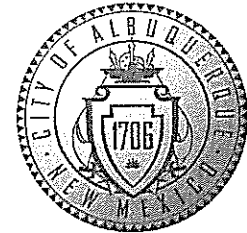


CITY OF ALBUQUERQUE



POLICE OVERSIGHT COMMISSION

Matthew Archuleta, Chair
Bambi Folk, Vice Chair
David Adkins
Hank Cadena
Scott Carreathers
Bob Francis
Linda Martinez
Don Peterson
William W. Deaton, Independent Review Officer

December 13, 2010

Ray Schultz, Chief of Police
C/O Internal Affairs Unit
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

Subject: CPC # 180-10

Dear Chief Schultz,

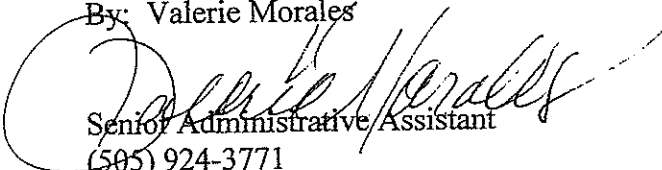
We concurred on our findings in this case. This complaint will be presented to the POC for final review and, if approved, the attached public record letter will be mailed to the citizen. These findings are now considered final. If any changes to these findings are ever contemplated, inform the Police Oversight Commission and the Independent Review Officer immediately. Please ensure the findings are placed in the officer's retention file.

Please review the summary of the officer's statement and advise me if you think it is too extensive or does not comply with the union contract and Police Oversight Ordinance.

Please contact me if there are questions or concerns.

William W. Deaton
Independent Review Officer

By: Valerie Morales


Senior Administrative Assistant
(505) 924-3771

vmorales@cabq.gov

File Accompanies Letter
CC: Police Oversight Commission
(W/O names)

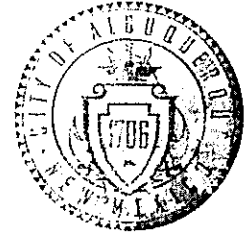
PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



POLICE OVERSIGHT COMMISSION

Matthew Archuleta, Chair

Bambi Folk, Vice Chair

David Adkins

Hank Cadena

Scott Carreathers

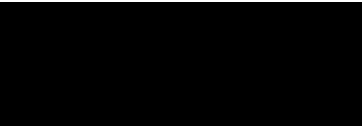
Bob Francis

Linda Martinez

Don Peterson

William W. Deaton, Independent Review Officer

January 13, 2011



Subject: CPC # 180-10

Dear Mr. [REDACTED],

PO Box 1295 The complaint you filed was received in our office on September 2, 2010. Based on the complaint and our investigation we have determined whether the Standard Operation Procedures (SOPs) listed below have been violated. You will be referred to below as 'the citizen' or by name.

Albuquerque A summary of the investigation and my findings are below.

THE COMPLAINT

NM 37103 **The citizen had an altercation with his ex-girlfriend (mother of their child) and the police were called. Neither party was arrested. The citizen alleges the officers treated him in an unprofessional manner once his ex-girlfriend told them he had a prior domestic violence case.**

www.cabq.gov

Since the officers are compelled to cooperate in the investigation, Sections 9-4-1-13 and 9-4-1-14 of the Police Oversight Ordinance state that these statements will not be made public. I am only allowed to summarize the conclusions I reached from their compelled statements.

Your complaint has been thoroughly and impartially investigated. We make findings 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.

ISSUES, FACTS AND CONCLUSIONS
Officer O

- Did Officer O comply with §1-04-4F, that states;

Personnel shall conduct themselves both on and off-duty in such a manner as to reflect most favorably on the department.

The citizen claims that the officer was rude and unprofessional towards him once the citizen's ex-girlfriend mentioned the citizen had a prior domestic violence incident. The citizen claims he was the victim here but the officers treated him as if he was the offender.

Without a belt tape recording of the incident it is not possible to determine whether or not the officer was professional in this incident. While the citizen's lack of specific issues is troublesome, it is not possible to say whether the officer was professional during this incident.

I find this issue to be NOT SUSTAINED.

Officer P

- Did Officer P comply with §1-39-1A, that states;

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.

6. Domestic violence calls for court purposes.

The record shows this was a domestic violence call and that no belt tape was tagged into Evidence. The officer's report does not show a belt tape being tagged.

The officer stated he could not locate this belt tape.

I find this issue to be SUSTAINED.

Chief Schultz agrees with these findings.

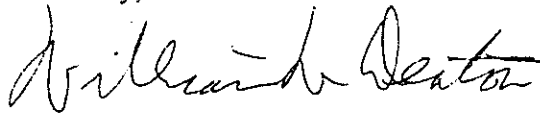
Your complaint and these findings are made part of the officer's permanent record.

You have the right to appeal this decision. §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 may 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 are held accountable, and improving the process.

Sincerely,



William W. Deaton
Independent Review Officer
505-924-3774
Police Oversight Commission
P. O. Box 1293
Albuquerque, New Mexico 87103

CC: Police Oversight Commission
(W/O names)

Assign in mtg. 11-2-8. 9/2/2010

**ALBUQUERQUE POLICE DEPARTMENT
CITIZEN POLICE COMPLAINT FORM**

Official Use Only:

Date/Time Received: 9/1/10

Received By: B Boyle

CPC#: 180-10

Assigned To: F. Kelly

9-12-10 AM 1:03 PM

INSTRUCTIONS:

This form should only be completed if you wish to initiate a complaint against the Department or an employee(s). According to City Ordinance, written complaints must be filed within ninety (90) calendar days of the incident to be accepted. If you would rather attempt to resolve this issue with the employee's supervisor, you may contact the employee's supervisor directly. For assistance, please contact the Internal Affairs Unit at (505) 768-2880 during business hours.

IF YOU DECIDE TO FILE A COMPLAINT:

Please complete the complainant information and statement portions below. Once the form is completed and signed it may be delivered to the Independent Review Office/Police Oversight Commission at 600 2nd St. NW, Room 813, Albuquerque, NM, 87102, or mailed to PO Box 1293, Albuquerque, NM 87103. Please notify the Independent Review Office if your address or phone number changes prior to the resolution of your complaint.

COMPLAINANT INFORMATION

NAME: _____
(First) (Middle) (Last)

ADDRESS: _____
(Street Name and Number)

(City) (State) (Zip Code)

TELEPHONE: Home: _____ Cell/Work: _____

Date and Time of Incident: June 16-10/4 P.M.

Address where incident happened: _____

NOTE: This complaint form along with other necessary documentation will be forwarded to the Independent Review Office for evaluation and investigative direction. Your complaint may be investigated by the Independent Review Office or assigned to APD's Internal Affairs Unit for investigation. The Independent Review Office also will review the completed investigation and will submit findings to the Chief of Police. You will be notified by certified mail, at your above-listed address, of the final disciplinary findings (normally within 60 days after the complaint has been filed.)

STATEMENT

Please describe both the incident and the specific nature of your complaint as completely as possible. Be sure to give the names, addresses and phone numbers of any witnesses of which you are aware. Be as specific as possible about the details such as exactly what was said, time and dates of incident. Identify the exact location of the incident, identification of the officers involved, if known. If officer's names are not known, please include detailed descriptions of officers. Be specific, it is important to provide as much information as possible. Attach additional sheets if necessary. Please feel free to include any other relevant information or items (pictures, witness statements, etc.)

ON JUNE 16TH 2010 "I WAS" CALLED
BY MY EX-GIRLFRIEND ([REDACTED])
TO GO TO HER WORK TO PICK UP MY DAUGHTER
([REDACTED]) (8) SO THAT I COULD SPEND
2 HOURS WITH HER, SINCE SHE WAS GOING
TO HAVE HER FOR FATHERS DAY WHICH WAS
SUPPOSED TO BE MY HOLIDAY ANYWAY.
WHEN I GOT THERE I WAS PRESENTING HER
WITH DATES & TIMES OF MY VACATION TIME
WITH MY DAUGHTER AS STIPULATED BY THE
COURTS, SHE REFUSED TO SIGN THIS PAPERS
AND GOT UPSET AND TOLD ME TO GO TO
HELL AND THAT I COULDN'T SEE MY DAUGHTER
ANY MORE, I HAVE A BROKEN LEG SO I DIDN'T
GET OUT OF THE CAR, I TOLD HER SHE WAS
CRAZY AND ASKED MY DAUGHTER TO COME
AROUND TO GIVE ME A HUG, SHE (HER MOM)
WOULD NOT WANT TO ALLOW ME TO DO THIS

(Statement continued)

AND SLAPPED ME ON THE FACE AND
SCRATCHED MY ARM, SO MY ONLY
DEFENCE WAS TO SPIT AT HER
(UNLIKE WHAT THE OFFICER SAID)
THEN I PROCEEDED TO CALL POLICE
SO I WAS THE "VICTIM" WHEN THE
OFFICER GOT THERE I EXPLAINED TO
HIM WHAT HAPPENED, HE HAD ME WRITE
A "REPORT", WHEN HE TALKED TO HER
SHE TOLD HIM THAT I HAD A DOMESTIC
VIOLENCE CASE AND THE OFFICER TOTALLY
CHANGED HIS WAY TOWARD ME AND
STARTED TO TREAT ME LIKE A "CRIMINAL"
BEING A COMPLETE A. HOLE, HE SAID
THAT OTHER WITNESSES TOLD HIM DIFFERENT
AND THAT HE WOULD NOT TALK TO ME ANYMORE
THEN I ASKED HIM SINCE I WAS THE
VICTIM, HOW COME HE DIDN'T ARRESTED
HER AND HE TOLD ME HE WANTED TO
ARREST ME AND THAT I BETTER LEAVE'S

(Statement continued)

The OFFICER WAS VERY ABUSIVE AND INCOMPETENT, NOW I NEED THIS REPORT TO BE CORRECT FOR COURT SINCE BECAUSE OF THE OFFICER NOW I'M THE OFFENDER WHAT THE HELL!

HE'S STATEMENT IS UNTRUE AND HAS NOTHING TO DO WITH ~~IT~~ WHAT I HAD WRITTE OR TOLD HIM! MY EX DID GET A COPY OF HER WRITTEN STATEMENT AND I DID NOT! WHY?

THIS OFFICER SHOULD BE REPRIMENDED FOR NOT DOING HIS JOB WRIGHT AND FOR GOING ABUSIVE AND BULLETERAWT AND NOT PROFESSIONAL, HE IS A LIAR AND I WILL NOT BE GUILTY BECAUSE OF HIS INCOMPETENCE, I AM A GOOD CITIZEN AND WILL CONTINUE TO BE ONE AND WILL TAKE THIS TO THE SUPREME COURT IF NECESSARY!

(Statement continued)

There WAS NO WITNESSES!
he Lies!
he didn't Submit The write PAPER
WORK AND NOW I'm Getting
Srenewed!

OFFICER'S NAME is
Perry Bradley / RANK PIC
ID# P4014

PLEASE I ASKE THAT THIS MATTER
Be Reviewed by your OFFICE.

ALSO SO YOU KNOW I had custody
PAPERS showing we had JOINT CUSTODY
he Lied AGAIN.

(Statement continued)

WITNESSES:

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

(If more, please list on a separate sheet.)

Names of officers you are complaining about: Ferry Bradley / Rank - PIC
ID # P4014

Would you be interested in mediation to resolve this complaint: no

End of Statement

The information provided in this statement is true and factual to the best of my knowledge. I understand that I may be required to appear in the Independent Review Office or the Internal Affairs Office for further interview or to provide other investigative assistance as necessary.

