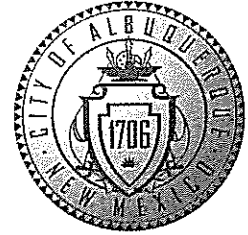


CITY OF ALBUQUERQUE



POLICE OVERSIGHT COMMISSION

Matthew Archuleta, Chair

Bambi Folk, Vice Chair

Hank Cadena

Scott Carreathers

Bob Francis

Linda Martinez

Don Peterson

Steve Smothermon

William W. Deaton, Independent Review Officer

April 19, 2010

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

Subject: CPC # 182-09

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)

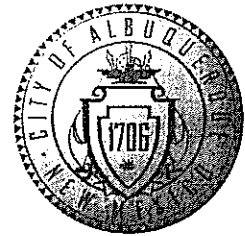
PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



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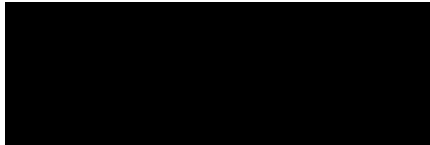
Linda Martinez

Don Peterson

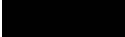
Steve Smothermon

William W. Deaton, Independent Review Officer

May 13, 2010



Subject: CPC # 182-09

Dear Ms. 

The complaint you filed was received in our office on August 27, 2009. 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 87103 **The citizen complains that Officer G failed to arrest a hit and run driver who was identified over the telephone by the owner of the hit and run car. The citizen also complains that Officer G did not perform an accurate investigation of the hit and run incident.**

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 G

Did Officer G comply with Albuquerque Police 3-17-6 which mandates:

HIT AND RUN CRASHES

. . .

C. Hit and run follow-up investigation will be the responsibility of the investigating officer under the following conditions:

1. The hit and run vehicle is registered within the city limits of Albuquerque or within the jurisdiction of the officer.
2. Until all leads developed by the investigating officer have been exhausted.

On August 2, 2009, while Officer G was on his on the job training with Officer L, Officer G was dispatched to his first hit and run accident call. He met with the damaged car owner, [REDACTED], who informed him that the driver who hit her car was [REDACTED], who was driving [REDACTED]'s car, apparently without permission, when the collision occurred. After the collision, [REDACTED] left the scene on foot. [REDACTED] and [REDACTED] were on the scene when the officer arrived and [REDACTED] reported to Officer G that [REDACTED] had taken her car while he was drunk, crashed it into [REDACTED]' car, telephoned [REDACTED] about the wreck, and then left the scene on foot. [REDACTED] had let her boy friend use her car on other occasions so the officer did not considered the car to have been stolen, which is the reason he gave for failing to follow up on his investigation. [REDACTED] stated that [REDACTED] told her that [REDACTED] had done such things before and that he had criminal charges pending in New Mexico and Colorado. According to [REDACTED], [REDACTED] asked Officer G if she should contact Officer G if her boy friend returned and could be arrested, and Officer G said that such a contact would not be necessary. Officer G stated that he sent his report to the hit and run unit. Initially, the officer in charge of that unit had no such report in his records; however, he later recalled having received the report. In a written statement to the Albuquerque Police department, [REDACTED] pointed out certain discrepancies in Officer G's police report including the following, to wit: The posted speed limit in her area is 15 mph not 25 mph; vehicle #2 is maroon not white; [REDACTED]' phone number is not correct; [REDACTED]' insurance is misstated; and the addresses of two witnesses are misstated. Officer G discontinued his investigation at the scene when he received a priority one call. Officer G conducted no further investigation at a later time. I find this issue to be sustained.

Officer G

Did Officer G comply with Albuquerque Police 1-04-1G 1 which mandates:
COMPLIANCE WITH LAWS, RULES, AND REGULATIONS

G. Conduct unbecoming an officer or employee shall include:

1. That which could bring the department into disrepute.

I find this issue to be unfounded.

Officer L

Did Officer L comply with Albuquerque Police Department Procedural Order 2-24-4G which mandates:

It is the responsibility of the investigating officer's immediate supervisor to ensure that a proper and thorough investigation is completed.

While Officer G was in training under Officer L, Officer L would be expected to fill the immediate supervisor role set out above. Referring to the narrative above, it is clear that the supervisor role was not filled.

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)

CITY OF ALBUQUERQUE

POLICE OVERSIGHT COMMISSION

Steve Smothermon, Chair

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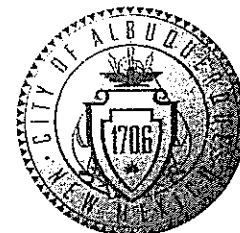
Scott Carreathers

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Bob Francis

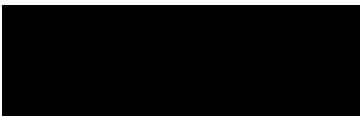
Don Peterson

William W. Deaton, Independent Review Officer



IA

August 29, 2009



Re: CPC # 182-09

Dear Ms. [REDACTED]:

Your written citizen police complaint in this case was received at the IRO office on August 27, 2009. Pursuant to §9-4-1-6 (C) of the *Police Oversight Ordinance*, the complaint was assigned to Internal Affairs for investigation. An investigator from that office should contact you in the near future. If you did not provide a telephone number with your complaint, please call Internal Affairs as soon as possible.

PO Box 1293

Your complaint was received via e-mail, and therefore does not bear a signature. All complaints must be signed in order to be considered "valid". Please sign the copy of your complaint and return it immediately using the self addressed envelope provided.

Albuquerque

Once I receive your signed complaint the investigator will contact you to discuss the details. If I do not receive your signed complaint by September 8, 2009, the investigation will be inactivated as required by statute.

NM 87103

Currently, investigations of complaints require approximately 60 to 90 days to complete. After completion, the officer's supervisor will review the investigation to determine whether any discipline is appropriate based on the findings.

www.cabq.gov


Please remember that complaints involving APD personnel are administrative investigations to determine whether or not any Standard Operating Procedures have been violated. Such violations may result in discipline of the officer. If you desire other relief, please seek additional information on how to proceed.

At the conclusion of the investigation, you will be notified of the results by the IRO and by certified mail from the Chief of Police. If you have further questions, please contact the IRO at 924-3774.

Thank you for your patience and cooperation in the civilian oversight of the police.

William W. Deaton
Independent Review Officer

CC: Lt. Doug West,
Internal Affairs Unit

By: Valerie Morales 
Senior Administrative Assistant
(505) 924-3771

Deaton, William W.

IA ^{COC} 182-09

From: webmaster@cabq.gov
Sent: Thursday, August 27, 2009 3:09 AM
To: Deaton, William W.
Cc: Morales, Valerie C.
Subject: Online Police Complaint Form Submission

Your Name

[REDACTED]

Your Mailing Address

[REDACTED]

Your Phone Number

[REDACTED]

Date the Incident Occurred

08/02/2009

Your Date of Birth

[REDACTED]

Your Complaint

On 8/2/09, my vehicle was hit by a hit and run driver while parked in front of my property. The other driver had to leave his vehicle in my driveway because it was so badly damaged. He left on foot. His girlfriend returned to claim the vehicle, and gave the police a complete report of the incident. The offender, [REDACTED], had been drinking heavily and was intoxicated and stole the vehicle from his girlfriend. These facts were revealed by the girlfriend. She offered to "turn the offender" over to police by calling them when he returned home that night or the next day. The officer said that would not be necessary. I would like to know why an arrest warrant was not issued for this driver. He was driving while intoxicated and committed a hit and run crime. I am not certain of the officer's name, as his communication with me was very limited.

Thank You,

[REDACTED]

Deaton, William W.

IA CPC
182-09

From: webmaster@cabq.gov
Sent: Thursday, August 27, 2009 3:09 AM
To: Deaton, William W.
Cc: Morales, Valerie C.
Subject: Online Police Complaint Form Submission

09-02-09A11:14 RCVD
09-02-09A11:14 RCVD

Your Name

[Redacted]

Your Mailing Address

[Redacted]

[Redacted]

Your Phone Number

[Redacted]

Date the Incident Occurred

08/02/2009

Your Date of Birth

[Redacted]

Your Complaint

On 8/2/09, my vehicle was hit by a hit and run driver while parked in front of my property. The other driver had to leave his vehicle in my driveway because it was so badly damaged. He left on foot. His girlfriend returned to claim the vehicle, and gave the police a complete report of the incident. The offender, [Redacted], had been drinking heavily and was intoxicated and stole the vehicle from his girlfriend. These facts were revealed by the girlfriend. She offered to "turn the offender" over to police by calling them when he returned home that night or the next day. The officer said that would not be necessary. I would like to know why an arrest warrant was not issued for this driver. He was driving while intoxicated and committed a hit and run crime. I am not certain of the officer's name, as his communication with me was very limited.

Thank You,

[Redacted]

8/31/09 - It has since been determined that the girlfriend of the driver owns the vehicle, [Redacted] & the driver is excluded from the insurance policy. The insurance is refusing to pay the damages to my vehicle & a civil case will be pursued. The officer's name is R. Garza & a copy of the report is attached. I have been in contact with the owner & the driver, and they have informed me that no charges or arrests have been made.

Thank You

[Redacted]