:22 PM  
**To:** jfworrall@comcast.net; alretberg@gmail.com; hhen@comcast.net; LasLomasNA@Comcast.net; candypatt@aol.com; joevalles@aol.com; tspiak59@gmail.com; wsconamembers@gmail.com  
**Subject:** BCC: WSCONAs Wed. Aug. 5, Meeting Agenda--7:PM-DN-TRCC & ABQ FREE PRESS

Greetings,

Listed below are two items:

1. WSCONAs Wednesday night, August 5 meeting **AGENDA—7: PM** at the Don Newton-Taylor Ranch Community Center
2. Joe Monahan's Blog (APD Shortage) in the ABQ Free Press.

---

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Wednesday, August 05, 2015 11:36 AM  
**To:** 'POB@cabq.gov'  
**Subject:** The unqualified former Milwaukee cop Edward Harness is your first choice to be the next Executive Director of the Oversight Agency. What's the message that it sends to the people if the Councilors approve him?

**TO: POB Members**

**Info to Councilors, media and others not shown**

Reference my earlier e-mail shown below that expected you to respect the people and select the only candidate that was truly qualified to serve as the next Executive Director-Jay Rowland. You interviewed the five on July 29 and after conferring for hours should have announced your ranking then. You did not. The public had lost confidence in the oversight process as only attorney Alan Wagman spoke on July 29.

Rather than making your choice(s) on the 29<sup>th</sup> many believe you instead chose to ask APD, those Councilors who wanted to keep the oversight process a sham, the City's dictatorial Mayor and CAO just who they wanted. Of course these who wanted no real reform wanted a former cop even though Harness was completely unqualified for the job-had absolutely no related experience.

You then held another unnecessary POB meeting last night where not even one citizen was willing to speak to you knowing it would be a waste of time. This says that you have lost our confidence. Your again went again into secret executive session/discussions.

You came out incredulously saying that former Milwaukee cop Edward Harness was your first choice followed by very experienced but likely perceived feared by APD Jay Rowland and made the also unqualified Edna Sprague your third choice. Those close to her says she has blessed everything cops do.

After once again reviewing Harness's responses to you last week it was again clear he had no clue

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of the problems with the oversight old process but spoke only in generalities trying to cover up his lack of qualifications for the job. Does working for the Better Business Bureau show the proper investigative experience? Neither Ed nor the others were ever asked what they thought was wrong with the old and current oversight process some of which the knowledgeable Jay Rowland discussed in detail without being asked.

Both the DOJ and Judge Brack ignored some of the required changes documented in APD Forward's filed Amicus Curiae last January-first page of it is attached. Unlike Jay Rowland, neither Harness nor the other three ever discussed what should be the limitations of the 1967 "Garrity vs. Supreme Court" ruling that the DOJ opined to the Seattle Mayor but was ignored by the DOJ here. See page 1 of that opinion-attached. Nor did Ed or the other three discuss the police officers' "qualified immunity" that essentially gives them the benefit of doubt in any of their killings.

Harness restated his belief that a cop's life is more important than that of the average citizen-something it is NOT. Do you agree with that belief? This essentially gives cops the right to kill using the bogus excuse that they "felt threatened." Look at these same lies being told in court this week to try to justify Sandy's and Perez's murder of James Boyd.

Ed apparently never knew that under the current changed Ordinance that the Director and the POB cannot dictate discipline but that the APD Chief can ignore your recommendations offering up only some ridiculous excuses.

I guess Ed's only claim to fame was his alleged outreach ability-trade shows, police work with his local village association and his teaching of good financial practices to the poor. He has no investigative experience other than responding to Better Business Bureau (BBB) complaints.

We already have one pro bad APD cop hired as a police oversight investigator while the two others were former employees of Target and Lowe's and have none. Robin Hammer who was sued for judicial misconduct while working for the DA was a bad enough selection by the Mayor (who she worked for) and Council and now you want a former out of town clueless cop Harness to replace her?

The Councilors likely bothered to read the resumes of those many extremely qualified applicants for the APD Chief job before blessing the incompetent bureaucrat Eden. Likely the Councilors also never read the resumes of the five applicants for this Executive Director position-resumes we were not allowed to see for some unknown reason.

Realizing that this is a dictatorship here with the Councilors choosing to abdicate its role as an integral part of our government, the nine likely never reviewed the GOV-TV interviews with the five (handpicked by who?) candidates to see how they responded to the often too broad questions posed them by you on the 29<sup>th</sup>.

Choosing the clearly unqualified Edward Harness to be your first choice was disappointing to say the least. If this former cop is chosen, the oversight process will still be toothless-yet another example of disrespect shown to us citizens-the real stakeholders who want real reform-not the ones the Mayor chooses.

Time to rethink your choice.

Silvio

For WE THE PEOPLE

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Thursday, July 30, 2015 1:42 PM

**To:** 'POB@cabq.gov'

**Cc:** 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'avramwagman@gmail.com'; 'rhammer@cabq.gov'

**Subject:** YOUR INTERVIEWS FOR THE EXECUTIVE DIRECTOR OF THE POLICE OVERSIGHT AGENCY- THERE IS ONLY ONE CHOICE-JAY ROWLAND WHO WILL SERVE YOU, THE PEOPLE AND THE GOOD POLICE OFFICERS

**TO: The Honorable Police Oversight Board Members**

**Info to City Councilors and Bcc to others**

**After viewing your meeting on GOV-TV last night that included interviews of five candidates for the "Executive Director of POA, the following are some of my observations/questions:**

1. I assume that since current interim Executive Director Ms. Hammer was not interviewed, she did not apply for this POA Executive Director position or being considered as a sixth candidate
2. The talk by attorney Alan Wagman was right on target saying essentially that this selection is critically important-that we don't need more of the same (translated-not another Robin Hammer)
3. This position never required that it be an attorney when Ms. Hammer was hired for the IRO job since an attorney is already assigned to the IRO-yet all were attorneys.
4. Who chose these five candidates who you interviewed and more importantly who decided that you had to send three of the five interviewed to the Council to pick one? Only one stood out!
5. You saw their resumes-something that should have also been posted on the website. One candidate-a former Colorado sheriff's deputy had conflicting-erroneous information on his resume
6. Two of the applicants were former law enforcement/police officers both of whom had beliefs like Ms. Hammer.

**Your selection decision is easy.**

**The only candidate that stood head and shoulders above the other four was former IRO during 2002-2007 Jay Rowland.**

**Based on his demonstrated knowledge of this job and expected respect by both the many APD honest police officers and the people, only Jay should be nominated to the City**

M006963

Council.

The only other even remotely credible candidate of the other four interviewed was Edna Sprague.

After Edna has the opportunity to review all of the GOV-TV interviews today, she too would likely believe that Jay would be the right choice.

Regards

Silvio

For WE THE PEOPLE

P.S.

Jay would also be a great Mayor if he ever chose to run.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

1:14-CV-1025 RB/SMV

CITY OF ALBUQUERQUE,

Defendant.

**AMICUS CURIAE BRIEF OF APD FORWARD**  
**REGARDING COURT APPROVAL OF THE SETTLEMENT AGREEMENT**  
**BETWEEN THE CITY OF ALBUQUERQUE AND**  
**THE UNITED STATES DEPARTMENT OF JUSTICE**

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U.S. Department of Justice  
Civil Rights Division

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Special Litigation Section - PHB  
950 Pennsylvania Ave. NW  
Washington DC 20530

NOV 23 2011

The Honorable Michael McGinn  
Mayor  
City of Seattle  
600 4th Avenue, 7th Floor  
Seattle, WA 98124-4749

Re: United States' Investigation of the Seattle Police Department –  
Garrity Protections

Dear Mayor McGinn:

On March 31, 2011, the Civil Rights Division and the United States Attorney's Office for the Western District of Washington initiated an investigation of the Seattle Police Department ("SPD"), pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, as well as the anti-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d, and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.

At the beginning of our investigation, we committed to providing SPD with real time technical assistance to enhance SPD practices and procedures, and to ensure compliance with constitutional rights. During our meetings with Chief Diaz and the SPD command staff in May 2011 and September 2011, we advised that, if appropriate, we would provide in writing specific recommendations prior to completion of our investigation. In this letter, we convey our recommendations regarding SPD's practices relating to an officer's protections against self-incrimination pursuant to *Garrity v. New Jersey*, 385 U.S. 493 (1967).

*Garrity* provides important and fundamental protections for police officers, but its protections are limited. Our investigation has shown that SPD attempts to apply *Garrity* to all use of force and police involved shooting incidents. SPD's inappropriate blanket invocation of *Garrity* may result in the exclusion of important evidence from an investigation. Moreover, SPD's failure to shield criminal investigators from *Garrity* materials could taint and render unusable other critical evidence. These practices compromise both SPD's ability to supervise officers' use of force, and its ability to fully and efficiently conduct criminal and administrative investigations. Put simply: This practice makes it too difficult to quickly exonerate officers who have followed policy and to properly discipline officers who have not. Further, these practices compromise the ability of prosecutors or other outside agencies to adequately assess incidents and to hold officers accountable for their actions. The net effect of these consequences is diminished public trust in SPD.

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M006966

**From:** Beth A. Mohr  
**To:** POB  
**Subject:** Materials  
**Date:** Sunday, July 26, 2015 7:31:46 PM

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Does anybody else need a set of materials made for Wed? I'll bring "score sheets" for everyone, and copies of the matrix I sent out, but does anyone else need a set of applications and such? Please let me know by Monday morning. 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:** [Traci Quinn](#)  
**To:** [POB](#)  
**Subject:** Meeting regarding upcoming exhibition at UNM Art Museum  
**Date:** Wednesday, August 19, 2015 2:56:08 PM

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Hello -

I am writing to you because I have been in discussion with community members and organizations regarding an upcoming exhibition that at the UNM Art Museum "Necessary Force: Art in the Police State" (see description below). I am organizing educational programming that will invite a diverse range of topics to be discussed and we would like to include a voice that represents how local law enforcement is working with the ABQ community. Is there anybody that I can meet with regarding this? I want to explain the exhibition in further detail and also talk about programming.

The bridge between the community and law enforcement is an important one - and I feel like the work you are doing is crucial to building solutions.

<http://unmartmuseum.org/upcoming-exhibitions/necessary-force-art-in-the-police-state/>

Thanks for considering this!

Traci Quinn  
Curator of Education and Public Programs  
University of New Mexico Art Museum  
505.277.4010  
[tmquinn@unm.edu](mailto:tmquinn@unm.edu)

**From:** Contreras, Michelle  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown  
**Cc:** Skotchdopole, Paul A.; "Edward Harness"; Mark Baker, Esq.  
**Subject:** Minutes of Meeting with Cameron McElhiney of NACOLE  
**Date:** Friday, October 23, 2015 11:43:47 AM  
**Attachments:** Mtg minutes with Cameron McElhiney NACOLE 2016.pdf

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Good morning,

As requested by Leonard Waites at the POB meeting on October 15, 2015, attached are my minutes from the meeting with Cameron McElhiney of NACOLE (Indianapolis). The meeting was held at NACOLE 2015 in Riverside on Wednesday, October 7, 2015. If you have questions, please feel to contact our office.

Thank you.  
Michelle

Minutes of Meeting with Cameron McElhiney of NACOLE, Edward Harness, CPOA Executive Director and Michelle Contreras, Senior Administrative Assistant

**Date of Meeting:** October 7, 2015

**Location of Meeting:** NACOLE 2015, Riverside, CA

**Re:** NACOLE 2016, Albuquerque, New Mexico

1. NACOLE has a contract in place with the Doubletree Hotel, which will be the main hotel for the conference. The Hyatt will be the overflow hotel but there no contract in place yet. I also recommended Hotel Andaluz, 125 Second St. NW.
2. NACOLE has a contract in place with the Albuquerque Convention Center.
3. Cameron recommended that the Scholarship dinner be held at the El Pinto restaurant. As committees are formed, other venues can be considered.
4. For the Sankov Reception, Cameron suggested the Indian Pueblo Cultural Center. She says this venue would be good to highlight the important cultural aspect of Albuquerque.
5. If venues such as the El Pinto and the Pueblo Cultural Center are used, transportation will need to be provided. We discussed the possibility of finding sponsorships in order to pull off the transportation and facility costs. In addition, if board members are willing and/or are authorized (at the discretion of Mark Baker) to do fundraising, it will increase the level of what NACOLE can do to organize the Sankov reception.
6. 30 to 35 Requests for Proposals (RFPs).
7. NACOLE is a 501(C) Organization
8. The following committees would need to be formed:
  - a. Local Conference Committee
  - b. Scholarship Committee
  - c. Conference Committee
9. Locate a vendor to donate their printing for flyers and other printing jobs.
10. All speaker gifts will be donated to a local charity to be determined by the Local Conference Committee.

**From:** Silvio Dell'Angela  
**To:** Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.  
**Cc:** Montova, Michelle M.; Mayor Berry; POB; Hernandez, Jessica M.; Zaman, Jon K.; living@rt66.com; Eden, Gordon  
**Subject:** Monday's Council meeting and your disgraceful actions and selection of ex cop Ed Harness + attorney Paul Livingston's related Notice of Violations of NM Open Meetings Act by the CPOA sent you  
**Date:** Thursday, September 10, 2015 7:35:14 PM  
**Attachments:** Letter-City-Council-OMA.pdf

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**TO: COUNCILORS**

(info to those shown and not shown)

**YOUR DISRESPECT FOR US AND THE CITY'S DISRESPECT SHOWN TO COUNCILOR GIBSON**

Last night during the first 2 ½ hours, you tolerated the idiot treatment given to Councilor Gibson by Berry's disgraceful personal (not our City) attorney Jessica Hernandez and by CAO Perry trying to justify giving pay increases to the already overpaid Command staff while denying it to the rank and file.

Cops on the beat who talk to me knowing I would not reveal who they are, have told me what is really needed in APD is for all of the Command staff to retire or be fired-not have their already high pay raised. The presence of the disgraceful Eden and his fellow contemptuous of you command staff thugs in the back of the room was nothing but pure intimidation of you

After waiting 3 ½ hours along with others who signed up to speak last night (many of whom left in disgust including POB chairman Leonard Waites), I stayed.

Had we been given more than 2 minutes, all would have condemned the over 2 ½ hours you wasted on far too many long proclamations, the Q&A and considering Councilor Harris' bill before the public comment period. During the 2 ½ hours before you took your dinner break it's clear that you obviously like to hear yourselves talk/pontificate on local issues things that could have been resolved with the administration in non Council meeting communications.

But instead we public speakers were deemed by you to be unimportant much like APS's School Board's blatant disrespect of other citizens over the Valentino affair of which Councilor Brad Winter while still at APS was complicit in what Valentino had done.

One of the questions you chose to never ask of the arrogant Chief Eden was just what specifically were the alleged 3,400 APD calls for service over the past weekend by APD as reported in the September 9 Albuquerque Journal? How many of these were just calls to 911? Did these calls to 911 constitute 90% or more of the calls for service and not actual police responses? Or didn't you care?

The Journal article cited only five incidences over the weekend that APD responded to. Yet fiscally irresponsible Councilor Sanchez who seemingly treats our taxes as nothing more than play or fun money claims in the absence of a long overdue resource allocation study by the Chief

M006971

says that we ought to increase APD's manpower to possibly as high as 1500 as the Chief wants but can never justify.

#### THE EYE AND ABQ FREE PRESS

See the September 9 (previously dormant since July 7) Eye on Albuquerque posting "The Thin Blue Line" at <http://eyeonalbuquerque.blogspot.com/>. It properly places the blame for all of the APD problems squarely on the "politicians who have created this mess and have no clue how to fix it."

"Having no clue" was too nice a description for the damned politicians here who do have a clue/know how to fix it but don't have the guts or integrity to do it. You know that this criticism includes you but you choose to be in denial about this "uncomfortable truth." One local journalist properly said you nine-like this Mayor are the worst of any in this city's history. .

Also check out the latest September 9 issue of the ABQ Free Press that includes columns by another disgusted retired cop Dan Klein and articles by Joe Monahan and other writers. This ABQ Press issue (unlike the Berry Journal) speaks the truth about the complicit Berry Journal, Mayor Berry, Governor Martinez and her machine.

It also has articles about APD's former IPRA directed stonewaller and now whistleblower Reynaldo Chavez, the top APD brass worrying that their illegal bonuses are on the front burner and Berry's Convention Center insider the ACRV who has been ripping taxpayers off for years despite their abysmal performance.

Seems like you nine couldn't care less with any of this-nor do the other politicians in NM.

#### MY AND OTHERS' TALKS MONDAY

Before I spoke, Tony Pirard gave you an earful but you brushed him off as you do with all of us. Tony, like me is far too blunt-won't mince words about his disgust with the culture of corruption here. It extends to US Attorney Damon Martinez and Judge Brack-the reason he was visited twice by Damon's US Marshals for daring to criticize Martinez, Brack and others here.

When I finally spoke, you again showed disrespect to me when my upside down flag-an official US Flag code signal of distress-something that this city is in was put on the overhead projector and again was not shown on GOV-TV as yet another blatant example of censorship. Neither did you show any of the other public speakers' overhead projector presentations on GOV-TV.

In addition to the many earlier e-mails sent you opposing the selection of former cop Ed Harness who was clearly unqualified to be the POB's first choice to be the next POA Executive Director (ED) my talk was again critical of all of the previous foxes (former cops) assigned to guard the hen house.

I expressed my disgust for the POB preference for Harness who as Tony Pirard also said was not

only clueless about our city's oversight process but was an embarrassing choice. Ed's only job as a mediator in Milwaukee was in a chump change paying job working for the Better Business Bureau. His only claimed police oversight experience was confined to his local village.

#### **MORE FOXES GUARDING THE HEN HOUSE**

After abdicating your responsibility to us when choosing to be MIA in the negotiations with the DOJ, you first blessed the Mayor's hiring of Schultz's Taser buddies former Cincinnati police Chief Tom Streicher whose Department was also a mess and investigated by the DOJ. This was yet another fox guarding the henhouse. You also hired his and Schultz's lying to you attorney buddy Scott Greenwood. .

You also cared little that Judge Brack chose the toothless PMR inc made up mostly of former cops to merely monitor-"audit" APD. Yet even more foxes guarding the hen house. Then-not surprisingly last night you chose yet another former cop/fox Ed Harness to be the new Executive Director of the Police Oversight Agency never really challenging his sweet sounding B.S-eloquently blowing the same smoke at you that he had done earlier to the POB during their interviews with him and the four others.

Your failure to use due diligence in his selection was the very same thing you did when never bothering to check the resume of all 40+ applicants for the APD Chief's job (most with eye-watering qualifications) before you blessed Berry's clearly unqualified Eden.

Many or most of you apparently never bothered to see the POB interviews with the five then candidates for the important ED job and never questioned the lack of experience of Ed Harness before approving him. Another fox guarding the hen house.

After me, Barbara Grothus also told you how you have willingly become part of the problem rather than the solution here but you brushed her off as well. She made the same points as in the Eye posting. You nine, Jessica Hernandez and Perry also gave the idiot treatment to Dianne Goodman regarding a bond question to be put on the ballot.

#### **THE KNOWINGLY CLUELESS-EVEN ARROGANT CITIZENS YOU NAMED TO THE POB INCLUDED ONE CONDESCENDING ELITIST AND TWO FORMER POLICE OFFICERS**

Rather than former LAPD police officer Beth Mohr who conducted the POB's interviews and promoted Harness for the job in the press showing up to talk, it was Dr. Moira Amado McCoy. She, like Beth and the others on the POB have never been involved in the old oversight process was the first to speak trying to defend their selection of Harness. You councilors were afraid of appointing knowledgeable people like us to the POB.

In McCoy's presentation, she demonstrated to all that she was an elitist who would repeatedly talk down to you and the rest of us as if we were all idiots-not up to her perceived PhD intellect. She would say that being an attorney was important for the ED although the POB already has an attorney. She incredulously deemed experience here irrelevant but claimed Harness was instead

a "transformational leader-a collaborator." She also questioned our allegedly "dichotomous thinking" saying police are not enemies of the people.

She either naively or intentionally ignored the fact that bad-unaccountable APD officers and their leaders do in fact view themselves as enemies of the people. It's "them vs. us" as APOA VP Willoughby reminded the union rank and file in his secret 2013 memo previously sent you.

McCoy would further claim that being a collaborator (even working for the BBB in Milwaukee), rather than having relevant police oversight experience here was very important. (Memo to Maiora-That's NOT what the key job of the ED job is.)

Then it was POB member Joanne Fine who also said that experience here particularly in the past and current oversight process was also not that important. As I said POB President Waites left rather than speak.

Now with Harness, you have three other former cops in the Police Oversight Agency. This includes POB member and another strong Harness advocate former LAPD cop Beth Mohr, POB member Jeff Wilson and even one Executive Director's investigator-a former Belen senior police officer. It's clear where their loyalties lie. You know it but don't care.

#### EXECUTIVE DIRECTOR CANDIDATES SPEAK

Candidate and current NM prosecutor Ms Sprague during her talk pointed out that it was vitally important that people know the situation here and also that she is not a former police officer. That was right on.

The most qualified candidate Jay Rowland who was urged by the former IRO Judge Deaton to succeed him years ago proved from his interview with the POB and talk before you that he was the best man for the job. Likely he wasn't the Chief's or Mayor's choice who likely the POB first checked with as Jay was viewed as too knowledgeable-thus too dangerous.

During his talk, Harness claimed that being "empathetic and not intimidated" was his "persona." He then incredulously claimed the toothless settlement agreement between Berry's Cincinnati mercenaries and DOJ signed by Judge Brick was credible.

Ed also talked about APD's "core values" but never mentioned or discussed them. Any core values APD has are a joke-mere propaganda. He said the police nationwide are going through a "paradigm shift." Translated-this means there is now citizen and DOJ pressure to make them accountable, forcing them to wear body cameras and no longer above the law as our police officers have been here for far too long and still are.

While claiming he "empathizes" with police officers, Ed claimed he never said an officer's life was more important than that of a citizen. In fact contrary to his interview with the POB and what's in his resume, this man has shown himself to be dishonest regarding this. He is part of the brotherhood.

Ed showed no understanding that under the new Ordinance that APD Chief Eden still has the final decision in any police officer's punishment and can essentially ignore the POB as Schultz did to the old POC. A citizens' only recourse is to file a civil lawsuit.

I don't know who found Ed Harness in Milwaukee if not APD but it was clear Ed was making chump change working for the BBB there.

It's not clear why there had to be a secret ballot rather than have us see last night just who of you voted for Harness as the first choice. It showed your cowardice. Yet one Councilor claimed your votes would be later revealed.

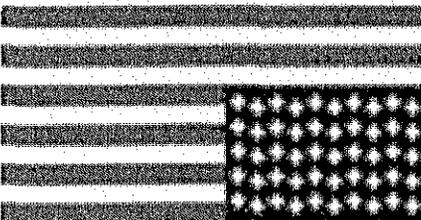
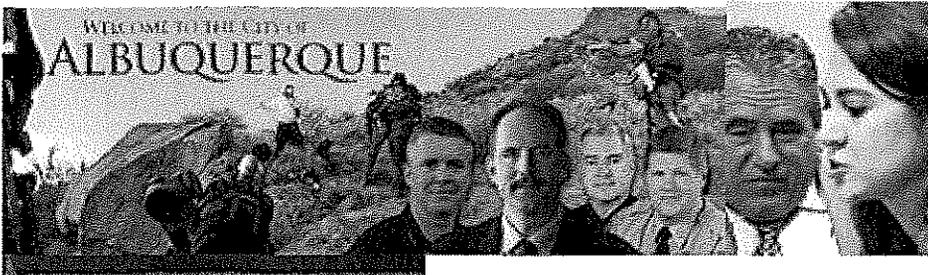
#### POB'S VIOLATION OF THE OPEN MEETINGS ACT

Below is an e-mail you received yesterday from Attorney Paul Livingston with his attachment. It demonstrates just how bad this Police Oversight Agency Executive Director selection process was corrupted-but you don't care. It's really the way it is here as corruption is a part of our NM culture and few care while most feel that nothing they do will ever change it..

Disgusted with all of you and Berry's traitors of we the people

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** Paul Livingston [<mailto:living@rt66.com>]

**Sent:** Wednesday, September 09, 2015 3:39 PM

**To:** [mmmontoya@cabq.gov](mailto:mmmontoya@cabq.gov); [MayorBerry@cabq.gov](mailto:MayorBerry@cabq.gov); [POB@cabq.gov](mailto:POB@cabq.gov); [reygarduno@cabq.gov](mailto:reygarduno@cabq.gov)

**Cc:** [danlewis@cabq.gov](mailto:danlewis@cabq.gov); [kenSanchez@cabq.gov](mailto:kenSanchez@cabq.gov); [dharris@cabq.gov](mailto:dharris@cabq.gov); [kpena@cabq.gov](mailto:kpena@cabq.gov); [dqibson@cabq.gov](mailto:dqibson@cabq.gov); [bwinter@cabq.gov](mailto:bwinter@cabq.gov); [ibenton@cabq.gov](mailto:ibenton@cabq.gov); [trudyjones@cabq.gov](mailto:trudyjones@cabq.gov)

**Subject:** Notice of Violations of NM Open Meetings Act by the CPOA

M006975

Dear City Councilors,

Attached is a letter giving notice of violations of the New Mexico Open Meetings Act by the Citizens' Police Oversight Agency concerning the selection of an Executive Director. As the attorney representing Mark Bralley and Vecinos United, I sought and secured a Writ of Mandamus ordering the Police Oversight Board to hold its selection of an Independent Review Officer "openly and in public in accordance with the mandatory provisions of the New Mexico Open Meetings Act." That was sixteen years ago, in 1999.

Unfortunately, City attorneys and officials are engaging in the same misconduct now with respect to selection of an Executive Director of the new Citizens' Police Oversight Agency. Please review the attached letter, and consider whether the City would be making the same mistake it made 16 years ago and whether the selection of a Director today would be in accordance with law and the rights of the people to know about the operations of their government. Thank you.

Paul Livingston  
(505) 771-4000

**PAUL LIVINGSTON**  
Post Office Box 250  
Placitas, New Mexico 87043

Tel. (505) 771-4000

email: [living@rt66.com](mailto:living@rt66.com)

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September 9, 2015

Albuquerque City Council  
Rey Garduno, City Council President  
Albuquerque, New Mexico

Re: Violations of the New Mexico Open Meetings Act, §10-15-1, et seq.

Dear City Councilors:

Sixteen years ago, in 1999, I secured a Writ of Mandamus to ensure the openness of the process used to select the Independent Review Officer for the City's Police Oversight Board. The POB, poorly advised by City attorneys, had been going into closed meetings under the exception for "Limited Personnel Matters" even though the definition of "limited personnel matters" limits the exception to matters concerning current employees. A copy of that writ is attached.

The new Citizens' Police Oversight Agency is now making the same error and holding closed meetings on the selection of an Executive Director. Please consider this a "written notice of the claimed violation to the public body" pursuant to §10-15-3(B) of the Open Meetings Act with respect to the selection of an Executive Director of the CPOA, as follows:

1. On March 12, 2015, at the first meeting of the Citizens Oversight Board, "Mr. Bullock from the City Attorney's Office advised that the Board should go into Executive Session" to discuss the process for selecting the CPOA's Executive Director.

2. At the April meeting of the CPOA the Acting Chair "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 . . . The City Council will make the decision on who becomes the Executive Director.

3. On May 19, 2015, according to the Board's minutes:

Board Member Fine made a motion that the Board meet in Executive Session regarding selection of the Executive Director. Board Member Ring seconded the motion. . . . At 5:42 p.m. the Board met in Executive Session to discuss the process of hiring an Executive Director.

M006977

The Executive Session ended at 7:03 p.m. After Executive Session, Board Member Fine made a motion to note that only personnel matters were discussed during the Executive Session. . . .

4. At the June 11, 2015 meeting of the CPOA, "Board Member Fine made a motion that the Board go into Executive Session. . . . 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."

5. At a special meeting on July 29, 2015, the Board interviewed candidates in public but then went into an Executive Session to discuss personnel matters. When they returned from the Executive Session the Board voted to reserve the Council Chambers for August 4, 2015 in order to rank the Executive Director candidates.

6. Although it is unknown what happened on August 4, there was no public discussion about the candidates for the Executive Director position and it is unknown how and by whom the three ranked candidates were chosen.

7. On August 12, 2015, the regular scheduled August 13 meeting of the CPOA Board was cancelled without any indication of why or by whom it was cancelled.

The Limited Personnel exception (H2) to the New Mexico Open Meetings Act allows closed meetings to discuss personnel actions concerning current employees only. It does not exempt discussions of candidates from open meetings requirements when those candidates are not current employees. Because the Citizens' Police Oversight Agency has improperly met in closed meetings to discuss both the selection process and the selection and ranking of candidates for the Executive Director position any action(s) taken as a result of such meetings should be considered void.

Please consider these matters prior to voting on the selection of the CPOA's Executive Director.

Yours very truly,

*/s/ Paul Livingston*

\_\_\_\_\_  
Paul Livingston

Copies (by e-mail):

Mayor Richard Berry  
Leonard Waites, CPOA Chairman

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

MARK G. BRALLEY,  
NEW MEXICO VECINOS UNITED,  
ANDRES VALDEZ, Director of NM Vecinos,

Petitioners-Plaintiffs

vs.

CV 99 08201

CITY OF ALBUQUERQUE POLICE OVERSIGHT COMMISSION  
JILL MARRON, Police Oversight Commission Chair  
HART J. GUENTHER, POC Vice-Chair  
SUSAN M. SELIGMAN, POC Member  
LINO E. MARTINEZ, POC Member,  
ANTHONY R. MONTOYA, POC Member,  
JENNIE LUSK, POC Member,  
FRED WARD, POC Member;  
CITY OF ALBUQUERQUE,  
JIM BACA, Mayor  
LAWRENCE RAEL, Chief Administrative Officer,  
ROBERT M. WHITE, Albuquerque City Attorney  
CITY OF ALBUQUERQUE COUNCIL .

Respondents-Defendants,

ORDER FOR ALTERNATIVE WRIT OF MANDAMUS

This matter having come before the court upon the verified Petition of Petitioners;  
it appearing to the satisfaction of the Court from the Petition that the Petitioners are  
entitled to the relief requested in the Petition; it further appearing that an Alternative Writ  
should issue; that Petitioners have no plain, speedy and adequate remedy in the ordinary  
course of law, and that this remedy is prescribed by statute.

ENDORSED  
FILED IN MY OFFICE THIS  
AUG 12 1999  
*Shirley King*  
CLERK DISTRICT COURT

JEANNETTE PADILLA

IT IS ORDERED that an Alternative Writ of Mandamus in due form of law be issued by the Clerk of this Court commanding Respondents to:

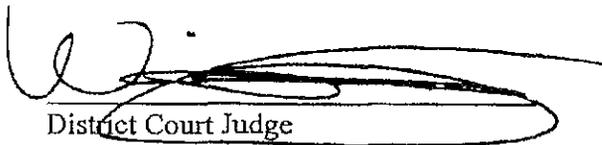
1.) Comply with their mandatory, non-discretionary duty to give adequate notice to Petitioners and the public and hold meetings of the Police Oversight Commission openly unless and until such meetings are properly closed under the provisions of the Open Meetings Act, and to keep official minutes and other public records of all meetings of the POC.

2.) Conduct the selection of the IRO openly and in public in accordance with the mandatory provisions of the New Mexico Open Meetings Act.

3.) Invalidate actions taken and decisions made at POC meetings or "Executive Sessions" which were held in violation of the Open Meetings Act.

4.) Pay to Petitioners the damages proximately resulting from Respondents' unlawful conduct together with costs including reasonable attorneys' fees, if any, and as may be later determined by the Court. *ll*  
Or show cause before this Court at 3:30 o'clock p.m. on August 17, 1999, why they should not do so.

IT IS FURTHER ORDERED that true copies of the Petition, the Writ, and this Order be served upon Respondents by delivering them to the office of the City Attorney who shall distribute copies to Respondents.

  
District Court Judge

**From:** [Silvio Dell'Angela](#)  
**To:** [Office of Diversity and Human Rights; Romero, Annabelle J.](#)  
**Cc:** [Harris, Don; Office of Diversity and Human Rights; Garduno, Rey; Mayor Berry; Gibson, Diane G.; Benton, Isaac; Winter, Brad D.; Eden, Gordon; Office of Diversity and Human Rights; Vanita.Gupta@usdoj.gov; Lewis, Dan P.; Sanchez, Ken; Jones, Trudy; Pena, Klarissa J.; "Board of Regents" Office; Yoshimura, Debra; Norita10.na@gmail.com; City Clerk Staff; Hoffman, Lou D.](#)  
**Subject:** Ms. Anaya's comment and an apparently required NM IPRA request to get what I requested  
**Date:** Wednesday, July 29, 2015 1:33:21 PM

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Annabelle

Info also to the media, UNM Regents and others-sent to them Bcc

This Phase 1 effort was worst than a "dog and pony show"-as Nora described it while the referenced Phase I report prepared by UNM and those reports that will follow appear to be a waste of \$150,000 of our tax dollars. You avoided answering many of my questions in my July 26 e-mail below but merely sent the website reference to the UNM Phase 1 report.

I had asked for minutes of the meetings that would include the names of those attendees but these were never provided. I guess you now need a NM IPRA request to comply.

Therefore IAW the NM IPRA,

1. Request the opportunity to review or provide me with copies of the sign in sheets showing the attendees at these UNM conducted 22 "dialogues" and the names of those others aside from the four UNM folks who also participated in them.
2. Request the opportunity to review the resumes/qualifications of Dr. Guerin and his three likely graduate students, Tonnigan, Minssen and Torres to determine their qualifications to execute these Collaboratives.

I think UNM's Dr. Guerin was also given a contract to study APD's use of body recorders.

I would have thought rather than tasking UNM's Institute for Social Research, those from the Law School would have been more appropriate/knowledgeable in this reform area.

Preferably, honest retired APD officers like those four I mentioned and others who can make this more than just a data gathering effort resulting in no real changes to APD should have been hired as consultant to do this work. Those good cops if employed by us taxpayers would have had the prerequisite expertise to make this a meaningful outreach effort.

I'm sure you are aware of the tax dollars and the time of good volunteers that were wasted on the 2013 police oversight task force whose most critical January recommendations/reform of the citizens' police oversight process were ignored by both Cincinnati consultant Scott Greenwood, the Council but also the DOJ.

UNM's Dr. Bruce Perlman who was never mentioned in the Council's ordinance creating this oversight task force was nevertheless give the bulk of our tax dollars to manage the effort behind

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the scenes.

I guess some of us who have been on the front lines writing to and meeting with the DOJ, Council and other city leaders and were the ones who ultimately were the ones (along with the national media) who ultimately brought the DOJ here were somehow not deemed to be the "safe" stakeholders.

I note the name of one of your chosen gatekeepers who authored the July 25 e-mail to fellow activist Isle Biel below extended her the invite to participate in this Phase 2 "Collaborative." I guess not inviting me and likely others known to be active in this long APD reform struggle was just an oversight. Informed people are apparently not welcomed.

Understand my issue is not with the good people at UNM given this task but with those in the Mayor's office and the leadership of APD who are perpetuating this charade trying to convince APD really cares what comes out of this effort.

As I said before, they did these Collaboratives in Cincinnati and reform there took seven long years because the collaborative were also likely just a PR effort with resulting recommendations that their police department, assigned DOJ monitor and DOJ investigators ignored.

Those in the media particularly the ones who attended the dialogues have a responsibility to also question this research effort given to UNM. I can recall them only covering one of these "dialogues." Maybe they thought they were also PR efforts by those in the Mayor's office.

They likely saw how the improper no bid contract by Schultz to employer TASER Inc. was covered up in the amended Internal Auditor's report because the Mayor was also involved by "greasing" this \$1.9 million contract for Schultz. As I said in previous e-mails, there is NO room for integrity in this Berry administration.

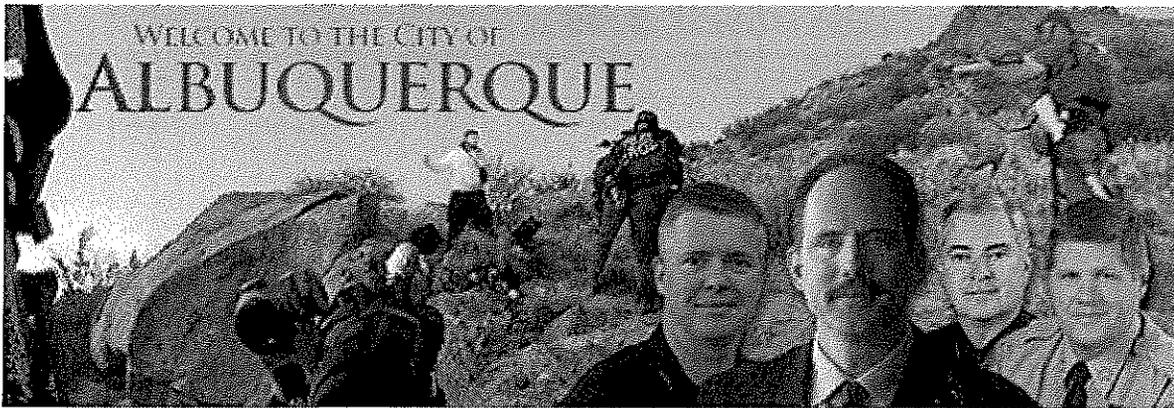
Meanwhile our Mayor remains in hiding, coming out of his cave on the 11<sup>th</sup> floor only to travel out of the city or to cut ribbons or do other meaningless PR tasks.

I await your reply to my IPRA request

Regards

Silvio

For WE THE PEOPLE



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**From:** Nora Anaya [mailto:norita10.na@gmail.com]  
**Sent:** Wednesday, July 29, 2015 10:14 AM  
**To:** Silvio Dell'Angela  
**Cc:** dharris@cabq.gov; Office of Diversity and Human Rights; revgarduno@cabq.gov; Mayor Berry; dgibson@cabq.gov; ibenton@cabq.gov; bwinter@cabq.gov; Eden, Gordon; Office of Diversity and Human Rights; Vanita.Gupta@usdoj.gov; danlewis@cabq.gov; kensanchez@cabq.gov; trudyjones@cabq.gov; kpena@cabq.gov; Board of Regents' Office  
**Subject:** RE: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?

With All Due Respect:

The Foundation Of This Infamous Collaborative Has Been Built With Low Grade Material. Therefore it is crackling at the seams without a sound foundation,

This so called "COLLABORATIVE" Simply Put-It's futile-equal to a dog & pony show ! Compared to the window dressing at Wal-Mart.

NORA TACHIAS ANAYA

On Jul 28, 2015 8:08 PM, "Silvio Dell'Angela" <Dellansi@comcast.net> wrote:  
Annabelle

I did a cursory review of the lengthy UNM document posted on the website regarding Phase I effort that allegedly began on October 27, 2014 and lasted until June 6, 2015. This Collaborative study directed by the City Council (who unfortunately thus far has shown no real interest in real reform and involvement in the negotiation process with the DOJ), was seemingly assigned/contracted to the wrong people-your office and to UNM. Much like tasking some unqualified but apparently needing work researchers at UNM to do a study on proper use of APD recorders that apparently has not yet been completed, it is questionable now that the good folks at UNM's Institute of Social Research had any more competence in evaluating just what were the key priorities in police reform are here. Note in the charts in

this Phase I report that that police accountability 3.4%, administrative /leadership changes-4.5% and transparency-3.1% were given low priorities although these are the key elements in any police reform. It demonstrates the UNM facilitators lack of knowledge.

A lot of taxpayers' dollars could have been saved on the APD recorder study by merely adopting the policies in Rialto, California or in an another US city where SOPs were in place and there was zero tolerance on rogue officers like killer cop Jeremy Dear and his partner Tanner Tixier who don't record. UNM has never been involved in offering reform remedies, thus, as this Phase I study document shows, those from UNM running it clearly lacked the expertise in evaluating what's are the real problems and solutions. We who have been deeply involved since the APD bloodbath that began in earnest under our still in hiding-MIA Mayor Berry and Chief Schultz know the tough decisions that have to be made to clean up the cesspool in APD. Chief Eden has no clue or is unwilling to do any reform. As asked for no names of participants during the Phase I effort are listed in the report. It appears that much like the earlier APD recorder study given to UNM, this \$150,000 one was just a reward for UNM's support of the Mayor's "Innovate ABQ" and did not seek the most qualified people to do this community outreach effort.

UNM recently embarrassed itself when first firing outspoken APS Board member Kathy Korte for daring to criticize-call a well connected NM legislator a traitor for betraying his and her constituents and her criticism of the Governor's seemingly questionable APS testing policy. Kathy had to be shut up and every effort done to make sure she was not re-elected. The power brokers succeeded. Further the UNM Law School's acceptance of an APD (screw around on his wife) fired APD cop with a checkered past that included escaping a murder charge of his wife and his alleged false claims of a his stolen truck found in Mexico with his keys also showed where UNM's leadership lies and it's not with the people. This was also disappointing to all. We citizens would have been better served if honest retired APD officers like Dan Klein, Tom Grover, Paul Heh, Sam Costales and others were contracted to conduct these 22 sparsely attended "dialogues" many scheduled during working hours. They knew where the skeletons in APD were. This outreach effort was modeled after those done in Cincinnati where it took seven long years after the DOJ's investigation of their police department to accomplish any meaningful reform. Why would anyone except the naïve volunteer to serve on this next Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning effort? A reading of your referenced Phase One Report seems to confirm that nothing meaningful will come from their efforts. Sorry for my skepticism. I won't be part of this charade!

Silvio

For WE THE PEOPLE

**From:** Romero, Annabelle J. [<mailto:aromero@cabq.gov>] **On Behalf Of** Office of Diversity and Human Rights

**Sent:** Tuesday, July 28, 2015 4:12 PM

**To:** 'Silvio Dell'Angela'

**Cc:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net); Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; POB; [Nmmoon2004@aol.com](mailto:Nmmoon2004@aol.com); Office of Diversity and Human Rights; Eden, Gorden; Moses, Karen

M006984

**Subject:** RE: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?

**I invite you to learn more about the Albuquerque Collaborative on Police Community Relations by reading the Phase One Report at the following link**

**<https://www.cabq.gov/mayor/police-outreach/phase-one-report>. Please note that the Albuquerque Collaborative on Police Community Relations effort was specifically intended to gain the Community's perspective on what issues are most important and what solutions the Community might suggest.**

ANNABELLE J. ROMERO

*Deputy Director, Office of Diversity and Human Rights*

City of Albuquerque, New Mexico

Office 505-768-3307 / Fax 505-768-4655 / v/tty 800-659-8331

[aromero@cabq.gov](mailto:aromero@cabq.gov) / [www.cabq.gov](http://www.cabq.gov)



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**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Tuesday, July 28, 2015 11:54 AM

**To:** Romero, Annabelle J.

**Cc:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net); Garduno, Rey; Harris, Don; Pena, Klarissa J.; Jones, Trudy; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; POB; [Nmmoon2004@aol.com](mailto:Nmmoon2004@aol.com); Office of Diversity and Human Rights; Eden, Gorden; Moses, Karen

**Subject:** FW: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?

Annabelle

**Do you plan to respond or are the answers to my questions too embarrassing?**

Silvio

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**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Monday, July 27, 2015 5:12 PM

**To:** '[aromero@cabq.gov](mailto:aromero@cabq.gov)'

**Cc:** '[macruz@hearst.com](mailto:macruz@hearst.com)'; '[stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)'; '[cespinoza@cabq.gov](mailto:cespinoza@cabq.gov)'; '[ttixler@cabq.gov](mailto:ttixler@cabq.gov)'; '[pmrinc@mac.com](mailto:pmrinc@mac.com)'; 'Eden, Gorden'; '[POB@cabq.gov](mailto:POB@cabq.gov)'; '[reygarduno@cabq.gov](mailto:reygarduno@cabq.gov)'; '[dharris@cabq.gov](mailto:dharris@cabq.gov)'; '[kpena@cabq.gov](mailto:kpena@cabq.gov)'; '[trudyjones@cabq.gov](mailto:trudyjones@cabq.gov)'; '[dgibson@cabq.gov](mailto:dgibson@cabq.gov)'; '[kensanchez@cabq.gov](mailto:kensanchez@cabq.gov)'; '[ibenton@cabq.gov](mailto:ibenton@cabq.gov)'; '[bwinter@cabq.gov](mailto:bwinter@cabq.gov)'; '[danlewis@cabq.gov](mailto:danlewis@cabq.gov)'; 'Bill Rehm'; '[lisa.torraco@nmlegis.gov](mailto:lisa.torraco@nmlegis.gov)'; '[kbrandenburg@da2nd.state.nm.us](mailto:kbrandenburg@da2nd.state.nm.us)'; '[pmrinc@mac.com](mailto:pmrinc@mac.com)'; 'Mayor Berry'

**Subject:** RE: The Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning-Real change or yet another Mayor Berry PR distraction stunt?

Annabelle

Info those shown and not shown including many neighborhood leaders. I await your response to my questions below. Related to this matter was last night's story by KOAT's reporter Megan Cruz below showing that those interviewed mentioned only superficial-merely "interesting" proposed

changes. My comments to it are highlighted below. Among the info I asked for below is just who were those involved in these "22 dialogues" that you mentioned in your invite below? You should have a record of them and when they occurred

I await your response. Thank you

Silvio

For WE THE PEOPLE

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***"Residents spearhead change in APD Community policing councils  
provide new suggestions-updated 7:12 AM MDT Jul 27, 2015***

**ALBUQUERQUE, N.M.** —A major overhaul is in full swing for Albuquerque police. Last year, the Department of Justice found APD had a pattern of deadly force and ordered several changes, including a push for APD to be more community-oriented. To Michael Mora, that means, "doing more within the neighborhood." APD agreed, so it created what's called "community policing councils" across the city to find out what people think the department needs to change. Police said residents have already come up with some pretty interesting ideas." Just "interesting"? How about more than just interesting ideas like APD not editing and releasing full recordings of officers acts of excessive force including shootings rather than stonewalling NM IPRA requests? How about holding the far too many bad cops and their bad leadership accountable by charging and firing them? How about giving the citizens' Police Oversight Board real power? How about putting meaningful information into the current meaningless reports issued by Robin Hammer for the new Police Oversight Agency? Today's Journal article documenting the \$13k taxpayers spent to send not one-but four Cultural Services employees to an April Jazz Fest in New Orleans while running up lavish expenditures there that was first reported in a April or May KRQE story-a trip the four failed to report. Today's article also mentions two trips by Councilor Benton to attend conferences on civilian oversight-I assume the meetings were hosted by NACOLE. Apparently no changes to our weak oversight process resulted from those conferences after he came back. How about putting dash-cams back in APD vehicles. Mayor Chavez had them removed after they captured too much incriminating information shown on the "COPS" TV show that he also banned? How about clarifying

the limitations of "privileged immunity" for officers really means? How about clarifying the limited protections offered officers by the 1967 "Garrity vs. Supreme Court" ruling as the DOJ did following their investigation of the Seattle PD. See page 1 of their letter attached. How about implementing the changes proposed by APD Forward in the Amicus Curiae sent to Judge Brack on 1/14/15 that Brack ignored? See page 1 attached *"First, people said they thought the tint on some APD patrol cars was too dark. "You can't see the police officer inside," said Albuquerque resident Robert Page. He said when you can't see the officer inside, it's hard to get to know who is patrolling the neighborhood. "You know, you can't wave or smile at them, you have no idea and you miss that chance to interact," said APD spokesperson Celina Espinoza."* APD officer Celina Espinoza who was interviewed has thus far been an embarrassing spokesperson for APD as has Tanner Tixier-the former partner/accomplice of trigger happy and never make recordings cop Jeremy Dear in the murder of Mary Hawkes. We are getting tired of hearing from both. *"So APD measured the tints on all their car windows. It actually found some were too dark, so those windows are being fixed at the officers' expense. Why were the window tinted by the officers in the first place-something known by their leadership? "Another suggestion had to do with the department motto on the cars. Instead of "In Step With Our Community," residents requested "To Protect and Serve. APD officials said they think that's a "pretty good idea" too so the motto will change on the vehicles next year." Why wait until next year? I suggested this change numerous times to APD beginning in 2011. Previously all APD vehicles had "To Protect and Serve" on them but this was changed. Many believe because of their oppressive blue code of silence that punishes honest officers, the only "Community" APD has been in step with has been their own-the reason for the DOJ investigation. Further the new almost black \$40K Dodge Charger low reliability muscle cars don't even have a slogan on them. Any slogan means nothing if only there for PR purposes if APD ignores it-doesn't walk the talk. I also recommended why did APD not keep all of the APD cars white as were those earlier vehicles bought? At a Council meeting SW Mesa leader Louie Tafoya was also openly critical of the change to the black color but like me was ignored. Was the old white color not deemed intimidating enough by then Chief Schulz? "So while the top brass make a lot of huge reforms," What "huge reforms"? "the department wants you to know the little things matter, too." "We can't transform the community ourselves," said Espinoza. APD'S job is not to transform the community but to transform themselves and now serve and protect the community.*

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**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Sunday, July 26, 2015 6:50 PM

**To:** 'aromero@cabq.gov'

**Cc:** 'Nmmoon2004@aol.com'; 'ilsebiel@icloud.com'; 'stop\_police\_violence\_in\_abq@lists.riseup.net'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'trudyjones@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'lbenton@cabq.gov'; 'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'Elizabeth Martinez'; 'Damon Martinez'; 'Vanita.Gupta@usdoj.gov'; 'Eden, Gorden'

**Subject:** RE: [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

**Annabelle**

**Some added comments-questions.**

It seems kind of late to invite we-the people to now "collaborate" after the words of the DOJ agreement defining its limitations and the limitations of the monitoring team have already been

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put in concrete. Not stated by you are the specific goals, what is the agenda and just what powers this "action planning session" of the Albuquerque Collaborative on Police Community Relations really has.

You mention 22 community dialogues already held. I'm not aware of any of them but only one public meeting hosted by Dr. James Ginger. Shouldn't the city website post the minutes of these 22 dialogues? Just what is to be determined during these Community Education, APD/Community Communication & Collaboration sessions? More importantly, to what extent with this third group have any real influence over any "improvements to APD" since it was made quite clear to all including our City Councilors that the monitoring team PMR Inc. work for only those in the DOJ and Federal Judge Brack and have no obligation to listen to the Councilors or we-the people who they are supposed to represent. The Councilors have been willing bystanders in the whole reform process thus far and have essentially ignored what changes to APD we have demanded. Nor is consultant Scott Greenwood-and if still involved, his partner Tom Streicher obligated to comply with our demands but only to the wishes of the Mayor who contracted for their work over our objections. Further, will local NAACP boss-now another of the Mayor's consultants- Harold Bailey be involved and if so, how? It begs a question of skeptics like me whether this is just another Mayor Berry public relations ploy to give the illusion of real citizen involvement in the reform. As the saying goes-fool me once-shame on you. Fool me twice-shame on me. More specifics/details are needed Annabelle. I'm sure you have them to prove we will not be wasting our time if we choose to volunteer.

Thank you

Silvio

For WE THE PEOPLE

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**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] **On Behalf Of** Silvio Dell'Angela

**Sent:** Saturday, July 25, 2015 1:23 PM

**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)

**Subject:** RE: [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

Thanks

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**From:** [stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net) [mailto:[stop\\_police\\_violence\\_in\\_abq-request@lists.riseup.net](mailto:stop_police_violence_in_abq-request@lists.riseup.net)] **On Behalf Of** Ilse Biel

**Sent:** Saturday, July 25, 2015 12:38 PM

**To:** [stop\\_police\\_violence\\_in\\_abq@lists.riseup.net](mailto:stop_police_violence_in_abq@lists.riseup.net)

**Subject:** [stop] Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning

Begin forwarded message:

From: [dono248@aol.com](mailto:dono248@aol.com)

**Subject: Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2 Action Planning**

**Date:** 25 July 2015 at 12:34:07 GMT-6

**To:** [ilsebiel@icloud.com](mailto:ilsebiel@icloud.com)

Ilse

Would you want to post this to the STOP list serve ?Hoping we can get more attendees from a broader spectrum of our ABQ population, including homeless.....

LD

-----Original Message-----

From: [nmmoon2004](mailto:nmmoon2004) <[nmmoon2004@aol.com](mailto:nmmoon2004@aol.com)>

To: [dono248](mailto:dono248) <[dono248@aol.com](mailto:dono248@aol.com)>

M006988

Sent: Fri, Jul 24, 2015 10:59 pm  
Subject: Fwd: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2  
Event 2 Action Planning

-----Original Message-----

From: Romero, Annabelle J. <aromero@cabq.gov>  
Sent: Fri, Jul 24, 2015 7:12 pm  
Subject: INVITATION to the Albuquerque Collaborative on Police Community Relations Phase 2 Event 2  
Action Planning

**Attached is an invitation to participate in an action planning session of the Albuquerque Collaborative on Police Community Relations. The outcome of the 22 community dialogues conducted in the past year resulted in recommendations that fell into three major categories, Community Education, APD/Community Communication & Collaboration, and Improvements to APD. If you wish to participate in and work on the action planning of the category of your choice as referenced you must register on line at <http://www.cabq.gov/mayor/police-outreach/community-outreach-meetings-application>. The courtesy of a response is required no later than Monday, August 3, 2015 to ensure enough food is ordered for everyone. RSVP by responding to this email or calling 505-768-4712. For more information or if you are a person with a disability and require a reasonable accommodation to observe or participate in this meeting, please contact Ms. Shannon Triplett as soon as possible at [505-768-4712](tel:505-768-4712) or email at [odhr@cabq.gov](mailto:odhr@cabq.gov).**

ANNABELLE J. ROMERO

*Deputy Director, Office of Diversity and Human Rights*

City of Albuquerque, New Mexico

Office [505-768-3307](tel:505-768-3307) / Fax [505-768-4655](tel:505-768-4655) / v/tty [800-659-8331](tel:800-659-8331)

[aromero@cabq.gov](mailto:aromero@cabq.gov) / [www.cabq.gov](http://www.cabq.gov)

**From:** Silvio Dell'Angela  
**To:** Eden, Gorden  
**Cc:** POB; info@nmfog.org; info@bernco.gov; Hernandez, Jessica M.; vanita.gupta@usdoj.gov; "Elizabeth Martinez"; Mayor Berry; "Brandenburg, Kari"; nperez@abqjournal.com; RRosales@abqjournal.com; rbrowman@abqjournal.com; pmrinc@mac.com; "Bill Rehm"; Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; "sheriff"; "Damon Martinez"; Rick Nathanson  
**Subject:** My 10/1 NM IPRA Request-This is my EIGHTH follow-up to it -ARE YOU ABOVE THE LAW?  
**Date:** Sunday, October 11, 2015 2:00:59 PM

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## Chief Eden

(DOJ-pass to US AG Loretta Lynch and suggest she stop paying this cop stonewalling of incriminating recordings just lip service-something typical of her fellow police state enablers in D.C.)

Reference again to your apparent lies told to the Journal below.

*"Carjacking suspect shot at by officer gives SWAT team the slip-Albuquerque police search for a suspect near San Pedro and Karlson NE Wednesday morning. (Roberto E. Rosales/Journal) By Robert Browman And Nicole Perez / Journal Staff Writers*

*"As the suspect fled the scene, he pointed the gun at one of our officers, who shot at the suspect an unknown number of times," Eden said. Tixier said he didn't know whether the suspect was struck by the gunfire. Eden didn't name the officer who fired but said he wasn't injured in the shooting and would be placed on paid administrative leave, as is standard in police shootings. Although shooting at a moving car is a violation of APD's policies, Eden said the officer had perceived a threat to his safety. "The person, while he was in a vehicle, pointed a firearm at the officer," Eden said. "The officer perceived a threat and responded according to this training."*

Your arrogance and cowardice and that of your bosses Perry and Berry are unbelievable-also aided by Berry's unethical attorney Jessica Hernandez. DO YOU THINK THAT YOU ALL ARE ABOVE THE LAW?

You know that neither my NM representative-former BCSO cop Bill Rehm nor another former cop-PMR Inc. boss James Ginger really don't give one damn about safeguarding we-the people against the bad police officers and their corrupt leaders/senior command staff here but only protecting/representing fellow police officers-even the bad ones. They are jokes!

You also know that most on the Council don't care about APD's excessive use of force also against the American Indians here. Five on the Council seem more preoccupied with supporting Rey Garduno's B.S. revisionist/hateful PC proclamation replacing Columbus Day with Indigenous Peoples Day playing the guilt card on those not of color-demonizing this explorer as a devil.

You saw today's Journal OpEd by resident Jackie De La Porte condemning this Garduno led hate proclamation. P.C. Rey can't be off the Council soon enough. He is an empty suit if there ever was one.

NM's tribal leaders also don't give a damn about their own people as most live in third world conditions on the reservations while the leaders live "high on the hog" in their fancy homes with their casino revenue. Those allegedly representing the "Red Nation" don't care about that either. Hypocrisy

This time it's for Garduno and his "Red Nation" who claim they represents current tribes recognize that they were NOT the original indigenous people who occupied our country over 10,000 years ago..

You, the DOJ, NM FOG and other addressees shown and not shown might be interested in the below postings. So true here!

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[http://www.huffingtonpost.com/entry/internal-affairs-police-misconduct\\_5613ea2fe4b022a4ce5f87ce?utm\\_hp\\_ref=politics](http://www.huffingtonpost.com/entry/internal-affairs-police-misconduct_5613ea2fe4b022a4ce5f87ce?utm_hp_ref=politics)

***Here's What Happens When You Complain To Cops About Cops- The internal affairs division usually decides the officer did nothing wrong.***

**Ryan J. Reilly** Justice Reporter, The Huffington Post

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[http://www.huffingtonpost.com/entry/police-body-camera-policy\\_5605a721e4b0dd8503079683?utm\\_hp\\_ref=politics](http://www.huffingtonpost.com/entry/police-body-camera-policy_5605a721e4b0dd8503079683?utm_hp_ref=politics)

***Here's How Police Could End Up Making Body Cameras Mostly Useless-Will body cameras be a tool for police reform? Only if bad policy doesn't get in the way.***

**Nick Wing** Senior Viral Editor, The Huffington Post Posted: 10/10/2015 09:03 AM EDT

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**YOUR RESPONSE TO MY IPRA REQUEST IS DUE THURSDAY**

**Silvio**

**For WE THE PEOPLE**

From: Silvio Dell'Angela [mailto:Dellansi@comcast.net]

Sent: Saturday, October 10, 2015 1:09 PM

To: 'Eden, Gorden'

Cc: 'info@bernco.gov'; 'rnathanson@abqjournal.com'; 'Hernandez, Jessica M.'; 'vanita.gupta@usdoj.gov'; 'Elizabeth Martinez'; 'Mayor Berry'; 'Brandenburg, Kari'; 'JCyrus1@aol.com'; 'reygarduno@cabq.gov'

Subject: My 10/1 NM IPRA Request-This is my SEVENTH follow-up to it -ARE YOU ABOVE THE LAW?

Chief Eden

Info others shown and not shown-DOJ pass to Loretta Lynch

Request status. Your compliance with this state law is required by Thursday 10/15

Related-Not surprising that BCSO deputy Jeffrey Bartrum was cleared by the DA's "office" for shooting and killing Adam Padilla in December because Sheriff Gonzalez doesn't want his deputies to have body cameras. No video recording-no proof of lies his deputies tell.

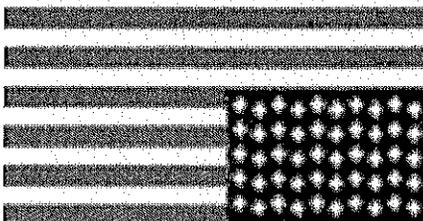
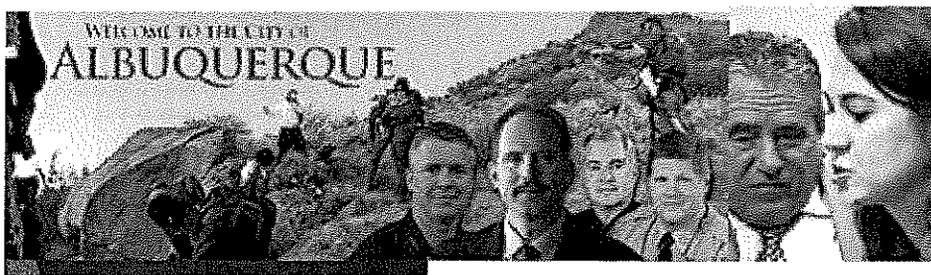
Disgusted-as are many,

Silvio

For WE THE PEOPLE

296 3241

Living in the land of apathy-hopelessness, knowing that nothing will ever change here-  
Mexico True



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

M006992

**From:** Silvio Dell'Angela  
**To:** Eden, Gorden  
**Cc:** Hernandez, Jessica M.; Huntsman, Robert Y.; pmrinc@mac.com; "Damon Martinez"; vanita.gupta@usdoj.gov; "Elizabeth Martinez"; info@nmfog.org; info@bernco.gov; info@susanamartinez.com; "sheriff"; Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; "Peter Simonson"; "Brandenburg, Kari"; POB  
**Subject:** My 10/1 NM IPRA Request-yet another follow-up, Loretta Lynch-and more  
**Date:** Tuesday, October 06, 2015 1:15:16 PM  
**Attachments:** 10-5-15Lynch-damage.contol.doc  
10-1-15 Loretta Lynch.doc

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## Chief Eden

(info to others shown and not shown)

See again US AG Loretta Lynch's latest 10/5 attempt at damage control (attached) after her embarrassing 10/1 statements-(also attached) that included some disgusted reader comments to it.

See who Ms. Lynch is looking to help her-none other than those cop organizations who have blessed police states throughout the US and are part of the problem. It's not surprising that she never mentioned citizen civil rights groups like the ACLU, transparency advocates like the NM Foundation for Open Government NM-FOG and others. Like here, she is asking the foxes to guard the hen house-an insult to us all. See her comment below.

—  
***"The Bureau of Justice Statistic (BJS) and the FBI are collaborating with major policing organizations, such as the International Association of Chiefs of Police (IACP), the Major Cities Chiefs of Police Association (MCCA), the Major County Sheriffs Association (MCSA) on defining data collections on police use-of-force and homicides by law enforcement officers."***

—  
I made an IPRA request to **YOU** six days ago on **October 1** to see the videos and hear the audios of the shooting by an APD officer last Wednesday (see Journal extract below). I have since sent you **THREE** follow-ups on October 2, 3 and 5 asking for the status of your response-all of which you ignored.

Since interim Chief Banks said publically in early 2013 to KOAT that lying by your officers was acceptable in order to protect themselves and other officers, **all can assume once again you lied as well as your shooter last Wednesday when claiming the fleeing suspect aimed a gun at your shooter.** If this was the case, why stonewall my request to see and hear the recordings? It's because you both lied.

**We can only assume that in every case Schultz and now you denied IPRA requests for videos of APD shootings, your shooters and their accomplices lied when claiming they were threatened-something you likely teach them to say as part of their training.**

You still have Tanner Tixier-Jeremy Dear's accomplice in the murder of Mary Hawkes as your spokesperson. No videos of that murder were made by either Dear or Tixier ever/made or

released. That speaks volumes about how corrupt and unfit for this job you are.

---

*"Carjacking suspect shot at by officer gives SWAT team the slip*

*Albuquerque police search for a suspect near San Pedro and Karlson NE Wednesday morning.  
(Roberto E. Rosales/Journal)By **Robert Browman And Nicole Perez / Journal Staff Writers***

*"As the suspect fled the scene, he pointed the gun at one of our officers, who shot at the suspect an unknown number of times," Eden said. **Tixier said** he didn't know whether the suspect was struck by the gunfire. Eden didn't name the officer who fired but said he wasn't injured in the shooting and would be placed on paid administrative leave, as is standard in police shootings. Although shooting at a moving car is a violation of APD's policies, Eden said the officer had perceived a threat to his safety. "The person, while he was in a vehicle, pointed a firearm at the officer," Eden said. "The officer perceived a threat and responded according to this training."*

I previously sent you copies of new US AG's 10/5 attempt at damage control to her earlier 10/1 statements **claiming transparency in all police shootings is essential for any reform**. Those are empty words merely to appease the naïve who accept the propaganda that all cops are heroes-are doing us a favor by putting on the uniform and also above the law as their badge is a license to kill.

Yet while doing so, she doesn't even require that her US Marshals be equipped with body recorders while her DOJ people here like Damon Martinez and the former cop "monitors" of APD reform in PMR Inc really don't care.

BCSO's disgraceful Sheriff Manny Gonzalez won't even ask for federal money to buy recorders so his deputies won't ever be held accountable for their shootings and other excessive uses of force.

Retired honest cop Dan Klein exposed you for the incompetent/corrupt person you are in his recent ABQ Free Press letter comparing your thug boss Perry to a Mafia leader and you and others there to his Mafia soldiers. The Eye on Albuquerque also damned your incompetence. **Not one honest APD cop respects you! You are just another Guv Martinez throwaway like your Mayor's personal attorney Jessica Hernandez.**

More of our tax dollars will be used to settle many other lawsuits against APD, one of the latest being filed by your former IPRA stonewaller Reynaldo Chavez for spilling his guts on your command staff's, your direction and the direction of city attorneys to withhold incriminating recordings of the Mary Han murder.

As reported in a "Live Leak" posting, you also directed the withholding of incriminating videos of Perez's and Sandy's murder of James Boyd so they would not be convicted next year.

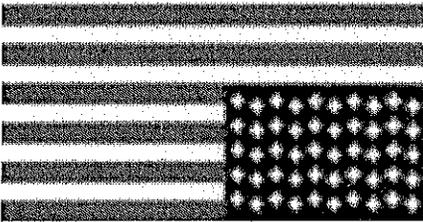
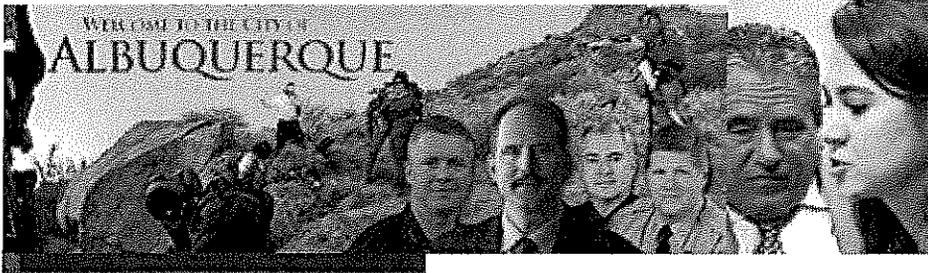
I am still waiting for your response to my 10/1 IPRA request. *Apparently you are confident that nobody on the Council has the guts to demand that you comply with this State law.*

M006994

Disgusted,

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** USDOJ-Office of Public Affairs (SMO) (JMD) [<mailto:USDOJ-Office.of.Public.Affairs@usdoj.gov>]

**Sent:** Monday, October 05, 2015 12:51 PM

**To:** USDOJ-Office of Public Affairs (SMO) (JMD)

**Subject:** ATTORNEY GENERAL LYNCH: USE-OF-FORCE DATA IS VITAL FOR TRANSPARENCY AND ACCOUNTABILITY



## Department of Justice

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FOR IMMEDIATE RELEASE  
MONDAY, OCTOBER 5, 2015  
[WWW.JUSTICE.GOV](http://WWW.JUSTICE.GOV)

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### ATTORNEY GENERAL LYNCH: USE-OF-FORCE DATA IS VITAL FOR TRANSPARENCY AND ACCOUNTABILITY

WASHINGTON—Today, in a press conference held at the Department of Justice, Attorney General Loretta E. Lynch reinforced the need for a national, consistent data on law enforcement interactions with the communities they serve, especially data collection on the use-of-force. The Attorney General noted that the department has already taken steps to improve the accuracy and consistency of use-of-force data from law enforcement.

“The department’s position and the administration’s position has consistently been that we need to have national, consistent data,” said Attorney General Lynch. “This information is useful because it helps us see trends, it helps us promote accountability and transparency,” said Attorney General Lynch. “We’re also going further in developing standards for publishing information about deaths in custody as well, because transparency and accountability are helped by this kind of national data.”

Currently, federal authorities publish annual figures on the number of “justifiable homicides” by law enforcement. But this reporting is voluntary and not all police departments participate, causing the figures to be incomplete. That’s why the Justice Department and the Obama Administration are taking steps to work with law enforcement to improve the process.

“This data is not only vital – we are working closely with law enforcement to develop national consistent standards for collecting this kind of information,” Attorney General Lynch added. The department has already taken steps to improve accurate accounts of use-of-force data from law enforcement: -The Bureau of Justice Statistic (BJS) and the FBI are collaborating with major policing organizations, such as the International Association of Chiefs of Police (IACP), the Major Cities Chiefs of Police Association (MCCA), the Major County Sheriffs Association (MCSA) on defining data collections on police use-of-force and homicides by law enforcement officers.

-The department also requires the records of police interactions when we enter into consent decree and collaborative reform agreements.

-The FBI recently announced that the Uniform Crime Reporting Statistics (UCR) will begin to collect data on non-fatal shootings between law enforcement and civilians.

BJS has been conducting work on new methods for not only identifying deaths in police custody (as defined by the Deaths in Custody Reporting Act (PL 113-242), where they will go further than what the newspapers and media reports on law enforcement homicides that are derived from open source records verifying that the media accounts are correct and complete. BJS will do this by surveying police departments, medical examiners' offices and investigative offices about the reports that it identifies from open source and using data from the multiple source to obtain a more accurate factual account of each incident. BJS will complete its methodology study by late 2015/early 2016 and then begin to stand up a national program on arrest related deaths.

The President's Task Force on 21st Century Policing and the President's Police Data Initiative also seek to encourage better data and record keeping for local law enforcement reinforces the administration's position on this need.

*Excerpts from the Attorney General's Press Conference:*

**ATTORNEY GENERAL LYNCH:** [L]et me be clear: police shootings are not minutiae at all and the department's position and the administration's position has consistently been that we need to have national, consistent data. Both on excessive force and on officer involved shootings is vital. The point I was trying to make at that conference related to our overall view of how we deal with police departments as part of our practice of enforcing consent decrees, or working with them and I was trying to make the point that we also have to focus on building community trust which is a very individual – very local – practice. Unfortunately, my comments gave the misperception that we were changing our view in some way about the importance of this data – nothing could be further from the truth. This data is not only vital – we are working closely with law enforcement to develop national consistent standards for collecting this kind of information.

**ATTORNEY GENERAL LYNCH:** [W]e do require it [data collection]. When we have consent decrees with departments and frankly we find it very, very useful as we look at data and trends and as we publish consent decrees we encourage other departments to do so. And frankly police departments also are finding it useful. Certainly the fact that we don't have a nationwide, consistent set of standards is – not only does it make our job difficult it makes it hard to see these trends and that's why it is so important to focus on these. And that's why we are working through the department's research arm – our Bureau of Justice Statistics and the FBI – are working with the leading police organizations; International Association of Chiefs of Police; Major Cities Chiefs; Major Counties Sheriffs; to look at these standards. And we're also going further in developing standards for publishing information about deaths in custody as well; because transparency and accountability are helped by this kind of national data.

###

15 – 1233

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS, PLEASE USE THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.

M006997

## Loretta Lynch: Government Shouldn't Require Reports of People Killed by Police

By Ciara McCarthy, Guardian UK 03 October 15

*The attorney general says local police are encouraged to maintain records on such killings, but improving police-community relations is more important*

**A**ttorney general Loretta Lynch says the federal government should not require police to report fatal shootings of civilians, sharply diverging from her predecessor Eric Holder's stance on police killings.

In a conversation with NBC journalist Chuck Todd on a range of criminal justice issues, Lynch said on Thursday that she does not support a federal mandate to report people killed by police.

"One of the things we are focusing on at the Department of Justice is not trying to reach down from Washington and dictate to every local department how they should handle the minutia of record keeping, but we are stressing to them that these records must be kept," she said at the Washington Ideas Forum, hosted by AtlanticLIVE and the Aspen Institute. Lynch said the Justice Department does "encourage" local departments to maintain records on police shootings but that improving police-community relations is more important. She noted that the small size of the average police department could make record-keeping difficult. "The statistics are important, but the real issues are: 'what steps are we all taking to connect communities ... with police and back with government?'" she said.

Todd pressed Lynch to comment on the lack of data, citing *The Counted*, the Guardian's project to track all deaths by police in 2015, as the best source for fatal interactions with police. "I'm not going to comment on news organizations keeping numbers," Lynch said in response. "I think they do a pretty good job sometimes."

Lynch's statements show a sharp contrast from her predecessor's position on tracking police violence. Holder, the former attorney general who left office in April, has called the lack of official data "unacceptable". Before leaving office he called its collection the "first step" toward improving police-community relations.

"I've heard from a number of people who have called on policymakers to ensure better record-keeping on injuries and deaths that occur at the hands of police. I've also spoken with law enforcement leaders – including the leadership of the Fraternal Order of Police – who have urged elected officials to consider strategies for collecting better data on officer fatalities," Holder said in January. "Today, my response to these legitimate concerns is simple: We need to do both."

A spokesperson for the Department of Justice told the Guardian in a statement Friday that Lynch encouraged police to maintain records regarding police-civilian interactions. The spokesperson, Melanie Newman, also noted that the department requires such record-keeping when it enters into consent decrees with local agencies. "Her broader point was that while maintaining data to record police interactions is important, we should be focused on preventing those interactions by improving relationships between local law enforcement and their communities," Newman said.

In the wake of high-profile police killings of unarmed black men, many looked for data on how many people police kill each year only to find that was no reliable number. Police departments may

voluntarily submit information on "justifiable homicides" to the Federal Bureau of Investigation, which counted 444 of these deaths in 2014. Director James Comey resisted calls for a mandatory reporting system this week, calling for more data on fatal police shootings but maintaining the voluntary reporting system. "I don't have the power to require people to supply us with data," Comey said at a roundtable with reporters on Thursday.

The Guardian has launched a project, The Counted, to track all people killed by police in 2015. As of Friday afternoon, 878 have been killed by law enforcement.

Comments

+19# NAVYVET 2015-10-03 09:55

I trust the Guardian more than local police departments.

+13# tedrey 2015-10-03 10:13

L. Lynch explains "We are stressing to them that these records must be kept," but that they needn't be reported. Is this a "don't ask, don't tell" deal?

+22# Merlin 2015-10-03 10:27

Either Lynch is totally oblivious, a person with elitist views, or a complete incompetent. Take your pick. This, (as was predicted,) is yet another terrible appointment by our "great chief." Lynch is just completely coping out on her responsibility to lead and seek justice.

+13# tref 2015-10-03 11:34

@Merlin

I'd say she's an idiot. With gun deaths in the US higher per capita than any other major country in the world, Lynch is insane to think we can rein in police killing civilians without accurately tracking the statistics. Had she been on the Supreme Court, she no doubt would have voted with the majority to gut the Civil Rights Act of 1964 because all those Confederate states are now reformed. She has totally ignored the fact that ONLY body cams and civilian camera phones were finally able to put the lie to police claims of "he resisted arrest so we had to kill him." The only way to nail roaches is to shine a light on them.

+17# Anonymot 2015-10-03 10:59

We were told, we believed that minority appointees and women appointees would be more humane and caring than men. Here's another dumb one. She sounds as bad as Holder. Who picks these lulus? Hillary?

+8# tm7devils39 2015-10-03 11:57

The "pickers"(Dem or GOP) pick people who they know will repress their moral and ethical principles (in order to keep their job) in deference to government (party line) dictates. Critical thinking ability is not a prerequisite for the job.

+25# mmalinco 2015-10-03 11:39

What has she been smoking? She expresses concern for the record-keeping burden this would impose on small police departments: how many fatal shootings are those, "small police departments," involved in each year that it could become a reporting and record-keeping burden?

**+13# skylinefirepest** 2015-10-03 11:56

mmalinco...perfectly stated. I've lived in small towns for most of my life and we've only had a couple of well justified shootings by police. What we need in this country is to put the bright lights on these instances so there's not a "swept under the rug" justification of a bad shooting.

**+16# randrjwr** 2015-10-03 12:09

Quoting: "Lynch said the Justice Department does "encourage" local departments to maintain records on police shootings but that improving police-community relations is more important. She noted that the small size of the average police department could make record-keeping difficult."It might not be so difficult if they didn't shoot so many people. And, once again the chickens are consigned to care by the fox.Ridiculous!!P.S. Sorry--didn't see mmalinco's post before I wrote this, so it is redundant; but I'll post it anyway to weigh in on the issue alongside mmalinco (who said it better than I did).

**+4# lewagner** 2015-10-03 12:26

(Vote for change. :)

**+6# Capn Canard** 2015-10-03 13:46

SHIT CAN Lynch NOW. She has proven herself not fit for service, she is someone who is not with the people as she snuggles up to powerful to insure her own future. But what about the rest of us?

**+4# Cirze** 2015-10-03 14:03

This is no surprise. I remember seeing her outed as a plant before she was confirmed. Like Arne Duncan and so many before her, she was picked to make these very bad decisions. Sometimes I think it's still a part of being that good Republican-lite choice of times past in order to woo Republican votes . . . but then I remember that that also has been outed long ago. Are we stuck permanently with the wrong template used by our already planted politicians?"This, (as was predicted,) is yet another terrible appointment by our "great chief." "

**+7# Archie1954** 2015-10-03 15:58

Already this new appointee is backing off protecting the people from the police. How wrong can she be?

**+4# Atliberty** 2015-10-03 21:08

The US government is just an organization designed to stand as middle men between the corporations and the people, they work for the corporations not the people. She is worse of a corporate police state stamp of approval than Holder was.

**+3# Shades of gray matter** 2015-10-03 21:37

Her policy position is AWFUL, and her rationale for it is preposterous. Has she no shame? Is she the Samantha Powers of domestic policy, policy rationale? Slick Willie thought by sliding to the Right, ex., re kkkops, he could undermine GOPers. Then W got elected twice and the House & Senate are in GOP hands. Hillary & Obama can't see that?

**+2# Banichi** 2015-10-03 23:15

I am sick to my stomach to read this story. I would not have believed any black person, male or female, could possibly have handed the primarily white police departments of this country a free pass to not have to be accountable for their actions. But here we are and she did. As far as Hillary and

Obama being able to see the results of a slow slide to the right NOT placating or "building bridges" with the GOP, if they don't know that by now, they are only demonstrating that there was no bridge to build in the first place. A GOP member of Congress has now admitted openly that the order was passed down after Obama's election to block everything he tried to accomplish. Obama could not have missed that fact in short order after his election, but he seemed to keep on trying to buy acceptance by giving away big pieces while getting little crumbs in exchange. The terms of passing the NDAA in exchange for ending 'Don't Ask, Don't Tell' are an example, and I mean no offense whatever to gays in the military in saying that. It is good that 'Don't Ask, Don't Tell' ended. The NDAA affects the entire country. I assert that both Obama and Hillary know very well what the elite's marching orders have been and are now. We are the only ones who keep on hoping that they might change their ways. Both Hillary and Obama have pushed for the finalization of the TPP and TPIP which would supersede any rights under the Constitution. Think they don't know that? THEY DO.

-  
**+2# Banichi** 2015-10-03 23:31

Whether it is the NDAA giving the military the right to pick up US citizens off the street at any time or place, or the TPP and TPIP having clauses which allow the corporations to sue the U.S., state or local governments for 'loss of potential profits' if laws or local ordinances prevent them from going after resources anywhere they want to (and this is regardless of the damage to the environment or citizens' health or any other reason; such suits will be decided in corporate tribunals with no regard to the sovereignty of any nation who signs the agreements) the direction is clear. I should not have to point it out to you. Hillary has been a member of the .01% for a long time, and has no commitment to anything else. What she says on the campaign for President means zero, just as Obama's campaign promises meant nothing. The only hope I have left for restoring the rule of law as delineated in the Constitution and Bill of Rights is the possible election of Bernie Sanders, folks. Otherwise we are stuck with people whose political loyalty is to a system that has only served to get us where we are today, and will not help the restoration of the Constitution, the middle class, or help the poor, or people of color (and that includes 'white'). This is the end result of a capitalist system with the power to enslave all of us with no accountability, get it?

-  
**+3# gerald** 2015-10-03 21:50

Oh how I have come to hate Obama. I voted for the asshole in 2008. It seems that we have an Aunt Jane running the USDOJ. I thought that Janet Reno in the 2000 presidential election was bad enough when she refused to jump into the fray as U.S. AG to halt and investigate the stealing of the 2000 presidential election and the massive violations of the VRA at the time, but Loretta Lynch is getting up there. Obama is a lot smarter than this. If Obama was the president he claimed he was when he was candidate Obama, how can he screw up so badly with virtually all of his appointees and cabinet members?

-  
**+4# lfeuille** 2015-10-03 23:04

To Bernie Sanders: When you become president please make sure to appoint people who actually believe in your agenda.

-  
**-1# Shades of gray matter** 2015-10-04 09:15 The AG gets his/her ORDERS from the Prez.

**From:** Silvio Dell'Angela  
**To:** Duran, Roberta M.  
**Cc:** Hernandez, Jessica M.; Hoffman, Lou D.; Eden, Gorden; Romero, Annabelle J.; Armijo, Alan B.; kbrandenburg@da2nd.state.nm.us; Montano, Gilbert A.; unmipra@salud.unm.edu; Campos, Gabriel J.; Howard, Natalie Y.; Casados, Trina M.; Oney, Kathleen; Eden, Gorden; Locher, Eric J.; Morrow, Kevin A.; Velarde, Crystal R.; Yoshimura, Debra; stop\_police\_violence\_in\_abq-request@lists.riseup.net; pmrinc@mac.com; Garduno, Rey; Harris, Don; Pena, Klarissa J.; Gibson, Diane G.; Sanchez, Ken; Benton, Isaac; Winter, Brad D.; Lewis, Dan P.; "Elizabeth Martinez"; POB  
**Subject:** My questions during visit today and other comments  
**Date:** Wednesday, August 19, 2015 2:26:59 PM

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Roberta

Thanks for your help today. I wonder why your boss City Attorney Jessica Hernandez still in hiding like the Mayor-far too important to respond to me.

Please confirm whether signed sheets for collaboratives are same as typed ones and whether names of APD officers who attended are on them. This includes the officer who berated citizen attendees claiming we had to serve/accommodate APD and not the reverse. He also said the DOJ's and monitor's oversight was not needed-that they could police themselves.

Shows the arrogance-disdain for citizens and urban warfare culture at APD still hasn't changed. Stonewall as much IPRA requested info as they can.

I will schedule new appointment and bring portable scanner in since copy costs are now back to the knowingly punitive .50/page ( maximum allowed but not required by State) vs. the .10/page as was the case previously. So much for the alleged empty claims of the City's and particularly APD's transparency.

Just who is now the IPRA compliance office-your law office or the clerk's as was the case in the past? But in Ms. Howard, we no longer have a lawyer now in the clerk's job but one that is not an expert in the IPRA.

Will schedule new appointment since I had to drive around underground parking garage for over 35 minutes to even find a parking place. Yet some APD cars were using our spots and over 25 or more reserved spots were never filled. Crazy

I await your reply. Thanks for your help today. These attendance sheets should be part of the reports and free to citizens.

Silvio

---

**From:** Silvio Dell'Angela [mailto:Dellansi@comcast.net]  
**Sent:** Saturday, August 15, 2015 12:13 PM  
**To:** 'Duran, Roberta M.'  
**Cc:** 'Hernandez, Jessica M.'; 'Hoffman, Lou D.'; 'Eden, Gorden'; 'Romero, Annabelle J.'; 'Armijo, Alan B.'; 'kbrandenburg@da2nd.state.nm.us'; 'Montano, Gilbert A.'; 'unmipra@salud.unm.edu'; 'Campos, Gabriel J.'; 'Howard, Natalie Y.'; 'Casados, Trina M.'; 'Oney, Kathleen'; 'Eden, Gorden'; 'Locher, Eric J.'; 'Morrow, Kevin A.'; 'Velarde, Crystal R.'; 'Yoshimura, Debra'; 'stop\_police\_violence\_in\_abq-request@lists.riseup.net'; 'pmrinc@mac.com'; 'reygarduno@cabq.gov'; 'dharris@cabq.gov'; 'kpena@cabq.gov'; 'dgibson@cabq.gov'; 'kensanchez@cabq.gov'; 'ibenton@cabq.gov';

M007002

'bwinter@cabq.gov'; 'danlewis@cabq.gov'; 'Elizabeth Martinez'; 'POB@cabq.gov'

**Subject:** Your response to my IPRA request + the Vincent Wood killing by APD that was justified by the "DA's office"-yet no released recordings.

Roberta

Thank you.

It's interesting that attendance lists were not included in UNM reports and we citizens must pay to get copies. It appears that UNM is also not interested in providing resumes of their \$15,000 researchers.

Ms. Jessica Hernandez

Why no comments to this from you? Are you in hiding in your own law office bunker like your Mayor or just asleep like him afraid of challenging APD? See attached? Are you just another David Tourek with a dress?

Not surprising that the "DA's office" (whomever that is) now refuses after more than two years to release the APD videos of the killing of African American Vietnam vet with PTSD Vincent Wood by two trigger-happy cops in early July 2013 as discussed in the Journal article today. Is this "office" still afraid of retaliation (as was done to DA Brandenburg) from APD?

I made an NM IPRA request (attached) for these two video recordings and other information of the Wood killing over two years ago-on July 27 2013. I was repeatedly stonewalled by now departed APD records custodian Renaldo Chavez, interim Chief Banks and now Chief Eden with the blessing of the Councilors, Perry and Berry. Transparency here? Really?

Apparently APD has no problem with immediately releasing APD video recordings when they do something right. Berry's \$4.5 + million James Ginger and his PMR Inc. people happily can't/won't do anything about these APD scams and their IPRA requests stonewalling because they are limited to just monitoring these efforts to give the illusion that APD really is reforming-reaching out.

Is this an early indication that the judicial system will again fail us and the judge will not charge Perez and Sandy for their murder of homeless camper James Boyd? I hope such is not the case.

Silvio

For WE THE PEOPLE

---

**From:** Duran, Roberta M. [mailto:RDuran@cabq.gov]

**Sent:** Friday, August 14, 2015 6:01 PM

**To:** 'Silvio Dell'Angela'

**Cc:** Hernandez, Jessica M.; Hoffman, Lou D.; Eden, Gorden; Romero, Annabelle J.; Armijo, Alan B.; Montano, Gilbert A.; [unmipra@salud.unm.edu](mailto:unmipra@salud.unm.edu); Campos, Gabriel J.; Howard, Natalie Y.; Casados, Trina

M007003

M.; Oney, Kathleen; Eden, Gorden; Locher, Eric J.; Morrow, Kevin A.; Velarde, Crystal R.

**Subject:** RE: Ms. Anaya's comment and an apparently required NM IPRA request to get what I requested

Good evening Mr. Dell'Angela:

Please feel free to contact me, I can be reached at 768-3672. Should I be away from my desk please and you get me voicemail, please call our main number 768-4500 and they will page me so that you and I can arrange a time for you to come in to inspect, or copy any of the gathered non-exempt public records responsive to your request. Specifically, the retrieved copies of the sign-in sheets showing the attendees at these UNM conducted 22 "dialogues" and the names of those others aside from the four UNM folks who also participated in them, which also includes your recent amended request to include Phase 2. We are located at the City/County Building, 1 Civic Plaza NW, 4<sup>th</sup> Floor, Room 4072, Albuquerque, New Mexico, 87102.

Respectfully,

*/s/ Roberta Duran*

Roberta Duran, Fiscal Officer  
Legal Department Record's Custodian  
Direct: 768-3672  
Main: 768-4500

---

**From:** Silvio Dell'Angela [<mailto:Dellansi@comcast.net>]

**Sent:** Friday, August 14, 2015 5:20 PM

**To:** Duran, Roberta M.

**Cc:** Hernandez, Jessica M.; Hoffman, Lou D.; Hoffman, Lou D.; Eden, Gorden; Romero, Annabelle J.; Kavelman, Carmen L.; Armijo, Alan B.; Montano, Gilbert A.; [unmipra@salud.unm.edu](mailto:unmipra@salud.unm.edu); Velarde, Crystal R.; Campos, Gabriel J.; Howard, Natalie Y.; Casados, Trina M.; Oney, Kathleen; Eden, Gorden

**Subject:** RE: Ms. Anaya's comment and an apparently required NM IPRA request to get what I requested

## **Roberta**

**(Info to those shown and Bcc to many including the media, councilors and concerned citizens)**

You saw my last e-mail also dated yesterday, not the July 30 one below. It asked for a reply from City Attorney Jessica Hernandez.

I would have thought the names of attendees at these would have been included in the reports but surprisingly they weren't for some reason.

It appears much like these no-bid contracts to local attorneys, you give out contracts over the \$75,000 Council approval limit-in this case the \$150,000 to UNM and other contracts to them blindly without knowing the qualifications of just who besides the high paid lead will do the work.

Is it just one high paid Dr. Guerin and three low paid warm bodies/UNM graduate students who

we taxpayers are paying \$150,000 for? As a taxpayer, don't you care or are taxes just play/fun money?

Regarding Ms. Annabelle Romero who is leading the effort who now in the Office of Diversity and Human Rights, I (and likely other taxpayers) wonder just what unique skills she had to fill that likely high paid former "Senior Advisor" job to the Mayor and doing exactly what since he already had Rob Perry, a COO, the head of Constituent Services, Gil Montano and others.

Nothing from UNM-as expected although I copied them on my last response to you.

Is there any wonder those attending placed transparency among the lowest priorities desired to accomplish APD reform. Chief Eden and the Mayor must love it.

Where are you located as I may be in to get the signatures Monday prior to Council meeting? Any complete report on phases 1 and 2 by Dr. Guerin should have included these attendees' names.

**Jessica**

No comment from you?

Silvio

**From:** Dave Ring  
**To:** Hammer, Robin; Beth Mohr; Scott S. Wilson  
**Cc:** Leonard Waites; POB IPRA  
**Subject:** NACOLE Conference in Riverside, CA Oct. 4-8, 2015  
**Date:** Thursday, June 18, 2015 11:18:41 AM

---

Robin, Beth, Scott, and Leonard, I've deliberately included only three POB members -- the chair and the two vice-chairs -- in addition to our Acting Executive CPOA Director on this e-mail in order not to violate opening meetings issues. I've also made sure to include a copy to pobipra@cabq.gov.

I will be traveling to the Democratic Republic of the Congo in central Africa Sept. 15-Oct. 3 to help repair a water delivery system to a "village" of 35,000 precious people in the southwest corner of that nation. Assuming it stays as presently booked, my airline itinerary puts me back into ABQ at 4:20 PM on Saturday, Oct. 3rd. The NACOLE Conference in Riverside, CA begins on Sunday evening, Oct. 4th, at 6:00 PM. Since we are all at least tentatively supposed to attend this, I trust I won't be too jet-lagged to do so, but wanted you each and all to be aware of this prior commitment on my part.

Also in this regard I've done a bit of internet research. The closest major airport to Riverside is Ontario, CA -- about 18 miles distant. It's possible to get there from ABQ on several airlines, but only Southwest has reasonable connections that don't involve "all day" travel. Flying on Southwest we could leave ABQ at 12:20 PM on Oct. 4th, connect in Phoenix, and arrive at Ontario at 3:00 PM. This would give us time to claim luggage, rent vehicles (three or four if we all go), and make it to the NACOLE headquarters hotel, which is the Mission Inn Hotel and Spa in downtown Riverside, in time to check in, get into our rooms, and be available for the opening 6:00 PM session. The current cost of that Southwest outbound itinerary is \$195 per person. The Mission Inn Hotel is offering a NACOLE convention rate of \$130 per night single or double (which I'm pretty sure doesn't include taxes and fees) and we would each need 4 nights' lodging to attend the full conference. (I estimate that, with taxes, fees and parking charges, to cost \$350 total per person, assuming we all double up.) Early bird registration for the conference itself is currently \$460 per person for "members." (I assume we are considered members since our POB is already part of NACOLE?!) That figure goes up progressively after June 31st. I have no clear idea what meals will cost, except to say that daily "continental" breakfasts are included in our NACOLE registration fee. Thus we are looking at 4 lunches and 4 dinners per person, so I'm "guessing" about \$200 per person total for our eats. The conference ends at noon on Thursday, Oct. 8th. Again using Southwest Airlines, we can fly from Ontario to ABQ (via PHX) leaving at 2:10 PM and arriving ABQ at 6:20 PM. That return itinerary is currently priced at \$193 per person. Adding up all those numbers yields a total of \$1398 per person, to which I would add \$102 to cover the car rentals plus a small safety factor, yielding \$1500 per person as a round-figure budget.

If any of you think I'm a little strange by doing this sort of planning and budgeting, at this point in my life it's pretty much second nature to me. I've been organizing church groups of 12 to 20 persons to travel the world over for several decades now, so I more or less know what's involved. I also know that the farther out from the actual dates we plan -- and pay up-front for -- a trip's components, the more we'll be likely to save.

So, my questions to you are, first, are we committed to sending our entire POB, plus CPOA staff (approximately 15 persons total) to this NACOLE event in October? Second, do we have, and/or can we use, the funds to do it (about \$22,500 overall)? And third, is there someone on staff, either in the CPOA office or elsewhere in ABQ city government, who can take care of booking the air travel, vehicle rentals, hotel accommodations, and the NACOLE conference itself for us? If not, I am capable of taking care of all these items once I know the answers to the above questions and am assured that I can readily voucher back whatever funds I must pay upfront, e. g., the SWA flights and the NACOLE registration fees. And, of course, in order to complete airline bookings in this post-9/11 era, I would obviously need the full names of each one who is committed to going, plus birthdates.

Please let me know what you think of all this. Blessings! -- Dave Ring

**From:** [Beth Mohr](#)  
**To:** [Hammer, Robin](#); [POB](#); [Mark T. Baker](#)  
**Subject:** NACOLE Conference  
**Date:** Monday, July 06, 2015 3:03:36 PM

---

Can you confirm that the CPOA office is registering the POB members, or are we supposed to be doing this ourselves? 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:** Hammer, Robin  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Hammer, Robin; Jeannette V. Baca; Joanne Fine; Leonard Waites; Molra Amado-McCoy; Scott S. Wilson; Susanne Brown  
**Cc:** Contreras, Michelle  
**Subject:** NACOLE Conference  
**Date:** Friday, June 19, 2015 7:12:00 AM

---

POB Members:

Please let me know if you wish to attend the National Association of Civilian Oversight of Law Enforcement Conference in Riverside, California from Sunday, October 4 through Thursday, October 8, 2015. It is my understanding that the host hotel rooms are filling up and that we should reserve our rooms.

Michelle Contreras will coordinate the travel plans using the City's credit card.

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: NACOLE Director of Training & Education  
To: NACOLE  
Subject: NACOLE Digest for August 17, 2015  
Date: Monday, August 17, 2015 9:02:12 AM

August 17, 2015

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# The NACOLE Digest

News and events in civilian oversight and police accountability.

## In this Edition...

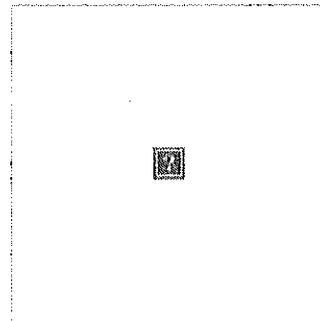
- White House Holds Community Policing Forum
- NACOLE to Screen Award Winning Documentary *Peace Officer* at Riverside Conference
- Training Opportunity: Law Enforcement Audits for Government Auditors
- Training Opportunity: Use of Force Summit
- Register Now for the 21st Annual NACOLE Conference
- Purchase Your Annual Scholarship Fundraising Dinner Tickets Today
- Nomination Period Open to Run for the NACOLE Board

## White House Holds Community Policing Forum

On Thursday, July 23rd, the White House and the Department of Justice Office of Community Oriented Policing Services (COPS Office) hosted a Community Policing Forum to discuss and share best practices on the implementation of the President's Task Force on 21st Century Policing recommendations. Kelvyn Anderson, Executive Director of the Philadelphia Police Advisory Commission and a former NACOLE Board member, represented NACOLE at the forum. Throughout the day, Administration officials, 21st Century Policing Task Force members, law enforcement, faith and community leaders, and local elected officials discussed and shared strategies for implementing the recommendations and developing ideas that communities across the country can utilize to establish public safety while building trust. Kelvyn wrote about the forum and his experience for our website and the NACOLE Digest.

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## ABOUT NACOLE

Established in 1995, NACOLE is a nonprofit organization of

Click [HERE](#) to download and read Kelvyn's article on the White House Community Policing Forum.

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## **NACOLE to Screen Award Winning Documentary *Peace Officer* at Riverside Conference**

NACOLE is excited to announce that it was given the rights to offer a free screening of the award winning feature documentary *Peace Officer* at the 2015 Annual Conference. *Peace Officer* is a feature documentary about the increasingly militarized state of American police as told through the story of William "Dub" Lawrence, a former sheriff who established and trained his rural state's first SWAT team only to see that same unit kill his son-in-law in a controversial standoff 30 years later. Driven by an obsessed sense of mission, Dub uses his own investigative skills to uncover the truth in this and other recent officer-involved shootings in his community while tackling larger questions about the changing face of peace officers nationwide.

The film will be screened on Tuesday, October 6th at the host hotel, the Mission Inn, following the conclusion of the day's sessions. Tickets will be limited. Keep checking the NACOLE website for details.

For more information on the film, please click [HERE](#).

---

## **Training Opportunity: Law Enforcement Audits for Government Auditors Course**

For more information on this course offered by LD Consulting, LLC, including a course description, please click [HERE](#).

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## **Training Opportunity: Use of Force Summit**

Daigle Law Group is again proud to offer their three day Use of Force Summit in Uncasville, CT. The focus of the Summit will be identifying proper legal and operational standards for use of force incidents, including the development of common police practices on use of force related policies.

More information regarding the program and registration will be available in September on the Daigle Law

law enforcement oversight agencies and practitioners and others that works to enhance accountability and transparency in policing and build community trust through civilian oversight.

Group website.

---

## **Register Now for the 21st Annual NACOLE Conference**

Over the last year, issues about policing and communities, justice, and the role of civilian oversight have been a major focus of a national conversation - from living rooms to city councils, to the highest levels of government and everywhere in between. NACOLE has been a part of that conversation, and this fall we will bring it to Riverside, California, during our 21st Annual Conference.

**To register today, please click [HERE](#).**

With increased attention to and growth of civilian oversight, there has also been a call for more information and for discussions and training that are responsive to current events and emerging trends. To meet those needs, NACOLE has moved to a schedule that will feature three concurrent sessions on both the Tuesday and Wednesday of the conference. In doing so, we have also been able to organize the sessions into three unique tracks, better serving the needs of the range of people involved and interested in oversight.

For more information on the 21st Annual NACOLE Conference, please click [HERE](#).

---

## **Purchase Your Annual Scholarship Fundraising Dinner Tickets Today**

There are limited tickets still available for the Annual Scholarship Fundraising Dinner. Join us for our annual scholarship fundraising dinner at Heroes Restaurant and Brewery, located in downtown Riverside, California. In addition to good food and good conversation, you will be supporting NACOLE's efforts to offer financial support to those wishing to attend the Annual Conference, to increase the reach of civilian oversight, and to promote participation by individuals from a broad spectrum of social, economic, racial, ethnic and cultural backgrounds.

**PURCHASE YOUR TICKETS TODAY!**

Seats to this event are limited and **WILL NOT** be available for purchase at the conference. Make sure to

purchase your tickets today!

---

## Nomination Period Open to Run for the NACOLE Board

NACOLE is now seeking candidates for the 2015-2016 NACOLE Board of Directors. To be eligible, candidates shall have been association members in good standing for one year; they must have attended at least one of the two previous annual conferences; and their membership dues must be current. This year, the membership will elect the President, the Vice-President, and two Board members at the Annual Meeting on October 7, 2015.

**How to file:** Send your signed declaration form (and bio and photo) to the Election and Bylaws Committee by no later than September 6, 2015. Please mail or email your declaration to: Ainsley Cromwell, Chair, NACOLE Elections and Bylaws Committee, 1063 Trevor Place, Detroit, MI 48207, or [cromwellac@yahoo.com](mailto:cromwellac@yahoo.com).

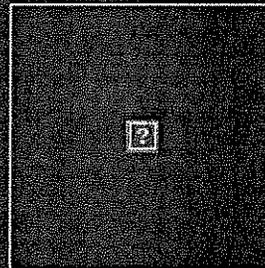
All election-related material and information can be found [HERE](#) on the NACOLE website.

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To: Jamie Pitt  
Subject: NACOLE Digest for August 5, 2015  
Date: Wednesday, August 05, 2015 10:34:11 AM

August 5, 2015

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# The NACOLE Digest

News and events in civilian oversight and police accountability.

## In this Edition...

- Fairfax County, Virginia Ad Hoc Police Practices Review Commission Presents Recommendations
- Orange County, California Looks to Change Oversight Model
- Register NOW for the 21st Annual NACOLE Conference
- Purchase Your Annual Scholarship Fundraising Dinner Tickets Today
- Nomination Period Open to Run for the NACOLE Board

## Fairfax County, Virginia Ad Hoc Police Practices Review Commission Presents Recommendations

On July 27, 2015, the Ad Hoc Police Practices Review Commission in Fairfax County, Virginia met to present their recommendations for policy improvements to the Fairfax County Police Department. As part of its presentation and continued information mission, the Commission invited Christian Klossner, NACOLE Board Member and Deputy Director of the Office of Police Complaints in Washington D.C., to offer information on civilian oversight and its benefits.

For more information on this meeting, click [HERE](#).

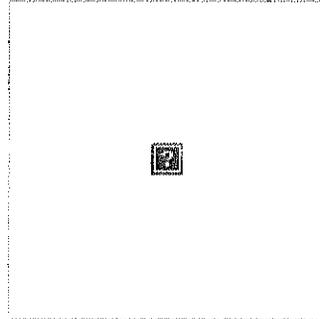
For a complete recording of the presentation, click [HERE](#).

## Orange County, California Looks to Change Oversight Model

NACOLE President Brian Buchner was recently invited to

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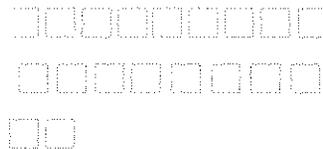


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## ABOUT NACOLE

Established in 1995, NACOLE is a nonprofit organization of

speak before the Orange County, California Board of Supervisors during a special hearing on public safety oversight. The County is currently considering whether to enhance or change its current model of oversight. In addition to Mr. Buchner, the Board of Supervisors heard from Orange County Sheriff Sandra Hutchens; Mike Gennaco, Principal of the OIR Group; Merrick Bobb, President/Executive Director of the Police Assessment Resource Center and federal monitor of the Seattle Consent Decree; Erwin Chemerinsky, founding Dean of the University of California Irvine School of Law; and Kimberly Edds, a representative of the Association of Orange County Deputy Sheriffs.

An article with additional background information can be found by clicking [HERE](#).

---

## **Register NOW for the 21st Annual NACOLE Conference October 4-8, 2015**

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---

## **Purchase Your Annual Scholarship Fundraising Dinner**

law enforcement oversight agencies and practitioners and others that works to enhance accountability and transparency in policing and build community trust through civilian oversight.

## Tickets Today!

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[PURCHASE TICKETS HERE](#)

Seats to this event are limited and **WILL NOT** be available for purchase at the conference. Make sure to purchase your tickets today!

---

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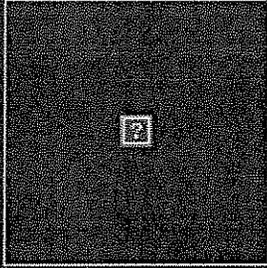
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From: NACOLE Director of Training & Education  
To: Learning Unit  
Subject: NACOLE Digest for July 15, 2015  
Date: Thursday, July 16, 2015 7:30:57 AM

July 15, 2015

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# The NACOLE Digest

News and events in civilian oversight and police accountability.

## In this Edition...

- **Early Registration Deadline Approaching for 21st Annual Conference**
- **Purchase Your Annual Scholarship Fundraising Dinner Tickets Today**
- **Nomination Period Open to Run for the NACOLE Board**
- **Announcing 2015 NACOLE Award and Scholarship Recipients**
- **BART Police Department Adopts Transgender Policy**
- **NACOLE Attends 39th Annual NOBLE Conference in Indianapolis**

## Early Registration Deadline Approaching for 21st Annual Conference

The early registration deadline for the 2015 Annual NACOLE Conference is **JULY 31, 2015**. All paid registrations received on or before this date will qualify for the reduced rate. To guarantee your discount, register today!

### **REGISTER NOW**

This year's conference will feature a conference schedule with more topics, more speakers, and more opportunities to contribute to the growing national dialogue around civilian oversight.

For a copy of the complete 2015 conference schedule, click **HERE**.

## Purchase Your Annual Scholarship Fundraising Dinner

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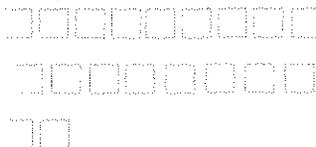
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---

## Nomination Period Open to Run for the NACOLE Board

The nomination period to run for the NACOLE Board of Directors is open until September 6, 2015. File your declaration today! Serving on the Board is an exciting way to help shape the direction of the association, to work closely with your oversight colleagues, and to support communities across the country looking to establish or improve oversight of the police.

To be eligible, candidates shall have been association members in good standing for one year; they must have attended at least one of the two previous annual conferences; and their membership dues must be current. This year, the membership will elect the President, the Vice-President, and two Board members at the Annual Meeting on October 7, 2015.

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All election-related material and information can be found [HERE](#) on the NACOLE website.

---

## Announcing 2015 NACOLE Award

law enforcement oversight agencies and practitioners and others that works to enhance accountability and transparency in policing and build community trust through civilian oversight.

## and Scholarship Recipients

NACOLE is pleased to announce the recipients of its 2015 Flame Award and Achievement in Oversight Awards. They are:

**Charles D. Reynolds**, recipient of the 2015 Flame Award, is a court-appointed consent decree monitor, a former chief of police in five communities, a past-president of an international police executive organization, a recognized expert on police organizational and management issues, and a past NACOLE board member.

St. Louis City Aldermen **Terry Kennedy** and **Antonio French** serve their community with distinction as elected representatives of their wards on the Board of Aldermen and are together recipients of one of this year's Achievement in Oversight awards.

**Samara Marion**, a policy analyst and staff lawyer with the San Francisco Office of Citizen Complaints, is a recipient of the second Achievement in Oversight award.

NACOLE is also pleased to announce the recipients of the 2015 Scholarship Awards in the following categories:

**Founders' Community Scholarship Award:** Deborah Jacobs, Melissa Smith, Olga Orraca, Torin Jacobs

**Presidents' Scholarship Award:** Lynn Erickson, Marielle Moore

**Membership Scholarship Award:** Richard Olquin, Aisha Miles

Click [HERE](#) to read the full announcement and bios of each award and scholarship recipient.

---

## BART Police Department Adopts Transgender Policy

As a result of a recommendation made by its Civilian Review Board, the Bay Area Rapid Transit (BART) Police Department adopted a policy on interactions with individuals identifying as transgender.

The policy aims to increase awareness among officers and to support the need for all members of the

community to be treated fairly and with respect.

To read more about the new policy and to download a copy of the policy itself, please click [HERE](#).

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## **NACOLE Attends 39th Annual NOBLE Conference in Indianapolis**

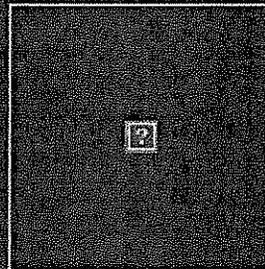
NACOLE President Brian Buchner and Cameron McElhiney, NACOLE's Director of Training & Education, attended the 39th Annual Conference of the National Black Law Enforcement Executives (NOBLE) in Indianapolis, Indiana. NOBLE invited Mr. Buchner to participate in the Opening Plenary Session where the Attorney General for the U.S. Department of Justice Loretta Lynch delivered the Keynote address. As an invited guest, NACOLE was also given free booth space in the Exhibition Hall, which turned out to be a great opportunity to meet and speak with law enforcement officials and NOBLE members about NACOLE and civilian oversight. It was a good opportunity to build a relationship with NOBLE and its members, as there is alignment between what NOBLE and NACOLE have been working toward for many years. NOBLE's 40th anniversary conference will be held in 2016 in Washington, DC. More information about NOBLE is available on its website, [www.noblenational.org](http://www.noblenational.org).

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- **NACOLE & the University of DC School of Law Co-Sponsor Symposium: Looking to the Future of Civilian Oversight**
- **2015-2016 NACOLE Board of Directors**
- **New Orleans Office of the Independent Police Monitor Gains Independence**
- **Ferguson Crowd Control After Action Report - Summary of Findings and Lessons Learned (Daigle Law Group)**
- **NACOLE and the John Jay College of Criminal Justice to co-sponsor 2016 Academic Symposium in New York City**

## NACOLE & the University of DC School of Law Co-Sponsor Symposium: *Looking to the Future of Civilian Oversight*

On Friday, December 4, 2015, NACOLE and the University of the District of Columbia David A. Clarke School of Law will be co-hosting a symposium, *Looking to the Future of Civilian Oversight*, in Washington, DC on the law school's campus. Topics will include\*:

- Why does police accountability matter?
- Community oversight of the police
- Emerging role of (big) data in police oversight and reform
- The future of civilian oversight

\*Details are still being finalized and registration will open very soon.

Click [HERE](#) for more information about the UDC School of Law.

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## ABOUT NACOLE

Established in 1995, NACOLE is a nonprofit organization of law enforcement oversight agencies and practitioners and others that works to enhance accountability and transparency in policing and build community trust through civilian oversight.

## **2015-2016 NACOLE Board of Directors**

On Wednesday, October 7, 2015, the NACOLE membership held its annual elections at the Annual Conference. Here is the 2015-2016 NACOLE Board of Directors:

### Executive Officers

Brian Buchner, President  
Ainsley Cromwell, Vice-President  
Avice Evans Reid, Treasurer  
Karen Williams, Secretary  
Ilana Rosenzweig, Immediate Past President

### At-Large Board Members

Kelvyn Anderson  
Brian Corr  
Christian Klossner  
Nicholas Mitchell  
Dawn Reynolds  
Mark Smith

Thank you to the 2014-2015 NACOLE Board of Directors: Brian Buchner, President; Ainsley Cromwell, Vice-President; Avice Evans Reid, Treasurer; Karen Williams, Secretary; Ilana Rosenzweig, Immediate Past President; Brian Corr; Joyce Hicks; Christian Klossner; Nicholas Mitchell; Dawn Reynolds; and Mark Smith.

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## **New Orleans Office of the Independent Police Monitor Gains Independence**

You may have been following recent developments in New Orleans with the Office of the Independent Police Monitor (IPM). Yesterday, the IPM announced that it signed an agreement with the Office of the Inspector General that will begin a process to separate the two offices and allocate funds for the IPM to increase staffing and to move into an office space that is more accessible to the community. The agreement outlines a mutually-supported charter change that, if approved by the public in April of 2016, will allow the IPM to operate as an independent entity. The Inspector General has also rescinded his request to fire the Police Monitor.

Read more here.

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## **Ferguson Crowd Control After Action Report - Summary of Findings and Lessons Learned (Daigle Law Group)**

On August, 9, 2014 in Ferguson, Missouri, Officer Darren Wilson shot and killed 18 year old Michael Brown. There were significant reactions to the shooting from the community, including public demonstrations, rioting, looting, arson, shots fired, and property damage. More than 50 police departments provided assistance to Ferguson police for crowd control.

The United States Department of Justice (USDOJ) and the St. Louis Police Department agreed to investigate the actions of the four police departments that were most involved after the shooting. The USDOJ, through the COPS office, evaluated their actions. They issued a report that included 48 findings and 113 lessons learned that are applicable to all police departments across the United States. This article by attorney Eric Daigle of Daigle Law Group, LLC provides an overview of the findings and the recommendations.

Click [here](#) to review the critical findings and recommendations from the USDOJ Ferguson Crowd Control After Action Report.

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### **Upcoming Events:**

NACOLE will be participating in the following upcoming events:

- International Association of Chiefs of Police (IACP) 2015 Conference. The Challenges of Civilian Oversight: Addressing the Common Assumptions and Perceptions of Oversight, October 26, 2015. More info at [www.theiacpconference.org](http://www.theiacpconference.org).
- International Centre for the Prevention of Crime. Fifth International Conference on Crime Observation and Criminal Analysis, November 3-6, 2015. More info at <http://crimeandprevention.org>, in Mexico City.
- 14th Annual University of California, Hastings Race & Poverty Law Journal Symposium. 21st Century Civil Rights: Community Empowerment in Police Reform, November 6, 2015. More info at [www.hastingsracepovertylaw.org](http://www.hastingsracepovertylaw.org).

- Boulder (CO) ACLU. Who Watches the Watchers? Civilian Oversight over the Police, November 19, 2015. More Info at [www.colorado.edu/law](http://www.colorado.edu/law).
- National Police Commission of the Republic of Indonesia. International Gathering on Police Oversight, "To Promote Police Accountability to Reality," November 16-17, 2015, in North Jakarta.

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## **NACOLE and the John Jay College of Criminal Justice to co-sponsor 2016 Academic Symposium in New York City**

NACOLE is pleased to announce that it will be co-hosting its 2016 Academic Symposium with the John Jay School of Criminal Justice on April 22, 2016. The symposium hopes to bring together academics, policy makers, police leaders, oversight practitioners, and community members to explore issues surrounding civilian oversight of law enforcement. A call for papers and additional information will be posted later this fall.

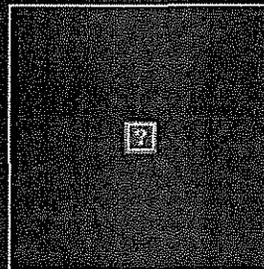
John Jay College of Criminal Justice is also the home of the first graduate-level course in civilian oversight of law enforcement. This course, a part of their public administration program, is designed to prepare students to assess, evaluate, and monitor police conduct and policing performance from an oversight perspective.

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From: NACOLE Director of Training & Education  
To: Members  
Subject: NACOLE Digest for September 1, 2015  
Date: Tuesday, September 01, 2015, 9:10:22 AM

September 1, 2015

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# The NACOLE Digest

News and events in civilian oversight and police accountability.

## In this Edition...

- NACOLE to Participate in American Bar Association Task Force on Body-Worn Cameras
- Nomination Period to Run for the NACOLE Board Ends September 6th
- **Principal Assistant Attorney General Vanita Gupta to Speak at NACOLE Annual Conference**
- Time is Running Out - Purchase Your Annual Scholarship Fundraiser Tickets Today!

## NACOLE to Participate in American Bar Association Task Force on Body-Worn Cameras

The American Bar Association has established a task force of national experts to develop guidelines for the use of body-worn cameras (BWC) by law enforcement agencies in the U.S. The task force is comprised of law enforcement, federal judges, prosecutors, public and private criminal attorneys, civilian oversight, law professors, and civil liberties groups. Current NACOLE board member Nick Mitchell (Denver's Independent Monitor) and Margo Frasier (Austin Police Monitor) have been asked to serve on the task force, whose comprehensive study will identify best practices for the deployment and use of BWCs, and assess their impact on the criminal justice system and individual liberties. More information about the task force can be found here: [http://www.americanbar.org/groups/criminal\\_justice/bodycamera.html](http://www.americanbar.org/groups/criminal_justice/bodycamera.html).

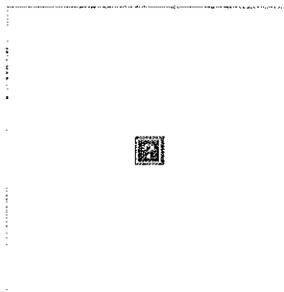
## Nomination Period to Run for the NACOLE Board Ends September 6th

NACOLE is seeking candidates for the 2015-2016 NACOLE Board of Directors. To be eligible, candidates shall have been association members in good standing for one year; they must have attended at least one of the two previous annual conferences; and their membership dues must be current. This year, the membership will elect the President, the Vice-President, and two Board members at the Annual Meeting on October 7, 2015.

**How to file:** Send your signed declaration form (and bio and photo) to the Election and Bylaws Committee by no later than September 6, 2015. Please mail or email your declaration to: Ainsley Cromwell,

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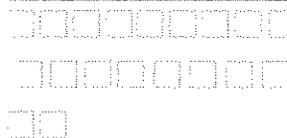


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## ABOUT NACOLE

Established in 1995, NACOLE is a nonprofit organization of law enforcement oversight agencies and practitioners and others that works to enhance accountability and transparency in policing and

Chair, NACOLE Elections and Bylaws Committee, 1063 Trevor Place, Detroit, MI 48207, or [cromwellac@yahoo.com](mailto:cromwellac@yahoo.com).

All election-related material and information can be found [HERE](#) on the NACOLE website.

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## **Principal Assistant Attorney General Vanita Gupta to Speak at NACOLE Annual Conference**

NACOLE is honored to welcome Vanita Gupta, Principal Assistant Attorney General and head of Civil Rights at the U.S. Department of Justice, as the Keynote Speaker at this year's Annual Conference. Under her leadership, the Division continues its crucially important work in a number of areas, including advancing constitutional policing and other criminal justice reforms. Prior to joining the department, Ms. Gupta served as Deputy Legal Director of the American Civil Liberties Union and Director for its Center for Justice. Over the course of her career she has earned a reputation for working closely and collaboratively with law enforcement, departments of corrections, and across the political spectrum to advance smart policing and criminal justice reforms.

This year NACOLE has worked to respond to the ever-increasing demand for information and discussions that are responsive to current events and emerging trends. As a result, NACOLE has moved to a schedule that will feature three concurrent sessions on both the Tuesday and Wednesday of the conference. These sessions will be arranged into three unique tracks, better serving the needs of the range of people involved and interested in oversight.

The addition of a third track allows us to also cover more subject matter over the course of the conference.

This year, delegates will be able to choose from a large and diverse selection of workshops focusing on subject matter such as understanding and identifying the many roads to reform, strategies for community engagement, racial reconciliation, prosecuting police officers, the importance of data collection, and emerging technology in policing.

**With little more than 30 days until the conference, time is  
running out. To guarantee your spot,**

# **REGISTER TODAY!**

For more information on the 21st Annual NACOLE Conference and to view a copy of the daily schedule, please click [HERE](#).

---

## **Time is Running Out - Purchase Your Annual Scholarship Fundraising Dinner Tickets Today!**

There are limited tickets still available for the Annual Scholarship

build community trust  
through civilian oversight.

Fundraising Dinner. Join us for our annual scholarship fundraising dinner at Heroes Restaurant and Brewery, located in downtown Riverside, California. In addition to good food and good conversation, you will be supporting NACOLE's efforts to offer financial support to those wishing to attend the Annual Conference, to increase the reach of civilian oversight, and to promote participation by individuals from a broad spectrum of social, economic, racial, ethnic and cultural backgrounds.

**PURCHASE YOUR TICKETS TODAY!**

Seats to this event are limited and **WILL NOT** be available for purchase at the conference. Make sure to purchase your tickets today!

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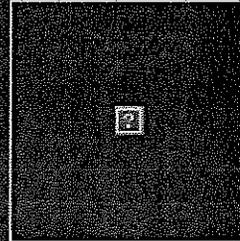
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From: NACOLE Director of Training & Education  
To: Joanne Pitts  
Subject: NACOLE Digest for September 15, 2015  
Date: Thursday, September 15, 2015 5:26:28 PM

September 15, 2015

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# The NACOLE Digest

News and events in civilian oversight and police accountability.

## In this Edition...

- **SAVE THE DATE: NACOLE is coming to Washington, DC!**
- **California Attorney General Launches First-of-its-Kind Criminal Justice Open Data Initiative**
- **List of Candidates for the 2015 NACOLE Elections**
- **The Annual Scholarship Fundraising Dinner is Almost Sold Out!**
- **Registration Still Open for 21st Annual Conference**

## SAVE THE DATE: NACOLE is Coming to Washington, DC!

On Friday, December 4, 2015, NACOLE and the University of the District of Columbia David A. Clarke School of Law will be co-hosting a symposium on civilian oversight. Details are still being finalized so please check the NACOLE website this fall for additional details and registration information.

Click [HERE](#) for more information about the UDC School of Law.

## California Attorney General Launches First-of-its-Kind Criminal Justice Open Data Initiative

On Wednesday, September 2, 2015, California Attorney General Kamala D. Harris launched OpenJustice, a criminal justice open data initiative that will release unprecedented data. The tool consists of two components: a Dashboard that spotlights key criminal justice indicators with user-friendly visualization tools

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and an Open Data Portal that publishes raw data from the California Department of Justice's statewide repository of criminal justice datasets.

The Dashboard includes three important data sets: (1) Law Enforcement Officers Killed or Assaulted in the Line of Duty; (2) Deaths in Custody, including arrest-related deaths; and (3) Arrests & Bookings.

The Open Data Portal is an online repository of downloadable criminal justice data in raw form available to the public. This tool will enable researchers, civic coders, and journalists to help tackle seemingly intractable problems in the criminal justice system. OpenJustice embraces transparency in the criminal justice system to strengthen trust, enhance government accountability, and inform public policy.

In the coming months, the Dashboard will expand to spotlight more metrics from across the justice system and a broad array of datasets will be released to foster accountability and trust.

More information and to access OpenJustice, visit <https://openjustice.doj.ca.gov>.

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## **List of Candidates for the 2015 NACOLE Elections**

The nomination period for the 2015 NACOLE Elections has closed. The following individuals have declared their intent to run for a position on the 2015 - 2016 NACOLE Board of Directors:

### **President**

**Brian Buchner**

### **Vice-President**

**Ainsley Cromwell**

### **Member At-Large (Two will be elected)**

**Kelvyn Anderson**

**Anthony Finnell**

**Margo Frasier**

**Karen Ullery Williams**

For more information on these candidates, including bios and photos, please click [HERE](#).

---

## The Annual Scholarship Fundraising Dinner is almost Sold Out!

**ONLY 11 TICKETS REMAIN** for the Annual Scholarship Fundraising Dinner on Monday, October 5th at Heroes Restaurant and Brewery, located in downtown Riverside. Purchasing a ticket to the dinner is an excellent way to help support NACOLE's efforts to expand the reach of civilian oversight and promote the participation of individuals from a broad spectrum of backgrounds.

Tickets **will not** be available for purchase at the conference. Get yours today by visiting our [REGISTRATION SITE](#).

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## Registration Still Open for the 21st Annual Conference

Registration is still open for the 21st Annual Conference in Riverside.

Click [HERE](#) to register today.

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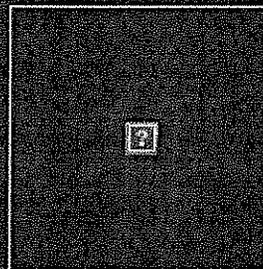
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**From:** Contreras, Michelle  
**To:** Skotchdopole, Paul A.; Davidson, Christopher; McDermott, Diane L.; Hammer, Robin; Cash, Paul; O'Neil, Erin; Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown  
**Subject:** NACOLE Elections  
**Date:** Monday, July 13, 2015 12:04:36 PM  
**Attachments:** NACOLE Election Documents.pdf

---

Good afternoon POB Members, CPOA Staff and Investigators:  
We received the attached documents from NACOLE. Please submit the form to NACOLE if you desire to seek NACOLE office.

Thank you.

Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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>



On behalf of the NACOLE Board of Directors, I wish to thank you for the timely renewal of your membership. Together, we represent a significant voice in policing and police oversight, and as a group, we are making a positive difference in communities around the country.

NACOLE is thankful for each and every one of our members and we are continually looking for ways to enhance the value of your membership. One of your membership benefits is access to the [NACOLE.org](http://NACOLE.org) members-only website. If you are having any problems accessing that section of the website or need to have a username created, please contact Liana Perez, Director of Operations, at (317) 721-8133 or by e-mail at [Perez@NACOLE.org](mailto:Perez@NACOLE.org).

We look forward to seeing you at our 21<sup>st</sup> Annual Conference in Riverside, California in October. Please remember that the early registration deadline is July 31.

Best wishes for a wonderful summer!

A handwritten signature in cursive script that reads 'Karen Williams'.

Karen Williams – NACOLE Secretary



## DECLARATION OF INTENT TO SEEK OFFICE

***Eligibility for Election:*** Article V of the NACOLE Bylaws provides that candidates for office shall have been association members in good standing for one (1) year and have attended at least one (1) of the two previous annual conferences. Dues must be current. The membership will elect the President, the Vice-President and three (3) Board members at the Annual Conference on October 7, 2015.

I, \_\_\_\_\_, hereby notify the NACOLE Election Committee of my desire to seek the following office at the 2015 Annual Conference:

- President, 1 year
- Vice-President, 1 year
- Board Member, 3 years (three will be elected)

I hereby certify that I have attended at least one of the two previous annual conferences: Please specify: \_\_\_\_\_

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
Cell Phone No.

\_\_\_\_\_  
Email address

The Election Committee must receive declarations for office no later than September 6, 2015.

Please mail or email your declaration to: Ainsley Cromwell, Chair, NACOLE Election Committee, 1063 Trevor Place, Detroit, MI 48207, [cromwellac@yahoo.com](mailto:cromwellac@yahoo.com)

Note: Please attach biographical information and a current photograph for posting on the NACOLE website and at the conference.

(Form revised 4/30/15)

P.O. Box 87227 ♦ Tucson, Arizona 85754 ♦ (317) 721-8133

E-mail: [info@nacole.org](mailto:info@nacole.org) ♦ Website: [www.nacole.org](http://www.nacole.org)

## **NACOLE 2015 ELECTION COMMITTEE & ELECTION PROCEDURES**

### **Announcements**

The Election Committee shall prepare Election Information for distribution to all members upon payment of dues. The information shall include but not be limited to:

- Election Notification Letter
- Declaration of Intent to Seek Office Form
- Proxy Vote Authorization Form
- Other related election information and materials

The Election Committee will post the following on the NACOLE web site:

- The procedure for filing Declaration of Intent
- Declaration of Intent to Seek Office Form
- The procedure for filing the Proxy Authorization
- A Proxy Authorization Form
- The names and bios of the Declared Candidates
- A Sample Ballot Form

### **Progress Reports**

The Chair of the Election Committee shall file progress reports on the election and candidates for office sixty (60) and thirty (30) days prior to the election of Officers and Board of Directors, and in addition, as may otherwise be requested by the Board.

### **Eligibility**

Only regular members in accordance with the Bylaws who have been a member in good standing for one (1) year, whose dues are fully paid at the time that he/she files a declaration of intent to stand for election, and who have attended at least one (1) of the two previous national conferences shall be eligible for election as an Officer or to the Board of Directors.<sup>1</sup> Any organizational member who seeks election to office must hold his/her organization's voting membership.

### **Declarations for Election to Office**

The Election Committee shall receive declarations of candidates and pertinent background information for each position in the regular election of Officers and Board of Directors. Members may file for no more than one position.

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<sup>1</sup> NACOLE Bylaws (2011), Article VI, C.

Declarations of Candidacy for Election shall be received by the Election Committee no later than thirty (30) days prior to Annual Meeting. Declarations shall be sent via US Postal Service, email or fax to the Election Committee member at the address specified in Election announcements. The ballot for elections of officers and Board of Directors shall be final 30 days prior to Annual Meeting.

### **Proxy Vote Procedure**

A member in good standing who is unable to attend the Annual Meeting may submit a Proxy Vote Authorization Form naming an eligible designated voter. The form shall be received via U.S. Mail or electronically by the designated Election Committee member no later than seven days prior to the first day of the Annual Conference OR shall be personally submitted to the Election Committee on or before the day of the Annual meeting. The Election Committee reserves the right to establish certification of proxies.

### **Election Procedure**

The Chair of the Elections Committee or another member of the Election Committee as may be designated by the President shall conduct election proceedings.

Elections shall be held through a secret ballot process. Ballots for the election of the President, Vice-President and Board members will list the names of the persons who have appropriately filed Declarations of Candidacy and will provide spaces for members to write in names of members appropriately nominated from the floor.

Members who have not filed declarations may be nominated from the floor; however they may be nominated for no more than one office. In no case shall the name of a member, whether through declaration or nomination from the floor, appear more than once on the list of candidates at the close of nominations from the floor or at the time of voting at the Annual Conference. Incumbent Officers or Board members seeking election to the Board or as an Officer should file a formal declaration in accordance with the procedure set forth in the Declarations for Election to Office procedures above.

Nominations from the floor must be made and seconded by eligible members. Members may not nominate themselves.

The Election Committee shall make every effort to determine the eligibility for election to the Board of all members nominated from the floor. Should it be later determined that at the time of the election a member nominated from the floor and elected was ineligible, then the member will be disqualified from holding office and member receiving the next highest votes will be deemed elected. Absent the existence of such a member, the position will be declared vacant.

If a member whose name appears on the official ballot elects to withdraw as a candidate for the office indicated on the ballot, he/she shall not be eligible for nomination from the floor for any position on the ballot for which another member is listed. Eligibility shall be restricted to positions for which no member has filed a declaration or received a nomination from the floor.

The person designated to conduct the elections shall, once nominations are closed, first proceed with the balloting for the election of the President, Vice-President, and the Board of Directors. In the event of a tie vote for any office, the tie shall be broken by a flip of the coin.

### **Special Election**

In the event the election of the President or Vice-President results in a vacant unexpired term or terms on the Board of Directors, the Chair of the Elections Committee, or another member of the Election Committee as may be designated by the President, shall conduct a special election, also by secret ballot. Should the regular election of the President and Vice-President result in two vacant unexpired terms on the Board of Directors of varying durations, the person receiving the most votes in the special election shall be elected to the vacancy of the longest duration. Absent the existence of two or more candidates for the two unexpired seats, the shorter vacancy will remain vacant until filled by the Board.

Any member who has filed a Declaration of Candidacy, or who has been nominated and seconded from the floor, for an At-Large seat on the Board during the regular election shall be automatically included on the special election ballot, and nominations will be accepted from the floor for any eligible member, including any individual who during the regular election had declared or been nominated for President or Vice-President or who withdrew a Declaration of Candidacy.

### **Responsibility for Conducting Elections and Interpreting Election Regulations**

The Election Committee shall be solely responsible for conducting the election of Officers and Board of Directors and shall establish procedures in addition to those included herein, subject to approval of the Board of Directors to regulate and guide the nomination and balloting processes.<sup>2</sup> Interpretation and application of Board-approved procedures that arise prior to the annual conference shall be decided by a unanimous vote of the Election Committee; interpretation and application of Board approved procedures that arise during the annual conference shall be decided by a unanimous vote of the Election Committee members present. The decision of the Election Committee shall be final. Absent a unanimous vote, the decision of the President shall be final.

Approved by the Board: April 8, 2015

---

<sup>2</sup> NACOLE Bylaws (2011), Article VII, Section B, Subsections 1 and 2.

**From:** [Beth Mohr](#)  
**To:** [elizabeth.martinez@usdoj.gov](mailto:elizabeth.martinez@usdoj.gov); JAMES GINGER  
**Cc:** [Hammer, Robin](#); [Mark T. Baker](#); [Joanne Fine](#); [Eric H. Cruz](#); [Leonard Waites](#)  
**Subject:** NACOLE Training for CPOA Investigators  
**Date:** Friday, July 24, 2015 8:52:16 PM  
**Attachments:** [NACOLE-Annual-Conference-Schedule.20150628.pdf](#)

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Ms. Martinez,

Today in the POC's Personnel Subcommittee meeting, we asked about the status of NACOLE Conference registration for POB Members and CPOA Office Investigators. As you know, NACOLE is the National Association of Civilian Oversight of Law Enforcement, and the premier, if not the only, organization of this type.

Ms. Hammer stated that while NACOLE was set up for the POB Members, she was awaiting confirmation from the DOJ to ensure that the NACOLE training was appropriate and approved for the investigators and staff.

I have been associated with NACOLE since 2001; they have been the premier civilian oversight organization, and one of the few places that civilian investigators can receive training and certification. I am enclosing the agenda for the upcoming Conference; I think you'll find it very relevant to the work of the CPOA Office.

In the past, the IRO Office sent all the staff, including the administrative assistant, because the City was seeking the NACOLE Conference in Albuquerque. The 2016 Conference will be in Albuquerque, which makes it more important that all the staff attend, since we are hosts for the event.

Please let all of us know as soon as your office has approved this training for the CPOA Office staff, so that we can get them registered within the early registration discount period.

Please feel free to call me with any questions. Thanks very much, -Beth

Beth A. Mohr  
Albuquerque Police Oversight Board  
Chair, Personnel Subcommittee

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

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M007037



**Many Roads to Reform**  
**21<sup>st</sup> Annual NACOLE Conference**  
**Riverside, California**  
**October 4 – 8, 2015**

**DAILY SCHEDULE\***

**Sunday, October 4<sup>th</sup>**

2:00 p.m. – 4:00 p.m.	New Member, First-Time Attendee, and Mentor Program Open House
6:00 p.m. – 8:00 p.m.	Opening Reception at the Riverside County Superior Courthouse

**Monday, October 5<sup>th</sup>**

9:00 a.m. – 9:15 a.m.	Welcoming Remarks	
9:15 a.m. – 10:30 a.m.	<i>The History of the Riverside Community Police Review Commission</i>	
10:45 a.m. – 12:15 p.m.	<i>Many Roads to Reform</i>	
12:30 p.m. – 1:30 p.m.	Lunch on Your Own	
	<b>Current &amp; Emerging Issues (Concurrent Session)</b>	<b>Current &amp; Emerging Issues (Concurrent Session)</b>
1:30 p.m.- 3:00 p.m.	Part I: <i>Racial Reconciliation, Truth-Telling, and Police Legitimacy</i>	<i>Expanding and Strengthening Oversight in Jails and Prisons</i>
3:15 p.m. – 4:45 p.m.	Part II: <i>Building a Roadmap to Community Trust</i>	<i>Prosecuting Police Misconduct</i>
6:30 p.m. – 8:30 p.m.	NACOLE Annual Conference Scholarship Fundraising Dinner (Additional Ticket Required)	

**Tuesday, October 6<sup>th</sup>**

	<b>Beginner/Intermediate Track (Concurrent Session)</b>	<b>Advanced Track (Concurrent Session)</b>	<b>Current &amp; Emerging Issues (Concurrent Session)</b>
8:30 a.m. – 10:00 a.m.	<i>Effective Boards &amp; Commissions</i>	<i>Police Tactics</i>	<i>International Perspectives in Oversight</i>
10:15 a.m. – 11:45 a.m.	<i>Civilian Oversight's Past, Present &amp; Future: A Discussion with Southern California Chiefs of Police</i>		
12:00 p.m. – 1:30 p.m.	Keynote Luncheon and NACOLE Awards Ceremony: <i>Vanita Gupta, Principal Deputy Assistant Attorney General and head of Civil Rights at the U.S. Department of Justice</i>		

1:45 p.m. – 3:15 p.m.	<i>Community Engagement for Oversight Agencies: Why It Matters and How to do it Right</i>	<i>Effective Evaluation of Officer-Involved Shootings</i>	<i>Police Use of Emerging Technology: The Implications for Oversight</i>
3:30 p.m. – 5:00 p.m.	<i>Legal Updates</i>	<i>Early Intervention Systems in Law Enforcement: Using Research and Experience to Guide Practice</i>	<i>Strategies for Conducting Systemic Oversight Investigations</i>

### Wednesday, October 7<sup>th</sup>

	<b>Beginner/Intermediate Track (Concurrent Session)</b>	<b>Advanced Track (Concurrent Session)</b>	<b>Current &amp; Emerging Issues (Concurrent Session)</b>
8:30 a.m. – 10:00 a.m.	<i>Assessing the Credibility of Witnesses</i>	<i>Part I: Using Transparency and Open Data to Enhance Accountability</i>	<i>Developing Inclusive LGBTQ Policies &amp; Practices</i>
10:15 a.m. – 11:45 a.m.	<i>Investigating and Prosecuting Non-Fatal Force Complaints</i>	<i>Part II: Using Data to Challenge and Change Police Policy</i>	<i>The Justice System and Mental Health Issues</i>
12:00 p.m. – 1:00 p.m.	Lunch on Your Own		
1:15 p.m. – 2:45 p.m.	<i>What You Should Know About the Search and Seizure of Persons</i>	<i>Implicit Bias</i>	<i>Civilian Oversight and Community Participation and Representation</i>
3:00 p.m. – 5:00 p.m.	NACOLE Annual Membership Meeting and Elections		
6:30 p.m. – 8:30 p.m.	NACOLE's Annual Sankofa Reception at the Mission Inn Hotel & Spa		

### Thursday, October 8<sup>th</sup>

	<b>Current &amp; Emerging Issues (Concurrent Session)</b>	<b>Current &amp; Emerging Issues (Concurrent Session)</b>
8:30 a.m. – 10:00 a.m.	<i>Body-Worn Video Cameras: Finding Common Ground for Both Communities and Law Enforcement</i>	<i>The Role of De-Escalation in the Citizen-Police Encounter</i>
10:15 a.m. – 11:45 a.m.	<i>Developing Issues for Law Enforcement and Civilian Oversight</i>	
12:00 p.m.	Closing Remarks	

\*This schedule is subject to change.

From: NACOLE Director of Training & Education  
To: Joanne Eric  
Subject: NACOLE Weekly Digest  
Date: Friday, July 03, 2015 7:15:30 AM

July 2, 2015

[View this email in your browser.](#)

# The NACOLE Digest

News and events in civilian oversight and police accountability.

## In this Edition...

- Welcome to the new NACOLE Digest!
- NACOLE submits public comment to the U.S. Commission on Civil Rights
- A Call for Papers
- Register for the 21st Annual Conference
- Community oversight in Utah
- Police technology and civil rights
- Summer edition of the NACOLE Review

## Welcome to the new NACOLE Digest!

Since 1995, NACOLE has worked hard to bring you information about civilian oversight. Recently, we have significantly expanded the amount and types of information.

We are conscious of the fact that our emails are just one of the many you receive daily in your inbox. Our new e-digest format will offer regular, user-friendly information that won't clog your inbox.

The Digest will not replace the articles, insights, or updates published in the NACOLE Review or posted on the NACOLE Listserv. The Digest is yet another resource provided by NACOLE to get the latest news in civilian oversight and police accountability, updates and events, and information on training across the nation.

If you have an event or information you wish to be considered for inclusion in the digest, please email [mcellhiney@nacole.org](mailto:mcellhiney@nacole.org). We will make every effort to include as much of the information submitted to us as possible.

## CONNECT WITH US

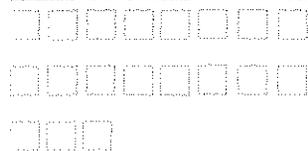
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Tucson, AZ 85754

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## SHARE THIS EMAIL



## ABOUT NACOLE

Established in 1995, NACOLE is a nonprofit organization of law enforcement oversight agencies and practitioners and others that works to enhance accountability and transparency in policing and build community trust through civilian oversight.

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## **NACOLE Submits Public Comment to the U.S. Commission on Civil Rights**

On June 19, 2015, NACOLE submitted public comment to the U.S. Commission on Civil Rights for its Briefing on Police Practices and Use of Force, held on April 20, 2015 in New York City. The briefing was a chance for the Commission to hear from experts concerning current police tactics, training, and field implementation to help identify practices that could avoid deadly confrontations. To download NACOLE's public comment, please click [HERE](#).

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## **A Call for Papers**

### **Is there a Solution?: The Crisis of Race and the Inequality of the Criminal Justice System**

The Journal of Civil Rights and Economic Development and the Ronald H. Brown Center for Civil Rights and Economic Development invite submission of traditional law review articles and shorter essays and commentaries on what many consider to be the greatest civil rights crisis of our time.

For the full announcement, please click [HERE](#).

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## **Register now for the 21st Annual Conference**

The deadline for early registration is **JULY 31st**. Register now to receive the discounted rate and guarantee your spot at our 21st Annual Conference in Riverside, California. For more details, visit the NACOLE website.

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## **Community oversight in Utah**

Earlier this month, the ACLU of Utah brought together approximately 30 state legislators, police chiefs from throughout Utah and experts such as NACOLE Board Member and Independent Monitor of the Denver Police and Sheriff Department, Nicholas Mitchell and Rick Rasmussen, Salt Lake City Civilian Review Board's Investigator and Administrator to discuss the possibility

of implementing oversight throughout the state. Although the idea was met with some skepticism, it was generally well accepted and experts were able to provide valuable information to those in attendance.

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## **Police technology and civil rights**

On May 19, 2015, NACOLE Board Member Christian Klossner participated in a discussion exploring the issues surrounding body worn cameras and how we can better understand communities' interests and concerns surrounding their use. In addition to his participation, Mr. Klossner provided examples from the District of Columbia's Office of Police Complaints and Denver's Office of the Independent Monitor of how to monitor policy compliance and the kind of analysis that each police department should be doing when it comes to police technology.

For a write-up of the event and related documents please visit the following link: [Police Technology and Civil Rights Roundtable](#).

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## **Summer edition of the NACOLE Review now available**

The Summer Edition of the NACOLE Review is now available. In addition to articles exploring topics such as body-worn cameras and effective community involvement, this is our annual conference edition. It features articles and information about our Keynote Speaker, Vanita Gupta, Principal Deputy Assistant Attorney General and head of Civil Rights at the U.S. Department of Justice; our host city Riverside, California; the current schedule; and hotel and other information.

To download your copy today, please click [HERE](#).

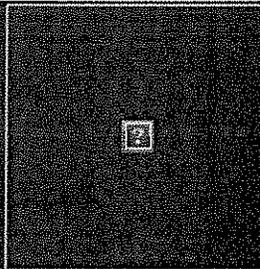
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**From:** Beth Mohr  
**To:** POB; Mark T. Baker; Hammer, Robin; Skotchdopole, Paul A.; Contreras, Michelle; Davidson, Christopher; McDermott, Diane L.; O'Neil, Erin; Hernandez, Jessica M.; Zaman, Jon K.  
**Subject:** NACOLE is coming to ABQ in 2016  
**Date:** Friday, June 26, 2015 12:58:36 PM

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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:** Silvio Dell'Angela  
**To:** Edén, Gordon  
**Cc:** Mayor Berry; pmrinc@mac.com; POB; rbrowman@abqjournal.com; nperez@abqjournal.com; info@nmfog.org; theeyeonalbuquerque@gmail.com; Monahan, Joe; Jeff Proctor KRQE; Peter Cyr; KOAT; Channel 13 News Desk; KOB TV; Editor Free ABQ; freedomnewmexico@gmail.com; Dennis f. Domrzalski; Caleb James; ezucco@kob.com; Ryan Luby; Caleb James; Chris McKee; Tixler, Tanner M.; Hernandez, Jessica M.  
**Subject:** NM IPRA Request  
**Date:** Thursday, October 01, 2015 12:17:53 PM

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Chief Edén

Info to others shown and not shown including our Councilors

IAW the NM Inspection of Public Records Act, request the opportunity to review all of the video and audio recordings of the latest shooting reported in the Journal article below.

Please copy Dr. Ginger and the media shown as CC addressees. I would assume that Ginger and the media would also want to see and hear the recordings.

Thank you

Silvio  
For WE THE PEOPLE

Also see:

<http://www.abqjournal.com/362416/news/officer-fired-eight-shots-at-fleeing-suspect.html>  
<http://www.abqjournal.com/296967/news/apd-chief-carjacking-suspect-was-armed-but-didnt-fire.html>

The first journal article discusses trigger-happy APD shooter Brian Pitzer while the second includes statement by interim Chief Banks who had said to KOAT in an earlier 2013 report that it was acceptable for police officers to lie to protect themselves. I assume the videos will prove that the officers didn't lie when saying the fleeing suspect was pointing a gun at them.

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### Carjacking suspect shot at by officer gives SWAT team the slip

Albuquerque police search for a suspect near San Pedro and Karlson NE Wednesday morning. (Roberto E. Rosales/Journal)By Robert Browman And Nicole Perez / Journal Staff Writers

Published: Wednesday, September 30th, 2015 at 11:16am Updated: Wednesday, September 30th, 2015 at 10:31pm

*Kat Ramos heard it before she saw it. Bang! Bang! Bang! Bang! Bang! Then screeching tires. A car came barreling toward her, narrowly missing her son, who was playing with Legos on the sidewalk. She had just witnessed the Albuquerque Police Department's latest officer-involved*

shooting. Police say an APD officer opened fire at a carjacking suspect who was fleeing down Ramos' block in a car Wednesday morning. The suspect, who police said pointed a handgun at the officer, sped away and drove to a mobile home park in the Northeast Heights. SWAT officers worked throughout the day at the mobile home park to try to find the suspect and arrest him, only to find he wasn't there Wednesday night. The incident began when officers were called to Española and Grand NE around 10 a.m. after a security company gave them GPS data on a car that had been carjacked from a woman, said officer Tanner Tixier, an APD spokesman. Police Chief Gorden Eden said that when officers arrived at the scene, they took two suspects into custody, but that a third suspect jumped into a stolen vehicle and fled. "As the suspect fled the scene, he pointed the gun at one of our officers, who shot at the suspect an unknown number of times," Eden said. Tixier said he didn't know whether the suspect was struck by the gunfire. Eden didn't name the officer who fired but said he wasn't injured in the shooting and would be placed on paid administrative leave, as is standard in police shootings. Although shooting at a moving car is a violation of APD's policies, Eden said the officer had perceived a threat to his safety. "The person, while he was in a vehicle, pointed a firearm at the officer," Eden said. "The officer perceived a threat and responded according to this training." Ramos said she was drinking coffee with her neighbor and saw about six police cars in front of a house about a block down her street. Officers started making announcements over a loudspeaker. Then, she said, she saw a gray sedan weave through the police cars and speed down the street. An officer walking on the east side of the street raised his gun and pointed it at the car, which was fleeing ahead of him, Ramos said. Then she heard five shots. "The cop just opened fire, trying to take him out," she said. She said she couldn't see whether the suspect pointed a gun at the officer but said officers told her he did. Shannon O'Neil, who lives nearby, said he heard five shots, went outside and heard an older officer tell the other officers that he had missed the suspect. "He said something to the effect of,

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** Never let a serious crisis go to waste-Chicago's disgraceful Mayor Rahm Emanuel's-now Berry's likely strategy  
**Date:** Thursday, October 29, 2015 9:26:52 PM  
**Attachments:** [10-28-2015EYE.doc](#)  
[10-27,28-15Joe.doc](#)  
[APOA-Willoughby.doc](#)  
[10-23&25-2015 PROPAGANDA.doc](#)

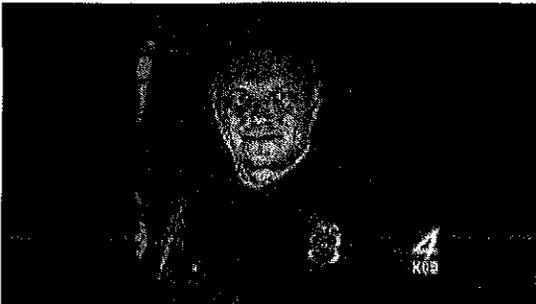
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**TO: ALL**

(DOJ-please pass to Loretta Lynch)

**DANIEL WEBSTER-ALL OUR SORROW IN HIS PASSING**

I asked often in my past e-mails to please pray for the recovery of a good cop and former 20 year Army Ranger, combat veteran-Daniel Webster. We lost this good cop today and all of the city is grieving. See <http://www.kob.com/article/stories/S3945490.shtml?cat=500#.VjKundKrTDc>. Thanks also to the good doctors at UNMH who worked hard to try to save him.



The gesture by a former fellow Vietnam vet yesterday to give Daniel one of his Bronze Stars showed the high respect he and we all had for Daniel. I'm sure the rest of us would also have willingly donated our own awarded Bronze Star for our wartime service to that good cop.

**MORE PRO-BERRY JOURNAL PROPAGANDA TODAY**

The danger now is to allow Berry, Perry and Eden and APD's corrupt command staff to go back to their good old days of "them vs. us" police training and shoot first and ask questions later. Why are we not surprised with yet another reported Photo-Op arranged by Berry put on the front page of today's Journal, "*Mayor, police gathers as Webster battles for his life.*" See <http://www.abqjournal.com/667281/news/officer-webster-battles-for-his-life.html>.

The Journal's editor Kent Walz was more than glad to accommodate him. The 10-27 blog posting by Joe Monahan at <http://joemonahansnewmexico.blogspot.com/> says when properly criticizing the Journal said, "*Its editor enjoys the title "Deputy Mayor" from those in the know. The Journal has become a newspaper, dedicated to its propaganda." The ABQ Journal never seems to mention Berry's name when reporting a negative story.*" In my earlier e-mails, I was less kind to Walz who I compared to Hitler's propaganda minister Joseph Goebbels. See the October 23 Journal article and later October 25 editorial in the Journal attached with my comments to both. Walz and his propaganda crew must think we readers are morons.

M007047

### JUST POLICE LIVES MATTER?

Isn't it more than interesting that in the midst of the APD bloodbath on citizens-first under Schultz and then Eden, not once did Berry ever mention these police murders of citizens during any one of his annual state of the city addresses or expressed any remorse for their killings. When homeless camper James Boyd was murdered by Eden's cops Perez and Sandy that was captured in a likely inadvertently released helmet recording, Berry would claim that this shooting was now "a game changer." What he meant was that former Chief's Schultz's blessed by Berry policy of stonewalling NM IPRA requests for incriminating video will be continued and the oppressive blue code of silence will be demanded of all officers at all cost. Honest officers rightly feared for their careers if they exposed the sanctioned lying within APD. Boyd's murder was the first and only time a APD recording showing the actual shooting was ever released and APD's IPRA stonewalling people like Reynaldo Chavez would again be told to ignore our State law the NM IPRA and make sure no other incriminating recordings are released. When Eden tried to make Chavez his scapegoat for the criticism of his IPRA stonewalling policy, Eden fired him. Chavez then spilled his guts including saying how he was directed to cover up the murder of Mary Han.

Both Joe Monahan and I are not alone in damning the Journal-particularly its editorials as nothing but a propaganda vehicle for Berry and the culture of corruption that has become even worse here since he was elected in 2009. Also see <http://civicpolicy.com/journalwatch/?p=7560&cpage=1#comment-12704> "Falsifying The News-Albuquerque Journal Watch I have often referred you readers to the honest reporting and analysis in Joe Monahan's blog, in the Eye on Albuquerque's blog <http://eyeonalbuquerque.blogspot.com/>, the ABQ Free Press newspaper at [www.freeabq.com](http://www.freeabq.com) and other news outlets. The Eye's latest blog today memorialized Officer Webster while yesterday's and Joe Monahan's October 27 and 28 postings that are attached tell more of the truth about APD's cesspool..

### RAHM'S RULE-GUIDANCE

Now with the same day deaths of Lilly Garcia in a road rage where blame was never but should be placed on her father as well as the boomerang criminal, and then the shooting of officer Webster, Berry's advisors told him to follow the advice to all corrupt politicians by former Obama Chief of Staff Rahm Emanuel. While working for our President Rahm would tell him, "You never let a serious crisis go to waste."

That's exactly what Berry is doing now and what Emanuel is doing now as the Mayor of Chicago. Earlier this month Rahm would begin by claiming that all his Chicago killer cops are now in a "fetal position." See <http://www.abqjournal.com/658941/news/chicago-mayor-cops-now-fetal.html>. This corrupt politician intentionally fails to mention that his cops' shootings and other acts of excessive force against citizens are finally now being questioned.

Rahm wants the public to allow his cops to shoot first and ask questions later like Eden, Perry and Berry also now desires here. None of our City leaders including our thus far apathetic Councilors are willing to believe Berry, Eden and the corrupt Command staff are the problem. They are more preoccupied with feathering their own nests.

In addition to throwing unjustified retention money at Eden's senior officers, Berry thinks the time is now right for the NM legislators to allowing double dipping that Berry claims will stop the mass exodus of the good APD cops. He thinks we are fools. That's NOT the reason why cops are leaving APD in numbers.

**WE NOW KNOW THAT THOSE IN THE DOJ NOT OUR SAVIORS BUT WANT TO BLAME OTHERS LIKE US AND THE MEDIA**

While we have looked to the DOJ to help us clean up the cesspool in APD beginning with Mayor Berry, new US Attorney General Loretta Lynch made it clear in her early October public comments that she is firmly in the camp of police forces throughout the US and the police chiefs are her advisors. Unless a black citizen is murdered by the police, she seemingly doesn't care. See <http://readersupportednews.org/news-section2/318-66/32732-loretta-lynch-government-shouldnt-require-reports-of-people-killed-by-police>

In Wednesday's Journal article Loretta Lynch would echo this misguided and dangerous policy at a recent International Association of Police Chiefs Conference held in Rahm's corrupt Chicago saying she is depending on these Police Chiefs to advise her what to do. This is essentially nothing except go back to the good old days. She would also parrot her President's claims that none of the cops are to blame but it's the media who is now daring to report their unjustified shootings and other use of excessive force.

**STILL "THEM AGAINST US" HERE**

President Obama also at the Chicago Chief's conference would claim that the media should stop saying that cops believe "it's them against us." Really? Yet see my August 20 2013 comments to the memo sent out-likely written by APOA president Shaun Willoughby attached that tells the rank and file to remember that it indeed "them against us."

**MONDAY'S COUNCIL MEETING**

Once again, none of the Councilors will have the guts to ask Eden or Perry why APD is not complying with our State law-the NM IPRA and release the recordings of cop shootings and other likely incriminating information requested. As they know, Eden and Berry's attorney Jessica Hernandez two of the Governor's throwaways have been defying my latest October 1 IPRA request to see the videos of APD's illegal shooting at a fleeing suspect in his car.

See another example of this titled, "[A Prosecutor's Guide To Not Prosecuting A Cop who Killed Someone-Six easy steps to decide that an officer who shot an unarmed teen shouldn't be punished.](http://www.huffingtonpost.com/entry/police-prosecutions-zachary-hammond_562fee51e4b00aa54a4bb834?utm_hp_ref=politics)" at [http://www.huffingtonpost.com/entry/police-prosecutions-zachary-hammond\\_562fee51e4b00aa54a4bb834?utm\\_hp\\_ref=politics](http://www.huffingtonpost.com/entry/police-prosecutions-zachary-hammond_562fee51e4b00aa54a4bb834?utm_hp_ref=politics) -

Will Council President Garduno who only seems preoccupied with sponsoring meaningless and often hateful resolutions ever allow me to show my US Flag upside down even though he knows it is NOT a mere banned banner but a US Flag Code sign of a people in distress? We in this City are in distress! I doubt is as like Berry, President Garduno also seems to have no qualms lying to people.

After telling me many months ago that now as the Council President, I would now be able to display it upside down, when I did so. He then directed that it be taken away from me after his fellow P.C buddy Councilor Ken Sanchez objected to it being shown. He also allowed a misinformed alleged former vet to ridicule me publicly at the meeting saying showing this upside down flag was a UCMJ Court Martial offense.

At last night's Presidential debate, one candidate said that one thing that he can NEVER forgive is someone lying to him. I'll never forgive or forget the Council President lying to me as well. Good riddance.

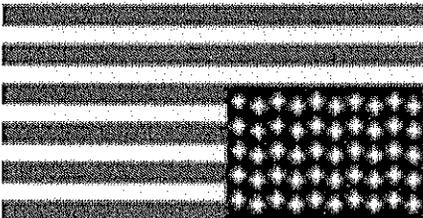
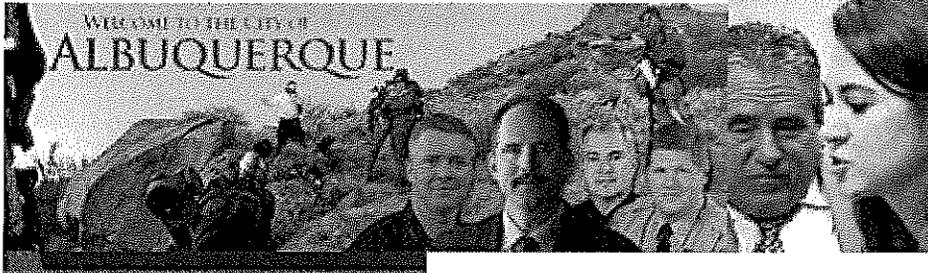
**THE NOVEMBER 5 COMMUNITY MEETING WITH JAMES GINGER AND THE DOJ**

See the attached image providing details of the November 5 meeting at the Sheraton Uptown with toothless APD reform monitor James Ginger and the DOJ.

Why is APD's leadership, the Mayor's attorney Jessica Hernandez and the APOA President who have all been obstructionists to APD reform being invited to this community meeting as this is blatantly disrespectful to we citizens who show up? Are they there to answer the questions Dr. Ginger can't? It's disgraceful to all Ms. Gibson. Why not invite US Attorney General Loretta Lynch to personally hear what we say?

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

## When Does It End?

The recent murder of innocent four year old girl Lilly Garcia and the shooting of Officer Daniel Webster has left our community in a state of shock, and once again put Albuquerque in the national lime light.

We at the EYE were disgusted by the quick reaction of the politicians. Chief Eden asking on local news, what is going on in New Mexico? Mayor Berry asking state lawmakers to make changes to grow the Police Department and keep violent felons in jail (reported in Journal ).

Let's looks at these two politicians. As reported in ABQ Free Press, Mayor Berry was asked why The Albuquerque Police Department is having problems retaining Officers. Berry responded that Officer retention is a problem across the state. The Free Press investigated and found that most Police Departments in New Mexico are staffed at 95% or better (a Berry lie). When the ABQ Free Press asked for an explanation from Berry he and his staff refused to answer.

We at The Eye want everyone to understand that before Berry became Mayor he was one of those State Lawmakers making the laws we have now; No change in the laws is going to bring cops back to

The Albuquerque Police Department for the simple reason they don't trust Berry or Eden and want no part of your failure and non leadership.

**You Mayor, you Chief, and past Chief have been responsible for the termination of good officers just in an attempt to make you politicians look good in the media. The Officers can't know if they are going to be the next victim of your politics, not to mention they have cameras that do not work, can't count on their pay check being the same from week to week, or if their money is going to be stolen by the top brass for bonuses for their already fat salary ( ALIBI).**

Chief Eden it is not a problem with New Mexico, it is a problem with Albuquerque. We at the EYE would like you to know where was Officer Webster's back up? Oh that's right you have no cops, and no way of getting anymore. **Chief you are a politician and all you want to do is shift the blame to someone else. The Officers both past and present look at an empty suit and empty uniform with Disgust!**

We at The EYE are proud of The Citizens of Albuquerque how they have come together to help the families of these tragedies. **We have good people in a good city run by incompetent politicians that all they can offer is lies and alibi and unfortunately these tragedies will continue.**

God bless and keep Lilly Garcia and Officer Daniel Webster in your prayers.

Posted by [Stealth](#) at 10/28/2015 05:22:00 AM No comments:  [Links to this post](#)  
Labels: [Albuquerque](#), [APD](#), [Gorden Eden](#), [richard berry](#), [tragedy](#)

Joe Monahan

Wednesday, October 28, 2015

**The Missing Word In ABQ's Crime Dilemma, Plus: Guv's Machine And City Hall, Also: The Econ Beat, Baca Blasts Back And Turnout Talk**

Whatever happened to rehabilitation? Has the word ever left the lips of Gov. Martinez Mayor Berry or APD Chief Eden? Amid the city's latest violent crime outbreak cries of "lock 'em up and throw away the key!" dominate the debate. But you can't keep them locked up forever. Santa Fe defense attorney John Day comes with this on perhaps the most neglected aspect of the New Mexico crime dilemma: *Day said it is impossible to lock everyone up forever, and believes prisons need to make sure they're doing everything they can to prepare inmates for their return to freedom. He questioned if prisons are doing enough to rehabilitate and address the underlying issues so that when convicts get out of prison, they do not return to criminal activity.* Fiscal conservatives recoil when they hear that New Mexico needs "massive" investment to resolve its crime and education crisis. But a 4 year old shot dead on the freeway and police officers being gunned down like sitting ducks just might make some of them rethink their position. Isn't rehabilitation—a word that in this environment seems downright foreign and a throwback to another era--worth a better try, along with proper punishment?

**HOW IT WORKS**

We took Mayor Berry's call for legislative action in light of the slaying of 4 year old Lilly Garcia and the shooting of APD Officer Webster as a thinly veiled launch of the GOP campaign to try to take over the Dem-controlled state Senate next year.

Michael Corwin, a longtime observer (and critic) of the Guv's political machine, says that analysis was a no-brainer: *There is little doubt as to why Mayor Berry chose to launch a political attack on the Legislature rather than try to develop and implement a plan to turn Albuquerque around following the dual tragedies. Berry, like Gov. Martinez, is attached by the umbilical cord to political consultant (and Machine head) Jay McCleskey. McCleskey has cross-pollinated both administrations to the point where messaging and actions are one. Want proof?*

*Jessica Hernandez, Martinez's chief legal counsel and deputy chief of staff has become Berry's legal adviser, although technically she is supposed to serve as the city's attorney. APD Chief Gordon Eden was serving as Martinez's director of public safety, until what in baseball terms is described as a double steal, where Edén despite having no police department experience, was tapped by Berry to head APD, making room for Greg Fouratt, a Martinez advisor on judicial selections and at the time the director of litigation at the US Attorney's office, to become Martinez's new director of public safety. No one else was considered for the position of public safety director. **Without ample coordination such moves do not happen. McCleskey, for better or worse, yields significant sway over both the mayor's office and the governor's office, so much so, that both offices, have merged into a full time coordinated campaign operation, whose interests lie solely in making money for a selected few and advancing political careers and agendas.** It may be working politically but in terms of improving the*

state and city? Not so much. *Interested in reaching New Mexico's most informed audience? Advertise here.*

**Tuesday, October 27, 2015**

## **The Economy And Crime Still The Sore Spots; Forbes Highlights The Link, Plus: More Crime Crisis Coverage As Readers Take On Media And The Democrats, And: Time For The Best Things About ABQ**

The economic spinners for the Republican administrations--Jon Barela in Santa Fe and Gary Oppedahl in ABQ--continue to claim that New Mexico's business climate is now highly attractive because of changes implemented by Governor Martinez and ABQ Mayor Berry. But their assertion is simply not true. Forbes Magazine is a pro-business publication if there ever was one. In its 2015 rankings of the "The Best and Worst States to Do Business" **New Mexico ranks among the worst states in the nation for business, coming in a dismal 47th.** Here's why, says Forbes:

*Oil & gas production, tourism and the federal government drive New Mexico's economy. Federal technology labs, Los Alamos National Laboratory and Sandia National Laboratories, are two of the largest employers in the state. New Mexico ranks in the bottom six overall for a third straight year largely due to a weak labor supply and lousy current economic climate. New Mexico has the worst employment growth in the U.S. over the past five years. The state also fares poorly on quality of life metrics, a product of comparatively low school test scores and high crime* And Forbes repeated that stab to the New Mexico heart, noting that we had a net outmigration of 11,500 people in 2014.

Notice how Forbes lists "high crime" as a reason this has become a lousy place to do business. So, you see, Mayor and Governor, **it's not only yer little 'ol blog that is saying this truth, it's your business friends of the highest order.** A massive investment is needed in crime fighting and education if the state is going to pull itself up the ladder. But you already knew that. . . More on this now from an Alligator who on Monday attended the University of New Mexico's economic development summit:

*How will Gov. Martinez and Mayor Berry deflect these numbers? UNM held its second economic development conference about creating a "rainforest" for business growth. **Martinez Chief of Staff Keith Gardner spoke and blamed the same people the administration has been blaming for 5 years--Congress, the federal government, etc... There were lots of claims that Martinez and Berry were completely engaged in economic development but they didn't show up for this crucial meeting. They aren't engaged, they're negligent** The Governor is in Hawaii this week raising money for the GOP.*

### **BLOOD ON THE STREETS**

When there's literally blood on the streets--and, boy, has that been the case in ABQ lately--the hits come for anyone directly or indirectly involved. That includes the media. From the email: **The most befuddling part of it is the media. They are all on the Mayor Berry bandwagon and as interested in protecting him and promoting his interests as he is. The ABQ Journal never seems to mention Berry's name when reporting a negative story. Its editor enjoys the title "Deputy Mayor" from those in the know. The Journal has become a newspaper, dedicated to its propaganda. TV news is appalling and all about making money. It supports the "status quo" and can't risk offending advertisers.**

However, the national media is reporting the truth. Look at the New Yorker, Rolling Stone and LA Times articles. Compare them to the crap we get here. The intrepid Dan Klein, a retired APD sergeant and a frequent blog contributor, says he has some very specific questions for the media to ask Mayor Berry:

1. Officers began leaving Albuquerque in great numbers starting in 2011. This was after Berry voided the contract raises, reduced officers' salaries and ended the retention bonus program (city audit in 2012 showed 133 officers were in this program and left when it ended). All of this before the legislature even began debating changes to PERA. Albuquerque and the APD police union have been at odds for years over the contract and the lawsuit over that voided contract.

**On October 19 City Councilor Ken Sanchez was going to sponsor a bill to provide Berry the money he needs to settle the police contract and lawsuit. Instead of accepting it and settling, Berry tells Sanchez it's none of his business and all the GOP councilors back Berry. The money disappears and we still have a huge labor dispute. Here is the question for Berry:**

Before you point fingers at the Legislature and demand that the entire state be on the hook for APD manning issues (double dipping), shouldn't you settle your contract dispute with the APOA? If settled before Thanksgiving the city can stop a number of retirements that are slated for the end of the year.

2. The District Attorney pointed out that the new Supreme Court rule, requiring indictments within 10 days (if the offender is in custody) is almost impossible for her office to comply. Why? Because APD doesn't staff enough people in their crime lab and their court discovery unit to process the requests in a timely manner.

Remember why the Supreme Court made this rule, **APD left 3 innocent men to languish in jail (18 months for two and 30 months for the other). DNA evidence excluded all three from the crimes they were accused of, but APD didn't report this because Discovery was not in effect.** This is why we have a Constitution. Don't toss it out just because Berry refuses to staff court services and the crime lab with enough employees to do the job. So here is the next question:

**Instead of pointing a finger at the Supreme Court rule which simply protects an innocent citizen from being incarcerated for long periods of time, why doesn't Berry adequately staff and fund the APD Crime Lab and Court Discovery Unit so that these items are processed and handed to defense attorneys and the District Attorney within the 10 day time period? Instead of pointing fingers and demanding a change of Constitutional law why not fix what you have the ability to fix? Fully staff and fund the APD Crime Lab and Court Discovery Unit!**

This is the home of New Mexico politics.

E-mail your news and comments. ([jmonahan@ix.netcom.com](mailto:jmonahan@ix.netcom.com))

## LATEST PRO-BERRY JOURNAL PROPAGANDA WITH MY COMMENTS HIGHLIGHTED

***Journal Editorial: "Officers' lives are always at stake to protect the public"***  
***by Albuquerque Journal Editorial Board Sunday, October 25th, 2015 at 12:02am***

Some extracts along with my comments

***"Even before this seemingly open season on police officers, NOT TRUE HERE OR ELSEWHERE IN THE US-see www.freeabq report on this. There is NO war on cops!***

***"APD was already short handed and working under Department of Justice oversight after the feds concluded the department had a pattern and practice of using excessive force. Those reforms will take time. Still, a vocal group of community activists tends to be quick to condemn officers on the occasions when they do fire their weapons and generally silent when they are victims. A lie. We all care for all fallen officers as well. Why won't the Journal or Councilors ever ask why Berry, Perry, Eden and others why they are not releasing the recordings of all their shootings? The only exception was the one helmet video of their murder of James Boyd. Why won't the DOJ or toothless "monitors" in PMR inc. ask?***

**Not surprisingly Berry's propagandists on the editorial board intentionally omitted APD's own Lt. Greg Brachle's shooting of fellow cop Jacob Grant that Berry and his personal attorney Jessica Hernandez are now trying to justify. Grant is now suing.**

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**In response to this editorial, former APD cop Dan Klein wrote "*Please don't forget Albuquerque Police Detective Jacob Grant, who was gravely injured during a drug investigation in January 2015. Not sure how the Journal Editors forgot to include him. All cops lives matter.*" Yes-not only Grant's but all citizens' lives matter as well.**

## **MORE BERRY PROPAGANDA-TRANSFERRING THE BLAME FROM HIMSELF**

### **Emotional Berry urges lawmakers to take action**

By Dan McKay / Journal Staff Writer Published: Friday, October 23rd, 2015 at 5:23pm

Extracts from it-again with my comments

Berry paused repeatedly to compose himself as he spoke to reporters in a City Hall conference room. "I've seen one too many officers ???? wheeled down the hallway on a bloody gurney," the mayor said. "I'm tired of it." A BLATANT LIE MR. MAYOR. "TOO MANY OFFICERS?" HOW ABOUT "TOO MANY CITIZENS WHEELED DOWN THE HALLWAY ON A BLOODY GURNEY?"

Changes to the state pension plan to encourage retired officers to return to work. **INSULTING SUGGESTION THAT IGNORES THE REAL PROBLEM IS HIM, EDEN AND HIS COMMAND STAFF**

The victims and their families "have all been let down by a system that's got some holes in it," the Mayor said, "so let's get them fixed." **AGAIN FAILS TO BLAME HIMSELF. FACT-NOT ONCE DURING ANY OF HIS PRESS CONFERENCES DID BERRY EVER MENTION-MUCH LESS EXPRESSED REMORSE FOR THOSE RECOD NUMBERS KILLED BY SCHULTZ'S AND NOW EDEN'S COPS**

This is a great town full of great people." **UNFORTUNATELY BERRY, PERRY, EDEN AND EDEN'S CORRUPT COMMAND STAFF ARE NOT AMONG OUR GREAT PEOPLE HERE.**

"I didn't come here to point fingers," he said. **REALLY? HE BLAMES EVERYBODY BUT HIMSELF**

"We can't let the pain of these last few days fade away," the Republican mayor said. **THE PAIN STARTED HERE WITH BERRY'S ELECTION IN 2009 AND HIS THEN BLESSED APD KILLING SPREE OF CITIZENS UNDER SCHULTZ AND NOW EDEN, THE WITHHOLDING OF ALL INCRIMINATING APD RECORDINGS AND MANY MILLIONS OF OUR TAX DOLLARS PAID OUT IN LAWSUITS.**

The mayor said he had used some "language I can't repeat" in recent discussion with lawmakers. "We're going to have to pick our poison," he said. "Do you want officers or don't you?" **THIS BERRY "SOLUTION" INSULTS OUR INTELLIGENCE. THE REAL SOLUTION IS FIRST A CHANGE OF APD LEADERSHIP INCLUDING EDEN AND HIS COMMAND STAFF AND OUR NOW APATHETIC COUNCIL-NOT ALLOW DOUBLE DIPPING. THEN IN 2017 GETTING HIM AND HIS CORRUPT CRONIES LIKE PERRY AND HERNANDEZ AND OTHERS OUT OF PUBLIC OFFICE.**

The mayor estimated the city could bring back 100 to 150 officers if return-to-work legislation is passed. **NO AND UNJUSTIFIED.** He maintains it would not hurt the pension fund. **ANOTHER BERRY LIE-IT WOULD HURT THE FUND**

TO: POC and Task Force on August 20, 2013 by Silvio Dell'Angela-Stop Police Atrocities NOW!-SPAN

FYI is a recent appeal sent out to all APD union officers in response to a recent Eye on Albuquerque.com posting. It was sent out to all APD/APOA union members by Shaun Willoughby -the current APOA VP and its Political Action Committee Chairman. The disgraceful Shaun pretends that another APD officer authored it. It was directed against all honest officers and retired APD Sergeant mayoral candidate Paul Heh who dared break Schultz's and now Banks' oppressive blue code of silence on former Union President Joey Sigala's misuse of APOA dues. One honest officer recipient disgusted with Shaun's "it's us against them" appeal for all to shut up, leaked it to the "Eye" and TV reporter. Note the misuse of grammar and failure to proofread.

Prior to last night's 8/19 Council meeting new Chief Banks apparently asked a number of Councilors who are the willing enablers of police misconduct like Janice Arnold Jones, Trudy Jones and others to honor APD officers for some routine actions. Among the officers recognized was the Leah Kelly-Acata, the shooter of a young man downtown who was only cutting himself with a six inch round-tip butter spreader. The former Leah Kelly-now married, has also been the subject of numerous citizen public complaints (CPC) to the POC and because no recordings were made she was always exonerated. I pointed out to these councilors that they never bother to honor returning military vets who truly put their lives at risk. I am a Vietnam vet.

The disgusting letter from this disgraceful cop/union officer follows:

*Disappointed board member. said...Hello,*

*I would like to say this to all officers.I would first like to voice my displeasure at the comments here and at work by officers against the APOA and it's staff present and past.*

*Everyone wants to judge what we do here. I am sick of it. I am sick of hearing you needy complaining officers bash us, the department, the city and it's leadership. You are all worthless. We work hard at keeping stability and you all do nothing but attack the place and tear it down. You all are the reason for things falling apart. Don't cry about how your money is spent when you all never show up for union meetings.*

*We know who is speaking out against us and you will see. All of you air our dirty laundry. Laundry that should be kept in house. You all give the community ammunition against us. You should know better. This liberal retarded band of vengeful activists called Albuquerque makes me sick. You are no better than them. These bunch of uneducated subhuman animals that constantly attack us, march against us and sue us for no other reason than to fill their greedy pockets so that they can buy more drugs to smoke up and shiny rims for their ghetto rides.*

*You have lost sight of the big picture. We should be backing eachother. For your information, it is us against them! Do half of these so called citizens have jobs? Probably not. They probably have EBT cards though. These entitled lowlifes have the guts to insult us in our house? But you all attack the APOA? As for money being stolen, that should have been handled in-house. There was no reason\_ for that to get out. That was just plain stupid. Everyone here is angry and hateful. I will not standby and accept the trash talking just because we are not backing Paul. He should have left well enough alone. He decided to cross the blue line when he made complaint against a fellow board member. You don't turn on eachother. A rat is a rat. Period. Joey may have been a bonehead, but he was our bonehead. We could have taken care of it, but Paul had to be the hero and take the official route. This caused so much aggravation. Paul is also supported here. This is why we voted*

M007057

*not to support him. He betrayed us just as all of you shit talkers here do. You cry about representation. You don't deserve representation and he doesn't deserve support. Be happy you have jobs. If you don't like it, quit and join the jobless moochers called Vecinos United and the rest of the entitlement crowd sucking the city dry. Go join the crybabies and see if anyone cares. Just like all of you complainers, these worthless whiners will eventually lose interest when their circus loses it's followers.*

*In closing, I will say this, nothing is perfect and nobody said life was fair. Get over it! You all deserve what you get. Crybaby people constantly bitching about the police when they contribute nothing to society and cops who are snitches who sell out their own. Sleep in the bed you all made. We do our jobs. Shame is you all have no idea because you are never at a damn meeting.*

*Cheers!*

*August 18, 2013 at 4:57:00 PM MDT*

VICE-PRESIDENT-OFFICER SHAUN WILLOUGHBY

o Committees: Political Action Committee (Chair)

*I became a member of the Albuquerque Police Department in 2002. I have been a member of the Albuquerque Police Officers Association Executive Board for the past 4 years and held the position of CIB representative for 3 years prior to becoming the APOA Vice President in May of 2012. My primary goals in this first term is to bring the APOA to a more solid fiscal position by controlling spending and over hauling our By-Laws to protect the assets of the Association.*

*Second, I would like to see the APOA more proactive in the community, thus having a positive impact for the citizens we are sworn to protect.*

*Most importantly, I want to bring that sense of family back to this organization, I want our members to look upon this Association with prideful eyes knowing they have people they Trust in their corner when the time comes. Thank you for the honor and opportunity to serve those who devote their lives serving others.*

*Shaun T. Willoughby APOA Vice President*

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** New Mexico True-Duran, Perry, Rehm, Winter and more  
**Date:** Wednesday, September 30, 2015 3:57:15 PM  
**Attachments:** [9-29-15KOB-Rehm-Duran.doc](#)

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**ALL**

#### **SOS DURAN AND NM REPRESENTATIVE REHM**

Much has been written about our disgraceful Secretary of State Dianna Duran who our state legislators are wasting \$250,000 of our tax dollars to hire an attorney and meet to decide whether she is impeachable. Duh!

See Joe Monahan's commentaries on Duran and the whole mess in Santa Fe. Also see photos attached (Images 1 and 3) of Dianna "Lucky 7" Duran. She is another example of what "New Mexico True" stands for.

I have been critical not only of the many former cops in James Ginger's PMR Inc. APD reform toothless monitoring-"audit" team but the four ex cops in the new Police Oversight Agency who are evaluating their brothers in blue. Other former cops are in our State legislature like Bill Rehm, Paul Pacheco and others who are also seemingly doing their part to perpetuate the police state we have here.

Bill not only expressed support for making the very few cop killings here a hate crime but in last night's KOB report (copy attached) seems to be providing cover for Dianna Duran. See Bill Rehm comments to Stuart Dyson. Sounds like Bill is suggesting an alibi to fellow Republican Duran claiming the money she took was merely a loan. Really Bill?

#### **THUG PERRY**

Also reference my earlier e-mails of another disgraceful individual-Berry's thug CAO Rob Perry who like Duran (and Berry) also represents what "New Mexico True" stands for. In one e-mail, I referred to an article in the latest 9/23 ABQ Free Press by the honest now retired-now disgusted APD officer Dan Klein.

In it, Dan compares Perry to someone far worse than Mafia boss Al Capone. He also refers to Perry's Mafia-like APD "soldiers" that includes Eden and those in his command staff.

Perry, clearly one of the most corrupt and disgraceful members of our government appointees earns \$182,478,71/year now the highest paid in our City government. See photo attached (Image 4) of Perry.

Perry's history before coming here was not worthy of being hired-much less promoted from his former job as Berry's personal (not City) attorney to now our City's shadow Mayor. Berry like us obviously knew that as Secretary of the Department of Corrections, closed all prison law libraries

and promoted/defended the high rate of solitary confinement in NM prisons. The July 22, 2001 article *"Inmates do harder time"* by Steve Terrell in the Santa Fe New Mexican has some of that information on Perry.

Recently we were insulted with retention bonuses given to Eden's corrupt Command staff who were responsible for the bloodbath here first under Schultz and now under Eden. Most on the Council were afraid to challenge but just accepted the BS Perry was spouting to justify it after seeing their intimidating entrance into the Council chambers when the matter was discussed- something orchestrated by Perry.

Those murdered with the blessing of these APD Command staff soldiers of Mafia-like boss Perry included many homeless including James Boyd by killer cops Perez and Sandy and fellow Vietnam vet Vincent Wood with PTSD who was murdered by two officers in July 2013. Both Perez and Sandy claim they are receiving death threats.

Yet it's not surprising that APD is making little effort to find out if they are real. It's likely more APD BS/lies to justify moving their trial to Las Cruces.

While we saw clear evidence in a helmet video of Boyd's murder (while others were never released according to a Live Leak posting), the videos of Wood's murder were withheld from the public and his two killers were never charged. As Image 2 says being homeless is not a crime as APD would have us believe.

#### TEFLON BRAD WINTER AS A COUNCILOR

We were lied to by Berry when told that Perry just had to get a huge pay raise to keep him here as CAO because the Mortgage Finance Authority was going to give him their head job-a job for which Rob knowingly was never qualified for.

Insiders claim that it was Brad Winter's wife Nan who worked at the MFA who would claim that Perry was their first choice-a knowingly false statement but something Brad's "Emperor" Berry wanted in order to justify Perry's pay raise.

Like Berry, nothing seems to stick to Teflon Winter (one of the best reasons for passing term limits) as he is again being endorsed by the Berry Journal for re-election to his District 4 seat solely because of his long service.

Insiders believe he will not serve his full 4 year term if elected but retire and let Berry appoint an even worse Republican machine controlled successor to represent District 4.

Some believe Berry's other Council sycophant my Councilor Trudy Jones would do the same- retire before her four year term was up.

#### WINTER WHILE AT APS

It's not surprising that no blame was ever placed on Brad for the disgraceful situation at APS long before Valentino showed up. This included his stonewalling of NM IPRA requests exposing his fiscal irresponsibility.

Seemingly also ignored was the fact that Brad served for months there after his retirement to help in the transition of disgraced superintendent Luis Valentino to the Superintendent's job.

Brad was likely the one who recommended that Valentino hire APS's School Board's arrogant (*"How dare you criticize me?"*) President Don Duran's daughter to ensure the School Board's support. Another example of pay to play.

We are also asked to believe that Brad was hiding in a cave when Valentino's sex offender Martinez and the search firm's employee (who found Valentino) were hired. Also we are to believe that Brad had no influence in the selection of a mere caretaker Ms. Reedy as Valentino's replacement who conveniently decided to keep Don's daughter and the others and perpetuate the status quo.

How many more examples of "New Mexico True" can we stomach?

Silvio

For WE THE PEOPLE

Living in the land of hopelessness and apathy-a God forsaken State and City



**SOME OF OUR MAFIA-LIKE CITY LEADERS**

## Special committee member: Loophole in campaign finance law could weaken case against NM Secretary of State

*Created: 09/29/2015 5:21 PM By: Stuart Dyson, KOB Eyewitness News 4*

There may be a loophole in the state's campaign finance law that could weaken the criminal case against Secretary of State Dianna Duran.

So says one state lawmaker who sits on the special investigatory committee looking into impeachment charges. Rep. Bill Rehm, an Albuquerque Republican, was re-reading the state election code before the committee's first hearing Monday, when he saw something in the section that spells out what candidates can spend campaign contribution money on – and what they can't.

"I am not advocating this," Rehm said. "I think it is unethical, but if you review the campaign laws it appears that **there is nothing to stop you from borrowing (???) money from your campaign.**

Duran is accused of embezzling money from her campaign accounts to pay off casino debts. She's also charged with fraud and money-laundering, but **Rehm worries that the embezzlement charges could be weakened if she claims she was borrowing the money. (Really Bill?-Seems like a suggested defense to Duran?)**

"This may damage the criminal case, but I still think there's ethical issues," Rehm said.

Rehm asked the legislature's legal staff to research the borrowing question, and that is being done. Attorney General Hector Balderas' staff will not comment on any of the legal issues in the case against Duran.

If she's impeached, she would be the first in state history. The committee will examine the criminal case evidence and the ethical issues, then recommend either impeachment or no impeachment to the full House of Representatives.

If the House votes to impeach, the case would go to the state Senate, which would then hold a trial and determine whether to remove her from office or let her stay. The Democratic Party of New Mexico called for Duran's immediate resignation Tuesday.

**From:** [Paul Livingston](#)  
**To:** [Montoya, Michelle M.](#); [Mayor Berry](#); [POB](#); [Garduno, Rey](#)  
**Cc:** [Lewis, Dan P.](#); [Sanchez, Ken](#); [Harris, Don](#); [Pena, Klarissa J.](#); [Gibson, Diane G.](#); [Winter, Brad D.](#); [Benton, Isaac](#); [Jones, Trudy](#)  
**Subject:** Notice of Violations of NM Open Meetings Act by the CPOA  
**Date:** Wednesday, September 09, 2015 3:39:19 PM  
**Attachments:** [Letter-City-Council-OMA.pdf](#)

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Dear City Councilors,

Attached is a letter giving notice of violations of the New Mexico Open Meetings Act by the Citizens' Police Oversight Agency concerning the selection of an Executive Director. As the attorney representing Mark Bralley and Vecinos United, I sought and secured a Writ of Mandamus ordering the Police Oversight Board to hold its selection of an Independent Review Officer "openly and in public in accordance with the mandatory provisions of the New Mexico Open Meetings Act." That was sixteen years ago, in 1999.

Unfortunately, City attorneys and officials are engaging in the same misconduct now with respect to selection of an Executive Director of the new Citizens' Police Oversight Agency. Please review the attached letter, and consider whether the City would be making the same mistake it made 16 years ago and whether the selection of a Director today would be in accordance with law and the rights of the people to know about the operations of their government. Thank you.

Paul Livingston  
(505) 771-4000

**PAUL LIVINGSTON**  
Post Office Box 250  
Placitas, New Mexico 87043

Tel. (505) 771-4000

email: [living@rt66.com](mailto:living@rt66.com)

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September 9, 2015

Albuquerque City Council  
Rey Garduno, City Council President  
Albuquerque, New Mexico

Re: Violations of the New Mexico Open Meetings Act, §10-15-1, et seq.

Dear City Councilors:

Sixteen years ago, in 1999, I secured a Writ of Mandamus to ensure the openness of the process used to select the Independent Review Officer for the City's Police Oversight Board. The POB, poorly advised by City attorneys, had been going into closed meetings under the exception for "Limited Personnel Matters" even though the definition of "limited personnel matters" limits the exception to matters concerning current employees. A copy of that writ is attached.

The new Citizens' Police Oversight Agency is now making the same error and holding closed meetings on the selection of an Executive Director. Please consider this a "written notice of the claimed violation to the public body" pursuant to §10-15-3(B) of the Open Meetings Act with respect to the selection of an Executive Director of the CPOA, as follows:

1. On March 12, 2015, at the first meeting of the Citizens Oversight Board, "Mr. Bullock from the City Attorney's Office advised that the Board should go into Executive Session" to discuss the process for selecting the CPOA's Executive Director.

2. At the April meeting of the CPOA the Acting Chair "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 . . . The City Council will make the decision on who becomes the Executive Director.

3. On May 19, 2015, according to the Board's minutes:

Board Member Fine made a motion that the Board meet in Executive Session regarding selection of the Executive Director. Board Member Ring seconded the motion. . . . At 5:42 p.m. the Board met in Executive Session to discuss the process of hiring an Executive Director.

M007068

The Executive Session ended at 7:03 p.m. After Executive Session, Board Member Fine made a motion to note that only personnel matters were discussed during the Executive Session. . . .

4. At the June 11, 2015 meeting of the CPOA, "Board Member Fine made a motion that the Board go into Executive Session. . . . 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."

5. At a special meeting on July 29, 2015, the Board interviewed candidates in public but then went into an Executive Session to discuss personnel matters. When they returned from the Executive Session the Board voted to reserve the Council Chambers for August 4, 2015 in order to rank the Executive Director candidates.

6. Although it is unknown what happened on August 4, there was no public discussion about the candidates for the Executive Director position and it is unknown how and by whom the three ranked candidates were chosen.

7. On August 12, 2015, the regular scheduled August 13 meeting of the CPOA Board was cancelled without any indication of why or by whom it was cancelled.

The Limited Personnel exception (H2) to the New Mexico Open Meetings Act allows closed meetings to discuss personnel actions concerning current employees only. It does not exempt discussions of candidates from open meetings requirements when those candidates are not current employees. Because the Citizens' Police Oversight Agency has improperly met in closed meetings to discuss both the selection process and the selection and ranking of candidates for the Executive Director position any action(s) taken as a result of such meetings should be considered void.

Please consider these matters prior to voting on the selection of the CPOA's Executive Director.

Yours very truly,

*/s/ Paul Livingston*

\_\_\_\_\_  
Paul Livingston

Copies (by e-mail):

Mayor Richard Berry  
Leonard Waites, CPOA Chairman

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

MARK G. BRALLEY,  
NEW MEXICO VECINOS UNITED,  
ANDRES VALDEZ, Director of NM Vecinos,

Petitioners-Plaintiffs

vs.

07-99 08201

CITY OF ALBUQUERQUE POLICE OVERSIGHT COMMISSION  
JILL MARRON, Police Oversight Commission Chair  
HART J. GUENTHER, POC Vice-Chair  
SUSAN M. SELIGMAN, POC Member  
LINO E. MARTINEZ, POC Member,  
ANTHONY R. MONTOYA, POC Member,  
JENNIE LUSK, POC Member,  
FRED WARD, POC Member;  
CITY OF ALBUQUERQUE,  
JIM BACA, Mayor  
LAWRENCE RAEL, Chief Administrative Officer,  
ROBERT M. WHITE, Albuquerque City Attorney  
CITY OF ALBUQUERQUE COUNCIL .

Respondents-Defendants,

ORDER FOR ALTERNATIVE WRIT OF MANDAMUS

This matter having come before the court upon the verified Petition of Petitioners; it appearing to the satisfaction of the Court from the Petition that the Petitioners are entitled to the relief requested in the Petition; it further appearing that an Alternative Writ should issue; that Petitioners have no plain, speedy and adequate remedy in the ordinary course of law, and that this remedy is prescribed by statute.

ENDORSED  
FILED IN MY OFFICE THIS  
AUG 12 1999  
*Shirley King*  
CLERK DISTRICT COURT

JEANNETTE PADILLA

**IT IS ORDERED** that an Alternative Writ of Mandamus in due form of law be issued by the Clerk of this Court commanding Respondents to:

1.) Comply with their mandatory, non-discretionary duty to give adequate notice to Petitioners and the public and hold meetings of the Police Oversight Commission openly unless and until such meetings are properly closed under the provisions of the Open Meetings Act, and to keep official minutes and other public records of all meetings of the POC.

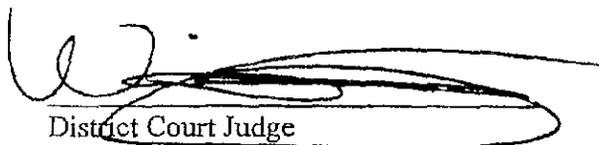
2.) Conduct the selection of the IRO openly and in public in accordance with the mandatory provisions of the New Mexico Open Meetings Act.

3.) Invalidate actions taken and decisions made at POC meetings or "Executive Sessions" which were held in violation of the Open Meetings Act.

4.) Pay to Petitioners the damages proximately resulting from Respondents' unlawful conduct together with costs including reasonable attorneys' fees, *if any, and as may be later determined by the Court.*

Or show cause before this Court at 3:30 o'clock p.m. on August 17, 1999, why they should not do so.

**IT IS FURTHER ORDERED** that true copies of the Petition, the Writ, and this Order be served upon Respondents by delivering them to the office of the City Attorney who shall distribute copies to Respondents.

  
District Court Judge

**From:** Google Calendar  
**To:** Joanne Fine  
**Subject:** Notification: POB Personnel Subcommittee meeting @ Tue Jul 7, 2015 2pm - 3:30pm (fine.joanne@yahoo.com)  
**Date:** Tuesday, July 07, 2015 2:29:49 PM

**POB Personnel Subcommittee meeting**

[more details »](#)

When: 07 Jul 3:00PM-07 Jul 4:30PM.

Where: Basement - Plaza del Sol Building 3 pm

\*~\*~\*~\*~\*~\*~\*~\*~\*~\*

Sent from my Android phone using Symantec TouchDown ([www.symantec.com](http://www.symantec.com))

When Tue Jul 7, 2015 2pm – 3:30pm Pacific Time  
Where Basement - Plaza del Sol Building 3 pm ([map](#))  
Calendar fine.joanne@yahoo.com  
Who

- Beth Mohr - organizer
- Joanne Fine - creator
- eric.huizar.cruz@gmail.com
- Janet McHard - optional

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account joannefine413@gmail.com because you are subscribed for notifications on calendar fine.joanne@yahoo.com.

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn more at <https://support.google.com/calendar/answer/37135#forwarding>

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** Now it's the embarrassing retired Captain Gilmore (one of Schultz's minions) ho embarrasses himself in his letter to the Journal today.  
**Date:** Sunday, August 30, 2015 2:10:58 PM

---

## All-Bcc

(Journal-pass copy to the embarrassing Gilmore and also a copy of my Friday e-mail about fellow "hero" Conrad Candelaria)

## References

- My Friday, August 28, e-mail. Subject: *"The self proclaimed "Heroes" luncheon yesterday and Schultz's former APD Commander Candelaria embarrasses himself"*
- Today's Journal published AP article "Citizens filming police often find themselves arrested"
- Today's letter to editor by retired APD captain David Gilmore, *"APD is becoming less effective"*
- ABQ Free Press articles and Joe Monahan's postings.
- July 5 Eye on Albuquerque blog posting

Not to be outdone by another one of Schultz's former bad senior command staff cops-Conrad Candelaria, we have yet another self proclaimed "hero" to the people-David Gilmore who believes he too did us all a favor when putting on the APD uniform in the "good old days" of no demanded police accountability.

He would be the latest to destroy his own credibility in his referenced letter to the Journal today. Yes Albuquerque is a violent city and the criminal trigger-happy cops in APD must share the blame for this.

Gilmore criticizes the DOJ investigation whose out of town clueless PMR Inc. assigned "auditors" are not allowed to be enforcers of police reform and are mostly retired police officers like him.

Spending \$4.5+ million on them is a blatant waste of our tax dollars when honest local retired officers like Costales, Heh, Grover, Roberto and others could have done a better job for the money. But they knew too much about APD's cesspool.

Now we have the majority on the Police Oversight Board choosing to insult us further my making a clueless former cop from Milwaukee their first choice to be the new Executive Director of the Police Oversight Agency. The Mayor's minion Robin Hammer was bad enough and now this former cop possibly selected.

The only thing Gilmore said that was true was, ***"this DOJ investigation could have been totally avoided had the Mayor, CAO and chief of police along with his command staff and supervisors, been doing their jobs."*** This alone should have been the subject of his article but **he was too gutless to elaborate on it but instead would then blame everybody else.**

While claiming there are no longer enough officers to properly respond and claims we now need 1500, he conveniently forgets that over 40 officers were on the East Mesa for well over two hours before cops Perez and Sandy murdered homeless camper James Boyd. Five to ten times the number of officers needed are now being dispatched by APD.

Boyd NEVER threatened the K-9 dog handler or anyone else with his small knives that he pulled out to only protect himself against the vicious K-9 dog straining at its leash to rip him to pieces. The city paid out \$5 million of our tax dollars to settle the family lawsuit in that Perez and Sandy murder.

Gilmore conveniently also ignores the fact that this was the first and only APD murder ever recorded and seen by the public. It went viral nationwide. Note that former NM IPRA stonewaller Reynaldo Chavez is now suing the city claiming city attorney Kathryn Levy told him to bury the recordings and other documentation proving that attorney Mary Han was murdered. Likely APD officers were directly or indirectly responsible for it.

One of Gilmore's last statements in the letter tells you how insulting to readers this former cop is. *"I thoroughly enjoyed my tenure as an APD officer coming to work each day and not having the worries that officers have here today."* TRANSLATED: In the good old days we didn't have to worry about ever being held accountable.

We didn't have to wear body cameras to record what we were doing including unjustifiably brutalizing and murdering citizens and putting our throw down guns next to their bodies. In these good old days, we could also trust that APD's corrupt Chiefs, deputy Chiefs, APD's Internal Affairs, the complicit multi-jurisdictional investigative teams and the DA would accept all of our lies.

Gilmore also knew that fellow officers wouldn't dare break the blue code of silence and even lie under oath during any court hearings. He also knew that the (afraid of APD retaliation) folks in the DA's office, members of their secret grand juries and regular juries would always bless everything APD cops do.

APD cops could even seize cell phone and other videos made by citizens and arrest them and also seize those recordings made by business surveillance cameras and destroy all of them.

Note the referenced AP article today that the latter is a nationwide problem with police departments. **Embarrassing BCSO Sheriff Manny Gonzalez's deputies still seize citizen cell phones in defiance of a recent Supreme Court ruling and don't have body recorders-nor do the US Marshals here.**

Gilmore knows that the corrupt city leadership swept his former mentor-former Chief Schultz's pay to play with TASER Inc. "greased" by Mayor Berry under the rug-never punished this scumbag Chief for ripping off taxpayers. Now we have an incompetent APD Chief, the reason Gilmore's buddy-former Schultz Commander Bob Huntsman was brought out of retirement to be Eden's deputy-run APD for him

My final comment. Gilmore disgracefully bemoans the fact that officers now have to use the proper

restraint when dealing with citizens including the homeless and mentally ill, something that he claims causes them to *"fear public reaction, and their career and their family."*

Why not have these same well paid, pampered never held accountable now "restrained" APD officers who Gilmore believes are getting a raw deal instead put on a military uniform and see how real danger in a war/foreign land is. Or how they don't have the luxury of coming home to their families each night.

Nor do GI's-our true heroes have APD's overly generous benefits and are issued a take home car to use for their own personal use after duty hours.

**It's amazing that the Journal continues to print such rubbish from these retired self-proclaimed APD heroes. What's next-a letter from former Schultz Captain Craig Loy?**

Silvio

For WE THE PEOPLE

Former 10 year NE Heights neighborhood association president

Vietnam vet

**From:** [NACOLE Director of Training & Education](#)  
**To:** [Joanne Fine](#)  
**Subject:** Only Two Days Left to Receive Early Registration Discount  
**Date:** Friday, July 31, 2015 8:06:30 AM

Early registration for the annual conference ends in TWO DAYS!

[View this email in your browser](#)



**EARLY REGISTRATION DEADLINE FOR THE ANNUAL  
NACOLE CONFERENCE IS**

**JULY 31, 2015**

The early registration deadline for the 2015 Annual Conference is quickly approaching. All paid registrations received on or before this date will qualify for the reduced rate. To guarantee your discount, [register today!](#)

For more information and to view a copy of the conference schedule, visit the [Annual](#)

M007076

[Conference Page](#) on the NACOLE website.

**REGISTER NOW**

## **ADDITIONAL HOTELS NOW AVAILABLE FOR THE 2015 ANNUAL CONFERENCE**

The NACOLE block of rooms at the host hotel for the 2015 Annual Conference, the [Mission Inn Hotel & Spa](#), in downtown Riverside, California is close to being sold out. Because of this, we have made arrangements for additional blocks of rooms at two hotels also located in downtown Riverside. All three hotels are within walking distance of the Riverside Convention Center where our conference sessions will be held. Make your reservation today by contacting one of the following hotels:

- [MISSION INN HOTEL & SPA](#): Our host hotel, is offering attendees a special rate of \$130.00 per night. Reservations may be made by calling their reservation line at 800.843.7755. In order to receive this special rate, please make your reservations prior to September 11, 2015 and let them know that you are part of the 21st Annual NACOLE Conference.
- [MARRIOTT RIVERSIDE](#): This hotel is offering a special rate of \$135.00 for single and double occupancy. To receive this rate, please make your reservations prior to September 11, 2015 and let them know that you are part of the 21st Annual NACOLE Conference 2015. Reservations for this property may be made by calling 800.228.9290 or by visiting our dedicated online reservation link [HERE](#).
- [HYATT REGENCY PLACE](#): The Hyatt Regency Place is offering a special rate of \$115.00 for single and double occupancy. To receive this rate, please make your reservations by September 20, 2015 and mention our group code, G-NACL. Reservations for this property may be made by calling 888.492.8847 or by visiting our dedicated online reservation link [HERE](#).

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**Purchase Your Annual**



## Scholarship Fundraising Dinner Tickets Today

Join us for our annual scholarship fundraising dinner at Heroes Restaurant and Brewery, located in downtown Riverside. In addition to good food and good conversation, you will be supporting NACOLE's efforts to offer financial support to those wishing to attend the Annual Conference, to increase the reach of civilian oversight, and to promote participation by individuals from a broad spectrum of social, economic, racial, ethnic and cultural backgrounds.

[PURCHASE TICKETS HERE](#)

**Seats to this event are limited and WILL NOT be available for purchase at the conference. Make sure to purchase your tickets today!**

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NACOLE  
P.O. Box 87227  
Tucson, AZ 85754

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**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** Our disgraceful-cowardly-P.C. Mayor  
**Date:** Tuesday, August 04, 2015 7:38:56 AM

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## TO: Councilors and others sent this Bcc

I don't know who were these "*many members of the community*" Mayor Berry claimed he talked to but TV polling of our citizens and even his closest allies on the Journal editorial Board said removal of the Confederate Stars and Bars flag from Old Town was unjustified. What's next to be banned by this Mayor? P.C. Berry has no backbone, the reason this city has become the disgrace of the nation.

Have Mayors in the other US cities been that stupid-disrespectful of the historical significance of this Confederate flag. NO! Will a future Journal editorial criticize his decision? Don't hold your breath.

APD with the blessing of this Mayor has murdered countless African-Americans here but just ignore the historical significance of this.

You ought to be ashamed of yourself Councilor Benton for even being part of this demand for its removal from Old Town!

Silvio

For WE THE PEOPLE

Living in the land of hopelessness-a State and City that is corrupt "MEXICO TRUE"

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By [Shelby Perea](#) Published: August 3, 2015, 1:30 pm Updated: August 3, 2015, 1:48 pm

*ALBUQUERQUE (KRQE) – Mayor R. J. Berry has announced his final decision on the Confederate symbols controversy in Old Town. After much controversy and debate among the community, Mayor Berry announced on Monday afternoon that the Confederate symbols in Old Town will be taken down. The symbols in Old Town include the Confederate flag, plaques and replicas of Confederate canons. He said, "After taking all of this into consideration, I have determined that the City of Albuquerque will no longer fly the Confederate flag over Old Town. It will be returned to its owner or donated to the Albuquerque museum and replaced by the City of Albuquerque official flag." There's been a call to remove the symbols after a white supremacist went on a shooting spree at a black church in Charleston, South Carolina. Some community members felt that the symbols supported white supremacy. Others felt that the symbols were a part of history and should be displayed.*

COMMENT-Had this young killer in Charleston waved the Mexican flag or the flag of Spain would those flags have been banned by the Mayor since both brutalized the indigenous people and condoned slavery. What they did to our indigenous people was even more brutal. Maybe the

Mayor will replace the Stars and Bars with the flag of his native Nebraska or **maybe display (bomb threat) Cory Crosby Lockwood's panties that she left in an empty suitcase in his office as his preferred displays.** Those would be truly historical!

*Mayor Berry's full statement:*

*Over the past several weeks, I have listened carefully to many members of our community who have brought passionately different perspectives regarding the issue of the Confederate Stars and Bars flag and the civil war commemorative plaques and cannons in Old Town. This debate has presented us with an opportunity to consider diverse viewpoints pertaining to how we should mark our history in an appropriate and respectful manner. These diverse perspectives include those who feel strongly that the Confederate flag and any other Confederate artifact of any kind need to be removed from Old Town immediately. Others believe that the flag and artifacts are all valid historical reminders of the important role that Albuquerque and New Mexico played in the fight for freedom for all Americans. There is much to consider here including consideration of facts and consideration of the very real and differing perspectives of our diverse city. Those (many, many) who consider the flag and artifacts to be nothing more than markers of history, should consider those (very few) who are deeply offended by the Confederate flag flying in Old Town because they view it as a celebration of an ideology that did not recognize all men as equal and an affront to those who died to ensure freedom for all. Those who consider the Confederate flag, plaques, and cannons to be so objectionable that none of them have any appropriate use as markers of our history should consider that Albuquerque and New Mexico played an important and historically significant role in turning back Confederate plans for westward expansion; and there is merit in honoring the role we played at the place where that history took place.*

*As we consider all sides to this issue, we need to search for common ground and do our best to build a bridge connecting those who have fundamental differences of opinion – a bridge that will also foster deeper and more meaningful dialogues on other important issues facing us as a city, state and nation. (Blatant B.S.) And as always, carving out common ground will result in a compromise that may not please everyone. After taking all of this into consideration, I have determined that the City of Albuquerque will no longer fly the Confederate flag over Old Town. It will be returned to its owner or donated to the Albuquerque museum and replaced by the City of Albuquerque official flag. The City will however continue to mark our important contribution to the fight for equality for all Americans by retaining the civil war era cannons and plaques that accurately represent our place in the history of the Civil War. Historically inaccurate plaques and plaques that imply bias will also be removed and returned to those who donated them. We should never ignore our history; but we should also recognize and display our history in a way*

*that is respectful to all those who it represents. By striking this balance, it is my hope that we can work through this debate as a community and build a strong foundation for future discussions of importance to us all.*

**From:** Contreras, Michelle  
**To:** Beth Mohr; Bullock, Nicholas; Contreras, Michelle; David Ring; Davidson, Christopher; Davila, Natalee Z; Eric H. Cruz; Funes, Ana R.; Garcia, Jennifer; Gonzalez, Arturo E.; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Mark Baker, Esq.; McDermott, Diane L.; Moira Amado-McCoy; O'Neil, Erin; Skotchdopole, Paul A.; Stefoin (Moore), Samantha; Susanne Brown  
**Subject:** POB Agenda for October 15, 2015  
**Date:** Monday, October 12, 2015 11:24:20 AM  
**Attachments:** 10-15-2015 POB Agenda - FINAL.pdf

---

Dear POB Members:

Attached is the Agenda submitted by Leonard for Thursday, October 15, 2015 POB meeting.

Please let me know if you have questions.

Thank you.  
Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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*  
Paul Skotchdopole, Assistant Lead Investigator

**POLICE OVERSIGHT BOARD AGENDA**

**Thursday, October 15, 2015 – 5:00 PM**  
**Vincent E. Griego Chambers**

- I. Welcome and call to order.**
- II. Pledge of Allegiance-Rev. Dr. David Ring III**
- III. Approval of the Agenda**
- IV. Approval of minutes**
- V. Public Comments**
- VI. Discussion of NACOLE Conference**
- VII. Sub-committee reviews**
  - a. outreach committee**
  - b. case review committee**
- VIII. Reports from City Staff**
  - a. APD**
  - b. City Council**
  - c. City Attorney**
  - d. Mayor's Staff**
- IX. Meeting with Counsel re: Pending litigation pertaining to possible action related to APOA v City of Albuquerque (closed discussion).**

**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).**
- X. Other Business**
- XI. Adjournment- Next Regularly scheduled POB meeting will be on Thursday November, 12, 2015 at 5 p.m. in the Vincent E. Griego Chambers.**

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

M007083

**From:** Beth Mohr  
**To:** Leonard Waites; Scott S. Wilson; Joanne Fine; Eric H. Cruz; Molra Amado-McCoy; Jeannette V. Baca; David Ring; susanne.brown37@gmail.com; Mark T. Baker; Jacobi, Jenica L; Hernandez, Jessica M.; Hults, Samantha M.  
**Subject:** POB Candidates  
**Date:** Sunday, July 26, 2015 11:21:38 AM  
**Attachments:** CPOA Exec Director Search - Candidate Attributes.pdf  
NACOLE - SUGGESTED STANDARDS FOR OVERSIGHT EXECUTIVES.docx

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All: On July 24th, the POB's Personnel Subcommittee met and evaluated the candidates supplied to us by City HR. To guide our decisions, we utilized a matrix based on the job description you all created, the NACOLE standards for executives, and discussion that the POB and Subcommittee had about the traits we desired in a candidate. We did not score applicants, but used these documents as a guide, along with the applicant's application, writing assignment and any other materials they provided. We divided candidates into "Yes", "Maybe" and "No" piles based on this protocol. The City asked us to invite one candidate for an interview based on Military Service, per a City policy. In the end, we had 8 "Yes" candidates, 3 "Maybe" candidates and 8 "No" candidates, as listed below. We further decided that if 3 or more of the "Yes" candidates withdrew, we would invite the "Maybe" candidates.

The list of "Yes" candidates below have been invited to the interview on Wednesday, July 29th. I have spoken with all of them. IT took a couple of days to reach everyone. Only one candidate has withdrawn. After some consideration, J. (James) Richard Brown has decided to withdraw, I will forward his email of explanation to you. At this point, we have 7 candidates to interview on July 29th, therefore, we will not be inviting the "Maybe" candidates.

The subcommittee also went through interview questions proposed by us, other members of the POB, Mr. Baker, Ms. Hults, APD officers, and a few others. All proposed questions were considered. In the end, 6 questions were selected, hopefully these questions will help us discern which of these candidates are our top three, and rank them for City Council to select one. I will send you the questions, and I will bring print-outs for everyone to use at the July 29th meeting. We propose that each answered question be scored by each POB member during the interviews. After the interviews are conducted, we will have a brief Executive Session (if so approved by the POB during the meeting) where we can discuss the relative merits of the candidates and tally scores. We will then return to the public meeting and vote to rank the top three candidates, and send their names to Council.

After that, the City will conduct a background check on the top three candidates, prior to any vote by Council. The Personnel Subcommittee also created a set of questions to ask references. The POB can decide how to divide up the task of reference checks at the meeting. There is a July 31st Personnel Subcommittee meeting during which we can discuss any findings of the reference checks which require further action.

I have committed to contact all of the candidates who will not be offered an interview, and let them know the status. I didn't want them to find out that they weren't selected when they saw the other candidates interviewing on TV or read about it in the newspaper.

I will send you the complete packets for each of the 7 remaining candidates. Please spend some time reviewing their qualifications, as that is still a relevant part of your decision, along with the interview. I will also send you the questions we'll be asking at the interview, so you can review them.

I know there's one or two of you who will not be able to attend the meeting, it is very important that everyone who possibly can be there to participate in this process.

Please avoid hitting "reply all" or communicating about this outside of the public meeting. We will deal with questions and any housekeeping matters at the beginning of the meeting to ensure that we're all on the same page before we take our first interview. I'll see you all on July 29th, we begin promptly at 5:30.

Thanks much, -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.

## CPOA Executive Director Search - Candidate Attributes

Adapted from NACOLE's SUGGESTED STANDARDS FOR OVERSIGHT EXECUTIVES: Directors, Auditors, and Monitors

Experience Category	YES	MAYBE	NO
Management	Proven manager with experience turning-around problem or struggling agencies	Experienced manager	Minimal or no experience, or experienced but unsuccessful
Leadership	Creative, innovative and outgoing leader with recognized judgment, objectivity and integrity with proven success	Strong leader, less dynamic, or with more limited experience	Weak leader; judgment and objectivity questioned, or results unsuccessful
Legal - Civil Rights	Significant experience, or experience with complex civil rights issues	Some experience, or non-complex civil rights case experience	Minimal or no experience, or experienced but unsuccessful
Legal - Criminal Law	Experience as judge, prosecutor, public defender or law enforcement	Some criminal law experience	Minimal or no experience, or experienced but unsuccessful
Legal - Employment Law	Extensive experience, or experience with complex employment law	Some experience, or non-complex employment case experience	Minimal or no experience, or experienced but unsuccessful
Legal -Other relevant experience	Extensive other legal experience that translates well to civilian oversight	Some other legal experience that translates well to civilian oversight	Minimal or no experience, or experienced but unsuccessful
Board (public, non-profit, etc.)	Extensive board experience, non-profit, public bodies, government, publically traded company boards, etc.	Some board experience	Minimal or no experience, or experienced but unsuccessful
Government/Political	Proven government manager or experienced in politically sensitive governmental position	Some governmental experience or some experience in politically sensitive positions	Minimal or no experience, or experienced but unsuccessful
Investigative	Extensive experience conducting or supervising complex criminal, civil or administrative investigations	Some experience, or non-complex criminal, civil or administrative investigations	Minimal or no experience, or experienced but unsuccessful
Dispute Resolution	Extensive dispute resolution experience	Some dispute resolution experience	Minimal or no experience, or experienced but unsuccessful
DOJ/Monitor/Civilian Oversight	Extensive successful experience with consent decree or other court ordered monitoring process	No experience or minimal experience	Unsuccessful experience with consent decree or other court ordered monitoring process
Job Stability	Track record of successful long-term employment relationships (4-5 years each position); minimal lateral moves.	Series of 1-3 year employment terms; or several lateral moves from one agency or employer to another without additional responsibly.	Multiple short-term positions, minimal or no record of success at any one place. One or more terminations, disciplinary issues, asked to leave or left under unhappy circumstances. Unexplained gaps in employment

**CPOA Executive Director Search - Candidate Attributes**

*Adapted from NACOLE's SUGGESTED STANDARDS FOR OVERSIGHT EXECUTIVES: Directors, Auditors, and Monitors*

<b>Experience Category</b>	<b>YES</b>	<b>MAYBE</b>	<b>NO</b>
Written Communication - Content	Answers to writing assignment show depth of understanding of civilian oversight and complex issues. Well-written and thoughtful writing assignment	Neutral - Person applied on July 17th and was not able to complete their writing assignment in time for the meeting	Writing assignment demonstrates lack of understanding to complex issues. Inappropriate answers to questions, spelling or grammar errors, failed to answer questions
Building Bridges	Track record of bringing people together under difficult circumstances for successful resolutions of complex problems	Neutral - no additional positive or negative issues, or unknown	Track record of being divisive, causing rifts or divides between people, groups or stakeholders
Community Involvement and/or Community Service	Community involvement and/or community service	Neutral - no additional positive or negative issues, or unknown	Community involvement inappropriate or unsuccessful
Maturity	High level of resiliency and the ability not to personalize adversity, mature, takes responsibility for solving problems	Neutral - no additional positive or negative issues, or unknown	Personalizes adversity, becomes non-communicative or withdrawn, immature, refuses to take responsibility for actions, blames others
Communication	Exceptional communication skills; ability to communicate with a variety of stakeholders. Communication is effective, timely, clear, complete and concise.	Neutral - no additional positive or negative issues, or unknown	Poor communication skills; communication is inadequate, fosters confusion or misunderstandings.
Community Relations	Strong passion for community relations and outreach with the ability to build strong, yet independent working relationships with a wide array of constituents and community representatives, experience successfully working with diverse communities	Neutral - no additional positive or negative issues, or unknown	Dislikes community outreach, inexperienced or ineffective in working with various stakeholders and diverse community members. Pedantic, talks down to or negatively about various groups.

## **SUGGESTED STANDARDS FOR OVERSIGHT EXECUTIVES: Directors, Auditors, and Monitors**

### **1. QUALIFICATIONS FOR CIVILIAN OVERSIGHT EXECUTIVES**

#### **1. EDUCATION**

1. A Bachelor of Arts/Science or an equivalent degree. Master's degree, Juris Doctorate, or PhD is highly desirable.

#### **2. EXPERIENCE**

1. At least four (4) years of experience in the field of public or private administration or in the practice of law.
2. Prior managerial or supervisory experience.

#### **3. REQUIRED KNOWLEDGE, SKILLS & ABILITIES**

1. Creative, innovative and outgoing leader with recognized judgment, objectivity and integrity with a commitment to achieving solutions and results
2. Strong passion for community relations and outreach with the ability to build strong, yet independent working relationships with a wide array of constituents and community representatives particularly, experience working with multicultural/ethnic communities
3. Ability to bridge community and institutional concerns around fairness and justice issues and knowledge of social problems, community attitudes, organization and subcultures
4. Work effectively within the framework of governmental and judicial structures
5. Exceptional analytical, verbal and written communication skills
6. The ability to manage people
7. Knowledge of organization and management practices and methods, including goal setting, program development and implementation, employee supervision, personnel management, employee relations, team building, budget development and financial management
8. High level of resiliency and the ability not to personalize adversity
9. The ability to interact and operate effectively with various stakeholders, e.g., elected and appointed officials, law enforcement officers and administrators, community groups, and others
10. The ability to work independently, fairly and objectively
11. Effective facilitation, negotiation and diplomacy skills
12. A willingness to make a long- term commitment to the organization
13. Knowledge of general legal principals and statutory law including knowledge of employer-employee hearing and administrative procedures
14. Knowledge of principles, practice and procedures related to conducting investigations and administrative hearings including rules of evidence and due process
15. Knowledge of police administration and organization, and the rules, laws and regulations thereof

**From:** Contreras, Michelle  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown  
**Cc:** Mark Baker, Esq.; Davidson, Christopher; Skotchdopole, Paul A.; McDermott, Diane L.; O'Neil, Erin; "Edward Harness"; Harness, Edward  
**Subject:** POB Case Review Subcommittee Agenda for Tuesday, October 27, 2015 at 11 a.m.  
**Date:** Friday, October 23, 2015 3:35:02 PM  
**Attachments:** Case Review Subcommittee Agenda 10-27-15 FINAL.pdf

---

Good afternoon,

Attached is the Agenda for the POB Case Review Subcommittee for Tuesday, October 27, 2015 at 11 a.m.

If you have questions, please feel free to contact our office.

Thank you.  
Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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  
POLICE OVERSIGHT BOARD  
CASE REVIEW SUBCOMMITTEE**

*Moira Amado-McCoy, Chair*      *Leonard Waits*  
*Joanne Fine*  
Edward Harness, Executive Director

**POLICE OVERSIGHT BOARD  
CASE REVIEW SUBCOMMITTEE**  
Tuesday, October 27, 2015 – 11:00 a.m.  
Plaza Del Sol Building, 600 2<sup>nd</sup> Street NW  
Westside Ground Floor, City Engineering Large Conference Room

**AGENDA**

- I. **Welcome and Call to Order: Subcommittee Chair Moira Amado-McCoy**
- II. **Approval of the Agenda**
- III. **Public Comments**
- IV. **Update: Legal and Procedural Advances**
- V. **New and incoming cases**
- VI. **Backlogged Process**
- VII. **Report to Board**
- VIII. **Other Business and Committee Recommendations**
- IX. **Next Meeting – To be announced at meeting**
- X. **Adjournment**

**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 9:36:12 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>

# 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 Affairs 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 posting 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

**From:** Contreras, Michelle  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Moira Amado-McCoy; Susanne Brown  
**Cc:** Skotchdopole, Paul A.  
**Subject:** POB Minutes for 7/29/2105 and 8/4/2015  
**Date:** Friday, September 25, 2015 8:30:03 AM  
**Attachments:** 7-29-2015 POB Draft 9-21-15.pdf  
August 4, 2015 Minutes CPOA- DRAFT 9-23-15.pdf

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Good morning Board Members,

Attached are the amended minutes for July 29, 2015 and August 4, 2015 POB Meetings. Please let me know if you have any changes.

Thank you.

Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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>

# SPECIAL MEETING OF THE POLICE OVERSIGHT BOARD

Wednesday, July 29, 2015 – 5:30 PM  
Vincent E. Griego Chambers

## Members Present:

Leonard Waites (Chair)  
Beth Mohr (Co-Vice Chair)  
Jeffrey Scott Wilson (Co-Vice Chair)  
Dr. Moira Amado-McCoy  
Susanne Brown  
Joanne Fine  
Rev. Dr. David Ring III

## Members Absent

Dr. Jeannette Baca  
Eric Cruz

## Others Present:

Robin Hammer  
Michelle Contreras  
Paul Skotchdopole  
Diane McDermott  
Erin O'Neil

## Minutes

- I. **Welcome & Call to Order** ~ Leonard Waites, Chair
- II. **Pledge of Allegiance** ~ Jeffery Scott Wilson
- III. **Approval of the Agenda.** Chair Waites advised that he would be turning the meeting over to Co-Chair Mohr, who is the Chair of the Personnel Sub-Committee, to run the interviews for the Executive Director. Chair Waites would resume the meeting after the Executive Session as stated in the agenda as Item VII. Board Member Fine moved to accept the agenda with changes. The motion was seconded by Board Member Ring. Passed.  
For: Fine, Wilson, Waites, Mohr, Ring, Amado-McCoy, Brown.
- IV. **Approval of Minutes.** Board Member Ring moved to approve and accept the minutes for the July 9, 2015 Police Oversight Board meeting. The motion was seconded by Co-Vice Chair Mohr. Passed.  
For: Fine, Wilson, Waites, Mohr, Ring, Amado-McCoy, Brown.
- V. **Public Comments.** Alan Wagman offered his comments on the importance of the POB's decision of the new Executive Director of the POB.
- VI. **Interview of Candidates for Executive Director Position.** Co-Chair Mohr led the meeting as it related to interviews of the candidates.

The candidates agreed to wait outside the room while each candidate was interviewed individually. The following candidates were interviewed:

- a. Edward Harness
- b. Duncan Bradley
- c. John Grubestic
- d. Jay Rowland
- e. Edna Sprague

The following questions were asked of each candidate:

- a. What experience as an employee most impacted the way you manage others?
- b. Can you describe your experience working under the direction of a board of directors or analogous body of individuals? What are some of the strategies you would use to ensure a constructive and collaborative working relationship between yourself and the POB?
- c. How would you measure the success of the CPOA?
- d. How will you deal with the institutional resistance to change?
- e. How will you create a strategy for public outreach? What groups will you prioritize for outreach, and why?
- f. Based on your review of the DOJ Findings Letter, Settlement Agreement/Consent Decree, the Police Oversight Ordinance, what do you expect to be some of the primary challenges for the Executive Director, and how do you plan to address those?
- g. Please add anything else you'd like to tell us that will assist us in making this decision.

**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)

Board Member Fine made a motion that the POB enter into an Executive Session. The motion was seconded by Board Member Wilson. Passed.

For: Fine, Wilson, Waites, Mohr, Ring, Amado-McCoy, Brown.

Roll call: Fine (by individual vote), Wilson, Waites, Mohr, Ring, Amado-McCoy, Brown.

After the Executive Session, Board Member Wilson made a motion for the Board to enter back into regular session. While they were out in a closed Executive Session, they only discussed personnel matters. The motion was seconded by Board Member Brown. Passed.

For: Fine, Wilson, Waites, Mohr, Ring, Amado-McCoy, Brown.

Roll call: Fine, Wilson, Waites, Mohr, Ring, Amado-McCoy, Brown.

**VIII. Selection of three names of Candidates to forward to City Council for their review and approval.**

Board Member Fine made a motion that the POB secure the Council Chambers room for a meeting on Tuesday, August 4, 2015 from 5:00 p.m. to 7:00 p.m., at which time the Board would have checked all the references for all the candidates and be able to prioritize the ranking of the candidates moving forward. Passed.

For: Fine, Wilson, Waites, Mohr, Ring, Amado-McCoy, Brown.

**IX. Other Business.** No 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.* Board member Amado-McCoy made a motion to adjourn the meeting. Co-Vice Chair member Wilson seconded the motion. Passed.  
For: Fine, Wilson, Waites, Mohr, Ring, Amado-McCoy, Brown.

The meeting adjourned at 10:18 p.m.

**APPROVED:**

\_\_\_\_\_  
Leonard Waites, Chair  
Civilian Police Oversight Agency

\_\_\_\_\_  
DATE

CC: Julian Moya, City Council Staff  
Natalie Howard, City Clerk  
Rey Garduno, City Council President

# CIVILIAN POLICE OVERSIGHT AGENCY

Tuesday, August 4, 2015

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

## Members Present:

Leonard Waites (Chair)  
Beth Mohr (Co-Vice Chair)  
Jeffrey Scott Wilson (Co-Vice Chair)  
Moirra Amado-McCoy  
Susanne Brown  
Eric Cruz (Arrived late)  
Joanne Fine  
Rev. Dr. David Ring III

## Members Absent

Dr. Jeannette Baca

## Others Present:

Robin Hammer  
Paul Skotchdopole  
Diane McDermott  
Mark Baker  
Samantha Hults, Asst. City Atty

## MINUTES

- I. **WELCOME AND CALL TO ORDER:** Chair Waites called the meeting to order at 5:04 p.m.
- II. **PLEDGE OF ALLEGIANCE:** Board Member Ring led the Board in the Pledge.
- III. **APPROVAL OF AGENDA –** Co-Vice Chair Mohr made a motion to approve the Agenda as written. Board Member Amado-McCoy seconded the motion. Passed. For: Fine, Wilson, Waites, Mohr, Ring. Amado-McCoy, Brown.
- IV. **APPROVAL OF MINUTES –** None.
- V. **PUBLIC COMMENTS –** There were no public comments.
- VI. **EXECUTIVE SESSION RE: PERSONNEL ISSUES TO DISCUSS SELECTION OF EXECUTIVE DIRECTOR APPLICATIONS.**

Board member Ring made a motion to have the board enter into an Executive Session with Assistant City Attorney's Samantha Hults to discuss personnel matters of the CPOA office. Co-Vice Chair Mohr seconded the motion. Passed. Roll Call: For: Fine, Wilson, Waites, Mohr, Ring. Amado-McCoy, Brown.

Board Member Cruz arrived after the vote to go into Executive Session.

Board member Fine made a motion that the board come out of Executive Session having only discussed personnel matters. Co-Chair Mohr seconded the motion. Passed.

Roll Call: For: Cruz, Fine, Wilson, Waites, Mohr, Ring. Amado-McCoy, Brown.

**VII. SELECTION AND RANKING OF THREE NAMES OF CANDIDATES TO FORWARD TO CITY COUNCIL FOR THEIR REVIEW AND APPROVAL.**

Co-Vice Chair Mohr made a motion that the Police Oversight Board select the candidates in the following order to send to Council for their final selection to become the permanent Executive Director of the Civilian Police Oversight Agency:

1. Edward Harness
2. Jay Rowland
3. Edna Sprague

Board Member Fine seconded the motion. Passed.

For: Cruz, Fine, Wilson, Waites, Mohr, Ring, Amado-McCoy, Brown.

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

**IX. ADJOURNMENT – Board member Fine made a motion to adjourn. Passed.**

For: Cruz, Fine, Wilson, Waites, Mohr, Ring, Amado-McCoy, Brown.

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

The meeting adjourned at 6:30 p.m.

**APPROVED:**

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

\_\_\_\_\_  
DATE

CC: Julian Moya, City Council Staff  
Natalie Howard, City Clerk  
Rey Garduno, City Council President

**From:** Contreras, Michelle  
**To:** Beth Mohr; David Ring; Eric H. Cruz; Jeannette V. Baca; Scott S. Wilson; Joanne Fine; Leonard Waites; Molra Amado-McCoy; Susanne Brown  
**Cc:** Mark Baker, Esq.; Skotchdopole, Paul A.; McDermott, Diane L.; Davidson, Christopher; O'Neil, Erin; "Edward Harness"  
**Subject:** POB Outreach Subcommittee Agenda for Monday, October 26, 2015 at 2 p.m.  
**Date:** Wednesday, October 21, 2015 4:44:03 PM  
**Attachments:** October 26, 2015 Outreach Agenda.pdf

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Good afternoon,

Attached is the agenda for the POB Outreach Subcommittee scheduled for **Monday, October 26, 2015 at 2 p.m.** Please feel free to contact our office if you have questions.

Thank you.  
Michelle

**Michelle Contreras**

Senior Administrative Assistant  
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  
POLICE OVERSIGHT BOARD  
OUTREACH SUBCOMMITTEE**

*Dr. Jeannette Baca, Chair    Rev. Dr. David Z. Ring III  
Leonard Waites*

**POLICE OVERSIGHT BOARD  
OUTREACH SUBCOMMITTEE**

**Monday, October 26, 2015 – 2:00PM  
Plaza del Sol, 600 2nd Street NW –  
Basement, Hearing Room 160**

**A G E N D A**

- I. Welcome and Call to Order: *Chair Dr. Jeannette Baca***
- II. Approval of the Agenda**
- III. Public Comments**
- IV. Approval of the Minutes**
- V. Discussion of Community Engagement Specialist**
- VI. Other Business & Committee Recommendations**
- VII. Next Meeting date to be determined at meeting**
- VIII. Adjournment**

**From:** Beth Mohr  
**To:** Joanne Fine; eric.huizar.cruz@gmail.com  
**Cc:** Janet McHard  
**Subject:** POB Personnel Subcommittee meeting  
**Start:** Tuesday, July 07, 2015 3:00:00 PM  
**End:** Tuesday, July 07, 2015 4:30:00 PM  
**Location:** Basement - Plaza del Sol Building 3 pm

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When: 07 Jul 3:00PM-07 Jul 4:30PM.  
Where: Basement - Plaza del Sol Building 3 pm

\*~\*~\*~\*~\*~\*~\*~\*~\*~\*

Sent from my Android phone using Symantec TouchDown (HYPERLINK "<http://www.symantec.com>" [www.symantec.com](http://www.symantec.com))

**From:** [Beth Mohr](#)  
**To:** [Joanne Fine](#); [eric.huizar.cruz@gmail.com](mailto:eric.huizar.cruz@gmail.com)  
**Subject:** POB Personnel Subcommittee meeting  
**Start:** Tuesday, July 07, 2015 3:00:00 PM  
**End:** Tuesday, July 07, 2015 4:30:00 PM  
**Location:** Basement - Plaza del Sol Building 3 pm

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**From:** Beth Mohr  
**To:** POB; Hults, Samantha M.; Mark T. Baker; Zaman, Jon K.; Moya, Julian N  
**Subject:** POB Ranks Executive Director Candidates - Names sent to City Council  
**Date:** Tuesday, August 04, 2015 8:15:45 PM

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Dear Candidates: (BCC'd on this email)

Today the Police Oversight Board held a special meeting and ranked our top three Executive Director candidates to sent to Council. The POB is acutely aware that our selection for Executive Director will have an impact on this community for years to come. Therefore, with much deliberation, we selected the following candidates to forward to Council for their ultimate selection:

1. Edward Harness
- 2, Jay Rowland
3. Edna Sprague

The POB extends a sincere thanks to all of the candidates. Every candidate was given consideration, and our selections were as the result of several hours of thoughtful discussion and deliberations.

City Council is free to selected any one of these names, without regard to our ranking of them, and offer that person the position. If Council's first choice does not accept the position, they may offer to a second choice; if their second choice does not accept the position they are obligated to ask us to start the search over again. We have no idea what action Council will take; it is difficult to predict the actions of those over whom we have no control.

We expect that Council will take up this matter for a vote at their August 17th meeting. I'm not exactly sure how you will be contacted about their choice, but presumably someone from Council staff will take care of that detail.

In the mean time, if each of the top three candidates would kindly let me know how soon you could start if you are selected, that would help the POB with our short-term planning.

If any of you would like to discuss this matter with me, please feel free to call me at [REDACTED]

Beth A. Mohr, Volunteer  
Albuquerque Police Oversight Board

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

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:** [Joanne Fine](#); [Eric H. Cruz](#); [Hults, Samantha M.](#); [Mark T. Baker](#)  
**Subject:** POB interview questions  
**Date:** Friday, July 24, 2015 12:01:54 AM  
**Attachments:** [Potential Interview Questions.docx](#)

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All: Sorry for the late hour, but I finally got through all the proposed interview questions. As you will probably figure out, a variety of folks have contributed to this collection of questions, including officers, critics and other POB members.

Don't feel like you have to do anything with these prior to the meeting, we'll go over them at the meeting in detail, pick the best, and rework them as needed, or add more.

I'll bring copies to the meeting for everyone to have. 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*

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1. Per the ordinance, the POB supervises the Executive Director, and the Executive Director supervises the CPOA staff, yet the CPOA Office is the support staff to the POB. How would you propose to ensure that POB members have adequate staff support, while dealing with staff concerns that they are being supervised by the POB?
2. The CPOA office currently has a backlog of investigations which are past the 90 day time frame allowed for completion. What is your plan for resolving that backlog using the current staff?
3. Would you make recommendations for discipline prior to the investigation's completion?
4. What burden of proof would you apply to investigations of officer shootings?
5. Although you are a lawyer, which is a requirement for this job, the Board as its own independent legal counsel. How do you see yourself interacting with the Board's Counsel, and under what circumstances would you think it appropriate for you to provide legal advice to the Board.
6. Where is the balance point between public safety and personal rights, how do you attain it, teach it, and maintain it.
7. How do you get the public to understand and appreciate a night in the life of a patrol officer?
8. The POB is currently required to go on 2 ride-alongs with APD officers every six months, but there is no such requirement for the Executive Director or CPOA Staff. Do you think that the Executive Director and/or CPOA Staff should also go on ride-alongs? Why or why not?
9. Please explain your understanding of the 1989 US Supreme Court decision of Graham vs. Connor and how your understanding of this Supreme Court decision will influence you and the decisions you make as CPOA Executive Director.
10. How would you support officers in their work, implement procedures to stop police abuse and compliment the orderly and efficient operation of the police department?
11. Within the past two years, there have been several sustained complaints where the officer was not able to be disciplined, due wholly to the lack of timely investigation of the complaint by the CPOA office. All complaints should be completed within the 90 day time limit, but at this point there is a backlog. Until that backlog is resolved and all complaints are completed on time, what is your plan for triage or prioritization of complaints to ensure the most serious, or those most likely to involve discipline, are completed within the 90 day time frame?

12. What experience as an employee most impacted the way you manage others?
13. By ordinance, the CPOA is charged with dedicating a majority (more than 50%) of its time to identifying and addressing systemic problems within the APD (versus adjudicating individual complaints). Can you describe your experience organizing this kind of research and policy analysis? What is your vision for carrying out this critical function of the CPOA?
14. Please describe your experience with community outreach. Which groups would you prioritize for outreach, and why?
15. Like most civilian police oversight bodies around the country, Albuquerque's CPOA does not have the authority to mandate discipline for officers who are found to have violated policy and/or civil rights. Do you think this is a shortcoming of the CPOA model? Why or why not?
16. Can you describe your experience working under the direction of a board of directors or analogous body of individuals? What are some of the strategies you would use to ensure a constructive and collaborative working relationship between yourself and the POB?
17. How would you measure the success of the CPOA? How would you determine whether or not the CPOA was achieving its goal of effective police oversight? How would you measure the success of the POB?
18. APD officers generally cannot be disciplined unless their actions violate APD policy. Many members of the public feel that many APD policies allow and even direct inappropriate officer actions -- a position supported by the Department of Justice. How will you deal with the tension between these two positions when they arise in the context of an individual civilian complaint against an officer?
19. What do you see as the most important task of the CPOA? What is the most important task for the POB?
20. The Department of Justice in its April 10, 2014 report heavily criticized APD policies which allowed officers to shoot at motor vehicles, and the settlement agreement in the lawsuit mandated that the policy be changed. Yet over a year later, when an APD officer shot at a moving SUV in a residential parking lot with passengers, including a five-year-old child, in the SUV, Chief Eden not only announced that the policy had not yet been changed, he appeared to justify the officer's actions. How will you deal with this kind of institutional resistance to change?

21. Officers frequently have recollections of events that differ from the images depicted on their lapel cameras. Some police departments mandate that the officer must write their report or give their statement prior to viewing their own camera footage, others allow officers to decide which to do first. When an officer's statement differs from the video depiction, how do you judge whether or not the officer is being untruthful, is mistaken or simply has a different perspective from that of the camera?
22. Will you deal differently with officers whose violations of policy may be the result of improper past training than with officers who violate policy after proper training? If so, how? If not, why not?
23. Of those people who are paying attention to police oversight issues, some portion have come to mistrust the office you are seeking. The Department of Justice was heavily critical of the people who have filled the position in the past. How will you deal with those who mistrust of anyone in the job? How does your past experience or personal character indicate an ability to handle this type of situation?
24. What is your strategy for public outreach?
25. As an applicant for our CPOA Director position, you've obviously experienced many interactions with police officers over the years. Please describe one such personal positive and one negative. Be as specific as possible; please avoid "glittering generalities".

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** PROTEST MARCH COVERAGE YESTERDAY AND MORE PRO-BAD COP PROPAGANDA  
**Date:** Sunday, September 20, 2015 2:29:10 PM

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## TO: ALL

### PROTEST YESTERDAY

Thanks to Art, Sayrah and others who attended the protest yesterday. Sorry I could not. I also sent the announcement shown below of yesterday's protest to Journal, KOB, KRQE, KOAT, ABQ Free Press and many others.

Not surprising that Journal had just a small article about it buried in the back of today's New Mexico section-page B-2 with a small 4" x 1 1/2" photo. On the same page was a 9" x 9" photo with caption of Governor Martinez after she jumped out of an airplane. All know what was important there-don't we?

KOB and KRQE covered stories but we saw nothing from KOAT. See:

<http://www.kob.com/article/stories/s3911315.shtml#.Vf7up9JViko>  
[http://krqe.com/2014/09/14/group-protests-nra-shooting-contest/Protestors\\_march\\_against\\_police\\_shooting\\_contest](http://krqe.com/2014/09/14/group-protests-nra-shooting-contest/Protestors_march_against_police_shooting_contest). BY KATY BARNITZ

### MORE FREE THESE TWO KILLER COPS PROPAGANDA

The free the bad cops propaganda continues unabated.

KOAT chose instead to report alleged death threats made against Boyd's killers Perez and Sandy by Sandy's attorney Bregman who wants the two to still carry guns.

<http://www.koat.com/news/james-boyd-case-death-threats-made-against-cops/35343230>

KOAT affiliated with Journal still parroted APD's lie that Boyd threatened the K-9 officer. Fact is that Boyd pulled small knives just to protect himself from his fierce K-9 dog who was straining at leash in front of his K-9 officer to get to and tear Boyd apart. When released, it chewed on Boyd's dead body.

First were lies told under oath by K-9 officer that the two killers saved his life. Then the fluff piece on claimed "hero" Perez by Journal's Ryan Boetel.

Then false claims by a retired officer at a "heroes" luncheon and later by union ("them against us"-damn the honest "rat" cops) VP Willoughby that cops were targeted here-the killing of any should be a hate crime.

Then wife of an officer doing same pitch for hate crime legislation with a former cop-now NM

Legislator Bill Rehm supporting her.

Now this likely lie of death threats against Sandy and Perez to brainwash potential jury members and the judge to justify moving trial to Las Cruces and then set both free. Did friendly to Perez and Sandy cops call them in? This defense of the two killers with the help of some in the media is disgusting.

People nationwide saw the video of the murder of Boyd! Just don't let the facts/video and comments by Sandy beforehand get in the way when it comes to defending the two killer cops here. Right boys?

#### COUNCIL PART OF THE PROBLEM

I earlier criticized the POB's and Council's choice of former Milwaukee cop Ed Harness to be next Executive Director of the even more disgraceful now Police Oversight Agency.

Councilors promised us during Sept 9 meeting that they would reveal how each of the eight voted- (their individual priorities given to the three ED nominees) but that too was a lie. I don't know how the Councilors who have chosen to abdicate their role as the legislative body of our government can look themselves in the mirror and sleep at night. At least two even want to be our next Mayor.

Why should citizens even bother going to Council meetings anymore? The nine don't care but accept the B.S. put out by Perry and Jessica Hernandez

#### A EVEN MORE PRO-BAD COP OVERSIGHT PROCESS

The completely inexperienced-smooth talking, clueless about our oversight process Ed Harness is yet one more fox disgracefully assigned to guard the hen house-much like having cop family members sitting on a jury of the charged killer cop. This is Mexico True

More than disgusted with this third world city and State

Silvio

For WE THE PEOPLE

My earlier e-mail shown below

[www.abqjournal.com/646644/news/protesters-take-aim-at-police-event.html](http://www.abqjournal.com/646644/news/protesters-take-aim-at-police-event.html)

-----Original Message-----

From: Silvio Dell'Angela

Sent: Sep 19, 2015 12:41 PM

To: Silvio Dell'Angela

Subject: PROTEST MARCH TODAY AT 6 PM AND THE INSULTING MAYOR BERRY APPEAL FOR COPS TO DOUBLE DIP

ALL

M007115

## References

My e-mail yesterday "Isn't it time to hold police officers to a higher standard here? The culture of corruption continues." It includes the article by syndicated columnist Leonard Pitts. Police officers nationwide want to be viewed as heroes merely for putting on their badges but don't want to be held to a higher standard of conduct

Today's Journal article "Protesters take aim at police event"

FB event page: <https://www.facebook.com/events/793503804095447/>

## MORE INSULTS TO US BY BERRY

Today's front page Journal article says that our corrupt Mayor Berry along with other NM mayors now want to petition our State legislators to further increase the pay of police officers by allowing double dipping as if that's the reason for their failure to retain officers. Our cops, particularly Berry's senior command staff are already overpaid.

The problem with retention is that bad officers are now afraid of being held accountable while the good ones are fed up with APD's corrupt leadership that starts in the Mayor's office. This Berry organized appeal is an insult to allow double dipping is yet another insult to all by this Mayor. My last e-mail said it's about time cops

## TODAY'S PROTEST MARCH

Also announced in today's Journal, today-Sat Sept 19, citizens will be **gathering at Robinson Park downtown (8th & Central) at 6 PM** and marching to the **Embassy Suites on Lomas & I25 where others will meet them at 7PM** to protest the NRA National Police Shooting Championship. This hotel is hosting the police shooters and profiting off glorifying police violence. The march is only 1.5 miles. Protestors will have some cars providing bottled water, respite, as well as street medics. It should be good weather to march! **All are asked to dress in black.** There be glow sticks and candles once marchers reach the hotel around sunset.

Folks are driving in from Santa Fe and Espanola to march, including the family of Victor Villaplano, the teenager killed by Espanola police. They are bringing a giant puppet of him to carry alongside the tombstones of APD victims. We need to pressure the city to stop hosting and paying for this disgusting contest that makes a game out of police shooting people! Please give us a couple of hours of your time tonight to march with us! Will any of our Councilors be there?

Regards

Silvio

For WE THE PEOPLE

**From:** [Silvio Dell'Angela](#)  
**To:** [Silvio Dell'Angela](#)  
**Subject:** PROTEST MARCH TODAY AT 6 PM AND THE INSULTING MAYOR BERRY APPEAL FOR COPS TO DOUBLE DIP  
**Date:** Saturday, September 19, 2015 12:42:07 PM

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ALL

References

My e-mail yesterday "Isn't it time to hold police officers to a higher standard here? The culture of corruption continues." It includes the article by syndicated columnist Leonard Pitts. Police officers nationwide want to be viewed as heroes merely for putting on their badges but don't want to be held to a higher standard of conduct

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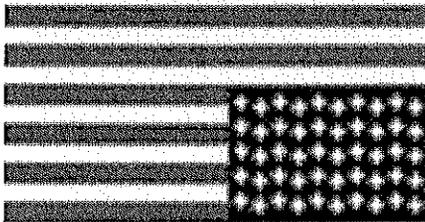
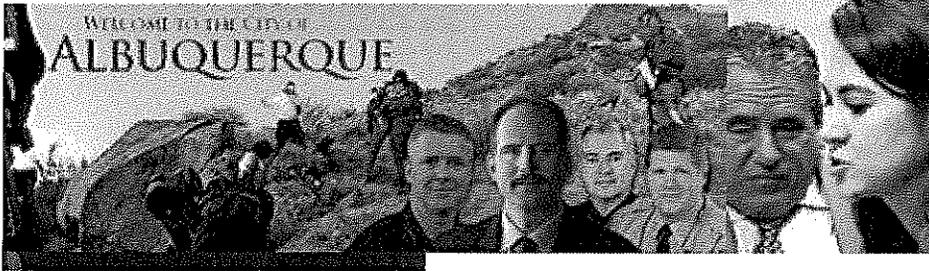
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M007117

Regards

Silvio

For WE THE PEOPLE



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**

**From:** [Skotchdopole, Paul A.](#)  
**To:** [POB; Edward Harness \(ed\\_harness@live.com\)](#)  
**Subject:** Per Diem and travel reimbursement for Nacole  
**Date:** Tuesday, September 29, 2015 3:15:36 PM

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Hello everyone going to NACOLE,

I spoke to Veronica Barela who is the person who arranged your travel to NACOLE. She said that you are all authorized under GSA to be reimbursed up to \$71.00 per day for meals and incidentals. Generally this breaks down to \$12.00 for breakfast, \$18.00 for lunch, \$36.00 for dinner, and \$5.00 for incidentals. If you spend beyond the \$71.00 per day, the City will not be able to reimburse you for the amount spent beyond the \$71.00. The City will reimburse you for shuttle service, and taxi service, but I am told that rental cars were not authorized and that any expense related to rental cars will not be reimbursed. Please keep all of your receipts for meals, bring back your hotel receipt (the City will need this), and keep your receipts for taxi or shuttle service as meals, taxis, and shuttle service will be reimbursed. When you get back, those receipts will need to be turned in to Veronica so she can get you all reimbursed. We can help facilitate that from our office.

Veronica said that she is getting an e-mail together that she will be sending to the NACOLE attendees explaining all of the above in further detail. I hope this answers any questions you may have regarding the upcoming travel and if not, please do not hesitate to contact me so I can get the answers to any questions you may have.

Best regards,  
Paul

**From:** Silvio Dell'Angela  
**To:** Silvio Dell'Angela  
**Subject:** Permitting the foxes to guard the hen house. Will it be more of the same at Wednesday's Council meeting? Bill OC-15-25  
**Date:** Sunday, September 06, 2015 1:53:53 PM

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## **TO: All**

Haven't the DOJ, Judge Brack and Berry insulted us enough by hiring foxes (former police officers) to stonewall any real APD reform?

### **THE FOXES NOW GUARDING THE HEN HOUSE**

Who were the ones negotiating on behalf of us citizens with the DOJ? None other than Cincinnati's liar to the Council on needed police oversight ordinance changes-Scott Greenwood and his partner former police chief Tom Streicher whose Cincinnati PD was also investigated by the DOJ.

Who do we have as the DOJ's and Judge Brack's assigned toothless "auditors" of APD reform? They are mostly retired cops in PMR Inc. who only report to the Judge once a year and the DOJ and not to us.

Who is now the Police Oversight Board's (POB) first choice to be the next Executive Director (EO) of the new citizens Police Oversight Agency (POA)? It's a clueless former Milwaukee cop Edward Harness that the Council will likely approve at its September 9 Council meeting-Bill # OC-15-25.

### **LACK OF RESPECT FOR US AND DUE DILIGENCE BY THE COUNCIL**

The Councilors never bothered to review the outstanding resumes of the 40+ other outstanding candidates for the APD Police Chief's job before blessing Berry's choice-the unqualified Eden.

Have any of the Councilors now taken the time to review the Gov TV broadcasted (and also YouTube sent to them by me) interviews with these three nominated POB candidates for the Agency's important Executive Director's (ED) position?

The video would show that this former Milwaukee cop Edward Harness was clueless-only a master of doubletalk. Ed said that he believed a cop's life was much more important to save than that of any citizen.

Apparently the Journal's Editorial Board shares this belief parroting the recent words of an embarrassing former Schultz Commander-now US Marshal Conrad Candelaria at a recent police officers' "heroes" luncheon.

Candelaria and the recent editorial called for all killings of cops here-a rare occurrence in NM to now be deemed hate crimes. That will be the subject of another of my e-mails soon.

#### **FORMER COP HARNESS JUST ANOTHER FOX**

The posted Council resumes of all three ED nominees also showed that that the only references listed by Harness except for one, were senior police officers. Harness would further say in his resume that police have a "special place in our society"-are not mere public servants here hired to serve and protect us.

After the first public meeting with the interviews of five candidates, with only one public speaker-Alan Wagman there, the POB could have made an easy decision during their three hour + closed door executive session and only send the name of Jay Rowland to the Council.

Jay showed that having been in the job clearly understood how a good oversight process works including the much required limitations of the Supreme Court's "Garrity vs. NJ" ruling on compelled officer statements. The DOJ report to the Seattle Mayor made these limitations on "Garrity" very clear.

#### **POB STILL NOT INDEPENDENT AND NOT SERVING US**

Instead the POB members apparently were told to check first with the Mayor, CAO Perry and APD Chief all of whom the last IRO/then interim EO Robin Hammer worked for-according to a written memo by former Berry/Perry personal City attorney Dave Tourek.

Clearly these ethically corrupt three only wanted this former cop Harness, who like Robin Hammer, would continue to make the entire citizen oversight process a sham.

Was the Council ever surveyed on their preferred ED? They seem to be part of the problem. Their first actions after the new oversight agency was formed would be to ignore most of their January 2014 recommendations of the police oversight task force based on the lies told them by Greenwood claiming what he recommended represented that of the DOJ.

The Council later then tried to further limit the Agency's powers.

So after the second POB meeting was held with not even one citizen showing up to speak-all of us finally disgusted with the POB, former cop Harness not surprisingly became their first choice.

Former retired San Diego cop Beth Mohr who ran the ED selection interviews for the Chairman would then try to defend to the media their selection of her fellow retired cop Harness with some insulting B.S.

#### **OVERSIGHT AGENCY STAFF ALREADY A PROBLEM AND INTERNAL AFFAIRS A SICK JOKE**

The new Police Oversight Agency already has a senior former pro-bad APD cop biased Belen cop as one of its investigators. The two other POA investigators' previous jobs were at Lowe's and Target.

APD's Internal Affairs investigations of Citizen Police Complaints are also shams as they always lie

when doing their investigations.

Even APD cops are allowed to review video recordings before making their statements. No incriminating videos are ever released to the public or POB.

A NO-BRAINER DECISION

Only the POB's second choice former IRO Jay Rowland was even qualified for the ED job. Jay was apparently deemed too experienced/committed to the citizens and POB and far too honest for APD and the Mayor.

Those on the POB should be ashamed of themselves. Any with self respect should resign as three honest POC members did when Tourek make his disgraceful proclamation in 2013 that they were powerless.

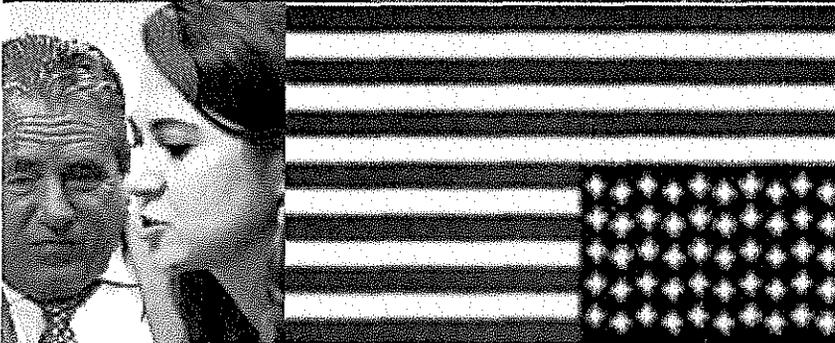
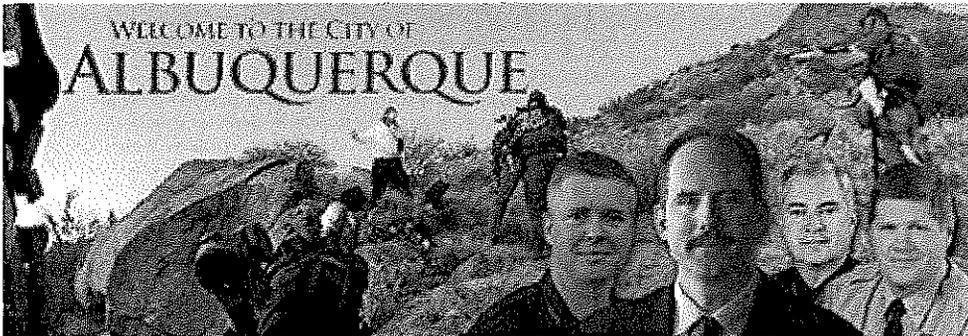
The Council's selection of Harness would be yet another insulting fox being asked to guard the hen house and further disrespect us.

Disgusted-as are many here

Silvio

For WE THE PEOPLE

296 3241



**THE MOST CORRUPT ADMINISTRATION AND DANGEROUS POLICE FORCE IN THIS CITY'S HISTORY**