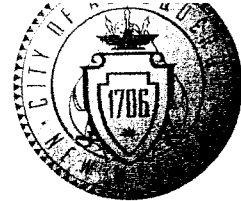


**POLICE OVERSIGHT COMMISSION**

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



IA

December 14, 2009

RECEIVED  
12-23-09

[Redacted]  
Albuquerque, NM [Redacted]

Re: CPC # 251-09

Dear Ms. [Redacted]

Your written citizen police complaint in this case was received at the IRO office on December 9, 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

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.

Albuquerque

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.

NM 87103


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.

www.cabq.gov

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

**ALBUQUERQUE POLICE DEPARTMENT  
CITIZEN POLICE COMPLAINT FORM**

via mail  
Official Use Only:

Date/Time Received: 12-9-09  
Received By: [Signature]  
CPC#: 251-09  
Assigned To: JA

**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 2<sup>nd</sup> 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.

12-09-0510:05 RCVD

**COMPLAINANT INFORMATION**

NAME: [Redacted] (First) [Redacted] (Middle)

ADDRESS: [Redacted] (Street Name and Number)

Albuquerque (City) NM (State) [Redacted] (Zip Code)

TELEPHONE: Home [Redacted] Cell/Work: \_\_\_\_\_

Date and Time of Incident: 11/23/09 5:10 pm

Address where incident happened: on 4th St NW between Menaul & the Frontage R 2200 Block

**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.)

---

December 2, 2009

I am initiating this complaint regarding a speeding ticket I received at approximately 5:10 pm on November 23, 2009 which is inaccurate.

After waiting at the red light at Menaul and 4<sup>th</sup> NW, I had proceeded heading south to access the frontage road going east. Just prior to approaching that left turn lane, I noticed the officer's lights flashing behind me. I stopped just under the underpass. The officer then reported that I was going 40mph in a 30mph zone. I was surprised, and stated that I didn't think I had been going that fast. I gave him my license and registration and he returned with the ticket, informing me of my alternative to paying, i.e., appear in court. Knowing that I was probably going 40 and that I had a very busy 2 weeks at work coming up, I opted to pay the penalty.

Shortly after, I pulled over to call my daughter to let her know that I would be late in picking her up because I had been stopped. The call, still listed on my cell phone, indicates it was 5:24 pm.

The first inaccuracy is the time, which is probably of little consequence, however it makes not one inaccuracy, but two. The ticket states the time as 16:10 (no am or pm documented), which unless I am confused, is 4:10, not 5:10. My cell phone shows I was actually talking to someone at 4:12 pm that day prior to leaving my house. I certainly wasn't doing that while the officer was writing up my ticket.

Of most concern to me is that after signing the ticket and heading off, I just couldn't believe that the speed limit was only 30mph on that particular strip of 4<sup>th</sup> st., or on most any strip of 4<sup>th</sup> in that neighborhood.

So, after getting my daughter I decided to drive back down from Menaul, where I was stopped at the light, to the frontage road. I discovered no speed limit sign stating 30 mph at all. The last sign I noted further north after the school zone states the limit to be 35 mph and does not change to 30 mph until just north of Bellamah, some distance from the point at which I was stopped.

(Statement continued)

I decided to go on line to the APD site to find out how to file a complaint. It stated I could do this at the substation, located just south of Montano Rd NW on 2<sup>nd</sup>. I went there with my ticket. After looking at my ticket, I was told by a sergeant there that I needed to go to the court house at 401 Lomas NW and set a court date. So I did that, only to be told I could not get a court date because I had signed and admitted my guilt. I then asked the clerk how I could file a complaint. She directed me to the police department on 4<sup>th</sup> NW and Roma (I think that's where I was). There I was told to go to internal affairs. So, I walked over there. I picked up the complaint form and went in because I was unable to read the officer's name. After some time, that was deciphered. I was told his name was Steve Hindi.

So, yes, I am guilty of traveling at 40 mph, but not in a 30 mph area. I signed the ticket because I believed the officer. After all, it is a fairly elemental part of his job, I would imagine.

I have learned in the future never to sign a ticket again, especially in the dark (another reason I know it was not 4:10, but 5:10 pm, I did have my headlights on and it was beginning to be considered dark). I also learned not to so readily trust the officer's level of awareness. In addition, I will pass this information on to others, so they too can be more alert and able to make a better decision than I did.

(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: Steve Hindi

Would you be interested in mediation to resolve this complaint: \_\_\_\_\_

**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.

\_\_\_\_\_

Complainant's Signature

Complainant's Date of Birth: \_\_\_\_\_

**ALBUQUERQUE POLICE DEPARTMENT**

**MEDICAL RECORDS RELEASE**

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Name of Medical Facility)

I, \_\_\_\_\_, DOB \_\_\_\_\_, SSN \_\_\_\_\_,  
do hereby authorize the above-named medical facility to release to the bearer of this document  
any and all records of my medical treatment and/or diagnosis on \_\_\_\_\_.  
I do hereby waive my rights to privacy normally maintained between doctor and patient. I do  
hereby release the above-named medical facility and/or the attending physician from any and all  
liability.

\_\_\_\_\_  
(Signature of Patient)

\_\_\_\_\_  
(Signature of Party Receiving Said Record)

\_\_\_\_\_  
(Date Received)

**BERNALILLO COUNTY JUVENILE DETENTION CENTER**

**RELEASE OF INFORMATION**

I, (Parent/Legal Guardian) \_\_\_\_\_, hereby give permission on behalf of myself and my child, \_\_\_\_\_, DOB: \_\_\_\_\_ to the Bernalillo County Juvenile Detention Center to release the following information concerning my child to (Agency/Individual) \_\_\_\_\_.

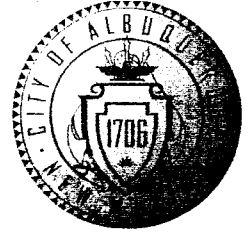
( ) Medical Records

( ) \_\_\_\_\_  
Other

I hereby release Bernalillo County and its officers, employees, agents, contractors and all others associated with the Bernalillo County Juvenile Detention Center from any liability for the furnishing of this information.

The information that is requested covers the following time periods:

_____ (Date)	to	_____ (Date)
_____ (Parent/Legal Guardian)	to	_____ (Date)
_____ (Parent/Legal Guardian)	to	_____ (Date)
_____ (Director/Assistant Director)	to	_____ (Date)



## POLICE OVERSIGHT COMMISSION

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

April 8, 2010

[REDACTED]  
[REDACTED]  
[REDACTED]

Subject: CPC # 251-09

Dear Ms. [REDACTED]

The complaint you filed was received in our office on December 23, 2009, 2009. Based on the complaint and the investigation by the Internal Affairs Unit, 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.

A summary of the investigation and my findings are below.

### THE COMPLAINT

Ms. [REDACTED] was cited for driving her automobile 40 miles per hour in a 30 miles per hour traffic zone. Ms. [REDACTED] admits that she was driving 40 miles per hour; however, she states that the speed limit where she was cited was 35 miles per hour. Ms. [REDACTED] also complains that after she decided to file a complaint she noticed a mistake in the time set out in the citation. The time of the stop and citation was 5:10 PM or 1710 hours. The officer mistakenly recorded the time of the violation as 16:10 (interpreted as 1610 hours).

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 H**

Did Officer H comply with Albuquerque Police Department General Order #1-04-4U1 which mandates;

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.

1. Written document refers to reports, citations, public records or documents, public vouchers, overtime slips, Request for Leave or Absence form (P-30), affidavits, or any other written instrument completed by department personnel.

The last speed limit sign north of Menaul on 4<sup>th</sup> street for a southbound car is about a block north of Menaul and it is for 35mph. There is then a long distance southbound with no speed limit sign. The next sign is for 30mph. On the east side of 4<sup>th</sup> Street from Mountain Road north toward Menaul there are a number of 30mph speed limit signs, then there a 35mph sign about a block south of Menaul. The area in which Ms. [REDACTED] was cited was south of Menaul where the only speed limit signs were on the northbound or east side of the street and she was southbound on the west side of the street. The last sign she could have been forced to obey was the 35mph sign a block of Menaul. She was traveling in excess of any of the posted speed limits, and the fine would have been the same for a driver going 40mph whether the speed limit was 30 or 35mph. The area in which the stop was made and where Ms. [REDACTED] would have been to have reached the 40mph speed she admitted to, was in a 30mph zone, although it could not be enforced because of the absence of adequate signs on the southbound or west side of the street. In these circumstances, the officer writing the citation in question did not violate this SOP. There is nothing to suggest that the mistake in listing the time of the citation was anything other than a simple mistake near the end of the officer's shift; a later discovered mistake of minimal significance. I find this issue to be exonerated.

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,

A handwritten signature in black ink, appearing to read "William W. Deaton". The signature is fluid and cursive, with the first name "William" being the most prominent.

William W. Deaton  
Independent Review Officer