



## 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 December 2023. The findings become part of the officer's file, if applicable.

#### December 2023:

214-22	241-22	255-22	274-22	280-22
288-22	302-22	310-22	015-23	109-23
110-23	111-23	115-23	150-23	172-23
170-23	174-23	177-23	180-23	182-23
191-23	192-23	196-23	199-23	206-23
207-23	208-23	209-23	210-23	211-23
215-23	216-23	229-23	292-23	

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 31, 2023

Via Email

Anonymous

Re: CPC # 214-22

Dear Anonymous:

PO Box 1293

**COMPLAINT:**

Albuquerque

Regarding the core issues of this complaint, the alleged lowering of hiring standards to hire more people than would otherwise disqualify them and a pre-hire selective interview process known as the "Chief's Selection," where candidates would allegedly be allowed to move on in the process despite having obvious questionable issues that would also disqualify them.

NM 87103

[www.cabq.gov](http://www.cabq.gov)

**EVIDENCE REVIEWED:**

Video(s): No

APD Report(s): No

CAD Report(s): No

Complainant Interviewed: N/A

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: n/a

Other Materials: academy staff interview

Date Investigation Completed: March 9, 2023

## **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:**

The head of the Background Unit, Deputy Commander G, denied all the allegations. He explained what the department did to attract more candidates, which had nothing to do with lowering standards. The background standards had remained the same because state statutes govern the background process, which they cannot modify or change. Some issues are absolute, and candidates are disqualified based on that alone. By state law, the police department and candidate must follow the rules outlined in the statutes regarding background investigation, ensuring that no one bypasses the process. Some candidates complete the process faster than others, depending on their circumstances, but no one skips it, as alleged in the complaint. The "Chief Selection Committee" is set up after a candidate has passed the background investigation phase. If issues were discovered, a committee addressed those concerns. The candidate is allowed to explain any circumstances found later in the process to determine if that candidate is a good fit. The complainant did not provide any proof, the contact information for the "friend", nor participate in the investigative process therefore these issues were examined but a specific finding not issued due to a lack of information.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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:**

- A) The findings by the Director had no explanation that would lead to the conclusion made; or,
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- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

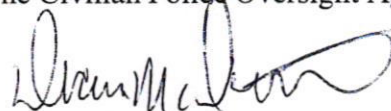
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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. 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>. There was a delay in the issuance of findings due to the interim status of the Executive Director. Your patience is appreciated.

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

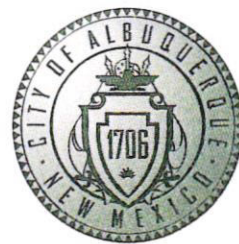


Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 31, 2023

Via Email

Anonymous

Re: CPC # 214-22

Dear Anonymous:

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

The anonymous complainant complained that Police Cadet [REDACTED] posted a picture of himself on Facebook, which was inappropriate and offensive. The complainant included a copy of the photo, a selfie picture of Cadet D [REDACTED] without clothes, and a towel covering his genitals. The image contained captions and hashtags "Healthy Living at 40, Next Step, +12 Lbs Bulk, Ab work, #Thenakedtruth, #Walkthetalk, #Provethemwrong, 175.2 Lbs." The complainant also questioned Cadet D [REDACTED] performance at his previous employer and alleged steroid use.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: N/A

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Cadet D [REDACTED]

Other Materials: Facebook post

Date Investigation Completed: March 9, 2023

## **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: 1.2.4.A.3.d

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:**

After review, the preponderance of the evidence determined that Cadet D did not violate the Social Media Policy of the Albuquerque Police Department. APD permits posting on social media unless otherwise prohibited. Cadet D's selfie photo post on Facebook, however "inappropriate and offensive" to the complainant, was allowed on social media. Cadet D's photo did not mention his employer, the Albuquerque Police Department, nor was he representing APD or his official duties. Cadet D's private posting of his "personal issues," in this case, promoting health and fitness at forty, was permitted according to the social media order. In hindsight, Cadet D said he regretted posting the photo and acknowledged that images could be misinterpreted regardless of his intentions. The complaint initiated a review of his social media in the context of the Cadet's Handbook. The Academy issued a "charge letter" regarding observed social media posts and the Handbook guidelines.



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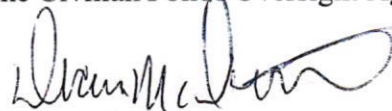
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the interim status of the Executive Director. Your patience is appreciated.

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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 4, 2023

Via Certified Mail

7014 2120 0004 7659 1353

Re: CPC # 241-22

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

On 10/05/2022, D submitted a complaint regarding an incident that occurred on 10/05/2022 at 0800 hours. Ms. D reported that she was involved in a crash and could hear the other involved individual on the telephone with 911 because the call was on speaker phone. Ms. D told the 911 operator she wanted an officer dispatched; the operator stated, "No, we don't do that anymore." Ms. D again told the operator that she wanted an officer dispatched; the operator hung up on Ms. D. Ms. D reported, "And now there is no record of it" and, "A female police officer that I chased down wrote a report."

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: None Identified

Other Materials: Dispatch & Operator Recordings

Date Investigation Completed: November 21, 2023

## **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 investigation was administratively closed because the investigation could not be conducted due to a lack of information available from the complainant and located by the investigator.

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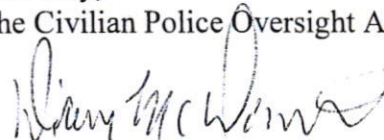
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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 28, 2023

Via Email

Re: CPC # 255-22

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

A reported that his friend was pulled over by the NMSP (New Mexico State Police) and stated, "it was a retaliatory stop for recording the NMSP prior to that night." A reported standing on the sidewalk recording the interaction with NMSP when APD police unit Z53 showed up and started barking orders at him to stand 8 feet back for officer safety. A reported that he went to APD unit Z53 and asked the officer what law backed that order, and the officer was silent. A also said that he asked for the officer's name and badge number, and the officer was quiet again. A said this was unprofessional behavior by the officer. A advised that he had to go to the Foothills substation and ask the clerk to assist him in getting the officer's name and badge number.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: youtube video

Date Investigation Completed: February 3, 2023

## **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: 2.33.4.A.1.a 1.1.6.A.2

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 Officer C advised A to back up for the officer's safety with the intention of ensuring the safety of the NMSP officer. Officer C did not advise A (onlooker) that he could not record the interaction or to leave the scene. Officer C did not specify a specific distance to move contrary to the complainant's assertion.

A video showed A approached Officer C's vehicle and asked for his name and badge number. However, Officer C's vehicle windows were rolled up and he appeared to be working on his in-car computer. There was no indication that he had heard A request. Officer C advised that he heard the complainant yelling at him, but did not hear a specific question or request. He did not engage with A other than the direction to step back and the initial explanation to avoid any escalation of the contact.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 28, 2023

Via Certified Mail

7014 2120 0004 7659 1445

Re: CPC # 274-22

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

A submitted a complaint that his backpack was stolen from an American Airlines aircraft while landing in Albuquerque, NM., and the airport officer did not complete an incident report.

### **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: n/a

Date Investigation Completed: February 7, 2023

## **FINDINGS**

Policies Reviewed: 2.16.5.B.1.1

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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### **Additional Comments:**

A review of the evidence provided determined that Officer C did not refuse to write a report or say that he was going to provide a report. Officer C advised Mr. A to call the telephone reporting unit if his bag did not turn up. Mr. A did not request a report from the officer at the scene.



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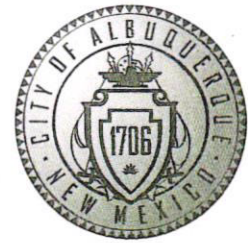
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(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 31, 2023

Via Certified Mail

714 2120 0004 7659 1674

Re: CPC # 280-22

Mrs. R

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

The complainant, Mrs. R said the police were called to her home for a mental health episode involving her daughter. During the incident, Mrs. R alleges that Officer F never talked to her, her husband, or her daughter. Mrs. R claimed she only spoke with the female officers on the scene. When she reviewed the police report that Officer F, a male officer, wrote, he incorrectly reported on the report that her daughter, J had struck her physically in the past, which she had never said during her interview with the female officers. Mrs. R wanted Officer F's biased and untrue statement removed from the report because she was concerned that it could prevent her daughter from obtaining mental health services and employment.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer F.

Other Materials: n/a

Date Investigation Completed: May 16, 2023

## **FINDINGS**

Policies Reviewed: 2.60.4.A.5.b

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: 2.60.4.A.5.f

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:**

2.60.4.A.5.b: Mrs. R had alleged in her written complaint that Officer F did not speak with her, her husband, or her daughter. Officer F's lapel video confirmed that he did not directly talk with J. He did, however, have conversations with C and J. R. Officer M and Officer M corroborated Officer F spoke with C and J. R. Additionally, Officer F received the relevant information from the other officers.

2.60.4.A.5.f: Mrs. R had alleged that Officer F wrote in his incident report that her daughter, J had struck her physically in the past, which she claimed was not true, and that she had never said that during her interview with the female officer. According to Officer F's lapel, Mrs. R mentioned that J had hit A H (which Mrs. R had confirmed happened over a year prior) in the past. Mrs. R did not name A during her explanation. Angel feared J would hit C, and she called the police. Mrs. R confirmed that she did not make the call to the police. Based on what was observed in the video and what Mrs. had said during her interview, Officer F was understandably confused and mistakenly wrote the statement that J had hit C in the past. Officer F acknowledged the confusion during his interview.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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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.

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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 interim status of the Executive Director. Your patience is appreciated.

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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 31, 2023

Via Certified Mail

7014 2120 0004 7659 1681

Re: CPC # 288-22

Ms. B

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Ms. B stated in her complaint that APD was called out to the home of G T the father of her two girls. An incident occurred where G allegedly threw items at her fifteen-year-old. Ms. B responded to G home because the officer advised her daughter that her mom could pick them up and take them with her. When Ms. B arrived, she was advised by Officer T that she could not take the girls because there was a court order and it was G weekend. The girls were taken to G brother's house and not released to her, G was not charged since he was the aggressor, and the girls did not feel safe.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer T.

Other Materials: N/A

Date Investigation Completed: May 16, 2023



## **FINDINGS**

Policies Reviewed: 2.104.4.A.1.a

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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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:**

The investigation, including interviewing D separately, determined that no physical violence occurred during a family dispute. Hence, no charges against G C B was advised by Officer A, Officer T, and by the investigator as to why D and A could not be released to her custody during the incident. A custody agreement was in place, and G was the custodial parent during that time. G expressed his own concerns about the girls going to their mother's that night. The officers sought a solution which best served the safety of the girls and yet remained within standard operating procedure. SOP 2-104-4.A.1.a regarding Custody Disputes advises that "Sworn personnel responding to custody disputes where a Parenting Plan or court order regarding timesharing is in place shall limit their response to restoring order between the parties. Sworn personnel shall not order or force the child's removal from the current custodial parent. Advise the parties to seek legal advice on the matter and completely document the incident in a Uniform Incident 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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

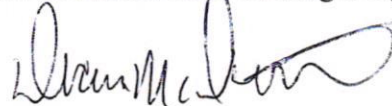
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 20, 2023

Via Certified Mail

7014 2120 0004 7659 1575

Re: CPC # 302-22

Dear Ms. C :

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Complainant C : stated Sgt. L harassed and interrogated her when she was questioned on the sexual allegations she brought up against co-worker (A : R ). C : also said she was profiled during the process, explaining that Sgt. L told her that she had picks on her face. According to C , this violated her disability rights. She then stated Sgt. L "judged" her and "played favorites" with the alleged offender in order to help him and allow him to be free. C : disagreed with Sgt. L's findings as Sgt. L felt like there was no crime.

C : also explained that she got a restraining order against the alleged offender. C : asked that her address not to be on the order. Sgt. L still put the address on the order "which violates my protection as this is a public record."

### **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. L

Other Materials: n/a

Date Investigation Completed: August 29, 2023

## **FINDINGS**

Policies Reviewed: 1.1.5.A.4, 1.1.5.C.3

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: 2.60.4.A.5.(a.e.f)

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: OBRD supports that Sgt. L was professional during her entire interaction with C . She never harassed or interrogated C : as alleged.

1.1.5.C.3: OBRD supports that Sgt. L conducted her investigation appropriately and never judged or played favorites in order to help the alleged offender. OBRD shows Sgt. L was impartial and professional.

2.60.4.A.5.(a.e.f): OBRD supports that Sgt. L conducted her investigation appropriately and took all the necessary steps to arrive at her findings: nothing criminal in nature occurred.

This is also supported under police report #220097260.

The police report did not have C : address



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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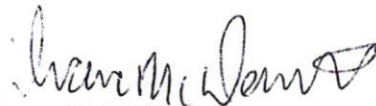
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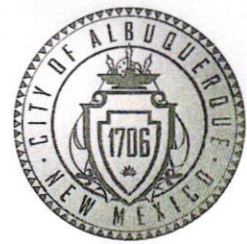
Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 27, 2023

Via Email

Re: CPC # 310-22

Ms. J :

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

Ms. J submitted a civilian complaint concerning the accident report and the PSA officer investigating the traffic crash. Her concerns included the accident time, the difference in the sequence of the traffic light cycle, a discrepancy with the number of passengers reported in vehicle two, and personal or business use of vehicle one. The accident report did not include any photos or measurements of the accident scene, which allegedly would have confirmed the driver of vehicle two's account that the other driver turned through the intersection at a high rate of speed. No citations were issued. Ms. J alleges that the witness and the other driver's account of what happened were flawed on the accident report.

### **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: PSA C

Other Materials: n/a

Date Investigation Completed: August 1, 2023



## **FINDINGS**

Policies Reviewed: 2.46.A.1 and 1.4.4.A.1.a

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:**

After a review of all of the available evidence, it was determined that PSA C did not violate policy when they investigated a traffic crash accident and completed an accident report. When PSA C submitted the first version of the accident report, it was pending approval. The report was later returned for corrections and eventually approved after revisions. Ms. J was believed to have received a draft or non-approved copy of the accident report before the required corrections. This explained the discrepancies the approved version of the accident report corrected. No additional policy violations were discovered with the remainder of the accident investigation and accident report.

After a review of the available evidence, it was determined that PSA C did not violate policy when they interacted with Ms. J and her husband. A review of PSA C's and PSA B's lapel videos showed no difference in treatment or biases between drivers. Ms. J or her husband, Mathew, did not present any evidence to the contrary other than feelings and life experiences.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 20, 2023

Via Certified Mail

7014 2120 0004 7659 1452

Re: CPC # 015-23

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Ms. T alleged that when 911 was called, she asked for a mental health crisis intervention team, but the police arrived instead. Her son suffered a traumatic brain injury due to a gunshot wound to his head in September of 2022. After the officer responded to her home, her son, M, was later issued a court summons for a domestic violence charge. In her interview, Ms. T said the officer needed to evaluate M before requesting a mental health crisis unit.

### **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: 911 Audio, sop 2-19

Date Investigation Completed: October 31, 2023

## **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: 2.78.4.A.3.

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:**

Sections a, c, and d: After review, this investigation determined Officer M did not violate policy during the encounter at Ms. T home. M was involved in a domestic violence incident with his father, which was determined from the notes on the CAD (Family dispute, being violent, aggravated assault/battery) and during the investigation on the scene. Based on M ; interview which included his admittance to battery on his father, wanting to leave the home and prevented by his parents and not wanting to cause harm to himself, the officers handled the scene as a domestic violence incident instead of a behavioral health incident. Charges were appropriate, but officers considered the totality of M ; condition by issuing the summons rather than physical arrest. In addition, the investigator reviewed the 911 audio call. During that call, the 911 operator spoke not with Ms. T but with the grandfather, Mr. A , and asked him a series of questions. Based on his answers to the questions and the yelling heard in the background, the operator determined that the police needed to respond. In this situation, the call for service indicated violence had occurred, and therefore, a police response was appropriate.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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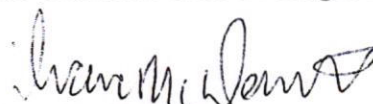
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 7, 2023

Via Email

Re: CPC # 109-23

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Mr. M reported that Officer O conducted a traffic stop and issued citations in retaliation for Mr. M saying bacon as he drove by Officer O while he was on another stop. Mr. M reported that Officer O concluded the stop he was on, walked across the street, and aggressively knocked on his window. Officer O was unfriendly, acted like a bully, ignored requests to provide his name and MAN number, said it would be on the citations, and ignored requests not to approach Mr. M vehicle. Mr. M believed Officer O heard the bacon comment because he turned his full body to turn and look at Mr. M as he passed by.

### **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 O

Other Materials: NM State Statutes, Citations, Unit Detail Logs, & Operator Recordings

Date Investigation Completed: September 15, 2023



## **FINDINGS**

Policies Reviewed: 1.1.5.A.4, 1.1.6.A.2 (Conduct), & 2.71.4.A.1 (Arrest, Search, Seizure)

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 Mr. M ; recollection was inaccurate to the available evidence. Officer O conducted a traffic stop for an observed violation, issued citations, provided their name and MAN number when requested, and called for a supervisor when requested. Officer O was professional, patient, and responsive to questions. Mr. M ; never asked Officer O directly not to approach his vehicle.

Officer O was never aggressive, was never a bully, and never turned their full body to turn and look at Mr. M as he passed by. There was no evidence located or reviewed that indicated Officer O heard any derogatory comment Mr. M ; made, if in fact one was made, to cause the traffic stop. Mr. M ; admitted he and his passenger were not wearing seat belts while on the roadway, his windshield had defects, and he could not provide registration proof.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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:**

- A) The findings by the Director had no explanation that would lead to the conclusion made; or,
- B) The findings by the Director were not supported by evidence that was available at the time of the investigation; or,
- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

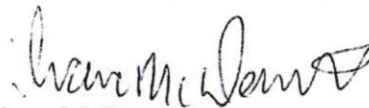
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the resignation of the Executive Director and another not being appointed by City Council until some months later.

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



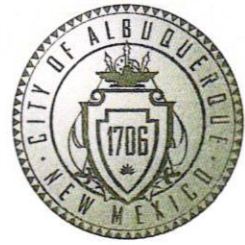
Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 7, 2023

Via Email

Re: CPC # 109-23

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Mr. M reported that he didn't know if Lt. S was a lieutenant or a sergeant because she initially identified herself as a lieutenant but later said sergeant. Mr. M advised that he didn't know her MAN number because every time she provided it, it was in a quick and blurred manner. Mr. M advised that Lt. S couldn't give a straight answer, seemed to be lying about her rank, wouldn't clearly provide her information, wouldn't listen to him, completely ignored everything he said and explained, did not care, and took the call to take the call. Mr. M advised that Lt. S provided her information upon request, but it seemed like she was mumbling on purpose.

### **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: Lieutenant S

Other Materials: NM State Statutes, Citations, Unit Detail Logs, & Operator Recordings

Date Investigation Completed: September 15, 2023

## **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.



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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.



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### **Additional Comments:**

1.1.5.A.4: It was determined that Mr. M ; recollection was inaccurate to the available evidence. Lt. S contacted Mr. M as requested and listened to what he had to say. Lt. S tried to assist Mr. M , but he was unreceptive to what was being said. Lt. S was professional and patient with Mr. M and tried to logically answer all of the questions asked. There was no evidence located or reviewed that demonstrated Lt. S ignored Mr. M , was not listening, and was uncaring.

Lt. S provided their correct information repeatedly and in an easily understandable manner every time it was requested by Mr. M , except on one instance in which Lt. S referred utilized sergeant instead of lieutenant. Lt. S explained that they had been a sergeant for about six years and a lieutenant for about one year and it was just a mistake. There was no evidence located or reviewed that demonstrated Lt. S was intentionally lying to or trying to mislead Mr. M .



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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.

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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 and another not being appointed by City Council until some months later.

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Sincerely,  
The Civilian Police Oversight Agency by

  
Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 7, 2023

Via Email

**Re: CPC # 109-23**

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Mr. M reported that Sergeant H committed criminal trespass and assault by reaching into his vehicle without his consent to return his documents, almost striking him in the face. Mr. M reported that Sgt. H had a hand full of paperwork, and it was unknown if Sgt. H meant to do it, or if he was so frustrated, upset, immature, disrespectful, and being a bully that he almost made contact with Mr. M's face. Mr. M reported that Sgt. H escalated the situation, said he didn't care, and that he didn't work for Ms. M.

### **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: Sergeant H

Other Materials: NM State Statutes, Citations, Unit Detail Logs, & Operator Recordings

Date Investigation Completed: September 15, 2023



## **FINDINGS**

Policies Reviewed: 1.1.4.A.2 & 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.



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### **Additional Comments:**

It was determined that Mr. M ; recollection was inaccurate to the available evidence. There was no evidence provided, located, or reviewed that gave any indication that Sgt. H committed an unlawful act. Sgt. H needed to return the documents, no one in the car would accept them, and no one told Sgt. H to wait. Sgt. H was professional, patient, and responsive to questions and requests. Sgt. H never said that he didn't care. Mr. M told Sgt. H not to approach his vehicle and then told him he had to wait for another supervisor; Sgt. H advised Mr. M that he didn't work for him and to have a good day. Mr. M attempted to give orders to Sgt. H and Sgt. H responded appropriately while trying to disengage.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 29, 2023

Via Certified Mail

7014 2120 0004 7659 1551

**Re: CPC # 110-23**

Mr. A

**COMPLAINT:**

Mr. A reported in his complaint that he called the police after the mother of his child had battered him and left the residence with their child. Mr. A alleged that as the biological father, he had a right to know the whereabouts of his child when four officers responded to his apartment complex. The officer knew where his child was and filed to tell him. He was only advised to respond to the courthouse to seek custody/restraining order paperwork. During his interview, Mr. A repeated that the officers did not tell him the whereabouts of his son and that he believed he had a constitutional right to know where his son was. As the biological father, he should have been allowed to get his child since the mother was in jail then.

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant R

Other Materials: multiple reports, CADs and videos outside of the specific date

Date Investigation Completed: September 4, 2023

## **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.



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### **Additional Comments:**

By clear and convincing evidence, this investigation determined that Sergeant R committed no policy violation during his encounter with Mr. A. A review of Sergeant R's lapel video corroborated what he said had occurred. During a review of the officer's lapel videos, there was no evidence that officers intentionally withheld the whereabouts of Mr. A child. The child's location was provided when Sergeant R responded to the scene and interviewed Ms. S. Sergeant R told Mr. A that the care and custody of his child were left with the grandfather at his home. Mr. A did not object or raise concerns about his child at the grandfather's house. Mr. A was upset initially because he believed the primary aggressor, Ms. S, was not going to be arrested. However, the original investigating officer returned when Ms. S returned and the officer took her into custody.



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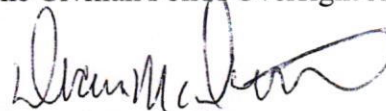
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 29, 2023

Via Certified Mail

7014 2120 0004 7659 1551

Re: CPC # 110-23

Mr. A

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

Mr. A reported in his complaint that he called the police after the mother of his child had battered him and left the residence with their child. Mr. A alleged that as the biological father, he had a right to know the whereabouts of his child when four officers responded to his apartment complex. The officer knew where his child was and filed to tell him. He was only advised to respond to the courthouse to seek custody/restraining order paperwork. During his interview, Mr. A repeated that the officers did not tell him the whereabouts of his son and that he believed he had a constitutional right to know where his son was. As the biological father, he should have been allowed to get his child since the mother was in jail then.

[www.cabq.gov](http://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: Yes

APD Employee Involved: Officer R

Other Materials: multiple reports, CADs and videos outside of the specific date

Date Investigation Completed: September 4, 2023



## **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.



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### **Additional Comments:**

By clear and convincing evidence, this investigation determined that Officer R committed no policy violation during his encounter with Mr. A. A review of Sergeant R's lapel video corroborated had occurred. During a review of the officer's lapel videos, there was no evidence that officers intentionally withheld the whereabouts of Mr. A. The child's location was provided when Sergeant R responded to the scene and interviewed Ms. S, the child's mother. Sergeant R told Mr. A that the care and custody of his child were left with the grandfather at his home. Mr. A did not object or raise concerns about his child at the grandfather's house.

Officer R was the arresting officer of A S.

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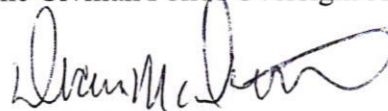
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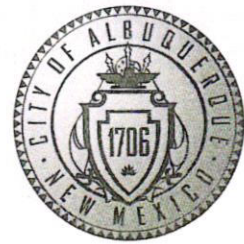
Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 29, 2023

Via Certified Mail

7014 2120 0004 7659 1667

Re: CPC # 111-23

Mr. A

PO Box 1293

**COMPLAINT:**

Albuquerque

Mr. A alleged that officers told him to file a missing person's report on his child when the officers knew his son's whereabouts. During his interview, Mr. A felt that as the biological father, he had the right to know where his child was and get him where he was since the mother had been incarcerated.

NM 87103

Mr. A had called the police multiple times over four consecutive days. This incident stemmed from custody issues and domestic violence with A, the mother of his child, and a missing person allegation, which generated this complaint.

[www.cabq.gov](http://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: Yes

APD Employee Involved: Officer D

Other Materials: multiple calls for service reviewed

Date Investigation Completed: September 4, 2023

## **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 a review of the evidence, this investigation determined by clear and convincing evidence that Officer D committed no policy violations during his encounter with Mr.

A      Reviewing Officer D's lapel videos corroborated his account of what happened during his interview. Officer D did not tell Mr. A      he should file a missing person report for his child. The child was not missing and was in the care and custody of the child's grandfather. This was previously reported on the CAD notes and told to Mr. A      by other officers assigned to his case that his son was with the grandparent.

Officer D contacted Mr. W      | S      , the child's grandfather, and arranged a meet and visit with the child at the grandfather's home. There were no concerns with the child or his safety at the grandfather's house. At the police substation, Mr. A      was advised of the meeting, and there were no concerns for his child's safety or well-being.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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:**

- A) The findings by the Director had no explanation that would lead to the conclusion made; or,
- B) The findings by the Director were not supported by evidence that was available at the time of the investigation; or,
- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

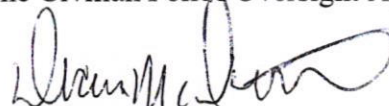
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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. 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>. There was a delay in the issuance of findings due to the interim status of the Executive Director. Your patience is appreciated.

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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 29, 2023

Via Certified Mail

7014 2120 0004 7659 1667

Re: CPC # 111-23

Mr. A

PO Box 1293

**COMPLAINT:**

Albuquerque

Mr. Cedric A [redacted] alleged that officers told him to file a missing person's report on his child when the officers knew his son's whereabouts. During his interview, Mr. A [redacted] felt that as the biological father, he had the right to know where his child was and get him where he was since the mother had been incarcerated.

NM 87103

Mr. A [redacted] had called the police multiple times over four consecutive days. This incident stemmed from custody issues and domestic violence with A [redacted], the mother of his child, and a missing person allegation, which generated this complaint.

[www.cabq.gov](http://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: Yes

APD Employee Involved: Officer S

Other Materials: multiple calls for service reviewed

Date Investigation Completed: September 4, 2023



## **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 a review of the evidence, this investigation determined by clear and convincing evidence that Officer S committed no policy violations during his encounter with Mr.

A      Reviewing Officer S' lapel videos corroborated his account of what happened during his interview. Officer S did not tell Mr. A      he should file a missing person report for his child. The child was not missing and was in the care and custody of the child's grandfather. This was previously reported on the CAD notes and told to Mr. A      by other officers assigned to his case that his son was with the grandparent.

Officer S contacted Mr. W      S      , the child's grandfather, and arranged a meet and visit with the child at the grandfather's home. There were no concerns with the child or his safety at the grandfather's house. At the police substation, Officer S advised Mr. A      of the meeting, and there were no concerns for his child's safety or well-being.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.


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. 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>. There was a delay in the issuance of findings due to the interim status of the Executive Director. Your patience is appreciated.

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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 4, 2023

Via Email

**Re: CPC # 115-23**

PO Box 1293

**COMPLAINT:**

Brandon C : reported that Officer M went to a leasing office, strong-armed, and threatened to arrest individuals when not provided with the information he sought on a possible residence at the location.

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

**EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: N/A

APD Employee Involved: Not Applicable

Other Materials: Email Communications

Date Investigation Completed: November 8, 2023

## **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 because the investigation determined that Officer M was a deputy with the BCSO, which is outside the CPOA investigative jurisdiction because he is not an APD employee.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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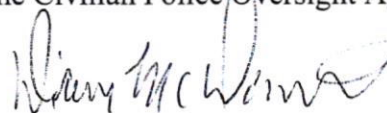
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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 27, 2023

Via Certified Mail

7014 2120 0004 7659 1513

Re: CPC # 150-23

Ms. G

PO Box 1293

**COMPLAINT:**

Albuquerque

Ms. G ; complaint was taken over the phone. She alleged that Officer C was obtuse with her, refused to take a report, and did not provide her with a case number when she alleged her neighbors were harassing her. Ms. G has had an issue with her neighbor building fences on her property, slamming trash cans, and causing loud noises at five in the morning.

NM 87103

The investigator could not complete an interview with Ms. G as she proved uncooperative and did *not directly answer any of the investigator's questions. During the interview, Ms. G continued to talk about multiple unrelated events that happened years ago and could or would not answer direct questions about her encounter with Officer C* l on 6/15/2023.

www.cabq.gov

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: N/A

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: reporting SOP

Date Investigation Completed: October 9, 2023



## **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 reviewing the evidence, this investigation determined, by clear and convincing evidence, that Ofc. C committed no policy violations during his contact with Ms. G. Reviewing Ofc. C's lapel video corroborated his version of what occurred. Ofc. C remained professional and courteous and was not obtuse with Ms. G. Ms. G believed her neighbors were harassing her based on noises allegedly created early in the morning. Based on what Ms. G said, Ofc. C told her that was not harassment. Ms. G disagreed. Ms. G did not ask Ofc. C for an incident report or number. That type of incident would not require an incident report, as according to Ofc. C, no crime was committed, and in this case, no required events existed that would require a mandatory report. In addition, SOP 2.16.5.B.1.1.a, regarding reports, states, "In cases for which the Department personnel determines that a Uniform Incident Report is unnecessary and does not fall under the above categories, they may add information in the CAD System instead of completing a Uniform Incident Report." In other words, adding notes to the CAD system would suffice instead of generating a non-mandatory incident report, which Officer C did in this case.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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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. 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>. There was a delay in the issuance of findings due to the resignation of the Executive Director and another not being appointed by City Council until some months later.

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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 28, 2023

Via Certified Mail

7014 2120 0004 7659 1537

Re: CPC # 172-23

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

Mr. R alleged that Lieutenant M arrested him for threatening Ms. P R  
Mr. R denied that he had threatened her and only called and left a message that  
he was moving to Minnesota. Mr. R said he was taken to the behavioral health  
unit at the University of New Mexico hospital. During his interview, Mr. R  
described his interactions with Lieutenant M as contentious, hateful, and denigrating by  
Lieutenant M. He acknowledged that he had never met Lieutenant M in person, as they  
had communicated by text dating back to 2020. Mr. R described several text  
exchanges where Lieutenant M described him as dumb, a lousy citizen that the City of  
Albuquerque did not need, and unconcerned for his safety when being harassed.

[www.cabq.gov](http://www.cabq.gov)

### **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: Yes

APD Employee Involved: Lieutenant M

Other Materials: N/A

Date Investigation Completed: November 6, 2023

## **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:**

Mr. R originally stated this incident occurred in May of 2023 however after being interviewed he corrected the date to be May or June of 2020. No CAD or report could be identified that matched the fact pattern as Mr. R described. Lieutenant M did not know who Ms. R was. There has been more than one hospital transport, but none matching the circumstances as described. This case had no identified lapel videos, CADs, or incident reports between Mr. R and Lieutenant M. Mr. R has a history of inappropriately contacting Lieutenant M and a check of NMCourts confirmed Mr. R failed to appear in court regarding two charges of harassment and one charge of stalking against Lieutenant M. This case is administratively closed due to not being able to identify the incident with the provided information.



**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 holiday 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 CPOA@cabq.gov. Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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- B) The findings by the Director were not supported by evidence that was available at the time of the investigation; or,
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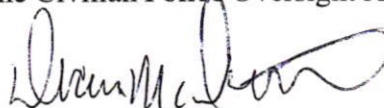
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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. 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>. There was a delay in the issuance of findings due to the interim status of the Executive Director. Your patience is appreciated.

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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 7, 2023

Via Certified Mail

7014 2120 0004 7659 1407

Re: CPC # 170-23

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

On 07/13/2023, [REDACTED] B [REDACTED] submitted a complaint regarding an incident that occurred on 07/13/2023 at 1230 hours. Ms. B [REDACTED] reported that Officer S didn't acknowledge her, dismissed her, looked like he didn't care, that it was taking time out of his day, "responded that the victim probably deserved it," and did not seek out the victim. Ms. B [REDACTED] advised that Officer S needed to be addressed on how to address the public, not make assumptions, and not blame the victim.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: Email Communications

Date Investigation Completed: November 9, 2023



## **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.



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 S was the backup officer and did not tell R B that the "victim probably deserved it." There were no indications or evidence that Officer S didn't acknowledge Ms. B ; dismissed Ms. B , looked like Ms. B : was taking time out of his day, or looked like he didn't care. There were no indications or evidence that Officer S blamed the victim, shamed the victim, or made any assumptions. Officer S attempted to educate Ms. B : on the realities of the situation and the law (victim needed) and attempted to seek out the alleged victim using the information provided. Ms. B ; complaint was based on misconceptions of what occurred and had mentioned her memory was not superb.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

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. 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>. There was a delay in the issuance of findings due to the resignation of the Executive Director and another not being appointed by City Council until some months later.

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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 7, 2023

Via Certified Mail

7014 2120 0004 7659 1407

Re: CPC # 170-23

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

On 07/13/2023, R [REDACTED] B [REDACTED] submitted a complaint regarding an incident that occurred on 07/13/2023 at 1230 hours. Ms. B [REDACTED] reported that Officer S didn't acknowledge her, dismissed her, looked like he didn't care, that it was taking time out of his day, "responded that the victim probably deserved it," and did not seek out the victim. Ms. B [REDACTED] advised that Officer S needed to be addressed on how to address the public, not make assumptions, and not blame the victim.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer D

Other Materials: Email Communications

Date Investigation Completed: November 9, 2023

## **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. ☐

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 D was the primary officer and collected the needed information from the reporting individuals. Officer D attempted to educate the reporting individuals on the law (victim needed) and attempted to seek out the alleged victim using the information provided. Ms. B complaint was based on misconceptions of what the officers said and their actions.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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- B) The findings by the Director were not supported by evidence that was available at the time of the investigation; or,
- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

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. 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>. There was a delay in the issuance of findings due to the resignation of the Executive Director and another not being appointed by City Council until some months later.

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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 28, 2023

Via Certified Mail

7014 2120 0004 7659 1520

**Re: CPC # 174-23**

PO Box 1293

### **COMPLAINT:**

Albuquerque

Mr. R alleged that during a text exchange, Lieutenant M became argumentative and called him unkind and vile. Lieutenant M allegedly told Mr. R that he needed to get back on his medications, get help, and not text him anymore. Mr. R wanted assistance from Lieutenant M regarding a missing person/welfare check.

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **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: Yes

APD Employee Involved: Lieutenant M

Other Materials: N/A

Date Investigation Completed: November 6, 2023



## **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: 1.1.5.A.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.

☒

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 Lieutenant M did not violate policy during his text exchange with Mr. R Lieutenant M's remarks during the texts referred to Mr. R behavior when not on medication and wished not to communicate with him further.

Mr. R has a pattern of harassment against Lieutenant M. The investigator confirmed through the New Mexico courts that Mr. R was charged with two counts of harassment and one count of stalking filed on 8/29/2023. On 9/21/2023, Mr. R failed to appear for his court hearing. A warrant was issued for failing to appear.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

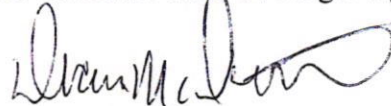
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the interim status of the Executive Director. Your patience is appreciated.

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



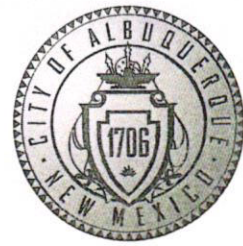
Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 31, 2023

Via Certified Mail

7014 2120 0004 7659 1711

Re: CPC # 177-23

PO Box 1293

### **COMPLAINT:**

H submitted a complaint on 07/17/2023 and no portion of that complaint was related to Officer C.

Albuquerque

When interviewed, R reported that Officer C jammed a knee in his back to prop him up. R reported that Officer C never took his statement. R reported that Officer C took his statement but didn't really care. R reported that Officer C didn't ask him about the crime. R reported that Officer C was trying to protect the new owners of the complex. R reported that Officer C thought it was a joke. R reported that his only complaint regarding Officer C was that he stuck a knee in his back.

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **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 C

Other Materials: Complainant Provided Documents & Email Communications

Date Investigation Completed: November 14, 2023

## **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.



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### **Additional Comments:**

1.1.5.A.4: It was determined that no officer jammed a knee in R's back. AFR personnel asked about possible drugs being used and had been the ones to prop R up by a knee in his back. Officer C did take R's statement, which required Officer C to ask R about the crime. Officer C was not the primary or investigating officer and had no control over the outcome of the incident. Officer C was professional in his demeanor.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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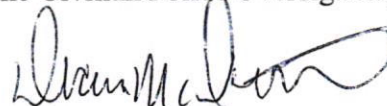
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the interim status of the Executive Director. Your patience is appreciated.

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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 31, 2023

Via Certified Mail

7014 2120 0004 7659 1711

Re: CPC # 177-23

PO Box 1293

### **COMPLAINT:**

R H submitted a complaint on 07/17/2023 and reported that Officer P was manipulated by staff at an apartment complex to change the address on the report so all the court documents would be sent to the business instead of him.

Albuquerque

When interviewed, R reported that Officer P never took his statement and that he provided Officer P with his identification, which contained his correct address. R reported that Officer P spoke with staff inside the office first, instead of him. R reported that the staff must have told Officer P that he was on drugs because he treated him differently and thought he was a drug addict because he implied he was on drugs by asking him how many drugs he had taken. R reported that Officer P didn't care and thought the incident was a joke.

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **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 P

Other Materials: Complainant Provided Documents & Email Communications

Date Investigation Completed: November 14, 2023



## **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.



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### **Additional Comments:**

1.1.5.A.4: It was determined that Officer P collected information from those individuals that he could and completed an accurate report. R never provided any officer with his identification. Officer P was unable to get R statement when he first arrived on the scene because R was on the ground and moaning in pain. Officer P asked what occurred and was advised to speak with the manager inside the complex office. Officer P's report did contain clerical errors but nothing that would have affected the outcome of the incident or would have caused R not to receive mail. The apartment number being omitted from the criminal complaint was a program error and not an officer error. No officers ever asked about or made any indications to R about drugs. AFR personnel asked about possible drugs being used and had been the ones to prop R up by a knee in his back. R advised that he was in no shape to provide a statement and was transported from the scene via ambulance. A statement was collected by another officer.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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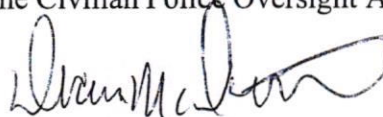
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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 31, 2023

Via Certified Mail

7014 2120 0004 7659 1711

Re: CPC # 177-23

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

R | H : submitted a complaint on 07/17/2023 and reported that he received a call from Sergeant D, who claimed to be an officer's supervisor, and left a voicemail wanting to discuss report discrepancies. When interviewed, R | advised that he didn't have any complaints against Sgt. D but was mad at him. R | reported that Sgt. D calling him was improper and believed that Sgt. D was trying to cover for an officer. R | reported that he didn't request contact and called 242-COPS to vent about and make allegations. R | reported Sgt. D didn't ask him if he wanted to file a complaint, even though he made it clear to Sgt. D that he did. R | advised that he just wanted Sgt. D to call him, dismiss the paperwork, and get him his expungement paperwork.

### **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: Sergeant D

Other Materials: Complainant Provided Documents & Email Communications

Date Investigation Completed: November 14, 2023

## **FINDINGS**

Policies Reviewed: 1.1.5.C.1 & 1.1.5.C.3 (Misconduct)

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.C.1: It was determined that R [redacted] never asked Sgt. D to file a complaint on his behalf. R [redacted] advised Sgt. D that he had already contacted internal affairs; Sgt. D confirmed that R [redacted] had already filed a complaint with internal affairs regarding the issues he was contacted about.

1.1.5.C.3: It was determined that Sgt. D called R [redacted] at the request of the Office of the Mayor - City of Albuquerque regarding an IQ Inquiry based on a call made to the Office of the Mayor by R [redacted] advised Sgt. D that the officer couldn't talk to him because he was the defendant in an active court case; Sgt. D confirmed the information with R [redacted] and advised him that it would be best if he spoke only to his attorney and that it probably wasn't a good idea for him to be talking with any law enforcement officer about a pending court case in which he was the defendant.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

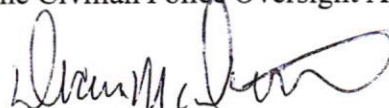
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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. 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>. There was a delay in the issuance of findings due to the interim status of the Executive Director. Your patience is appreciated.

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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 8, 2023

Via Certified Mail

7014 2120 0004 7659 1377

**Re: CPC # 180-23**

Ms. G ,

PO Box 1293

**COMPLAINT:**

Albuquerque

Ms. G alleged that the officer who responded to her home for a hit-and-run accident did not do any investigation. The officer would not attempt to locate the striking vehicle's driver, although they had left their driver's license on the scene. Ms. G wanted the driver arrested for leaving the scene of an accident and charged with child abuse for endangering the lives of three small children who were in the car during the accident hit-and-run.

NM 87103

[www.cabq.gov](http://www.cabq.gov)

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s):

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer P

Other Materials: n/a

Date Investigation Completed: November 21, 2023



## 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.



Policies Reviewed: 2.46.4.A.2

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 had determined, by clear and convincing evidence, that Officer P did not violate policy during his accident investigation. A review of Officer P's lapel video corroborated what he said during his interview. Officer P arrived at the accident scene and began an accident investigation. Officer P completed an accident report and issued a case number to Ms. G. While it was a reasonable expectation for Ms. G to believe that the driver of the striking vehicle should have been arrested for the accident hit and run since a driver's license was left on the scene, Ms. G was unaware of the limitations regarding misdemeanor violations of New Mexico law. Officer P would have had to have witnessed the vehicle crash and driver leaving the scene to charge the driver. This was explained to Ms. G why he could not pursue the driver with charges. However, Officer P violated policy for failing to include a crash diagram in his initial uniform crash report. The CPOA recommends a Written Reprimand as discipline.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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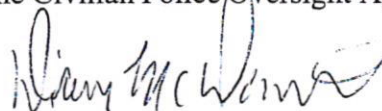
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 8, 2023

Via Certified Mail

7014 2120 0004 7659 1377

**Re: CPC # 180-23**

Ms. G

PO Box 1293

**COMPLAINT:**

Albuquerque

Ms. G alleged that the officer who responded to her home for a hit-and-run accident did not do any investigation. The officer would not attempt to locate the striking vehicle's driver, although they had left their driver's license on the scene. Ms. G wanted the driver arrested for leaving the scene of an accident and charged with child abuse for endangering the lives of three small children who were in the car during the accident hit-and-run.

NM 87103

[www.cabq.gov](http://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: Yes

APD Employee Involved: Officer R (acting sergeant)

Other Materials: n/a

Date Investigation Completed: November 21, 2023

## **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: 2.16.5.C.1.b

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 P responded to the complainant's residence, investigated, and completed a uniform traffic crash report. After a report was completed, a supervisor was responsible for review and approval of that report within three shift days. The investigation determined that Acting Sergeant R was responsible for reviewing and approving the uniform traffic crash report. Acting Sergeant R failed to review and approve the traffic crash report in violation of policy. The report sat in limbo for ninety days without a signature until it was ultimately signed by another supervisor. The CPOA recommends a verbal reprimand for the violation.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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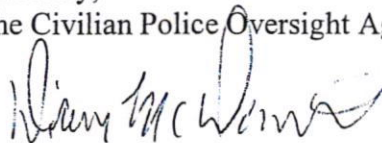
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 4, 2023

Via Email

Re: CPC # 182-23

PO Box 1293

**COMPLAINT:**

A        ' reported that the command staff at the APD Foothills Substation either refused to or did not know how to submit a complaint form properly.

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

**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: Yes

APD Employee Involved: Officer F

Other Materials: Email Communications

Date Investigation Completed: November 14, 2023



## **FINDINGS**

Policies Reviewed: 3.41.4.B.2

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:**

3.41.4.B.2: It was determined that only page one of two of the APD Complaint or Commendation Form was submitted by A to Officer F at the APD Foothills Substation, submitted to a lieutenant, and entered into IAPro in the mandated time frame. The officer informed A that the substation acceptance would be verified with staff when A 'disagreed with the officer's statements.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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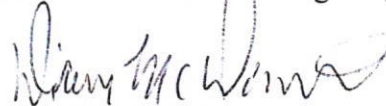
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 4, 2023

Via Email

1

Re: CPC # 182-23

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

A reported that Sergeant T either refused to provide his information upon request or said it as he walked away from A, which A viewed as impolite. A reported that Sergeant T widened the caution tape (expanded the perimeter), yet provided no reason for doing so, and told A to move or be arrested because A had a camera.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant T

Other Materials: Email Communications

Date Investigation Completed: November 14, 2023

## **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.A.2 (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.

☐

Policies Reviewed: 2.33.4.A.1.b (Onlooker)

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.C.2 (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.

☒

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.2: It was determined that Sergeant T used language that was derogatory, contemptuous, and disrespectful toward A .

1.1.6.A.2: It was determined that Sergeant T failed to provide his name and MAN number to A upon request.

2.33.4.A.1.b: It was determined that Sergeant T had a lawful objective and reason to expand the perimeter and order onlookers to relocate. Sergeant T needed to secure more space for incoming officers and detectives following an officer involved shooting.

The CPOA recommends a 16 hour suspension for the two SOP violations.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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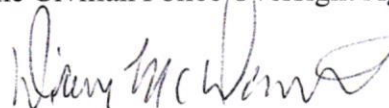
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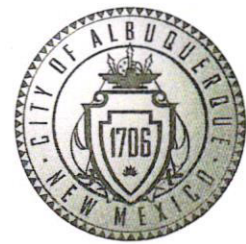
Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 4, 2023

Via Email

Re: CPC # 182-23

PO Box 1293

### **COMPLAINT:**

A ' reported that the command staff at the APD Foothills Substation either refused to or did not know how to submit a complaint form properly.

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **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: Yes

APD Employee Involved: Lieutenant M

Other Materials: Email Communications

Date Investigation Completed: November 14, 2023



## **FINDINGS**

Policies Reviewed: 3.41.5.B.6.a.ii (Complaints)

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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### **Additional Comments:**

3.41.5.B.6.a.ii: It was determined that only page one of two of the APD Complaint or Commendation Form was submitted by A to the staff at the substation, submitted to Lt M, and entered into IAPro in the mandated time frame. It was determined that Lt M had no contact with A .

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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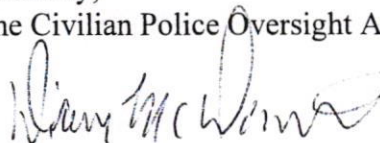
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 7, 2023

Via Certified Mail

7014 2120 0004 7659 1391

Re: CPC # 191-23

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Mr. L alleged that during his encounter with Sergeant B, the sergeant was intimidating, had an attitude, and became increasingly aggressive towards him. In addition, Sergeant B reported statements on his incident report that were untrue, such as Mr. L pointing a gun at one of the residents. Sergeant B did not address his concerns about two individuals with knives.

### **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: Sergeant B

Other Materials: n/a

Date Investigation Completed: November 29, 2023

## **FINDINGS**

Policies Reviewed: 1.1.5.A.1, 1.1.6.A.6.a

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 reviewing the evidence, this investigation has determined that Sergeant B committed no policy violations during his interaction with Mr. L. During his interview, Mr. L could not specifically articulate or provide evidence that Sergeant B was aggressive, intimidating, or had an attitude that would violate the conduct policy other than his perceptions.

Reviewing Sergeant B's lapel video corroborated what Officer H and Sergeant B said about what happened during their interaction with Mr. L. At one point during the interview, Sergeant B had to raise his voice with Mr. L to caution him about putting his hand in his waistband and pockets, which was a central part of his complaint that was appropriately addressed, but Mr. L disagreed with his method.

The incident report was written based on witness accounts, which were reasonable and credible to believe that Mr. L pointed a gun at one of the residents.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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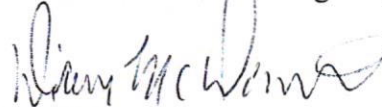
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 28, 2023

Via Email

Re: CPC # 192-23

A

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

### **COMPLAINT:**

On 08/04/2023, A reported, "I was driving home from gassing up and I happen to see a couple officers talking to what appeared to be a homeless person. I found a side street to park on, got out and walked over to record this incident. I was my usual quiet self. I politely asked what the situation was, no reply (I know this ISNT required). One of the 2 officers on scene called in "backup" because I showed up with a camera. THIS is a HUGE waste of police resources. I got the names and man # of the 2 officers on the scene from one of the "backup" officers that got called in." "Neither of the officers gave their name nor man number." A supplied YouTube video link <https://youtu.be/BlyozmErh3k>. On 08/05/2023, A reported that they wanted to add another officer to the complaint for failing to id.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: YouTube Video, Photograph, & Email Communications

Date Investigation Completed: November 30, 2023



## **FINDINGS**

Policies Reviewed: 1.1.5.A.4 & 1.1.6.A.2

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: The investigation determined that Officer C called for backup before A arrived on the scene and did so for training purposes because it was a step that would be taken by an officer when by themselves. A was mistaken when they reported that backup was called because they arrived on the scene with a camera.

1.1.6.A.2: The investigation determined that another officer provided Officer C's information to A as requested of the other officer. Officer C did not provide his information to A because it was never requested from him. A was inaccurate when they reported that they directly asked Officer C for his information.

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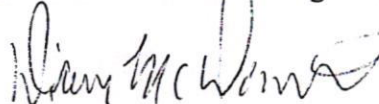
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 28, 2023

Via Email

Re: CPC # 192-23

A

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

### **COMPLAINT:**

On 08/04/2023, A reported, "I was driving home from gassing up and I happen to see a couple officers talking to what appeared to be a homeless person. I found a side street to park on, got out and walked over to record this incident. I was my usual quiet self. I politely asked what the situation was, no reply (I know this ISNT required). One of the 2 officers on scene called in "backup" because I showed up with a camera. THIS is a HUGE waste of police resources. I got the names and man # of the 2 officers on the scene from one of the "backup" officers that got called in." "Neither of the officers gave their name nor man number." A supplied YouTube video link <https://youtu.be/BlyozmErh3k>. On 08/05/2023, A reported that they wanted to add another officer to the complaint for failing to id.

### **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 W

Other Materials: YouTube Video, Photograph, & Email Communications

Date Investigation Completed: November 30, 2023

## **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.



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### **Additional Comments:**

1.1.5.A.4: The investigation determined that Officer W was not unprofessional or condescending while providing his information to A. Officer W provided the information requested and did so in a prompt and professional manner. Officer W pointed to his nameplate so it was clear who he was and that he wasn't making up a name. Officer W did not arrive on the scene and prevent A from asking other officers for their information. The allegations made by A against Officer W were based on perception and not fact, and A's inaccuracies and misstatements during the investigation diminished A's credibility regarding this investigation.



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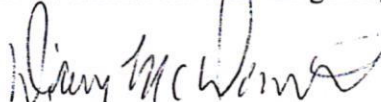
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 28, 2023

Via Email

Re: CPC # 192-23

A :

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

### **COMPLAINT:**

On 08/04/2023, A reported, "I was driving home from gassing up and I happen to see a couple officers talking to what appeared to be a homeless person. I found a side street to park on, got out and walked over to record this incident. I was my usual quiet self. I politely asked what the situation was, no reply (I know this ISNT required). One of the 2 officers on scene called in "backup" because I showed up with a camera. THIS is a HUGE waste of police resources. I got the names and man # of the 2 officers on the scene from one of the "backup" officers that got called in." "Neither of the officers gave their name nor man number." A supplied YouTube video link <https://youtu.be/BlyozmErh3k>. On 08/05/2023, A reported that they wanted to add another officer to the complaint for failing to id.

### **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 O

Other Materials: YouTube Video, Photograph, & Email Communications

Date Investigation Completed: November 30, 2023



## **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: 1.1.6.A.2

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:**

1.1.6.A.2: The investigation determined that Officer O did not provide his name and MAN number upon direct request from A. A directly requested the information from Officer O on one occasion, but on that occasion, A approached the officer from behind as they asked for the information, and Officer O instructed A to step back. A backup officer advised A that the information would be provided and that they didn't need to approach the officers because it was a huge safety issue. Officer O believed the backup officer provided everyone's information to A; the backup officer believed that Officer O had already provided his information to A, or he would have provided it to them with the other officer's information. Officer O advised that he didn't believe A directly asked him for his information and if he had, he would have said it out loud. All four officers involved advised that the conditions at the time were loud because of traffic, which was confirmed via the recordings. Based on the totality of the circumstances, it was logical that Officer O might have heard the request and believed that everyone's information was being provided to A by another officer.

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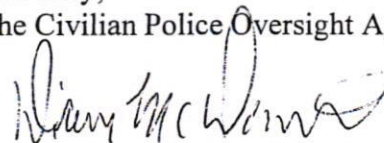
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(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 28, 2023

Via Email

Re: CPC # 192-23

A

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

### **COMPLAINT:**

On 08/04/2023, A reported, "I was driving home from gassing up and I happen to see a couple officers talking to what appeared to be a homeless person. I found a side street to park on, got out and walked over to record this incident. I was my usual quiet self. I politely asked what the situation was, no reply (I know this ISNT required). One of the 2 officers on scene called in "backup" because I showed up with a camera. THIS is a HUGE waste of police resources. I got the names and man # of the 2 officers on the scene from one of the "backup" officers that got called in." "Neither of the officers gave their name nor man number." A supplied YouTube video link <https://youtu.be/BlyozmErh3k>. On 08/05/2023, A reported that they wanted to add another officer to the complaint for failing to id.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: YouTube Video, Photograph, & Email Communications

Date Investigation Completed: November 30, 2023

## **FINDINGS**

Policies Reviewed: 1.1.5.A.4 & 1.1.6.A.2

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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1.1.5.A.4: The investigation determined that Officer A did not call for backup. Another officer called for backup before A arrived on the scene and did so for training purposes because it was a step that would be taken by an officer when by themselves. A was mistaken when they reported that backup was called because they arrived on the scene with a camera.

1.1.6.A.2: The investigation determined that another officer provided Officer A's information to A as requested of the other officer. Officer A did not provide her information to A because it was never requested from her. A was inaccurate when they reported that they directly asked Officer A for her information.



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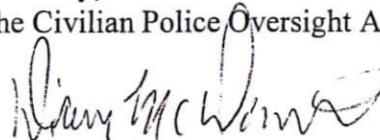
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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 8, 2023

Via Certified Mail

7014 2120 0004 7659 1360

Re: CPC # 196-23

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Mr. B reported that an individual had stolen his Rolex (O ) watch during an altercation, in which Mr. E was arrested. Mr. E discovered while watching a video during his jury trial that an officer had been in possession of his watch. Mr. E described the officer as male, light-completed, with black hair, and 5'11". Mr. B reported that the video showed that the officer told him that he had the watch, not to worry about it and that it would be tagged into evidence. Mr. B reported that the officer testified that he had given the watch to another officer, who had lost the watch. Mr. B reported that the officers had contradicting versions of the events and that the watch was given to him by his uncle and was valued at approximately thirty thousand dollars.

### **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 G

Other Materials: Email Communications

Date Investigation Completed: November 20, 2023



## **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:**

It was determined that the watch face was last in the possession of Officer S, who placed it on the hood of his patrol vehicle. The watch face was not observed being removed from the hood of the patrol vehicle, and Officer S did not recall removing the watch face from the hood of his patrol vehicle. Officer G was the primary, reporting, and arresting officer, was aware of the watch, and told Mr. B that "they" had the watch, but failed to ensure that the watch was collected and either placed with Mr. B property or submitted into evidence. 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 of the CPOA Executive Director within 30 calendar days (inclusive of holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

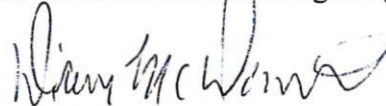
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 8, 2023

Via Certified Mail

7014 2120 0004 7659 1360

Re: CPC # 196-23

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Mr. B reported that an individual had stolen his Rolex (O ) watch during an altercation, in which Mr. B was arrested. Mr. B discovered while watching a video during his jury trial that an officer had been in possession of his watch. Mr. B described the officer as male, light-completed, with black hair, and 5'11". Mr. B reported that the video showed that the officer told him that he had the watch, not to worry about it and that it would be tagged into evidence. Mr. B reported that the officer testified that he had given the watch to another officer, who had lost the watch. Mr. B reported that the officers had contradicting versions of the events and that the watch was given to him by his uncle and was valued at approximately thirty thousand dollars.

### **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 S

Other Materials: Email Communications

Date Investigation Completed: November 20, 2023

## **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: 2.73.2.A (Property)

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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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 the watch face was last in the possession of Officer S, who placed it on the hood of his patrol vehicle. The watch face was not observed being removed from the hood of the patrol vehicle, and Officer S did not recall removing the watch face from the hood of his patrol vehicle. Officer S was the only officer in control and care of the watch face, and, therefore, was responsible for it, but failed to ensure that the watch was either given to the primary officer, transporting officer, placed with Mr. E ; property, or submitted into evidence. 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 of the CPOA Executive Director within 30 calendar days (inclusive of holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

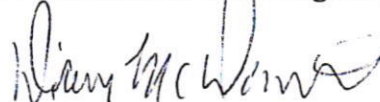
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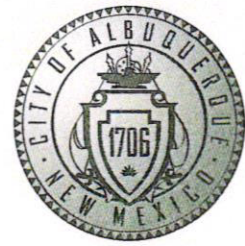
Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 19, 2023

Via Email

Re: CPC # 199-23

Ms. N

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Ms. N alleged that her car was disabled and obstructing traffic at 2833 Central Ave SE. The officer she spoke with assured her that her car would be towed to her home. Instead, it was taken to a towing yard. If she had known that, Ms. N would have called AAA to tow her car home. She was dissatisfied with the lack of communication from the officer and felt ignored.

Ms. N did not participate in this investigation after multiple attempts to contact her. The opportunity to ask questions to understand and strengthen her claims of what occurred was lost, which questioned her credibility.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Officer T

Other Materials: sop 2.48

Date Investigation Completed: November 27, 2023



## **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:**

This investigation has determined that Officer T did not violate policy during his interaction with Ms. N. Officer T never assured her that her car would be towed to her home and clearly told Ms. N that her car would be towed to the tow yard unless she had cash for a private towing, which would be negotiated between her and the tow operator. The tow was proper in that the vehicle was a hazard and needed to be moved expeditiously.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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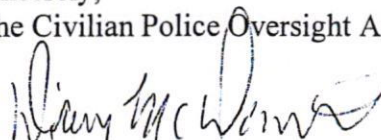
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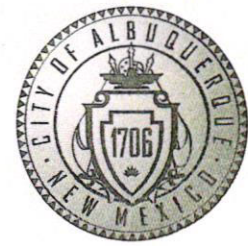


Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 26, 2023

Via Email

**Re: CPC # 206-23**

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

On 08/14/2023, S [redacted] submitted an online complaint regarding an incident that occurred on 12/23/2022 at 1800 hours. Ms. N [redacted] reported that PSA G failed to include details in his completed report provided by her and a witness, S [redacted] F [redacted]. Ms. N [redacted] reported that PSA G wrote a brief report with all of the pertinent information omitted. Ms. N [redacted] reported that the report was not ready until May 2023 because a supervisor needed to approve it. Ms. N [redacted] implied that PSA G was hiding something and protecting the owner of the other vehicle because of the inaccurate reporting.

### **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: PSA G

Other Materials: Email Communications & TraCS Documents.

Date Investigation Completed: December 1, 2023

## **FINDINGS**

Policies Reviewed: 2.60.4.A.5.f

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

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:**

2.16.5.C.1: It was determined that PSA G did not complete and submit the report within the allotted time frame.

2.60.4.A.5.f: It was determined that PSA G did report the incident fully and accurately based on the information received from the individuals involved in the incident. There were no actual witnesses to the crash on the scene. The report was not as in-depth as Ms. N would have preferred but was completed appropriately and without blatant misstatements. There were no witnesses to include, the damage to the vehicles was indicated, and Ms. N advised that she had pain but no injuries and declined medical assistance. The CPOA recommended a verbal reprimand, however the PSA already resigned from the department before imposition.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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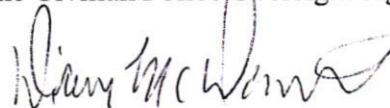
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 26, 2023

Via Email

Re: CPC # 206-23

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

On 08/14/2023, S [REDACTED] submitted an online complaint regarding an incident that occurred on 12/23/2022 at 1800 hours. Ms. N [REDACTED] reported that PSA G failed to include details in his completed report provided by her and a witness, S [REDACTED]. Ms. N [REDACTED] reported that PSA G wrote a brief report with all of the pertinent information omitted. Ms. N [REDACTED] reported that the report was not ready until May 2023 because a supervisor needed to approve it. Ms. N [REDACTED] implied that PSA G was hiding something and protecting the owner of the other vehicle because of the inaccurate reporting.

### **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: Sergeant C

Other Materials: Email Communications & TraCS Documents.

Date Investigation Completed: December 1, 2023



## **FINDINGS**

Policies Reviewed: 2.16.5.C.2

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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### **Additional Comments:**

It was determined that Sergeant C did review and approve the report after the allotted time frame but was not PSA G's supervisor and was not responsible for the review and approval of the report.

Due to the chain of command structure for PSAs and this particular PSA's assignment the appropriate supervisor could not be clearly identified for the delay in approval of the report. A recommendation is made to more clearly define PSA report to structures.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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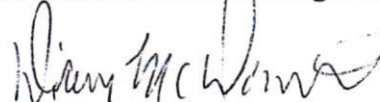
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 28, 2023

Via Email

Re: CPC # 207-23

PO Box 1293

### **COMPLAINT:**

Albuquerque

Mr. C reported that he got stopped by the Albuquerque Police Department, and they were making threats and disrespected Mr. C and his property. Mr. C reported that they took some personal information and papers that belonged to his auto repair shop and took his tool bag. Mr. C reported that there were several officers making threats to him, his property, and his dog while he was being transported home.

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **EVIDENCE REVIEWED:**

Video(s): Yes

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: Unable to identify APD employees involved

Other Materials: Evidence.com & Evidence Map feature, possible videos

Date Investigation Completed: December 19, 2023

## **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:**

After two separate records requests using the information provided by Mr. C the incidents in question could not be located. CPOA Investigator also conducted searches of the incidents via Evidence Map, using the reported locations of the incidents during the reported time frames of the incidents. After a review of the videos that came up during the searches, it was confirmed that none of the videos that came up involved Mr. C or met the description of the reported incidents based on the dates, times and locations given by Mr. C. Mr. C stated although he believed it was APD Officers involved in the incidents, he also stated it was possible it could have be BCSO or NMSP.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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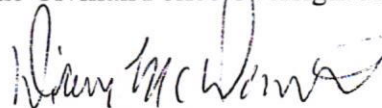
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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 19, 2023

Via Certified Mail

7014 2120 0004 7659 1384

**Re: CPC # 208-23**

Ms. W

PO Box 1293

**COMPLAINT:**

Albuquerque

Ms. W is alleged that Officer H misrepresented her position as an Albuquerque Police Officer, threatened her after her fiancé had passed, sent threatening messages, and violated her rights. In addition, Ms. W alleged that Officer H used her position as an officer to obtain court documents quickly. Officer H took some of her property from the home she shared with Officer H's father. This entire incident had made her homeless and mentally ill.

NM 87103

[www.cabq.gov](http://www.cabq.gov)

**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: Yes

APD Employee Involved: Officer H

Other Materials: court documents and texts

Date Investigation Completed: December 4, 2023



## **FINDINGS**

Policies Reviewed: 1.1.7.E.7

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:**

Other than hurt feelings, frustrations, and personal perceptions, Ms. W did not provide the investigator with evidence to support any of her allegations. Regarding her claim that Officer H misrepresented her badge, Ms. W said that when Mr. Higgs died, arrangements were made without her knowledge or consent. She communicated with Officer H through text messages. Regarding her allegation that Officer H had threatened her, Ms. W acknowledged that Officer H did not threaten her with physical harm but made her feel bad because her fiancé had died. No evidence was provided to support her claim that Officer H used her authority as an Albuquerque Police Officer to obtain court documents quickly and violate her rights when property was removed from the rental home she shared with Mr. H. Officer H had court issued documents for managing her father's estate. Since the events occurred when Officer H was off-duty and not responding to a service call, there was no OBRD video.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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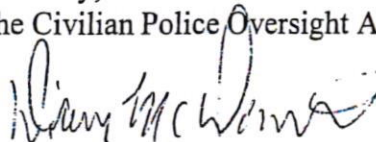
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Sincerely,  
The Civilian Police Oversight Agency by



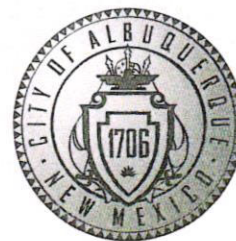
Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 29, 2023

Via Email

1

Re: CPC # 209-23

Mr. G

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Mr. D : G called the Civilian Police Oversight Agency and submitted his complaint over the phone. Mr. G alleged that when he called the police to report threats from his neighbors, the police came to his home, determined that he needed help, took him to the hospital for a mental health evaluation, and unlawfully took away his firearm. Mr. G has not had his firearm returned to him after being released from the hospital and now must take classes to get his firearm back.

### **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: case emails, additional SOP reviews

Date Investigation Completed: December 21, 2023

## **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: 2.71.4.A.1

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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☐

### **Additional Comments:**

After review, the investigation determined that Officer M violated policy and used an incorrect SOP in determining the authority to seize Mr. G firearm. At the same time, Officer M had good intentions. Taking the firearm away from Mr. G made good logical sense. Officer M wanted to possibly prevent Mr. G from carrying out his threats to shoot his neighbors as was expressed during the 911 call. However, good intentions and logic are not enough with seizures of property. Proper and legal justification is required. However, the violation of policy as to how the firearm was seized does not automatically require the firearm be returned as there are still concerns about the totality of the situation and the process necessary to return firearms must be followed. Mr. G lack of participation in the investigative process made further clarification impossible regarding the statement of officers being reasonable with him. His transport and treatment was considered and evaluated based on the evidence and was within applicable policies. The CPOA recommended a written reprimand and additional training of the relevant policies regarding the firearm seizure.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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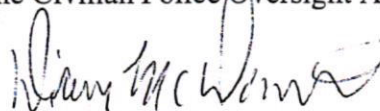
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 26, 2023

Via Certified Mail

7014 2120 0004 7659 1469

Re: CPC # 210-23

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Ms. R reported that during a background check through her employer, a charge for battery showed up under her name. Ms. R reported that upon further investigation, she discovered that there was an incident of battery that involved someone with the same name as Ms. R. Ms. R reported that the other V R fled the scene of the incident in question, and the officer failed to accurately confirm her correct date of birth, leading to unfortunate confusion during Ms. R's workplace background check. Ms. R reported that she wished to emphasize that this was a clear case of mistaken identity, and the incident described did not pertain to her. Ms. R reported that she respectfully requested the charges associated with this incident be dismissed.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: Emails and Text Message Screenshots

Date Investigation Completed: December 19, 2023



## **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:**

General Order 1.1.5.A.4-After a review of the interviews and the relevant evidence, it was confirmed that Officer G did her due diligence initially in identifying the correct "Vanessa R" while on the scene. However, Officer G then stated that she unknowingly and accidentally clicked on the wrong person in the police database (Mark 43.) It was a clerical mistake made. However, it was confirmed that when Officer G was made aware of her mistake, she took several steps to correct her mistake, such as completing a supplemental report and having the charge dropped from Ms. R name. She also made offers to contact Ms. R employer to make any additional clarifications.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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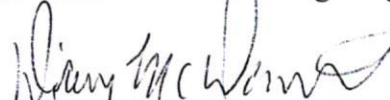
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The Civilian Police Oversight Agency by



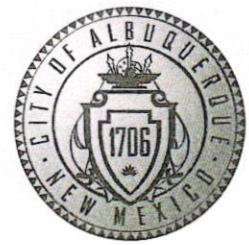
Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 29, 2023

Via Email

Re: CPC # 211-23

PO Box 1293

Albuquerque

NM 87103

### **COMPLAINT:**

Ms. C G reported that she advised APD that her mom's neighbor had contacted their family and let them know he had video footage of Ms. C G s brother-in-law strangling Ms. C G s mother's cat on her front porch. Ms. C G reported that on 08/20/2023 at 05:00 am, Officer S called her and stated that Ms. C G mother was okay and Ms. C G s mother told him about the cat but he did not watch the footage. Ms. C G reported that Officer S stated it was odd behaviors but he was not concerned. Ms. C G reported that Officer S did not follow up.

[www.cabq.gov](http://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 S  
Other Materials: state statute  
Date Investigation Completed: December 19, 2023

## **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: General Order 1.1.5.A.4 and Procedural Order 2.16.5.B.1

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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☐

### **Additional Comments:**

1.1.5.A.4-OBRD Video did confirm that Officer S was made aware of the allegation of someone killing Ms. C G mom's cat and that there was video footage of the incident. OBRD Video confirmed Officer S did not investigate that allegation, or obtain the video. OBRD Video confirmed that when asked by Ms. C G if the officer would follow up on the allegation of the cat being killed Officer S stated "Um yeah." OBRD Video confirmed that at no time did Ms. C advise Officer S she only wanted the officer to look into the welfare check as she expressed concerns about the cat that was killed on multiple occasions.

2.16.5.B.1-After advising Officer S about the SOP in question, Officer S confirmed that the incident regarding the killing of the cat should have been documented on an incident report. The CPOA recommends a written reprimand for the policy infractions.



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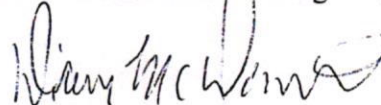
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The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 29, 2023

Via Email

n

Re: CPC # 211-23

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

Ms. C G reported that she advised APD that her mom's neighbor had contacted their family and let them know he had video footage of Ms. C G s brother-in-law strangling Ms. C G s mother's cat on her front porch. Ms. C G reported that on 08/20/2023 at 05:00 am, Officer S called her and stated that Ms. C G mother was okay and Ms. C G s mother told him about the cat but he did not watch the footage. Ms. C G reported that Officer S stated it was odd behaviors but he was not concerned. Ms. C G reported that Officer S did not follow up.

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: Yes

APD Employee Involved: Officer C

Other Materials: statute

Date Investigation Completed: December 19, 2023



## **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:**

1.1.5.A.4-After a review of the interviews and the CADs, it was confirmed that Officer C was not the Primary Officer for the incident in question.

Although Officer C was made aware of the allegation of Ms. C G ; mother's cat being murdered, it was confirmed that the Primary Officer (Officer S) was also aware of the allegation and Officer S made the decision not to look further into that allegation. Officer C's primary responsibility was to provide scene safety.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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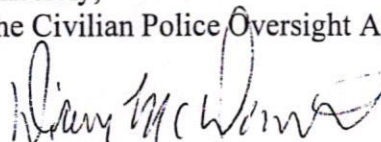
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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. 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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 31, 2023

Via Certified Mail

7014 2120 0004 7659 1698

Re: CPC # 215-23

Mr. L

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

In his complaint, Mr. C L alleged that Officer T did not respond to his home in a reasonable time. Mr. L complained that Officer T was too "sensitive" because he was angry about the time delay. Mr. L alleged that Officer T said he would leave if Mr. L continued to yell at him. Mr. L said that he called the police because his car was being broken into, and the police did not show up until three and a half to four hours later. When Officer T showed up, he told Mr. L he would leave if he did not lose his attitude. Mr. L said his complaint was Officer T's professionalism or lack thereof and his lack of response time to his call.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer T

Other Materials: N/A

Date Investigation Completed: December 21, 2023

## **FINDINGS**

Policies Reviewed: 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.



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 that Officer T did not violate policy during his interaction with Mr. L. A review of Officer T's lapel video corroborated what he said happened during his interview and disproved what Mr. L. said about Officer T's attitude and professionalism.

Officer T remained calm and professional despite Mr. L. continued yelling and expressing anger towards him, blaming him and the department for the delayed response time to his call through no fault of Officer T. It was appropriate for Officer T to tell Mr. L. he would leave if he continued yelling at him, as he needed to complete his investigation for the incident report. As Officer T stated, this seemed to calm Mr. L. down just enough to obtain the required information for the report. However, Mr. L. never completely calmed down and continued to yell at Officer T and express his anger toward the Albuquerque Police Department. Even though Mr. L. continued to yell at him and express his anger with the department, Officer T returned to Mr. L. and offered him additional resources to protect his vehicle in the future and possibly catch the person(s).



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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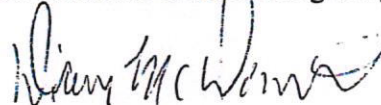
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 7, 2023

Via Email

Re: CPC # 216-23

PO Box 1293

### **COMPLAINT:**

Albuquerque

I : V submitted a complaint via email regarding an incident that occurred on 08/30/2023. Ms. V reported that Officer R conducted a traffic stop on her for speeding. Ms. V provided Officer R with her registration and social security number because she did not have her identification. Officer R issued Ms. V l three citations but never asked for her insurance or allowed her to provide it.

NM 87103

Ms. V reported that Officer R was unprofessional when she asked how her speed was checked and when she questioned the tickets. Officer R told her to have a better day, I'll see you at court, and bring your stuff. Officer R followed Ms. V back onto the freeway and mocked her by waving bye in her direction, which she was dangerous.

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 R

Other Materials: Uniform Citations & Albuquerque Ordinances

Date Investigation Completed: November 30, 2023



## **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.



Policies Reviewed: 1.1.4.A.2.d (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.



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### **Additional Comments:**

It was determined that Officer R requested Ms. V [redacted] l's driver's license, registration, and proof of insurance. Officer R never said he would see Ms. V [redacted] in court. Officer R advised Ms. V [redacted] l that the citations related to her driver's license and insurance would be dismissed if she brought the items to court. Officer R thanked Ms. V [redacted] and advised her to have a better day. Officer R provided answers to Ms. V [redacted] questions. Officer R waved at Ms. V [redacted] l because she was looking at him and yelling something he couldn't understand. Officer R was informative and professional. The wave did violate a city ordinance in which removing the hands from the handlebars was only allowed if signaling a turn or operation of the vehicle. Officer R lawfully traveled between vehicles per the law enforcement exception, and no evidence of following too closely was discovered, which is mostly a matter of perception. A credibility assessment was made in favor of Officer R in those matters in which other evidence was not available due to inconsistencies in Ms. V [redacted] statements. The CPOA recommends a verbal reprimand for the violation.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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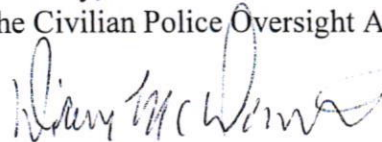
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

December 28, 2023

Via Certified Mail

7014 2120 0004 7659 1544

Re: CPC # 229-23

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

### **COMPLAINT:**

Mr. J S called the CPOA office on 9/21/2023 to report an over-the-phone complaint. Mr. S said he reported his vehicle stolen to APD and was not contacted by APD when his car was recovered on 9/5/2023. Mr. S noted that he called 242 cops and was told by a female dispatcher that his vehicle had been recovered on 9/20/2023 and officers would be dispatched to the towing yard. Mr. S said he would get a call back when officers arrived at the tow yard to get the vehicle out of impound, and then Mr. S could get his car towed by AAA. Mr. S stated that he had not received the callback and was referred by 242 cops to contact our office. Mr. S was upset that he had not been reached when his vehicle was recovered.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): Yes

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: N/A

Other Materials: n/a

Date Investigation Completed: December 27, 2023

## **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 investigation determined that Mr. S : vehicle was reported stolen on 9/2/2023 and recovered on 9/20/2023 by the Bernalillo County Sheriff's Office through an NCIC hit. The vehicle was located at 408 Stock Dr, SE, which is an unincorporated area of Albuquerque in Bernalillo County. Mr. S : vehicle was removed from NCIC via teletype by APD Records personnel.

Mr. S : could not be reached to provide additional information on his case or ask questions regarding his allegations. As such, the was administratively closed due to a lack of jurisdiction and inability to clarify certain information regarding possible APD involvement.



**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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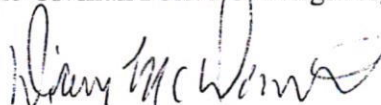
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE

## CIVILIAN POLICE OVERSIGHT AGENCY



December 21, 2023

Via Email

Re: CPC # 292-23

PO Box 1293

**COMPLAINT:**

Albuquerque

On 11/29/2023, T F submitted a complaint online regarding an incident that occurred on 11/29/2023 at 0800 hours. Mr. F reported that an officer was very aggressive toward him and threatened to pull him out of his vehicle and arrest him if he did not sign a citation.

NM 87103

[www.cabq.gov](http://www.cabq.gov)

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Not Applicable

Other Materials: Email Communications & Uniform Citations

Date Investigation Completed: December 5, 2023



## **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:**

This complaint investigation was Administratively Closed because the complaint was withdrawn, and no evidence of a violation in reference to this complaint was discovered during a review of available evidence. After discussion of the situation Mr. F : believed his perception of events was affected by not being fully awake and being preoccupied with other events of the day.

**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 holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume 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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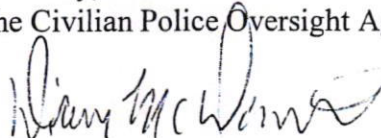
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(505) 924-3770

cc: Albuquerque Police Department Chief of Police