

Civilian Police Oversight Agency

Finding Letters of the CPOA

The findings of the CPOA Executive Director in each case are listed below. The citizens were notified of the findings in January 2025. These findings will become part of the officer's file, if applicable.

January 2025:

| | | | | |
|---------------|---------------|---------------|---------------|---------------|
| 203-24 | 215-24 | 236-24 | 237-24 | 239-24 |
| 242-24 | 243-24 | 244-24 | 245-24 | 248-24 |
| 249-24 | 250-24 | 251-24 | 253-24 | 255-24 |
| 261-24 | 268-24 | 272-24 | | |

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 9, 2025

Via Certified Mail

Re: CPC # 203-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On July 23, 2024, Ms. [REDACTED] : G submitted an online complaint to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on April 9, 2022, at 10:15 PM. Ms. G [REDACTED] reported that she was falsely arrested by Officer C and his ride-along, Officer M. According to the incident report, Ms. G [REDACTED] had called to report that shapeshifters were chasing her. However, Ms. G [REDACTED] stated that she did not call about shapeshifters; rather, she called to report harassment from her landlord and a person named S [REDACTED]. Ofc. H and E arrived and called for a crisis team and additional housing resources while they waited. Later, Ofc. C arrested Mr. G [REDACTED] and took her to the hospital for a mental health evaluation. She was told that she would be released in two hours.

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 C.

Other Materials: n/a

Date Investigation Completed: November 21, 2024

FINDINGS

Policies Reviewed: 2.19.10.A.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.



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 C did not violate policy during his encounter with Ms. G. A review the OBRD videos collaborated on what happened on the scene and during interviews while disproving Ms. G's allegations. Ms. G had suffered a mental health episode and reported that shapeshifters were after her. She told that story to the officers and sergeant and was heard by LCSW Kelly. Ms. G was unavailable to be interviewed and questioned about the allegations in her complaint. Officer C took Ms. G into custody but was not arrested and taken to jail. She was taken to Lovelace Hospital for a mental health evaluation under the authority of New Mexico State statute, NMSA 1978, 43.1.10. The officer does not control how long an individual remains at the hospital. Regarding Ms. G's allegations about CYFD and custody was beyond the scope of the CPOA.

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

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

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

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

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the resignation of the Executive Director, another not being appointed by City Council until some months later, and a high volume of reviews to process. Thank you for your patience and participation in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by


Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 31, 2025

Via Certified Mail

Re: CPC # 215-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 8/12/2024, Mr. : Osborne submitted an online complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 8/10/2024. Mr. O reported that Officer A responded to his call for service and suggested he file for an Order of Civil Protection based on the incident with his neighbor. On the next business day, Mr. O went to court to file the civil protection order and was told by court personnel that he needed a police report on the incident. He needed to go to an APD station to get the report. When he responded to an APD station, he was told the officer never wrote the report during his incident, preventing him from filing the order promptly because the officer chose not to write a required report.

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 A

Other Materials: sops regarding reporting and civil disputes

Date Investigation Completed: December 5, 2024

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:

The investigation determined Ofc. A responded to a civil dispute between a neighbor and Mr. O. According to the Civil disputes policy, specifically 2-104-2, *"It is the policy of the Department to respond to calls involving civil disputes primarily for the purpose of restoring order."* A review of Ofc. A's OBRD video determined that order had been restored before the officer arrived. Ofc. A determined that the neighbor's actions did not meet the necessary criteria for a crime. Mr. O wanted Ofc. A to respond to the neighbor's property to convey, on Mr. O's behalf, that the neighbor's behavior was unacceptable. There had been no communication between the neighbor and Mr. O as he was afraid. Reluctantly, Ofc. A responded despite no lawful objective to do so. On his complaint and during his interview, Mr. O intended to file a civil protection order. He was told at the courthouse that a police report was required to file a restraining order. However, according to APD SOP 2.16.5.B.1, which is the report requirement policy, Ms. O's civil incident with his neighbor was not an incident that required Ofc. A to write a police report. Therefore, Ofc. A followed policy and correctly documented the incident with notes on the CAD system.

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

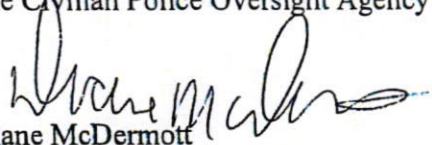
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Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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Sincerely,
The Civilian Police Oversight Agency by


Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 13, 2025

Via Certified Mail

Re: CPC # 236-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Mr. J [redacted] reported that an APD officer approached him. The officer stated that someone had called the police regarding his vehicle as being suspicious. The Officer demanded that he provide identification even though no reasonable articulable suspicion of a crime had been established. Mr. J [redacted] advised the Officer of this but was placed under arrest for concealing his identity, handcuffed, and placed in the police vehicle. The Officer called his supervisor as he was unsure of the unlawful arrest. The Officer was advised to release Mr. J [redacted] as no crime had been committed. In retaliation, Mr. J [redacted] mother's vehicle was towed. Mr. J [redacted] listed no witnesses although there was a passenger present.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer H

Other Materials: NM onsource statutes

Date Investigation Completed: December 17, 2024

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: 2.71.4.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:

The investigation determined that Ofc H committed no policy violations during his encounter with Mr. J. Reviewing Ofc H's OBRD video corroborated what he and the assisting officers what happened during the incident while disproving Mr. J's allegations against Ofc H. The driver, Mr. J, passed out asleep when the officers arrived. In plain view, the officers noticed open bottles of alcohol inside the vehicle. When contacted and out of the vehicle, Mr. J was highly intoxicated. Ofc H advised Mr. J of the reason for the stop, his detention, and his eventual arrest. Mr. J refused to reveal his identity to Ofc H after multiple attempts for cooperation and to avoid arrest and transport to the crime lab to obtain his identity that way. Ultimately, Mr. J wanted to be arrested to sue the department. He was handcuffed, placed under arrest, and placed inside the police vehicle. While waiting for Mr. J's vehicle to be towed, one of the assisting officers identified him, canceling the need to identify him at the crime lab. As a result, Mr. J was released from custody and would be summoned to court later. The vehicle was towed because Mr. J's driver's license had been revoked from too many DWI convictions, and he was intoxicated. Open containers of alcohol is a crime in New Mexico.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 13, 2025

Via Certified Mail

Re: CPC # 236-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Mr. J ; reported that an APD officer approached him. The officer stated that someone had called the police regarding his vehicle as being suspicious. The Officer demanded that he provide identification even though no reasonable articulable suspicion of a crime had been established. Mr. J advised the Officer of this but was placed under arrest for concealing his identity, handcuffed, and placed in the police vehicle. The Officer called his supervisor as he was unsure of the unlawful arrest. The Officer was advised to release Mr. J as no crime had been committed. In retaliation, Mr. J ' mother's vehicle was towed. Mr. J listed no witnesses although there was a passenger present.

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EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: NM onesource statutes

Date Investigation Completed: December 17, 2024

FINDINGS

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

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

☐

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

☐

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

☐

Policies Reviewed: 1.1.5.A.5

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:

This portion of the investigation examined an incident unrelated to the complaint allegations. It focused on Mr. J use of racial slurs and profanity toward the officers and their responses and reactions to it. During a review of the officers' OBRD videos, Ofc. M was observed using profanity directed at Mr. J in response to Mr. J use of racial slurs and cursing. The conversation centered on Ofc. M and Mr. J who refused to reveal his identity to the officers and his rights as an American citizen. Ofc M asked Mr. J why he was hesitant to provide his name as they were following procedure. Mr. J called Ofc H a racial slur, this n--r from Australia. As an American citizen, Ms. J said he had rights. Officer M replied that they (the officers) were American citizens, too. Then, Mr. J said that Officer M did not f-- talk like an American citizen. Officer M asked what does a f--American citizen sound like and asked Mr. J with the f--was wrong with him. After review, the investigation determined that Ofc M, by a preponderance of the evidence, violated policy when he used profanity directed at Mr. J in response to his racial slurs and profanity used against the officers. The CPOA recommends a written reprimand.

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

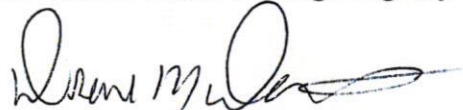
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 7, 2025

Via Email

Re: CPC # 237-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 09/05/2024, a V S submitted a complaint online to CPOA regarding an incident that occurred on 07/25/2024 at 1615 hours. Ms. V S reported that they were threatened that if they wanted to press charges against their neighbors, officers would press charges against them. She reported that after she said she wanted to file a complaint, she was told she couldn't turn it in there and was given incorrect information. Ms. V S reported that an officer had stated they had witnessed something that had not happened. She reported that she had additional complaints, which she had from a video clip proof that she could supply and go over with the investigator. Ms. V S was upset with the supervisor for approving a report she deemed false.

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EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer E

Other Materials: Email Communications, Complainant Evidence, & Court Documents.

Date Investigation Completed: December 26, 2024

FINDINGS

Policies Reviewed: 2.16.5.A.1 (Reports)

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



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



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



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



Policies Reviewed: 2.16.5.C.1 (Reports)

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



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Additional Comments:

2.16.5.A.1: Based on the evidence, it was determined that Officer E reviewed and approved the report per SOP, and there was no evidence that it was falsified. The report accurately reflected the details documented by Officer M and Officer L in their reports regarding their investigation of the neighbor dispute involving Mr. and Ms. V S and their neighbors.

2.16.5.C.1: Based on the evidence, it was determined that Officer E did complete a supplement report but submitted it on 07/29/2024, four days after she created it. Officer E did not submit her report by the end of the shift, notify a supervisor that she could not complete and submit the report by the end of the shift, or request or receive approval from a supervisor to delay the completion and submission of the report beyond the end of the shift. The requirement to complete a report had no bearing as Officer E made the decision to generate a report on her own accord but then did not follow through with its completion and submission as required by policy.

The CPOA recommends a written reprimand for the policy violation when reviewing the officer's disciplinary history.

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

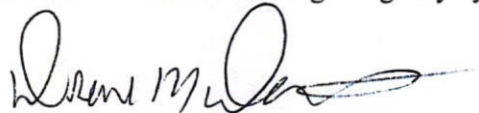
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Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 7, 2025

Via Email

Re: CPC # 237-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer L

Other Materials: Email Communications, Complainant Evidence, & Court Documents.

Date Investigation Completed: December 26, 2024

FINDINGS

Policies Reviewed: 1.1.6.C.a (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.



Policies Reviewed: 2.8.5.D (OBRD) & 2.16.5.C.1 (Reports)

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



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



Additional Comments:

1.1.6.A.C.1: Based on the evidence, it was determined that Officer L did not threaten to arrest or charge the V S. Officer L did not provide the V S with the incorrect station to file a complaint when requested. Officer L attempted to review the evidence shown to her by the V S. No one was identified telling Ms. V S that they couldn't take her complaint. There was no indication that Officer L was upset. Officer L was patient and professional with the V S. 2.8.5.D: Based on the evidence, it was determined that Officer L had activated her OBRD but did not keep it activated until all of the intended interactions were completed. However, no interactions with the subjects were missed in the recordings. The evidence showed that Officer L did not document the break in recording the incident in its entirety. 2.16.5.C.1: Based on the evidence, it was determined that Officer L did complete a supplement report but submitted it on 07/27/2024, two days after she created it. Officer L did not submit her report by the end of the shift.

The CPOA recommends Non Disciplinary Corrective Action and a verbal reprimand for the policy violations when reviewing the officer's disciplinary history.

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

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

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

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

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 7, 2025

Via Email

Re: CPC # 237-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 09/05/2024, V S submitted a complaint online to CPOA regarding an incident that occurred on 07/25/2024 at 1615 hours. Ms. V S reported that they were threatened that if they wanted to press charges against their neighbors, officers would press charges against them. She reported that after she said she wanted to file a complaint, she was told she couldn't turn it in there and was given incorrect information. Ms. V S reported that an officer had stated they had witnessed something that had not happened. She reported that she had additional complaints, which she had from a video clip proof that she could supply and go over with the investigator.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: Email Communications, Complainant Evidence, & Court Documents.

Date Investigation Completed: December 26, 2024

FINDINGS

Policies Reviewed: 1.1.6.A.6.a (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.



Policies Reviewed: 2.8.5.D (OBRD)

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



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



Additional Comments:

1.1.6.A.6.a: Based on the evidence, it was determined that Officer M documented in his primary report what was provided to him by Mr. and Ms. V S and their neighbors, including statements and videos. There was no evidence that the report was falsified. His investigation was consistent with what was documented in his report.

2.8.5.D: Based on the evidence, it was determined that Officer M had activated his OBRD but did not keep it activated until all of the intended interactions were completed. The evidence showed that Officer M did not document the failure to record the incident in its entirety.

The CPOA recommends a written reprimand for the policy violation when reviewing the officer's disciplinary history. A policy recommendation is also made.

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

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

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

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

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 16, 2025

Via Certified Mail

Re: CPC # 239-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Ms. T L submitted an online complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 9/5/2024 at 0800 hours. Ms. T L reported leaving her backpack at a library on a Thursday morning. A concerned citizen turned the backpack into the Los Volcanes Substation. When Ms. L visited the Substation the next day, an officer told her the backpack had been thrown out. She went to the crime lab to retrieve her remaining property; Ms. L talked to a lieutenant at the Crime Lab, who said he had no idea why anything would be thrown away and not tagged. Inside her backpack were documentation that belonged to disabled individuals that she works for, her children's documents, a watch, and a couple of rings.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed:

APD Employee Interviewed: Yes

APD Employee Involved: Officer G.

Other Materials: accommodation memo, conversation between Ms. L and a lieutenant

Date Investigation Completed: December 31, 2024

FINDINGS

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

☐

Policies Reviewed: 2.73.4.B.1, & 2.73.5.K.4.a

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

☒

Policies Reviewed: 2.73.5.F.c

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: 2.8.4.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:

The investigation determined that Ofc. G did not violate the policy of failing to record the conversation between her and Ms. L. On 9/5/24, Ofc. G was on restrictive duty status which excludes sworn personnel from wearing the OBRD.

The investigation determined that Ofc. G violated policy when she recovered the money (twenty-four dollars) from the backpack and tagged it without activating her OBRD to record the transaction. Ofc. G was assigned to station duty under restrictive duty status which prohibited her from carrying her OBRD as required by a full-duty officer.

The investigation determined that it was a policy violation when Ofc. G, acting as an administrative person, took possession of the backpack and disposed of it without an OBRD recording per SOP. While disposing of found property does not violate policy because of health or safety reasons, OBRD documentation is required which Ofc. G was unable to do because of her restrictive duty status at that time.

The investigation could not determine if the procedures involving the tagging of jewelry were followed because there was insufficient evidence of jewelry and the policy does not specify that must be recorded. The CPOA recommends a written reprimand.

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

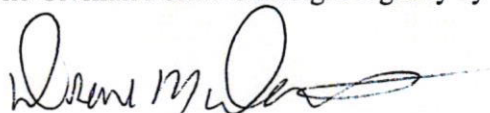
- 1) A policy was misapplied in the evaluation of the complaint;
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- 3) that the findings and recommendations were not consistent with the record evidence.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 16, 2025

Via Certified Mail

Re: CPC # 239-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Ms. T L submitted an online complaint to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 9/5/2024 at 0800 hours. Ms. T L reported leaving her backpack at a library on a Thursday morning. A concerned citizen turned the backpack into the Los Volcanes Substation. When Ms. L visited the Substation the next day, an officer told her the backpack had been thrown out. She went to the crime lab to retrieve her remaining property; Ms. L talked to a lieutenant at the Crime Lab, who said he had no idea why anything would be thrown away and not tagged. Inside her backpack were documentation that belonged to disabled individuals that she works for, her children's documents, a watch, and a couple of rings.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Commander B

Other Materials: supervision sop, accommodation,

Date Investigation Completed: December 31, 2024

FINDINGS

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

☐

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

☐

Policies Reviewed: 2.73.4.B.1 & 2.73.5.K.4.a

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:

SOP 3.14.4.A.1.j states that a supervisor shall ensure that officers and subordinates under their command use their OBRDs and refer to 2-8 the sop on OBRD usage. Commander B indicated administrative substation personnel, including those on restrictive duty status, should receive property, including guns and money turned in by citizens at the substation. However, Commander B said he was unaware that Ofc. G would dispose of property, which would require activating her OBRD, which she was prohibited from carrying because of her restrictive duty status. Ofc. G offered no corroborating evidence to prove her statement of authorization. The investigation could not determine the extent of Commander B's clarity to the administrative staff, particularly officers in an administrative capacity, as to whether he gave Ofc. G confusing or conflicting information.

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

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

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 24, 2025

Via Email

Re: CPC # 242-24

COMPLAINT:

PO Box 1293

On 9/19/2024, C submitted a complaint via telephone to the CPOA staff regarding the timely approval of a crash report 24-0066590.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): No

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: PSA D

Other Materials: TraCS Documents & Email Communications.

Date Investigation Completed: December 27, 2024

FINDINGS

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

☐

Policies Reviewed: 2.16.5.C.1 (Reports)

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

☒

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

☐

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

☐

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

☐

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

☐

Additional Comments:

2.16.5 C.1: It was determined that PSA D did not create or submit the report by the end of his shift as required. PSA D did not notify or get approval from a supervisor to delay the completion and submission of the report beyond a day delay.

The CPOA recommends a verbal reprimand.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 24, 2025

Via Email

Re: CPC # 242-24

COMPLAINT:

PO Box 1293

On 9/19/2024, C submitted a complaint via telephone to the CPOA staff regarding the timely approval of a crash report 24-0066590.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): No

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Commander B

Other Materials: TraCS Documents & Email Communications.

Date Investigation Completed: December 27, 2024

FINDINGS

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

☐

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

☐

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: 2.16.5.C.1.b (Reports)

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

☒

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

☐

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☐

Additional Comments:

2.16.5 C.1.b: It was determined that Commander B did not review or approve the submitted crash report within the required 3-work day time frame. Commander B did not notify or get approval from a supervisor to delay the review or approval of the submitted report. This was determined to be exonerated because of the limitations faced by Commander B, which included the resignation of the only supervisor under his command who could review and approve the report and the lack of personnel to supervise and review and approve the reports for approximately twenty-one personnel. It should also be noted that the report completion was not timely, and the report was returned multiple times for corrections.

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

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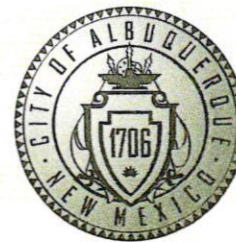
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 13, 2025

Via Email

Re: CPC # 243-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 9/13/2024 t C submitted a complaint to the CPOA for an incident on 7/07/2024 at approximately 0145 at Central Ave E & Louisiana Blvd SW. The complaint was about report # 24-0054553 being falsified to protect driver #3. Mr. C reported Officer #1 was "on scene," which indicated he interacted with driver #3. Mr. C reported in apparent contributing factors that Officer #1 wrote disregarded traffic signal and driver inattention, yet no citation. Mr. P observed as he was taken by ambulance, driver #3 stumbled. Mr. C reported Officer #1 wrote in the false report, "sobriety unknown," and questioned about no field test or breathalyzer. He stated, "Officer #1 stated in report no supervisor" and cited proof that Officer #2, a supervisor, signed off on report 40 minutes later.

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 A

Other Materials: Email communication, Officer A timecard, video surveillance

Date Investigation Completed: January 10, 2025

FINDINGS

Policies Reviewed: 2.42.4.A.1 (dwi), 1.1.6.A.6.a (reports), 1.1.5.C.2 (officiousness)

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



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



Policies Reviewed: 2.8.5.D (obrd)

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: 2.46.4.A.1.i (enforcement action)

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:

2.42.4.A.1: There was no evidence to support that driver 3 was intoxicated and sobriety tests were needed.

2.46.4.A.1.iv Officer A used officer discretion in not citing driver 3.

1.1.6.A.6.a The evidence showed the officer's report was accurate. Mr. C could not articulate what false statements were made and Mr. P did not review the report.

1.1.5.C.2 There was no evidence provided that Officer A acted on behalf of driver 3 or knew him from before.

2.8.5.D: It was undetermined if Officer A provided the tow sheets and failed to record them being provided.

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

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

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

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

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 13, 2025

Via Email

Re: CPC # 243-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 9/13/2024, [REDACTED] C [REDACTED] submitted a complaint to the Civilian Police Oversight Agency regarding an incident on 7/07/2024 at approximately 0145 hours at "Central Ave E & Louisiana Blvd SW." Mr. C [REDACTED] reported that the complaint was regarding police report # 24-0054553 and that the report was falsified to protect driver #3 in the report. Mr. C [REDACTED] stated, "Officer #1 stated in report no supervisor; well, here's proof this report was falsified to protect driver #3. Officer #2, a supervisor, signed off on report 40 minutes after accident." Mr. C [REDACTED] stated, "Sending the report directly into the system, not to be reviewed by normal system, would not have been approved." Mr. C [REDACTED] said, "This is officer 1 falsified a report, & Officer #2--a supervisor ok-ing it."

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: Sgt. B

Other Materials: Email communication, officer timecard, and TraCS logs.

Date Investigation Completed: January 10, 2025

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: 2.16.5.C.1.b

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:

2.16.5.C.1.b - It was determined that Sgt. B reviewed and approved Officer A's crash report on time, as mandated by SOP 2-16. There was no indication that the crash report was falsified, that the approval process was out of the ordinary, or that her approval was inappropriate

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 24, 2025

Via Email

Re: CPC # 244-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. C submitted a complaint reporting Officer S did not conduct a full investigation by not following up with the vehicle's owner, by not following up on video evidence that showed the car hitting his building and him being told to contact the hit-and-run unit. Mr. C reported he was not initially contacted by Officer S about the crash even though his phone number was posted all over his business. Mr. C reported he was upset that Officer S indicated in his report after no contact was made at the registered owner's home he wrote that was the extent of his involvement in the case. Mr. C reported a periodic watch was not placed at his place of business after the crash happened. The complaint filed did not address the specific issue for the sergeant.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed:

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant S

Other Materials: Email Communications, Tow Report

Date Investigation Completed: January 13, 2025

FINDINGS

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

☐

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

☐

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

☐

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

☐

Policies Reviewed: 2.8.5.A (OBRD)

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

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☐

Additional Comments:

2.8.5.A: It was determined that, based on the evidence, or lack of it, Sergeant S did not record his conversation with Mr. C when he returned a phone call to him. Sergeant S acknowledged he spoke with Mr. C by phone and reported he had recorded the conversation. Neither the investigator nor Sergeant S located the recording.

The CPOA recommends a written reprimand.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 24, 2025

Via Email

Re: CPC # 244-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. C submitted a complaint reporting Officer S did not conduct a full investigation by not following up with the vehicle's owner, by not following up on video evidence that showed the car hitting his building and him being told to contact the hit-and-run unit. Mr. C reported he was not initially contacted by Officer S about the crash even though his phone number was posted all over his business. Mr. C reported he was upset that Officer S indicated in his report after no contact was made at the registered owner's home he wrote that was the extent of his involvement in the case. Mr. C reported a periodic watch was not placed at his place of business after the crash happened.

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: Email Communications, tow report

Date Investigation Completed: January 13, 2025

FINDINGS

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

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Policies Reviewed: 2.46.4.A.1.g (Crash Investigations)

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:

Based on the evidence, it was determined that Officer S had responded to a crash but had not conducted a thorough enough investigation that night. Officer S did not attempt to contact the business owner that night to advise of the damage to the property. Officer S did not attempt to contact the registered owner of the vehicle that night to identify the driver. The vehicle was left at the scene, so there was necessary information to reach the registered owners. At a minimum, these tasks should have been completed before submitting the report to the hit-and-run unit. This resulted in additional follow-up from the hit-and-run unit being requested and the delay of the report, which frustrated the complainant. Once contact was attempted by field service units with the vehicle's owner, the case would be moved into the next state with the hit-and-run unit. Officer S did retrieve video evidence when advised it existed contrary to the complaint. Officer S did set up a periodic watch, which occur when he department can. The CPOA recommends a written reprimand.

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

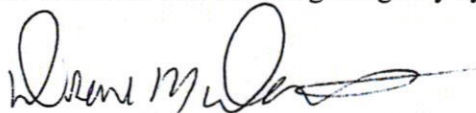
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The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 24, 2025

Via Certified Mail

Re: CPC # 245-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 9/18/2024, T I submitted a complaint to the CPOA regarding an incident on 2/22/2024 at approximately 1155 hours at "Carmel Ave NE." Ms. T I reported that the PSA did not do their due diligence in verifying the information for the vehicle involved in a crash. Ms. T I reported that her vehicle was falsely listed and her VIN was attached to the crash report although neither she nor her vehicle were involved in the crash. She reported that the PSA had taken secondhand information and created an accident report. She did not lend her vehicle out to any persons and her vehicle was in Edgewood on the day of the crash. Ms. T I only learned of the false crash report when a Carfax report was generated for her vehicle after she tried to sell it.

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 S

Other Materials: Email communications

Date Investigation Completed: January 21, 2025

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

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:

1.1.6.C.1: The situation was not that the individual involved in the crash fraudulently used another person's information. It was determined that although PSA S did not review the handwritten information on the paper, he also did not try to confirm vehicle 2's information with the bus driver or attempt to locate video surveillance. PSA S erred in his investigation of the crash, which caused inaccurate information to be reported in the crash report. This error impaired the department's functions, objectives, and standards of efficiency. The CPOA recommends a written reprimand.

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

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cc: Albuquerque Police Department Chief of Police

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January 24, 2025

Via Certified Mail

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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: Operator (Former PSA) J

Other Materials: Email communications

Date Investigation Completed: January 21, 2025

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

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:

1.1.6.C.1: The situation was not that the individual involved in the crash fraudulently used another person's information. It appears PSA J may have misread the handwriting on the paper for the license plate, but she did not either personally or direct PSA S, as her trainee, to verify that the vehicle information for the license plate returned to a '04 Chevy Impala as the description was also written on the paper. It may have been an oversight on PSA J's part, but she erred in not verifying the accuracy of the crash report with only the information provided on the paper for the other vehicle. This error impaired the department's functions, objectives, and standards of efficiency.

The CPOA recommends a written reprimand.

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

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

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

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

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 24, 2025

Via Email

Re: CPC # 248-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 9/22/2024, Mr. F : called the police to report misconduct by an officer while downtown near Third and Central Ave NW. Mr. F : reported that after leaving the Knockouts nightclub, two females attacked his wife after a verbal exchange, and the officer who accompanied the females did nothing to prevent the fight. An APD sergeant arrived at Mr. F : residence and interviewed him. Mr. F : reported that his wife and the females were talking to the officer, and his wife told the females that they should leave the officers alone. The females then took their shoes off, approached the wife, and attacked her, starting the fight. The caller was upset because he felt the officers did nothing to prevent the fight from happening.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sgt. R

Other Materials: n/a

Date Investigation Completed: January 2, 2025

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: 1.28.4.B.1.c.i

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.A.5

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:

Regarding the fight with the females and the complainant, Lt. S, who was with Sgt. R, immediately took police action and called in the incident over the radio as they approached the scene from across the street.

When OBRD videos were reviewed, the investigation determined that Sgt. R violated policy due to the use of profanity and unprofessional conduct related to its use. Sgt. R admitted that aspect of his conduct was unprofessional and apologized.

The CPOA recommends a written reprimand.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 24, 2025

Via Email

Re: CPC # 248-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 9/22/2024, Mr. F : called the police to report misconduct by an officer while downtown near Third and Central Ave NW. Mr. F : reported that after leaving the Knockouts nightclub, two females attacked his wife after a verbal exchange, and the officer who accompanied the females did nothing to prevent the fight. An APD sergeant arrived at Mr. F : residence and interviewed him. Mr. F reported that his wife and the females were talking to the officer, and his wife told the females that they should leave the officers alone. The females then took their shoes off, approached the wife, and attacked her, starting the fight. The caller was upset because he felt the officers did nothing to prevent the fight from happening.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Lt. S

Other Materials: n/a

Date Investigation Completed: January 2, 2025

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: 3.41.4.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:

Policy dictates that department personnel report all known policy violations and violations they reasonably should have known about.

After review, the investigation determined that Lt. S did not violate policy during Sgt. R's encounter with Mr. F , the complainant. Lt. S stated that he did not hear Sgt. R use profanity the night of the incident. A review of Lt. S' OBRD recording of the incident revealed that during Sgt. R's encounter with Mr. F , he continued to the parking to clear the area from individuals seeking to view the fight. Lt. S' OBRD did not turn in the direction of the encounter between Mr. F : and Sgt. R, nor did he interact with them therefore he did not know to submit an IAR for a potential policy issue.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 14, 2025

Via Certified Mail

Re: CPC # 249-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Ms. [REDACTED] filed a civilian complaint online regarding the lack of police service on 9/22/2024. Ms. M [REDACTED] called the police about two unknown individuals who had taken over her home as part of a larger group of individuals surveilling her, including a peeping tom. Since the police took six hours to respond, she decided to go to the Osuna Station to find an officer to respond to her home. Officer F contacted her and met her at the Osuna Station. She reported that Officer F did not respond to her house to clear the individuals who had taken over her house. After speaking with his supervisor, Officer F said he could not go to her home.

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 F

Other Materials: email communications, sop 2-19

Date Investigation Completed: January 9, 2025

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.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:

After review, the investigation determined that Ofc F committed no policy violations during his encounter with Ms. M. Reviewing the officer's OBRD videos corroborated what Ofc F said in his interview and what occurred during his encounter with Ms. M. She acknowledged that she had not seen anyone inside her home but felt strongly that she was under surveillance through her security cameras outside and inside her house. Even though Ms. M felt for her safety, there was no evidence that she was in danger. She only wanted an officer to clear her home in the Foothills Area Command, believing that someone was inside. Ofc F explained his sergeant would not allow him to respond to her home in the Foothills Area Command to clear it. He was assigned to the Northeast Area Command. Two Foothills officers that day went to her house and rang the doorbell, but no one answered. Nothing indicated that someone was inside. Eventually at a later date, officers from the Foothills Area Command cleared her home with no one found inside and Ms. M returned to her home.

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

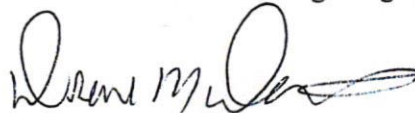
- 1) A policy was misapplied in the evaluation of the complaint;
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 24, 2025

Via Email

Re: CPC # 250-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

C last name unknown (LNU), submitted a complaint on 09/22/2024, reporting Sergeant V unlawfully trespassed on him under the threat of arrest. He reported that Sergeant V and her subordinates took the side of a bystander who was mad for being recorded. C reported that Sergeant V refused to arrest a bystander. He also reported that his First Amendment right was violated.

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: Email Communications

Date Investigation Completed: January 19, 2025

FINDINGS

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

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



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



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



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



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



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



Additional Comments:

2.16.5.B.1.a: Despite pulling the case number, based on the evidence, it was determined that Sergeant V was responsible for the completion of an incident report. This was confirmed in the review of OBRD evidence and was acknowledged by Sergeant V in her interview.

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


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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 24, 2025

Via Email

Re: CPC # 250-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

C last name unknown (LNU), submitted a complaint on 09/22/2024, reporting Sergeant V unlawfully trespassed on him under the threat of arrest. He reported that Sergeant V and her subordinates took the side of a bystander who was mad for being recorded. C reported that Sergeant V refused to arrest a bystander. He also reported that his First Amendment right was violated.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant V

Other Materials: Email Communications

Date Investigation Completed: January 19, 2025

FINDINGS

Policies Reviewed: 1.1.5.C.2 (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.



Policies Reviewed: 2.8.5.A (OBRD) 2.16.5.B.1.a (Reports)

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



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Additional Comments:

1.1.5.C.2: Based on the evidence, it was determined that Sergeant V had primary interaction with C as a supervisor. She also supervised the officers in the parking lot. It was observed that she and the officers were working to get all persons out of the parking lot, including the woman who objected to his recording of her minor child. C removed himself from the parking lot after no-trespassing signs were pointed out to him and that he could be arrested for trespassing. C was not denied the ability to record the officers. The woman's taking of his friend's phone did not fit the definition of theft and it was immediately returned by the officer. 2.8.5.A: Based on the evidence, it was determined that Sergeant V interacted with C but did not activate her OBRD to capture the interaction nor was a justifiable reason documented in a report. 2.16.5.B.1.a: Based on the evidence, it was determined that Sergeant V was issued a case number for a report; however, Sergeant V acknowledged she did not complete a report. The CPOA recommends a written reprimand and an 8 hour suspension.

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

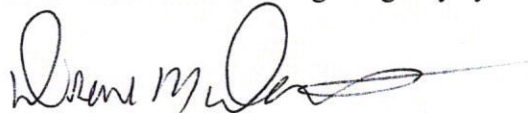
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The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 24, 2025

Via Email

Re: CPC # 251-24

COMPLAINT:

PO Box 1293

On 9/23/2024, I G submitted an online complaint to the CPOA regarding the timely approval of a crash report 24-0064229.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): No

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: PSA D

Other Materials: TraCS Documents & Email Communications.

Date Investigation Completed: January 3, 2025

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: 2.16.5.C.1 (Reports)

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

☒

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

☐

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

☐

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

☐

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

☐

Additional Comments:

2.16.5 C.1: It was determined that PSA D did not create or submit the report by the end of his shift as required. PSA D did not notify or get approval from a supervisor to delay the completion and submission of the report.

The CPOA recommends a verbal reprimand.

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

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

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 24, 2025

Via Email

Re: CPC # 251-24

COMPLAINT:

PO Box 1293

On 9/23/2024, [REDACTED] submitted an online complaint to the CPOA regarding the timely approval of a crash report 24-0064229.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): No

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Commander B

Other Materials: TraCS Documents & Email Communications.

Date Investigation Completed: January 3, 2025

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: 2.16.5.C.1.b (Reports)

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:

2.16.5 C.1.b: It was determined that Commander B did not review or approve the submitted crash report within the required 3-work day time frame. Commander B did not notify or get approval from a supervisor to delay the review or approval of the submitted report. This was determined to be exonerated because of the limitations faced by Commander B, which included the resignation of the only supervisor under his command who could review and approve the report and the lack of personnel to supervise and review and approve the reports for approximately twenty-one personnel. It should also be noted that the report completion was not timely.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 24, 2025

Via Certified Mail

Re: CPC # 253-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. [redacted] reported that his girlfriend got assaulted by the neighbor; they spit on her and tried to rape her. Mr. [redacted] reported that the cops showed up, did not do anything, and had not written the report yet when Mr. [redacted] called Officer M a few days later (after the incident.) Mr. [redacted] reported that when he spoke to Officer M on the phone approximately three days later, Officer M advised that they were busy and they had not filed the report yet. Mr. [redacted] reported when the cops show up, nothing happens.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: n/a

Date Investigation Completed: January 9, 2025

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: Procedural Order 2.16.5.C.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.

☐

Policies Reviewed: Procedural Order 2.60.4.C.1.e

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.C.1.e-After a review of the OBRD Videos, it was confirmed that Officer M was advised that the cameras did not record the incident in question and the alleged aggressor was no longer on the scene when officers arrived. Officer M did advise the alleged victim that it would be tough to identify the unknown aggressor, but he would document the incident in a report. The policy in question was not violated as Officer M conducted an ample amount of investigation into the incident based on the limited amount of information that was available in regard to the alleged aggressor.

2.16.5.C.1-A review of Officer M's Incident Report confirmed that the incident in question was on 09/09/2024, but the report was not created and completed by Officer M until 09/13/2024. Although Officer M advised he obtained permission from Sergeant L to complete the report the next day (09/10/2024,) Officer M did not complete the report until four days after the incident took place, therefore violating the policy in question. The CPOA recommends an 8 hour suspension.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 24, 2025

Via Email

Re: CPC # 255-24

COMPLAINT:

Mr. M reported that he was a victim of a robbery. Mr. M reported that he initially was in contact with two male officers at approximately 8 am, who told him he had to move his car or it would be towed because of an event. Mr. M reported that he told the officers that his keys and wallet were stolen during the robbery. Mr. M reported that the officers had agreed that his car would not be towed and that he was allowed to get another key from the dealership. Mr. M reported that when he returned to his car around 5 pm later that day, Officer S stated he had his vehicle towed. Mr. M reported that he should have had victim rights since he was a victim of the robbery. Mr. M reported that Officer S should have followed the procedures set in place by previous officers to not have his vehicle towed.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: PSA F

Other Materials: Tow In Report and Albuquerque City Ordinance website

Date Investigation Completed: January 9, 2025

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: Procedural Order 2.8.5.A

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:

2.8.5.A-After a review of Officer S's OBRD Videos, it was confirmed that PSA F did have a face to face interaction with the Tow Truck Driver as PSA F had advised Officer S that the Tow Truck Driver advised PSA F that the vehicle in question was parked in the same spot on the previous day. PSA F did not record the interaction between PSA F and the Tow Truck Driver which violated the policy in question.

The CPOA recommends a written reprimand.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 24, 2025

Via Email

Re: CPC # 255-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. M reported that he was a victim of a robbery. Mr. M reported that he initially was in contact with two male officers at approximately 8 am, who told him he had to move his car or it would be towed because of an event. Mr. M reported that he told the officers that his keys and wallet were stolen during the robbery. Mr. M reported that the officers had agreed that his car would not be towed and that he was allowed to get another key from the dealership. Mr. M reported that when he returned to his car around 5 pm later that day, Officer S stated he had his vehicle towed. Mr. M reported that he should have had victim rights since he was a victim of the robbery. Mr. M reported that Officer S should have followed the procedures set in place by previous officers to not have his vehicle towed.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: Tow In Report and Albuquerque City Ordinance website

Date Investigation Completed: January 9, 2025

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.

☐

Policies Reviewed: Procedural Order 2.48.4.C.1.c

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: Procedural Order 2.48.4A.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.

☒

Policies Reviewed: Procedural Orders 2.8.5.B and 2.48.4.B.1.d

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:

2.48.4.A.2-A review of Officer S' OBRD Videos confirmed that Mr. M's vehicle was parked in the bike lane on a public road, and the CPOA Investigator did not observe any notes attached to Mr. M's vehicle through the OBRD Video review. 2.48.4.C.1.c-Without Officer S recording his attempt to contact Mr. M, there was not enough evidence noted to verify if Officer S did or did not make an attempt to contact Mr. M, per the policy in question. 2.8.5.B-Based on Officer S' reasoning for not recording his attempt to contact Mr. M via phone call and advising that he usually waited to activate his OBRD when the person he was calling answered the phone, Officer S violated the policy in question by not activating his OBRD prior to contact with the individual.

2.48.4.B.1.d-Officer S did not properly inventory the vehicle in question to the standard of the policy in question.

The CPOA recommends a written and verbal reprimand for the policy violations.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 31, 2025

Via Email

Re: CPC # 261-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 10/02/2024, K [REDACTED] V [REDACTED] submitted an online complaint to the CPOA regarding an incident that occurred on 10/02/2024 at 1200 hours. Ms. V [REDACTED] reported that Officer M issued her two citations for speeding and no registration near Central Avenue and California Street. Ms. V [REDACTED] did not believe she was speeding or that Officer M provided her with a reasonable amount of time to find her registration.

EVIDENCE REVIEWED:

Video(s): N/A

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: Email Communications, Citations, & Evidence.com Search Results.

Date Investigation Completed: January 21, 2025

FINDINGS

Policies Reviewed: 2.71.4.A.1 (Authority to Make an Arrest, Search, or 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.



Policies Reviewed: 2.8.5.A (Mandatory Recording)

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:

2.8.5.A: It was determined that Officer M failed to activate his OBRD as required for the intended contact.

2.71.4.A.1: It was determined that the traffic stop (seizure) was based on a perceived lawful violation. The belief that Officer M was incorrect regarding his assessment of Ms. V K ; speed is a matter to be argued in a court of law. It was determined that Officer M acted within the scope of his duties and had provided Ms. V with a reasonable amount of time to locate her registration.

The CPOA recommends a written reprimand.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 31, 2025

Via Email

Re: CPC # 268-24

COMPLAINT:

PO Box 1293

On 10/08/2024, : M : submitted an online complaint to the CPOA regarding an incident that occurred around 07/30/2024. Ms. M : reported that report 240059663 had not been completed and that she was unable to reach the officer responsible for the report.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer W

Other Materials: Email Communications.

Date Investigation Completed: January 31, 2025

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: 2.16.5.C.1 (Reports)

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

☒

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

☐

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

☐

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

☐

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

☐

Additional Comments:

2.16.5.C.1: Based on the evidence, it was determined that Officer W did not submit a Uniform Incident Report and any related documents by the end of his shift, nor was a supervisor notified or an exception given at the supervisor's direction.

The CPOA recommends a verbal reprimand.

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

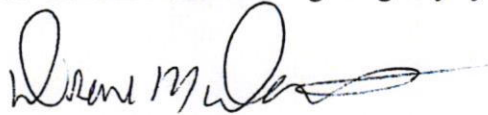
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

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

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

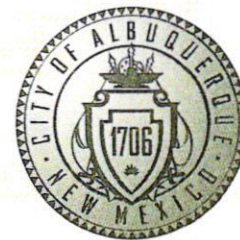
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 13, 2025

Via Certified Mail

Re: CPC # 272-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. C ; reported he had observed a vehicle accident. Mr. C ; overheard the Operator tell the driver/victim that the police would not respond since another vehicle was not involved and that he would have to call for his own tow truck. Upon overhearing this casual response from the 911 operator, Mr. C ; took the phone and informed the operator that this was an accident involving injuries as Mr. C ; noticed a female passenger seated next to the driver with a deformity to her right wrist, and the vehicle was heavily damaged and not drivable. Mr. C ; told the Operator that another accident was inevitable and that the police services were essential. The Operator again refused, saying only, "I'm just doing my job," and that she would transfer him to fire/rescue

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Telecommunications Operator S

Other Materials: Audio recordings from APD Communications

Date Investigation Completed: December 17, 2024

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: Procedural Order 2.100.4.B.8.b & General Order 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:

2.100.4.B.8.b-A review of CAD#APD242800829, confirmed that a call for service was set up requesting officers to the scene. A review of the audio-recorded conversation between Operator S and Mr. C ; confirmed that Operator S did transfer Mr. C ; to AFR who advised they were on the way. It should be noted that Operator S did stay on the line with Mr. C ; when she transferred him to AFR and advised Mr. C ; after AFR disconnected their call that she had officers on the way to the scene. After a review of the evidence noted, it was confirmed that Operator S did not violate the SOP in question as she referred Mr. C ; to the correct agency in reference to medical assistance and set up a call for police to go to the scene. 1.1.5.A.1-After reviewing the audio recording between Operator S, the vehicle driver, and Mr. C , it was noted that Operator S did advise that she was just doing her job, per the complaint, raised her voice slightly at times, but did not say anything that arose to the level of violating the policy in question. Operator S initially was trying to explain the limitations in a single car accident situation and establish control of the call to obtain the necessary information.

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

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Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

January 13, 2025

Via Certified Mail

Re: CPC # 272-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

Mr. C ; reported he observed an APD police unit west on Westside, headed in their direction. Mr, C ; frantically waving his arms to flag an officer down. In response to his request for help the oofficer responded, "This isn't my area." At his insistence for help the officer rolled his eyes and finally backed his unit behind the disabled vehicle after activating his overhead lights. Mr. C ; reported that when AFR arrived, the officer turned off his overhead lights, pulled back into traffic without saying another another word or ever exiting his vehicle, and left.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): No

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: Audio recordings from APD Communications

Date Investigation Completed: December 17, 2024

FINDINGS

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

☐

Policies Reviewed: Procedural Order 2.46.4.A.1.b

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

☒

Policies Reviewed: Procedural Order 2.8.5.A

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:

2.46.4.A.1.b-After a review of CAD#APD242800842, and the audio recording of Officer C and APD Communications, it was confirmed that Officer C observed the accident in question. Although Officer C advised the CPOA Investigator on several occasions that he could not recall the accident in regards to calling it in or stopping at the scene. Officer C did not deny that he was the officer described in the complaint. Based on the evidence noted (Officer C, to an extent, fit the description of the officer that Mr. C described in his complaint, and the evidence noted that Officer C observed the accident), the preponderance of evidence supported the complaint that Officer C did not get out of his car which violates policy as Officer C failed to determine the extent of the occupant's injuries from the motor vehicle crash.

2.8.5.A-Although the preponderance of evidence noted above puts Officer C at the scene of the accident, there was not enough evidence provided/located to determine if Officer C did or did not make any contact with the public, which would be a mandatory recording event per the policy in question. The recommended discipline is a written reprimand.

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

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