CITY OF ALBUQUERQUE

Civilian Police Oversight Agency

Finding Letters of the CPOA

The CPOA Executive Director's findings in each case are listed below. The following notifications of the findings were provided to the citizen(s) during July 2024. The findings become part of the officer's file, if applicable.

July 2024:

075-23	**162-23**	**248-23**	**279-23**	**288-23**
297-23	**298-23**	**302-23**	**317-23**	**012-24**
024-24	**028-24**	**034-24**	**048-24**	**050-24**
054-24	**060-24**	**074-24**	**075-24**	**079-24**
083-24	**095-24**	**096-24**	**103-24**	

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 31, 2024

Via Email

Re: CPC # 075-23

COMPLAINT:

On 3/11/2023, V C submitted an online complaint to the CPOA regarding the timely approval of crash report 710903716.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): No APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: N/A

APD Employee Involved: N/A

Other Materials: E-mail communications and TraCS logs

Date Investigation Completed: July 11, 2024

FINDINGS

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☐

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☑

Additional Comments:

This case was Administratively Closed as no evidence of a violation in reference to this complaint was discovered during a review of the available evidence. The investigation determined that the officer was timely in completing and submitting the report on the day of the crash, 2/19/2023. However, the report underwent numerous rejections and corrections after the initial submission. On 3/18/2023, the supervisor approved the report. The process of correcting and refining a report does not have a specified time line in policy.
This case was previously assigned to an investigator that resigned from the Agency so there was a delay in completing the investigation.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

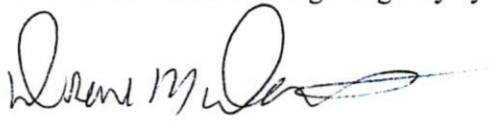
1) A policy was misapplied in the evaluation of the complaint;
2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints maybe re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

If you are not satisfied with the final disciplinary decision of the Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform letter. Include your CPC number. The review by the Chief Administrative Officer is independent of the Advisory Board.

If you have a computer available, we would greatly appreciate your completing our client survey form at http://www.cabq.gov/cpoa/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



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 29, 2024

Via Email

Re: CPC # 162-23

COMPLAINT:

Mr. M ; submitted a complaint regarding a traffic stop. Mr. M ; reported that Officer V repeatedly asked the same questions, stood awkwardly over his shoulder looking through his telephone, harassed him for a violation that he did not commit, told him he needed him to sign his registration and issued him a citation when he told him it would be a warning. Mr. M ; reported, *"I feel that I was racially profiled, due to my skin complexion and the vehicle I was driving."* Mr. M ; sought to remove the citation without any fees or penalties.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer V

Other Materials: OBRD Transcript, Citations, Reference Guide, & Email Communications.

Date Investigation Completed: May 13, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Conduct) & 1.4.4.B.1.a (Bias Policing)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐
4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☐
5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	☐
6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.	☐

Additional Comments:

It was determined that Officer V conducted a traffic stop for an observed violation and issued Mr. M ; two written warnings and one penalty assessment citation. Officer V was professional and patient. Officer V gave the driver an opportunity to sign the registration and avoid a citation. Officer V stood by in a normal manner while Mr. M ; attempted to find his insurance. Officer V did not look over Mr. M ' shoulder or lean in to view his telephone while he was looking for his insurance. Officer V took the appropriate steps to verify the information needed and issue the citations.

No evidence provided, located, or reviewed indicated that the traffic stop was conducted for any other reason or that Officer V's actions or questions were anything other than routine.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

1) A policy was misapplied in the evaluation of the complaint;
2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

If you are not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter. 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/cpoa/survey. There was a delay in the issuance of findings due to the resignation of the Executive Director, another not being appointed by City Council until some months later, and a high volume of reviews to process. Thank you for your patience and participation 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

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 29, 2024

Via Certified Mail

7021 0950 0002 0443 5835

Re: CPC # 248-23

COMPLAINT:

Mr. C reported that his daughter was at a laundry mat, and a guy exposed himself to Ms. C Mr. C reported that Ms. C called APD. Mr. C reported that Ms. C wanted to file a restraining order, but APD was not willing to help Ms. C get the name of the guy who exposed himself to Ms. C

Ms. C stated that APD didn't want to provide the perpetrator's information so Ms. C could put a restraining order on the perpetrator. Ms. C stated she even asked the police officers who were on the scene. Ms. C stated she had pictures of the perpetrator and she told the officers which way he went and none of them went after him.

Ms. C stated the incident report had several errors.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: Audio recorded 242 Cops phone calls.

Date Investigation Completed: May 17, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☐

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

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Policies Reviewed: General Order 1.1.5.A.4

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☑

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

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Additional Comments:

1.1.5.A.4- A review of the OBRD Videos confirmed that the initial officers on the original scene had not identified the alleged suspect while on the scene, therefore they were unable to provide Ms. C with the suspects name as they did not know it.
A review of both the OBRD Videos and Officer C's incident report confirmed that the suspect's description was correctly documented and the DOB for Leo Nunez was correct. In reference to Ms. C concern of Officer C noting the suspect ran out instead of walking out, per the OBRD videos, at least on two different occasions, while speaking with officers, Ms. C advised the officers that the suspect ran out as noted on Officer C's report. During the interview, Officer C confirmed officers did not immediately go after the suspect when they arrived on the scene as they had first to establish charges.
After a review of the interviews and evidence presented, it was confirmed that Officer C did not violate the SOP in question.
It should be noted that the name of the alleged suspect is noted on Detective G's supplemental report.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 29, 2024

Via Certified Mail

7021 0950 0002 0443 5835

Re: CPC # 248-23

COMPLAINT:

Ms. C stated that Lt. P hung up on her on several occasions. Ms. C stated that Lt. P laughed at her and smirked at her because the assault was not penetration. Ms. C stated that Lt. P told her that he could not give Ms. C the perpetrator's information, then asked if Ms. C was smart enough to know that the vehicle did not match the perpetrator's description. Ms. C confirmed that the conversations with Lt. P were via phone call. Ms. C stated she first spoke with Lt. P on 09/25/2023 and on that date, Lt. P told Ms. C there was no penetration, and he laughed and smirked and indicated her case was not important as there was no penetration. Ms. C stated she had notes that she spoke with Lt. P on 09/25/2023 and 11/02/2023.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Lieutenant P

Other Materials: Audio recorded 242 Cops phone calls.

Date Investigation Completed: May 17, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

Policies Reviewed: General Order 1.1.5.A.1

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

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Additional Comments:

Lt. P stated he had never talked to Ms. C After reviewing evidence.com for the two dates (09/25/2023 and 11/02/2023) on which Ms. C reported she had spoken with Lt. P, the CPOA Investigator did not locate any videos for Lt. P. After reviewing Lt. P's Cad History for the two dates (09/25/2023 and 11/02/2023) in question, nothing was noted regarding speaking with Ms. C on those dates. A request was sent to APD's Research and Recording Office requesting all phone calls from Ms. C to 242 Cops for the dates of 09/25/2023 and 11/02/2023 (dates Ms. C reported she spoke with Lt. P.) APD Records and Data Coordinator provided the CPOA Investigator with all phone calls from Ms. C between the dates noted above. Four phone calls from the following dates were provided to the CPOA Investigator. The CPOA Investigator listened to all four phone calls and noted that at no time during those calls did Ms. C talk about Lt. P or ask to speak with Lt. P. No evidence was located or provided to verify that Lt. P violated the policy in question regarding his reported conduct toward Ms. C via phone conversations.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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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/cpoa/survey. There was a delay in the issuance of findings due to the resignation of the Executive Director, another not being appointed by City Council until some months later, and a high volume of reviews to process. Thank you for your patience and participation 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

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 31, 2024

Via Email

Re: CPC # 279-23

COMPLAINT:

Ms. C reported that she was stopped by Officer C on 03/06/21. Ms. C advised that Officer G and Sgt. M were also present during the incident. Ms. C alleged that Officer C conducted an unlawful traffic stop and, as the arresting officer, fabricated her police report and supplemental reports with reference to her procedural actions. Ms. C alleged that during the traffic stop officers participated in the unlawful traffic stop and that Sgt. M supervised a field officer who participated in the unlawful traffic stop. Ms. C reported that it was obvious that Officer C was not honest in her actions and had revealed more than a conflict of interest and reported that the tactical operation plan proved the original reason for the traffic stop was false.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: Unit History, CAD Audio, & Email Communications

Date Investigation Completed: May 13, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

Policies Reviewed: 2.71.4.A.1 (searches&seizures), 1.1.4.B.6.a (compliance) 2.48.2.B.1 (tow)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

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Additional Comments:

2.71.4.A.1: Officer G served as backup during the detention and arrest and did not conduct a search. Officer G assisted in returning the children to the custodian/guardian.

1.1.4.B.6.a: Ms. C) alleged Officer G shared responsibility for Officer C's improper actions. If Officer C's actions were a violation of policy Officer G would have a responsibility to report, but there was not a violation of policy.

2.48.2.B.1: Officer G served as backup and determined Ms. C ; passenger was ineligible to take possession of the vehicle.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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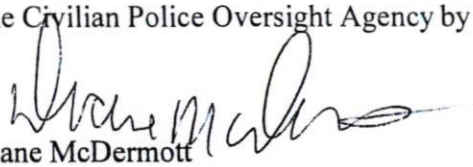
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 31, 2024

Via Email

1

Re: CPC # 279-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Ms. C reported that she was stopped by Officer C on 03/06/21. Ms. C advised that Officer G and Sgt. M were also present during the incident. Ms. C alleged that Officer C conducted an unlawful traffic stop and, as the arresting officer, fabricated her police report and supplemental reports with reference to her procedural actions. Ms. C alleged that during the traffic stop officers participated in the unlawful traffic stop and that Sgt. M supervised a field officer who participated in the unlawful traffic stop. Ms. C reported that it was obvious that Officer C was not honest in her actions and had revealed more than a conflict of interest and reported that the tactical operation plan proved the original reason for the traffic stop was false.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: Unit History, CAD Audio, & Email Communications

Date Investigation Completed: May 13, 2024

FINDINGS

Policies Reviewed: 2.71.4.A.1 (searches&seizures), 1.1.4.D.19 (on duty conduct) 2.48.2.B.1 (tow)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

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6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

Additional Comments:

2.71.4.A.1: Officer C made the arrest, conducted a search and seizure which were determined to be lawful. A warrant was established and an arrest was conducted. A search incident to tow was conducted and narcotics were plainly evident. The children were returned to the custodian/guardian.

1.1.4.D.19: Officer C did not write a fraudulent report as alleged.

2.48.2.B.1: Officer C ordered the towed Ms. C ; vehicle due to Ms. C being arrested and the passenger was not licensed.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

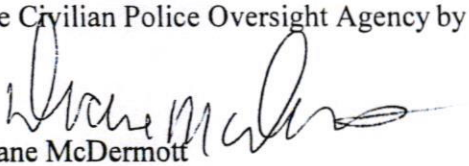
1) A policy was misapplied in the evaluation of the complaint;
2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

If you are not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter. 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/cpoa/survey. There was a delay in the issuance of findings due to the resignation of the Executive Director, another not being appointed by City Council until some months later, and a high volume of reviews to process. Thank you for your patience and participation 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



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 31, 2024

Via Email

Re: CPC # 279-23

COMPLAINT:

Ms. C reported that she was stopped by Officer C on 03/06/21. Ms. C advised that Officer G and Sgt. M were also present during the incident. Ms. C alleged that Officer C conducted an unlawful traffic stop and, as the arresting officer, fabricated her police report and supplemental reports with reference to her procedural actions. Ms. C alleged that during the traffic stop officers participated in the unlawful traffic stop and that Sgt. M supervised a field officer who participated in the unlawful traffic stop. Ms. C reported that it was obvious that Officer C was not honest in her actions and had revealed more than a conflict of interest and reported that the tactical operation plan proved the original reason for the traffic stop was false.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sgt. M

Other Materials: Unit History, CAD Audio, & Email Communications

Date Investigation Completed: May 13, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

Policies Reviewed: 2.71.4.A.1 (searches&seizures), 1.1.4.B.6. (compliance) 2.48.2.B.1 (tow)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

Additional Comments:

2.71.4.A.1: Sgt. M observed and provided backup during the arrest and inventory search conducted by Officer C. Sgt. M assisted in returning the children to the custodian/guardian.
1.1.4.B.6.b: Ms. Carrillo alleged Sgt. M shared responsibility for Officer C's improper actions. If Officer C's actions were a violation of policy Sgt. M would have a responsibility to intervene as an individual under her supervision, however, there was not a violation of policy.
2.48.2.B.1: Sgt. M served as backup during the situation. The vehicle was towed due to the arrest of Ms. C and the passenger being unable to take possession of the vehicle.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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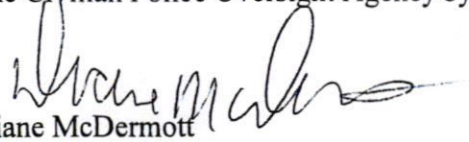
2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

If you are not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter. 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/cpoa/survey. There was a delay in the issuance of findings due to the resignation of the Executive Director, another not being appointed by City Council until some months later, and a high volume of reviews to process. Thank you for your patience and participation 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



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 30, 2024

Via Email

Re: CPC # 288-23

COMPLAINT:

On 11/21/2023, S P submitted an online complaint to CPOA staff regarding an incident that occurred on September 12, 2023, at approximately 2300 hours. Mr. P reported that he and his family were stopped by officers on 98th and Central SW, He reported that he and his wife were ordered out [of the vehicle]. He said, "*My children were left unattended and traumatized. I don't speak English good. I was told my truck looked like a truck that may have been involved in a gun incident.*" Mr. P reported that police never explained how they determined that his family fit the description and, "*I was handcuffed and detained my wife was also detained. My children were never welfare check[ed].*" He reported that he and his wife were violated and his children were hysterical.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer H

Other Materials: CAD Audio, E-mail Communications, Videos

Date Investigation Completed: April 15, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

Policies Reviewed: 2.52.4.C (Use of Force)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

Policies Reviewed: 2.71.4.A.1 (Search and Seizure)

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☑

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

Additional Comments:

2.71.4.A.1- It was determined that Officer H's actions on 09/12/2023 related to the high-risk traffic stop involving Mr. P conformed with APD's search and seizure SOP. Officer H's actions were directly related to the information relayed to her. The descriptive information Officer H relied upon to initiate and participate in the high-risk stop involving Mr. P was corroborated through testimony and evidence as derived from the victim. The duration was less than eight minutes, in contrast to the complainant's belief.

2.52.4.C. Use of Force: General- It was determined that Officer H's actions on 9/12/2023 related to the high-risk traffic stop involving Mr. P conformed with APD's Core Principles within the Use of Force SOP. The investigation revealed Officer H's use of low-ready position of preparedness of her firearm during the incident was directly related to her application of the totality of circumstances and in an attempt to carry out her duties in a reasonable and safe manner. At no time was Officer H's weapon pointed at an individual. A weapon at low ready is not a reportable show of force because the weapon is not pointed at the individual.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

1) A policy was misapplied in the evaluation of the complaint;
2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
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Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

If you are not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter. Include your CPC number.

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 30, 2024

Via Email

Re: CPC # 288-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 11/21/2023, S P submitted an online complaint to CPOA staff regarding an incident that occurred on September 12, 2023, at approximately 2300 hours. Mr. P reported that he and his family were stopped by officers on 98th and Central SW, He reported that he and his wife were ordered out [of the vehicle]. He said, "*My children were left unattended and traumatized. I don't speak English good. I was told my truck looked like a truck that may have been involved in a gun incident.*" Mr. P reported that police never explained how they determined that his family fit the description and, "*I was handcuffed and detained my wife was also detained. My children were never welfare check[ed].*" He reported that he and his wife were violated and his children were hysterical.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: CAD Audio, E-mail Communications, Videos

Date Investigation Completed: April 15, 2024

FINDINGS

Policies Reviewed: 2.52.4.C (Use of Force)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

Policies Reviewed: 2.71.4.A.1 (Search and Seizure)

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☑

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

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Additional Comments:

2.71.4.A.1- It was determined that Officer G's actions on 09/12/2023 related to the high-risk traffic stop involving Mr. P conformed with APD's search and seizure SOP. Officer G's actions were directly related to the information relayed to him. The descriptive information Officer G relied upon to initiate and participate in the high-risk stop involving Mr. P was corroborated through testimony and evidence as derived from the victim. The duration was less than eight minutes, in contrast to the complainant's belief.

2.52.4.C. Use of Force: General- It was determined that Officer G's actions on 9/12/2023 related to the high-risk traffic stop involving Mr. P conformed with APD's Core Principles within the Use of Force SOP. The investigation revealed Officer G's use of low-ready position of preparedness of his firearm during the incident was directly related to his application of the totality of circumstances and in an attempt to carry out his duties in a reasonable and safe manner. At no time was Officer G's weapon pointed at an individual. A weapon at low ready is not a reportable show of force because the weapon is not pointed at the individual.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 30, 2024

Via Email

Re: CPC # 288-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 11/21/2023, S P submitted an online complaint to CPOA staff regarding an incident that occurred on September 12, 2023, at approximately 2300 hours. Mr. P reported that he and his family were stopped by officers on 98th and Central SW, He reported that he and his wife were ordered out [of the vehicle]. He said, "*My children were left unattended and traumatized. I don't speak English good. I was told my truck looked like a truck that may have been involved in a gun incident.*" Mr. P reported that police never explained how they determined that his family fit the description and, "*I was handcuffed and detained my wife was also detained. My children were never welfare check[ed].*" He reported that he and his wife were violated and his children were hysterical.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sgt. A

Other Materials: CAD Audio, E-mail Communications, Videos

Date Investigation Completed: April 15, 2024

FINDINGS

Policies Reviewed: 2.52.4.C (Use of Force)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

Policies Reviewed: 2.71.4.A.1 (Search and Seizure)

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☑

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Additional Comments:

2.71.4.A.1- It was determined that Sgt. A's actions on 09/12/2023 related to the high-risk traffic stop involving Mr. P conformed with APD's search and seizure SOP. Sgt. A's actions were directly related to the information relayed to him and the other officers on scene. Evidence and testimony support Sgt. A's directive to officers to proceed with a high-risk stop. At no time did Sgt. A authorize an improper stop, it was based on information at the time. The duration was less than eight minutes, in contrast to the complainant's belief.

2.52.4.C- It was determined that Sgt. A's supervisory actions on 9/12/2023 related to the high-risk traffic stop involving Mr. P conformed with the Core Principles within APD's Use of Force SOP. The investigation revealed, after evaluating the totality of circumstances and shortly after his arrival on scene, that Sgt. A advised communicated that Mr. P was not the suspect. Evidence and testimony supported that Sgt. A acted reasonably and in a safe manner in interest of all involved and in light of the information available to him at the time. At no time did Sgt. A authorize or observe officers present engage in any use of force during this incident.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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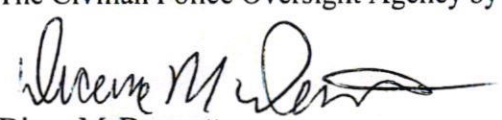

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 30, 2024

Via Email

Re: CPC # 288-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 11/21/2023, S P submitted an online complaint to CPOA staff regarding an incident that occurred on September 12, 2023, at approximately 2300 hours. Mr. P reported that he and his family were stopped by officers on 98th and Central SW, He reported that he and his wife were ordered out [of the vehicle]. He said, "*My children were left unattended and traumatized. I don't speak English good. I was told my truck looked like a truck that may have been involved in a gun incident.*" Mr. P reported that police never explained how they determined that his family fit the description and, "*I was handcuffed and detained my wife was also detained. My children were never welfare check[ed].*" He reported that he and his wife were violated and his children were hysterical.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer T

Other Materials: CAD Audio, E-mail Communications, Videos

Date Investigation Completed: April 15, 2024

FINDINGS

Policies Reviewed: 2.52.4.C (Use of Force)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

Policies Reviewed: 2.71.4.A.1 (Search and Seizure)

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☑

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

Additional Comments:

2.71.4.A.1- It was determined that Officer T's actions on 09/12/2023 related to the high-risk traffic stop involving Mr. P conformed with APD's search and seizure SOP. Officer T's actions were directly related to the information relayed to him. The descriptive information. Officer T relied upon to initiate and participate in the high-risk stop involving Mr. P was corroborated through testimony and evidence as derived from the victim. The duration was less than eight minutes, in contrast to the complainant's belief.

2.52.4.C. Use of Force: General- It was determined that Officer T's actions on 9/12/2023 related to the high-risk traffic stop involving Mr. P conformed with APD's Core Principles within the Use of Force SOP. The investigation revealed Officer T's use of low-ready position of preparedness of his firearm during the incident was directly related to his application of the totality of circumstances and in an attempt to carry out his duties in a reasonable and safe manner. At no time was Officer T's weapon pointed at an individual. A weapon at low ready is not a reportable show of force because the weapon is not pointed at the individual.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

1) A policy was misapplied in the evaluation of the complaint;
2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
3) that the findings and recommendations were not consistent with the record evidence.

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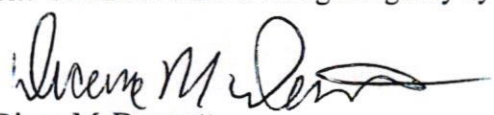
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 29, 2024

Via Email

Re: CPC # 297-23

COMPLAINT:

Ms. G was not interviewed during this investigation after several attempts to interview her by phone, text, and email were negative.

Ms. G alleged that Officer D falsely charged her with criminal property damage, prevented her from entering her daughter's home, which she stated she lived in and accused her daughter of fraud and stealing all of her belongings, which Officer D did nothing about.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer D

Other Materials: n/a

Date Investigation Completed: March 26, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

Policies Reviewed: 1.1.5.A.4

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

Additional Comments:

After review, the investigation determined, by a preponderance of the evidence, that Ofc D committed no policy violation during his interaction with Ms. G A review of Ofc D's lapel video corroborated what he said happened during his interview and what occurred during his encounter with Ms. G There was a disturbance at the daughter's home. The notes on the CAD (Computer Aided Dispatch) by the police operator reported the mother, Ms. G trying to break into the house and screaming at the daughter. In addition, it reported possible items breaking and kicking in the door before police arrived. Ofc D listened to Ms. G and Ms. Jaramillo's versions of what happened, investigated both claims and determined that Ms. G had committed a crime and was charged accordingly. Ms. G could not produce any relevant evidence that suggested she lived with her daughter or had property inside the home. In addition, Ms. G provided no evidence of fraudulent purchases allegedly made by the daughter. Officer D told Ms. G that her claims would have to be heard civilly in court, and she could not return to her daughter's home. Ms. G did not participate in the investigative process.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 29, 2024

Via Certified Mail

7021 0950 0002 0443 5842

Re: CPC # 298-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. M reported that he wanted to inform the CPOA about APD not taking their incident reports regarding being jumped. Mr. M reported that T M was robbed of her purse and was assaulted. Mr. M reported that they were jumped and assaulted, and when officers arrived at the scene, Mr. M was not given the chance to give his report (side of the story), nor was he even asked. Mr. M reported that officers just talked to C and R

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer D

Other Materials: n/a

Date Investigation Completed: May 15, 2024

FINDINGS

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☐

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

Policies Reviewed: General Order 1.1.5.A.4

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☑

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

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Additional Comments:

1.1.5.A.4-A review of the OBRD Videos confirmed that Officer D spoke with both Mr. M and Ms. M at the time of the incident and asked them what occurred regarding the incident in question. The OBRD videos also confirmed that Officer D interviewed several other individuals/witnesses regarding the incident.

A review of Officer D's incident report confirmed that he documented his contacts with Mr. M and Ms. M at the time of the incident, as well as his interactions with the other individuals/witnesses involved. A review of Officer D's incident report confirmed that some of the addresses noted on the report did not completely reflect the addresses Officer D had obtained from Mr. M and Ms. M at the time of the incident per the OBRD review. However, during the interview, Mr. M and Ms. M had advised that many of those addresses they found incorrect on the report were either old addresses or backup addresses the people in question were using. Neither Mr. M nor Ms. M ever expressed how the incorrect addresses noted on the report had a negative impact on the incident in question, as Officer D advised that the case in question had been dismissed.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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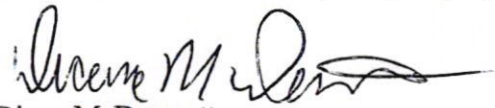
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 29, 2024

Via Email

Re: CPC # 302-23

COMPLAINT:

On 12/10/2023 at 1303 hours, on 12/12/2023 at 0342, 0343, and 0346 hours, and on 12/13/2023 at 2331 and 2332 hours, S B submitted an online complaint regarding an incident that was determined to have occurred on 11/14/2023. Ms. B reported that she was having neighbor trouble and that Sergeant M had filed a false police report against her that was all lies and made-up stories. Ms. B reported that Sgt. M had concentrated for months and years on how to get her into trouble, had been picking *"at"* and blaming her for years, bragged about getting her into trouble, harassing her, thought she was a *"laughing joke,"* and bragged about doing a good job when he did a lousy job.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: Email Communications & Court Case Detail Sheet.

Date Investigation Completed: March 18, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

Policies Reviewed: 1.1.5.C.3 & 1.1.6.A.6.a (Conduct)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐
4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☐
5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	☐
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Additional Comments:

1.1.5.C.3: It was determined that Officer M did charge S B with harassment and did so based on probable cause. There was no evidence provided or obtained that indicated that Officer M had lied about anything, concentrated for months and years on getting Ms. B in trouble, was willing to help others to get Ms. B into trouble, had picked at Ms. B for years, bragged about getting Ms. B into trouble, bragged about doing a good job, thought Ms. B was a laughing joke, or harassed Ms. B There was no evidence to support he was basing his official decisions other than on the evidence available.

1.1.6.A.6.a: It was determined that Officer M did charge Ms. B with harassment and did so based on probable cause. There was no evidence provided or obtained that indicated that Officer M had filed a false report, made up lies, made up stories, or filed false charges against Ms. B The report was accurate to the information available at the time.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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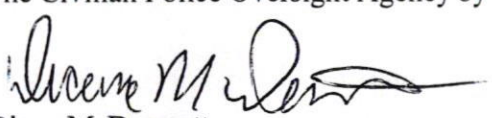
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 29, 2024

Via Email

Re: CPC # 317-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

S P submitted two complaints on 12/28/2023 and one on 01/05/2024 regarding not receiving his property from Officer G after being arrested at Presbyterian Hospital on 11/29/2023. Mr. P reported his property was never received and alleged it may have been stolen by Officer G.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: No Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: Email Communications

Date Investigation Completed: April 10, 2024

FINDINGS

Policies Reviewed: 2.73.5.A.1

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

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4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

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Additional Comments:

It was determined that Officer G never possessed S P property. Officer G attempted to retrieve Mr. P property from the hospital after his arrest. Officer G acted with due diligence in his attempt to locate and retrieve Mr. P property from the hospital after his arrest. Mr. P did not participate in the investigative process.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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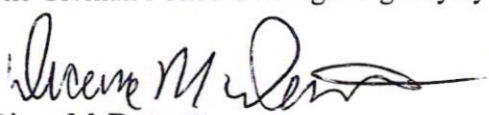
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 31, 2024

Via Certified Mail

7021 0950 0002 0443 5859

Re: CPC # 012-24

COMPLAINT:

Mr. G G submitted a complaint on 1/16/2024 that alleged Officer M conducted an improper traffic stop for speeding because no APD vehicle was behind or in front of him. Two APD officers, with no cones set up, were in the roadway directing vehicles onto Princess Jean Ave NE from Chelwood Park Dr. NE. Officer M, with his speed gun, told him he was speeding and issued him several citations. Mr. G felt his rights were violated as he believed this was not a proper traffic stop.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: state statute, city code

Date Investigation Completed: May 14, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☐

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Policies Reviewed: 1.95.5.D.1.a

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☑

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Additional Comments:

After review, the investigation determined that Ofc. M was enforcing traffic violations when he initiated a traffic stop with Mr. G A review of Ofc. M 's lapel video corroborated what he said during his interview of what happened while disproving what Mr. G had alleged. Ofc M was correct when he said a driver was required when directed by a law enforcement officer, whether from hand gestures, lights, or from vehicles, to stop and pull over. The authority comes from: *New Mexico Statutes Annotated 66-7-4, Obedience to police officers, states, "No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic."* In other words, Mr. G was informed that police officers had the authority to direct him (wave him to a side street) to a side street and perform a traffic stop without using a police car. In addition, Mr. Gentry's First Amendment rights were never violated. Ofc M never prevented Mr. G from expressing himself or from asking questions. A policy recommendation was made and accepted by the Dept to better match state law.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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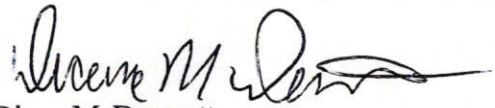
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 29, 2024

Via Certified Mail

7021 0950 0002 0443 5828

Re: CPC # 024-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. M reported that APD not being diligent in their investigation led the other party not to be arrested for their involvement in the incident of their own wrongdoing.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: motel 6 video

Date Investigation Completed: May 24, 2024

FINDINGS

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☐

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

Policies Reviewed: General Order 1.1.5.A.4

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☑

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

Additional Comments:

General Order 1.1.5.A.4-A review of the OBRD Videos confirmed that Officer M did speak with Mr. M and asked him what happened. OBRD Video confirmed that Officer M also spoke with two different staff members from Motel 6 regarding the allegation and then asked if there were cameras, which the Motel 6 staff advised that the camera up front was currently down. However, a different video angle captured part of the incident.

During the interview, Officer M provided ample reasonings as to why she only charged Mr. M and not the other parties involved in the incident.

Additional considerations:

A review of the OBRD Videos confirmed that prior to the officers placing Mr. M into the police cruiser, he did advise Officer M that he was disabled, but the CPOA Investigator did not ever hear Mr. M tell Officer M to be careful with his legs.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

1) A policy was misapplied in the evaluation of the complaint;
2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

If you are not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter. 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/cpoa/survey. There was a delay in the issuance of findings due to the resignation of the Executive Director, another not being appointed by City Council until some months later, and a high volume of reviews to process. Thank you for your patience and participation 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

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 30, 2024

Via Email

Re: CPC # 028-24

COMPLAINT:

On 02/08/2024, the Civilian Police Oversight Agency (CPOA) received a handwritten complaint via U.S. Mail from J L . Mr. L reported that he had filed a report with an officer on 09/11/2023 and requested that charges be filed on 09/19/2023. The officer informed Mr. L that he would file the charges but hadn't.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Officer W

Other Materials: Email Communications.

Date Investigation Completed: March 11, 2024

FINDINGS

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☐

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☑

Additional Comments:

This case was Administratively Closed as the complaint was withdrawn, and the alleged violation was minor in nature and did not constitute a pattern of misconduct.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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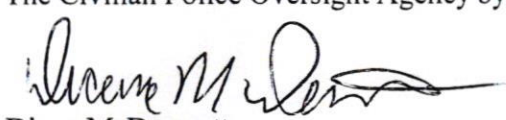
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 30, 2024

Via Email

Re: CPC # 034-24

COMPLAINT:

Ms. W submitted a complaint regarding a crash report not being approved.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: N/A

APD Employee Involved: Sgt. M

Other Materials: Email Communications

Date Investigation Completed: May 20, 2024

FINDINGS

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☐

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

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Additional Comments:

The complainant was spoken to and the only concern was receiving the report. This case was Administratively Closed as the complaint was withdrawn at the request of Ms. W l upon being informed that the crash report had been approved. The sergeant was a new sergeant and does not have a pattern of not approving reports.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
3) that the findings and recommendations were not consistent with the record evidence.

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If you are not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter. 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/cpoa/survey. There was a delay in the issuance of findings due to the resignation of the Executive Director, another not being appointed by City Council until some months later, and a high volume of reviews to process. Thank you for your patience and participation 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

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 29, 2024

To File

Re: CPC # 048-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Ms. R L submitted a complaint to the CPOA on 2/16/2024. The complaint appeared to be about a mental health issue. Ms. L told a story about M M , who has been harassing and following her and abusing her friend, J R C .

In addition, Ms. L wanted the Albuquerque Police Department investigated because officers were following her.

EVIDENCE REVIEWED:

Video(s): N/A APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: N/A Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Identified names could not be linked to any incident

Other Materials: records search

Date Investigation Completed: May 21, 2024

FINDINGS

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☐

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

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5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

Policies Reviewed:

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☑

Additional Comments:

This case was administratively closed due to a lack of information to proceed further. The investigator has been unable to contact Ms. L using the phone number and email she provided on the complaint. The number) was not working, and the email address, @gmail.com, was returned as undelivered. In addition, officers identified in the complaint did not match the time, date, and address located as a possible record of incident. What was located did not match the year Ms. L provided.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 26, 2024

Via Email

Re: CPC # 050-24

COMPLAINT:

Ms. G ; submitted a complaint on behalf of her daughter, D V regarding a police encounter on 02/20/2024. Ms. G reported that Officer M treated Ms. V like she was a bad person, cut her off when replying to his questions, disrespected her, told her to calm down in a sarcastic tone, treated her like a completely abusive mother, and did not follow-up with her regarding the outcome of the call for service.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: Email Communications.

Date Investigation Completed: June 18, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Conduct)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐
4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☐
5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	☐
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Additional Comments:

It was determined that Ms. G ; did not witness the police encounter with Ms. V ; on 02/20/2024. Most of the misconduct allegations reported by Ms. G ; were found to be false. Ms. G ; did not participate in the investigative process and did not provide contact information for Ms. V Ms. V ; advised officers that she had no further questions, had nothing further that she needed the officers to do for her, and did not request follow-up contact. The officers were professional and attentive and conducted themselves appropriately.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

1) A policy was misapplied in the evaluation of the complaint;
2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
3) that the findings and recommendations were not consistent with the record evidence.

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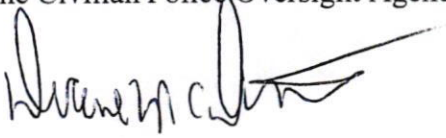
If you are not satisfied with the final disciplinary decision of the Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform letter. Include your CPC number. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

If you have a computer available, we would greatly appreciate your completing our client survey form at http://www.cabq.gov/cpoa/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



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 30, 2024

Via Email

Re: CPC # 054-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Ms. L in had alleged that on 8/2/2023 at 0700 hours, the day before students officially returned to school, she had driven at normal speed through a school zone that did not have the school zone lights activated and was pulled over by Albuquerque Police. The officer told her she was speeding through a school zone. She informed the officer the school zone lights were not on. She was about to receive a citation when a public service worker told the officer the school zone lights were not on, and the officer let her go, saying it must have been a mistake. Ms. L in believed that it was intentional that she was pulled over. Why would the lights be on if it was not a school day? She felt the officer was very deceptive and disturbing. She accused the officer of setting people up for citations.

EVIDENCE REVIEWED:

Video(s): N/A APD Report(s): N/A CAD Report(s): N/A

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Unknown

Other Materials: email communications

Date Investigation Completed: June 27, 2024

FINDINGS

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☐

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

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Additional Comments:

Requests to Records showed no traffic stop in the area identified. A search of Evidence.com did not locate any OBRD using the map search function. Given that the date of the incident was over 120 days, the videos may not have been shown since they would have been deleted. Ms. L n did not provide information sufficient to proceed with the investigation. Ms. L n had acknowledged that she did not obtain the officer's name and badge number or identifying information, such as a patrol vehicle number, other than the officer was a male.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 9, 2024

To File

Anonymous

Re: CPC # 060-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

An Anonymous complainant reported that an intoxicated driver was pulled over into the Food King parking lot and was told it was for failure to maintain the lane. The complainant reported that the officer asked for the individual's driver's license and registration, and the individual was allowed to leave while showing visible signs and odor of impairment after leaving Albuquerque Social Club having been over-served. The complainant reported that the intoxicated driver was not asked any questions about drinking or leaving the establishment intoxicated. The complainant reported that no report had been written about the traffic stop, and the complainant wanted to know why. The complainant reported that they wanted to know why there was no citation, summons, or arrest of the driver for obvious DWI

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): No CAD Report(s): Yes

Complainant Interviewed: N/A Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: n/a

Date Investigation Completed: June 27, 2024

FINDINGS

Policies Reviewed: Procedural Order 2.16.5.B.1

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

Policies Reviewed: General Order 1.1.6.C.1

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☑

Policies Reviewed: General Order 1.1.5.C.2 and Procedural Order 2.8.4.G

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☑

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

Additional Comments:

1.1.6.C.1-The evidence gathered during the investigation confirmed that Officer C did leave his traffic stop without issuing a citation; however, the evidence confirmed that Officer C left for a higher-priority call. There was no indication the individual stopped was intoxicated.
2.16.5.B.1-After a review of the SOP in question, it was confirmed that the incident in question (traffic stop) did not meet the requirement to complete an incident report.
1.1.5.C.2-A review of the OBRD Videos confirmed that Officer C's language toward Mr. Gardner violated the policy in question. Officer C was not courteous or professional during their interaction
2.8.4.G-As of the morning of 03/25/2024, the video in question was not listed under the correct CAD number. It was corrected during the interview.
The CPOA recommends two written reprimands for the 2 policy violations as well as training for proper OBRD Video categorization.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

1) A policy was misapplied in the evaluation of the complaint;
2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints maybe re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

If you are not satisfied with the final disciplinary decision of the Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform letter. Include your CPC number. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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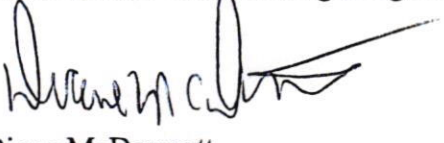
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 9, 2024

Via Email

Re: CPC # 074-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 03/17/2024, Mr. G I submitted an online complaint to CPOA staff regarding an incident that occurred on 03/16/2024 at 2000 hours. Mr. I reported that on 03/16/2024, he contacted the police department at 242-2677 to report a noise complaint about his neighbors in the apartment complex. He advised that five hours later, around 1:30 AM, he called to follow up on his complaint and inquire if an officer was still going to come to address the issue. Mr. I expressed surprise that the operator informed him an officer had already attempted to contact him. He reported that he had not received a phone call or a knock on the door from an officer. In his complaint, Mr. I offered to provide his cell phone records to verify that no attempt was made to contact him. Mr. I reported that the incident was not isolated and explained that he had had previous issues with officers having difficulty finding his location, despite being able to do so when he has called the police about other matters. Mr. I stated that the lack of response to his noise complaints is becoming a significant problem.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: CAD, CAD Audio, E-mail Communications, Videos

Date Investigation Completed: June 27, 2024

FINDINGS

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☐

Policies Reviewed: 1.1.6.C.1 Conduct

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☑

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

Additional Comments:

1.1.6.C.1- Officer S did not follow APD Standard Operating Procedures (SOP) by failing to accurately read the Computer-Aided Dispatch (CAD) information related to this incident. As a sworn officer, it was his responsibility to make contact with the Complainant as requested for the call for service. His failure to do so resulted in a lack of contact with the Complainant. The CPOA recommends a written reprimand for the policy infraction.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

1) A policy was misapplied in the evaluation of the complaint;
2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints maybe re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

If you are not satisfied with the final disciplinary decision of the Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform letter. Include your CPC number. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 18, 2024

Via Email

Re: CPC # 075-24

COMPLAINT:

On 03/15/2024 at 0008 hours, R L submitted a complaint online to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 03/15/2024 at 0015 hours. Mr. L reported that he witnessed two males attack another male and called the police. A sergeant arrived, and *"we got into it."* The sergeant told Mr. L *"very rudely to shut up."* Mr. L asked the sergeant to return so Mr. L could identify an individual *"who threw the rocket."* Mr. L reported that the individuals weren't even arrested.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant W

Other Materials: Email Communications & Operator Recordings.

Date Investigation Completed: July 3, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Conduct - Public Welfare)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

Policies Reviewed: 2.8.5.D.1 (OBRD)

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☑

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

Additional Comments:

1.1.5.A.4: It was determined that Sgt. W was professional in his interaction with Mr. L Mr. L did not ask Sgt. W to return to speak with him or to take a report. Sgt. W arrived on the scene almost immediately when the call was dispatched. Sgt. W contacted the two individuals identified by Mr. L but no evidence of a crime or a victim was determined. Sgt. W did not curse at Mr. L as alleged. Sgt. W did not make any derogatory remarks to Mr. L

2.8.5.D.1: It was determined that Sgt. W was reasonable in his belief that his interaction with Mr. L required him to act immediately for his own safety. Even though this exception occurred regarding the requirement to activate his OBRD, Sgt. W did not document his justifiable reason for not activating his OBRD and recording his interaction with Mr. L The CPOA recommends a written reprimand for the policy violation.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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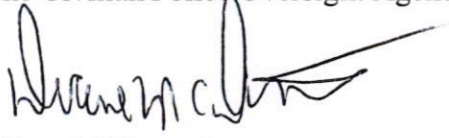
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 18, 2024

Via Email

Re: CPC # 075-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 03/15/2024 at 0008 hours, R L submitted a complaint online to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 03/15/2024 at 0015 hours. Mr. L reported calling police dispatch, who were *"very disrespectful."*

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Telecommunications Operator DA

Other Materials: Email Communications & Operator Recordings.

Date Investigation Completed: July 3, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Conduct - Public Welfare)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
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Additional Comments:

1.1.5.A.4: It was determined that Operator DA was professional in her interaction with Mr. L Operator DA had no control over the response time of the officers and did nothing to delay the response. Operator DA disconnected her call with Mr. L at the request of officers who were trying to call Mr. L Operator DA was polite and warned Mr. L that she was going to end the call. Operator DA did not make the alleged statements. Operator DA did not curse per the allegations. This was determined to be unfounded and not exonerated because Mr. L did not accuse Operator DA of hanging up on him, and the other allegations were deemed to be unfounded.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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The Civilian Police Oversight Agency by

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 18, 2024

Via Email

Re: CPC # 075-24

COMPLAINT:

On 03/15/2024 at 0008 hours, R L submitted a complaint online to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 03/15/2024 at 0015 hours. Mr. L reported calling police dispatch, who were *"very disrespectful."*

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Telecommunications Operator A

Other Materials: Email Communications & Operator Recordings.

Date Investigation Completed: July 3, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Conduct - Public Welfare)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
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Additional Comments:

1.1.5.A.4: It was determined that Operator A was professional in her interaction with Mr. L Operator A had no control over the response time of the officers and did nothing to delay the response. Operator A did not hang up on Mr. L Mr. L : did not request Operator A's *"badge number."* Operator A did not make the alleged statements. Operator A did not curse per the allegations.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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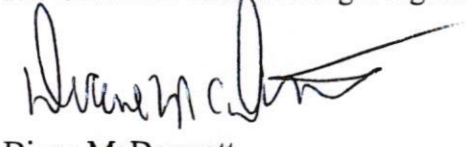

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 18, 2024

Via Email

Re: CPC # 075-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 03/15/2024 at 0008 hours, R L submitted a complaint online to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 03/15/2024 at 0015 hours. Mr. L reported that he witnessed two males attack another male and called the police. Mr. L reported that the individuals weren't even arrested. Mr. L reported that two officers were later sent to take his statement.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer F

Other Materials: Email Communications & Operator Recordings.

Date Investigation Completed: July 3, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Conduct - Public Welfare)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

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Additional Comments:

1.1.5.A.4: It was determined that Officer F was professional in his interaction with Mr. L Officer F responded promptly to the initial call for service, completed it, and contacted Mr. L in person as requested when Mr. L wouldn't answer his telephone calls. Officer F provided logical and truthful answers to Mr. L questions and comments. Officer F conducted a thorough investigation, in which there was no evidence, no victim identified, and no crime established. A report was not completed because one was not requested or required. Mr. L never offered to show or provide Officer F with any evidence regarding the sergeant. Officer F recorded his interaction with Mr. L in its entirety. No misconduct was determined to have occurred regarding Officer F.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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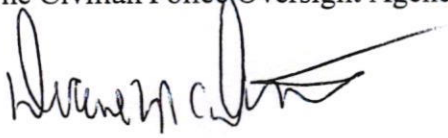
3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints maybe re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

If you are not satisfied with the final disciplinary decision of the Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform letter. Include your CPC number. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

If you have a computer available, we would greatly appreciate your completing our client survey form at http://www.cabq.gov/cpoa/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



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 18, 2024

Via Email

Re: CPC # 075-24

COMPLAINT:

On 03/15/2024 at 0008 hours, Robert L : submitted a complaint online to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 03/15/2024 at 0015 hours. Mr. L : reported that he witnessed two males attack another male and called the police. Mr. L : reported that the individuals weren't even arrested. Mr. L : reported that two officers were later sent to take his statement.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: Email Communications & Operator Recordings.

Date Investigation Completed: July 3, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Conduct - Public Welfare)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐
4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☐
5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	☐
6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.	☐

Additional Comments:

1.1.5.A.4: It was determined that Officer C was professional in his interaction with Mr. L Officer C responded promptly to the initial call for service, completed it, and contacted Mr. L in person as requested when Mr. L wouldn't answer his telephone calls. Officer C provided logical and truthful answers to Mr. L questions and comments. Officer C conducted a thorough investigation, in which there was no evidence, no victim identified, and no crime established. A report was not completed because one was not requested or required. Mr. L never offered to show or provide Officer C with any evidence regarding the sergeant. Officer C recorded his interaction with Mr. L in its entirety. No misconduct was determined to have occurred regarding Officer C.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
3) that the findings and recommendations were not consistent with the record evidence.

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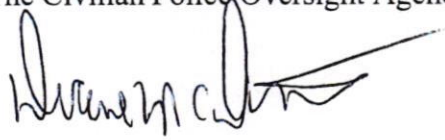
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 18, 2024

Via Email

Re: CPC # 075-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 03/15/2024 at 0008 hours, R I submitted a complaint online to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 03/15/2024 at 0015 hours. Mr. L reported calling police dispatch, who were *"very disrespectful."*

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Telecommunications Operator P

Other Materials: Email Communications & Operator Recordings.

Date Investigation Completed: July 3, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Conduct - Public Welfare)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

Policies Reviewed: 1.1.6.A.2 (Conduct - Misconduct)

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☑

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

Additional Comments:

1.1.5.A.4: It was determined that Operator P was professional in his interaction with Mr. L Operator P had no control over the response time of the officers and did nothing to delay the response. Operator P did not hang up on Mr. L Operator P did not make the alleged statements. Operator P did not curse per the allegations.

1.1.6.A.2: It was determined that Mr. L asked Operator P for his *"badge number,"* but Operator P did not respond to the request. A review of the operator recordings showed that Mr. L did not provide Operator P with the opportunity to immediately respond, which could have resulted in Operator P not realizing the request was made or just forgetting that the request had been made by the time he might have given the opportunity to respond.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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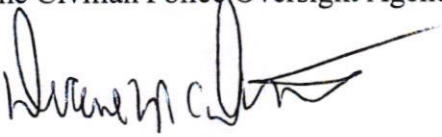
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 18, 2024

Via Email

Re: CPC # 075-24

COMPLAINT:

On 03/15/2024 at 0008 hours, R L submitted a complaint online to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 03/15/2024 at 0015 hours. Mr. L reported calling police dispatch, who were *"very disrespectful."*

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Telecommunications Operator R

Other Materials: Email Communications & Operator Recordings.

Date Investigation Completed: July 3, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Conduct - Public Welfare)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐
4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☐
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6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.	☐

Additional Comments:

1.1.5.A.4: It was determined that Operator R was professional in her interaction with Mr. L Operator R had no control over the response time of the officers and did nothing to delay the response. Operator R did not hang up on Mr. L Mr. L did not request Operator R's *"badge number."* Operator R did not make the alleged statements. Operator R did not curse per the allegations.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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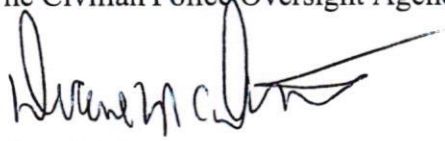
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 30, 2024

Via Email

Re: CPC # 079-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 03/18/2024, E G submitted a complaint to the CPOA regarding an interaction with officers on 10/29/2022. Upon contact, the officers persisted they were complaining about a tow truck and did not take the complaint seriously. Ms. G reported, *"The officers were biased because of the relationship between APD and Knittles Towing."*

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: No

APD Employee Involved: Officer M-C

Other Materials: Email & Mail Communications.

Date Investigation Completed: July 17, 2024

FINDINGS

Policies Reviewed: 1.1.5.C.3 (Conduct - Officiousness)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

Policies Reviewed: 1.1.5.A.1 (Conduct - Public Welfare)

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☑

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

Additional Comments:

1.1.5.A.1: It was determined that Officer M-C told the neighbors that Ms. G was obviously being a little dramatic. Officer M-C advised that the male was obviously a working man and didn't know why Ms. G would want to harass a hard-working man. Officer M-C advised that the couple and the officers had better things to do and that dealing with individuals like the G was frustrating. Officer M-C strolled around the Gallegoses living room looking at items, strumming the strings on a guitar, and placed his on top of a cooler.

1.1.5.C.3: It was determined that Officer M-C was not responsible for the investigation or decisions related to the call for service. Officer M-C did not make any official decisions. The CPOA recommends a written reprimand for the level 6 first offense performance violation. The employee was already resigned from the department so the recommended discipline could not be imposed.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 30, 2024

Via Email

Re: CPC # 079-24

COMPLAINT:

On 03/18/2024, E G submitted a complaint to the CPOA regarding an interaction with officers on 10/29/2022. Upon contact, the officers persisted they were complaining about a tow truck and did not take the complaint seriously. Ms. G reported, *"The officers were biased because of the relationship between APD and Knittles Towing."*

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer MH

Other Materials: Email & Mail Communications.

Date Investigation Completed: July 17, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

Policies Reviewed: 1.1.5.C.3 (Conduct - Officiousness)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

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4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

Additional Comments:

1.1.5.C.3: It was determined that Officer MH was professional and not responsible for the investigation or decisions related to the call for service. Officer MH did not make any official decisions.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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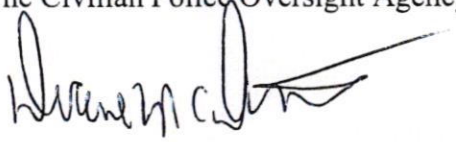
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 30, 2024

Via Email

1

Re: CPC # 079-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 03/18/2024, E G submitted a complaint to the CPOA regarding an interaction with officers on 10/29/2022. Upon contact, Officer JH had a hostile look on his face and advised that he had already spoken with the neighbors and was glad that he had because he then understood the problem. Officer JH was dismissive of the evidence and complaints and threatened them with a harassment charge. The officers persisted they were complaining about a tow truck and did not take the complaint seriously. Ms. G reported, *"The officers were biased because of the relationship between APD and Knittles Towing."*

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer JH

Other Materials: Email & Mail Communications.

Date Investigation Completed: July 17, 2024

FINDINGS

Policies Reviewed: 1.1.5.C.3 (Conduct - Officiousness)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

Policies Reviewed: 2.16.5.C.1 (Reports)

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☑

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

Additional Comments:

1.1.5.C.3: It was determined that Officer JH was professional and conducted a proper investigation. There was no evidence or indication that Officer JH had a relationship with or that his official decisions were influenced by those involved in the incident or Knittles Towing.

2.16.5.C.1: It was determined that Officer JH did not create, complete, or submit the report in a timely manner. In addition, the dates noted in the report were incorrect, illogical, and deemed not to be mere clerical errors.
The CPOA recommends a verbal reprimand for the policy violation.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints maybe re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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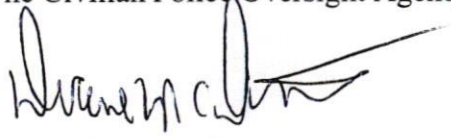
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 30, 2024

Via Email

Re: CPC # 083-24

COMPLAINT:

C :r B reported that Officer G conducted a traffic stop on a vehicle for which he wasn't the driver. Officer G requested Mr. B identification; Mr. B refused. Officer G called Mr. B by name; Mr. B asked why Officer G needed his *"info"* if he knew who he was. Mr. B told Officer G he didn't have an identification to provide him with. Officer G never asked Mr. B for his name or date of birth. Officer G issued the driver a citation and informed Mr. B that he would be summoned to court for *"failure to ID."* Mr. B confirmed who he was when Officer G said his name. Mr. B reported that it was harassment and abuse of authority.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: Court, Mark43, & TraCS Records, Statutes & Dispatch Recording.

Date Investigation Completed: July 22, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☐

Policies Reviewed: 1.1.5.C.3

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☑

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☐

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

Additional Comments:

Officer G followed a vehicle and eventually conducted a traffic stop within policy, there is no limitation of time. Officer G conducted a check of the temporary registration, which is within policy and did not immediately advise Officer G of Mr. B ; presence as a passenger. Once Officer G recognized Mr. B focus was drawn to him and he received a summons for a violation that the driver also was perceived to have violated, but received no citation. Due to Mr. B ; refusal to provide his identity he received an additional charge. Mr. B had an extensive history with the APD as antagonist, including with Officer G. Mr. B specifically alleged the seatbelt violation was exceptional to him. In a six month check Officer G had not utilized a seatbelt violation charge on any report outside of this incident. While waiting for a supervisor Mr. B was in the roadway but rather than Officer G advising for safety to remain out of the roadway, Mr. B was cited for pedestrian in a roadway. Based on the known and available information and evidence, a reasonable individual would conclude that Officer G, though acting in a perceived lawful manner, did so based on the extensive negative history with the department when issuing the summons. The CPOA recommends a 120 hour suspension.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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Administratively closed complaints maybe re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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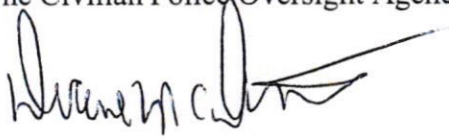
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 30, 2024

Via Email

Re: CPC # 095-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 03/30/2024, P W filed an online complaint with the CPOA office. Ms. W was walking back from a meeting for coffee with her friend, I B l, whose contact information is listed as a fellow witness below. A few minutes before 1000 hours on 03/27/2024. Ms. W heard someone screaming for help. On the other side of Central Avenue, she saw a law enforcement officer pinning a person who was on the pavement and was shouting for help. There was at least one other officer watching. Ms. W heard the officer who was pinning the person shouting for the individual to drop something. Ms. W was not close enough to see or hear the details, but she did record part of the incident as she felt concerned about the level of force used.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer E

Other Materials: Email Communications & Citizen Provided Video.

Date Investigation Completed: July 15, 2024

FINDINGS

Policies Reviewed: 2.52.5.A.1 (Use of Force)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

Policies Reviewed: 2.16.5.C.1.a (Reports)

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☑

6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile. ☐

Additional Comments:

2.52.5.A.1: It was determined that no APD personnel were associated with or on the scene for the use of force observed by the complainant. The complainant was observing security personnel physically engaged with the subject.

2.16.5.C.1.a: It was determined that Officer E did not complete and submit the report associated with the incident in the mandated time.

The CPOA recommends a verbal reprimand.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

If you are not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter. 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/cpoa/survey. There was a delay in the issuance of findings due to the resignation of the Executive Director, another not being appointed by City Council until some months later, and a high volume of reviews to process. Thank you for your patience and participation 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

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 30, 2024

Via Email

Re: CPC # 096-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

P E submitted an online complaint to CPOA on 04/02/2024 reporting he was stopped by Officer J after being followed by him from Edgewood. Mr. E reported he was issued a fraudulent ticket from Officer J. He reported the officer filed for a continuance four times and did not show up to the last court date.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): N/A CAD Report(s): Yes

Complainant Interviewed: Yes Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer J (former)

Other Materials: Email communications and copies of citation, timesheet, case detail sheet.

Date Investigation Completed: July 22, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.1 (Conduct)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☑

Policies Reviewed: 1.1.6.C.1(Conduct) & 2.76.4.F.1 (Court)

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☑

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

Policies Reviewed: 1.1.5.E.4 (Conduct)

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☑

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Additional Comments:

1.1.5.A.1: It was determined, based on the review of the OBRD video, that Officer J's interaction appeared professional and non-argumentative with Mr. E .

1.1.5.E.4: Based on Officer J's interview, in which he admitted he was traveling 72 MPH in a 65 MPH zone and also acknowledged that the APD SOP required him to obey the posted speed limit, Officer J violated APD SOP by misusing his police vehicle.

1.1.6.C.1: It was determined based on the totality of the evidence, including the review of APD SOPs 2.40.5.G.1 and 2.40.5.G.2 regarding traffic stops, it was determined that Officer J did not have an immediate need to stop Mr. E for speeding 10 MPH over the speed limit outside of the city jurisdiction. Other than speeding, Officer J did not identify any other dangerous driving factors that would have required him to stop Mr. E . Officer J did not contact BCSO or NMSP as it did appear time had permitted the opportunity for Officer J to have done so.

2.76.4.F.1: It was determined, based on the interviews of Mr. E and Officer J, that Officer J did not appear in court regarding the speeding citation he had issued Mr. E This was supported by a case detail sheet that showed the case was dismissed due to a failure to appear by Officer J. The CPOA recommends three written reprimands for the policy infractions. The officer was no longer employed, but will be on the record.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. The appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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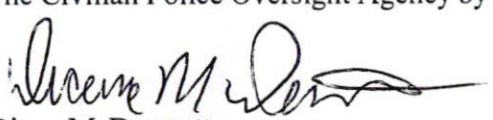
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 31, 2024

Via Email

Re: CPC # 103-24

COMPLAINT:

On 03/31/2024, T D submitted a complaint via email to the CPOA regarding an incident that occurred on 03/23/2024. Ms. D reported that S K called the APD on her husband, J K Ms. K a breastfeeding mother, was arrested, and their three-month-old child was left in the care of Mr. K The *"officer"* told Ms. K *"Someone has got to be arrested."* Ms. D questioned why the officers arrested one and not the other and why they couldn't distinguish that Mr. K was the primary aggressor.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: No Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: Email Communications

Date Investigation Completed: July 26, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer. ☐

2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer. ☐

3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur. ☐

4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. ☐

Policies Reviewed: 2.8.5.D (OBRD)

5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur. ☑

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Additional Comments:

It was determined that the officer violated the letter of APD SOP 2.8.5.D. The officer confirmed that all intended interactions were not completed and that he ended the recording because he went to retrieve a card from his patrol vehicle, which was parked down the street. He had not documented the break in recording. In the spirit of the policy, the known contact interactions were recorded.
The CPOA recommends a written reprimand for the policy violation.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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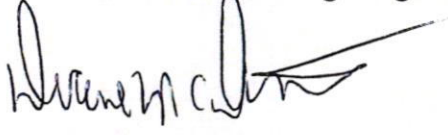
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY

July 31, 2024

Via Email

Re: CPC # 103-24

COMPLAINT:

On 03/31/2024, D submitted a complaint via email to the CPOA regarding an incident that occurred on 03/23/2024. Ms. D reported that S K called the APD on her husband, J K Ms. K a breastfeeding mother, was arrested, and their three-month-old child was left in the care of Mr. K The *"officer"* told Ms. K *"Someone has got to be arrested."* Ms. D questioned why the officers arrested one and not the other and why they couldn't distinguish that Mr. K was the primary aggressor.

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): Yes CAD Report(s): Yes

Complainant Interviewed: No Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer E

Other Materials: Email Communications

Date Investigation Completed: July 26, 2024

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Public Welfare)

1. **Unfounded**. Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained**. Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained**. Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐
4. **Exonerated**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☐
5. **Sustained Violation Not Based on Original Complaint**. Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	☐
6. **Administratively Closed**. Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.	☐

Additional Comments:

It was determined that Officer E conducted a thorough and professional investigation. Based on probable cause, Officer E arrested the appropriate primary aggressor for the incident on 03/23/2024. Officer E left the infant in the care of the biological father as there was no lawful documentation or reasonable concerns regarding the welfare of the child present, which would allow him to deprive the parent of the child. All of the alleged comments, statements, and allegations of misconduct were found to be void of merit. Ms. K may have overheard Officer E's reluctance about having to enforce the arrest but apparently failed to convey her role to her mother. Officer E performed his duty by adhering to the available evidence. The complainant was found to have had no involvement in the APD interaction portion of the incident.

You have the right to appeal this decision. If you are not satisfied with the findings and/or recommendations of the CPOA Executive Director within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103, or by email to CPOA@cabq.gov. Include your CPC number. Upon receipt of the communication, a hearing on the matter will be scheduled at the Board's next regularly scheduled meeting provided there is at least 14 business days between the receipt of the request and the next meeting. In order for the Advisory Board to modify the Director's findings, your appeal must demonstrate one or more of the following:

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3) that the findings and recommendations were not consistent with the record evidence.

Administratively closed complaints maybe re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

If you are not satisfied with the final disciplinary decision of the Office of Police Reform or any matter relating to the Office of Police Reform's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer by sending a letter to the Office of the Mayor, P.O. Box 1293, Albuquerque, NM 87103. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of the Office of Police Reform letter. Include your CPC number. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

If you have a computer available, we would greatly appreciate your completing our client survey form at http://www.cabq.gov/cpoa/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

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police