

CITY OF ALBUQUERQUE



Civilian Police Oversight Agency

Finding Letters of the CPOA

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

April 2025:

316-24	321-24	323-24	326-24	328-24
330-24	331-24	333-24	334-24	336-24
343-24	344-24	345-24	001-25	002-25
004-25				

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



April 7, 2025

Via Email

Re: CPC # 316-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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 V

Other Materials: Email Communications, NM State Statute, & Photographic Evidence.

Date Investigation Completed: March 12, 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: 1.1.4.A.2.d

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

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

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:

1.1.4.A.2.d: It was determined that Officer V did park his authorized emergency vehicle along the curb facing south on the east side of _____ against the traffic flow but did so in accordance with New Mexico State Statute 66-7-6, Authorized Emergency Vehicles.

Tiene derecho de apelar esta decisión. En caso de no estar satisfecho con los hallazgos del Director Ejecutivo de CPOA dentro de 30 días corridos (incluyendo los días festivos y fines de semana) de la recepción de esta carta, comunique su deseo de una audiencia de apelación ante la Junta Consultiva de CPOA en un escrito firmado dirigido al Director de CPOA. Por favor, envíe su solicitud al P.O. Box 1293, Albuquerque, NM 87103, o por correo electrónico a CPOA@cabq.gov.

Incluya su número CPC. Las audiencias de apelación procederán según lo especificado en la Ordenanza de Supervisión 9-4-1-10. Para que la Junta Consultiva modifique los hallazgos del Director, su apelación debe demostrar uno o más de los siguientes elementos:

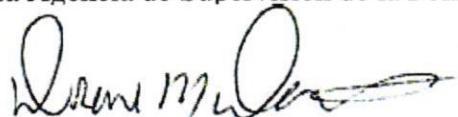
- 1) Una norma fue mal aplicada en la evaluación del reclamo.
- 2) Los hallazgos o recomendaciones fueron arbitrarios, caprichosos o constituyen un abuso de discreción.
- 3) Los hallazgos y recomendaciones no fueron consistentes con la evidencia registrada.

Los reclamos cerrados administrativamente pueden volver a abrirse si ingresa información adicional. Por favor, envíe su información adicional por escrito al Director de CPOA según se enumera anteriormente.

En caso de no estar satisfecho con la decisión disciplinaria final del Jefe de Policía o sobre cualquier otro asunto relacionado con el manejo del reclamo por parte del Jefe, puede solicitar una revisión del reclamo por parte del Funcionario Administrativo en Jefe de la ciudad. Su solicitud debe estar por escrito y debe ser presentada en el lapso de 30 días corridos (incluyendo días festivos y fines de semana) desde la recepción de esta carta. Incluya su número CPC.

Si tiene una computadora a su disposición, le agradeceríamos que complete nuestro formulario de encuesta al cliente en <http://www.cabq.gov/cpoa/survey>. Gracias por su paciencia y participación en el proceso de supervisión civil de la policía, que garantiza que los oficiales y el personal de APD sean responsabilizados y que se mejore el proceso.

Respetuosamente,
La Agencia de Supervisión de la Policía Civil



Diane McDermott, Directora Ejecutiva
(505) 924-3770

cc: Jefe de policía del Departamento de Policía de Albuquerque

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



April 7, 2025

Via Email

Re: CPC # 316-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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: Sgt. T

Other Materials: Email Communications, NM State Statute, & Photographic Evidence.

Date Investigation Completed: March 12, 2025

FINDINGS

Policies Reviewed: 1.1.5.A.1

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

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

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

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

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

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

Additional Comments:

1.1.5.A.1: It was determined that Sgt. T treated L respectfully, courteously, and professionally during their telephone conversation.

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



April 16, 2025

Via Email

Re: CPC # 321-24

COMPLAINT:

PO Box 1293 On 12/03/2024, T _____ submitted a complaint via telephone to an APD acting supervisor regarding an APD patrol vehicle bearing registration "20536G" using its emergency lights and sirens to go through the red light on 4th Street at the I-40 overpass. T _____ reported that she pulled to the right, almost striking a light and barricade. Ms. J _____ reported that she did not appreciate the officer putting citizens in danger.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer F

Other Materials: Email Communications, Complainant Evidence, & Unit History Logs.

Date Investigation Completed: March 25, 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: 1.1.5.E.4 (Department-issued Equipment)

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

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

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

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

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

Additional Comments:

1.1.5.E.4: It was determined that Officer F in violation of policy used his department-issued patrol vehicle's emergency equipment to circumvent a traffic control device, placing other motorists at increased risk and danger.

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



April 16, 2025

Via Email

Re: CPC # 323-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

On 12/05/2024, D W submitted an online complaint to the CPOA regarding an incident that occurred on an unknown date at 2330 hours at an unknown location. Mr. W reported that Officer C pulled him over and asked for his license and registration. Mr. W reported, *"I gave him my registration quickly because he was about to pull his gun on me. So I had no time to get my proof of insurance."* Officer C claimed Mr. W was going too slow even though he was going the speed limit because the speed limit had just changed to 55 mph. Mr. W reported that Officer C asked if he had been drinking and then gave him a ticket and *"drove off recklessly"* because *"He couldn't find a reason to arrest me."*

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: Email Communications and New Mexico Uniform Traffic Citations.

Date Investigation Completed: March 24, 2025

FINDINGS

Policies Reviewed: 1.1.5.C.2 & 1.1.5.E.4

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

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

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

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

Policies Reviewed: 1.1.6.A.1.c & 2.41.4.A.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:

1.1.5.C.2: Officer C did not act officially, abuse his lawful authority or permit his personal feelings or animosities to influence his official decisions. Officer C was not about to pull out his gun on Mr. W. Mr. There was ample time to locate documents. Officer C conducted a legal traffic stop within APD policy.

1.1.5.E.4: Officer C operated his vehicle in an appropriate manner for the road conditions while leaving the traffic stop.

1.1.6.A.1.c: Officer C wrote comments on New Mexico Uniform Traffic Citations 7497087 and 7497088, that were not said. The comments written were: "*DRIVER ADVISED HE WAS NOT PAYING ATTENTION*", and written on both tickets. Incorrect documentation impairs the efficiency of the department.

2.41.4.A.1.d: Officer C did not state his name upon initial contact during a traffic stop as required by SOP.

The CPOA recommends a 24 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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- 3) that the findings and recommendations were not consistent with the record evidence.

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



April 9, 2025

Via Email

Re: CPC # 324-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 12/09/2024, A V submitted an in-person complaint to the CPOA staff regarding an incident that occurred on 06/24/2023. Anna reported she had been trying to get the APD to investigate "sex trafficking" at 5212 Cherokee Road Northeast and the kidnapping of young boys and girls. She reported that the APD "Has not done anything about it they are making false accusation on my behalf and refusing to take my report serious". She wanted APD to "Test the blood on the walls at 5212 Cherokee and that will show proof of the victims in the house as well my nephew made a statement as well".

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 A

Other Materials: Email Communications.

Date Investigation Completed: March 27, 2025

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Conduct)

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

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

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

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

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Additional Comments:

It was determined that Officer A responded to a call about criminal activity. However, he determined that there was no evidence to support and warrant a criminal investigation. Officer A evaluated the information and evidence provided to him by the complainant. The information she provided did not support taking further investigative steps since she alleged multiple neighbors were involved in sex trafficking. He informed the complainant he did not see the same things in the video that she claimed the video showed when she shared it with him. There was insufficient evidence to make any additional referrals or identify any probable cause that a crime had occurred. Officer A made an incident report and a referral to CIT due to his observations.

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



April 16, 2025

Via Certified Mail

Re: CPC # 326-24

COMPLAINT:

PO Box 1293
Albuquerque
NM 87103

On 12/12/2024, M G submitted a complaint via telephone to the CPOA regarding an incident that occurred on 12/02/2024. Mr. G reported that an officer who would not identify himself, took over the call and told him, *"She doesn't want to talk to you. Take the hint: don't call again, or you'll be arrested. If you come over here, you'll be going to jail."* Mr. G told the officer that the threat of arrest should apply to both parties, as his wife was also trying to call him. Mr. C questioned why the officer had answered his wife's telephone and believed that the officer remaining silent while allowing him to speak was entrapment and was attempting to catch him saying something incriminating.

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: March 31, 2025

FINDINGS

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

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Policies Reviewed: 2.8.5.A (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.

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Additional Comments:

1.1.5.A.4: It was determined that Officer W answered the telephone with consent, was not rude, and did not threaten, attempt to entrap or charge Mr. G. The investigation was unable to determine if Officer W had called Mr. G as requested, but there was also no requirement for Officer W to do so.

1.1.6.A.2: It was determined that Officer W identified himself by name and department when requested.

2.8.5.A: It was determined that Officer W failed to record all of the intended interactions as required.

2.16.5.C.1: It was determined that Officer W failed to submit the associated report in the required time frame.

The CPOA recommends a written and verbal reprimand for the two different infractions based on APD's disciplinary matrix.

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



April 16, 2025

Via Email

Re: CPC # 328-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 12/14/2024, J M submitted an online complaint to the CPOA regarding an incident that occurred on 12/14/2024 at 1730 hours at 905 Ram Trail Northeast. Ms. M reported that she requested a wellness check on her children, who were with their father. Officer A called Ms. M and advised her that her child was lying and had no marks. Ms. M reported that the officer was sarcastic and advised that he had no concern about the children's wellbeing. Ms. M reported that the officers refused to believe the children's stories.

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 A

Other Materials: Email Communications & CACU Checklist.

Date Investigation Completed: April 7, 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: 2.60.4.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.

Policies Reviewed: 2.16.5.B.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:

2.60.4.C.1.e: Officer A was dispatched to a welfare call for minor children. Interviews were conducted with both children separated from the present father due to an allegation of being hit by the father. Officer A did not have enough evidence based on the totality of the situation to warrant further action beyond documenting and forwarding the report to CYFD.

2.16.5.B.5: Officer A violated APD policy by failing to properly document the received facts in a child welfare check. He reported certain statements from the children inaccurately and omitted contextual statements.

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



April 16, 2025

Via Email

Re: CPC # 328-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer V

Other Materials: Email Communications & CACU Checklist.

Date Investigation Completed: April 7, 2025

FINDINGS

Policies Reviewed: 2.60.4.C.1.e

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

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

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

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

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

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Additional Comments:

2.60.4.C.1.e: Officer V's role was that of the backup officer. He collected the statement from the complainant's minor son about the allegations she received from her son. Officer V did not make any decisions as he was not the primary officer, did not write the report, nor speak to the complainant.

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:

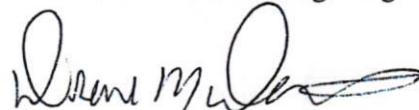
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

April 22, 2025

Via Email

Re: CPC # 330-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 12/17/2024, A [REDACTED] B [REDACTED] submitted a complaint to the CPOA regarding an incident that occurred on 11/21/2024. At [REDACTED] reported that she had gone to pick up her daughter from her daughter's father per a court order. She reported that her daughter's father attacked her, and she had proof via witnesses, video, and pictures. She reported that Officer A and her partner (Officer C) laughed in her face. She reported that the officers then left the scene, went to the child's father's home, and bashed her. She reported that the officers were unprofessional and rude and showed no compassion for her situation. She reported that Officer A had taken her license and not returned it and that she was threatened with arrest and detainment.

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 A

Other Materials: Email Communications

Date Investigation Completed: April 1, 2025

FINDINGS

Policies Reviewed: 1.1.6.A.6.a

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

Policies Reviewed: 1.1.5.A.1, 2.60.4.C.1.a & 2.73.5.A.1,

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

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

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

Policies Reviewed: 2.16.5.C.1

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

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

Additional Comments:

1.1.5.A.1: It was determined that Officer A failed to remain professional and de-escalate the interaction with A

1.1.6.A.6.a: It was determined that Officer A's report did not contain any false information.

2.16.5.C.1: It was determined that Officer A's report was not submitted in a timely manner.

2.60.4.C.1.a: It was determined that Officer A did not ensure that the associated evidence was identified and secured.

2.73.5.A.1: It was determined that Officer A did not return to or enter A license or identification into evidence for safekeepings.

The CPOA recommends a 16 hour suspension and 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

April 22, 2025

Via Email

Re: CPC # 330-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 12/17/2024, A [REDACTED] B [REDACTED] submitted a complaint to the CPOA regarding an incident that occurred on 11/21/2024. A [REDACTED] reported that she had gone to pick up her daughter from her daughter's father per a court order. She reported that her daughter's father attacked her, and she had proof via witnesses, video, and pictures. She reported that Officer A and her partner (Officer C) laughed in her face. She reported that the officers then left the scene, went to the child's father's home, and bashed her. She reported that the officers were unprofessional and rude and showed no compassion for her situation. She reported that Officer A had taken her license and not returned it and that she was threatened with arrest and detainment.

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 A

Other Materials: Email Communications

Date Investigation Completed: April 1, 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: 1.1.5.A.1 (Public Welfare)

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

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

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

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

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

Additional Comments:

1.1.5.A.1: It was determined that Officer C failed to remain professional and de-escalate the interaction with A. Though Officer C did not necessarily make the multitude of unprofessional comments directly to Angelica, he did so while recording and sometimes within earshot of A which was viewed as the same as if he had made them directly to her. Officer C did not detain but did threaten to detain A with no lawful objective or reasoning for doing so.

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



April 22, 2025

Via Email

Re: CPC # 331-24

COMPLAINT:

PO Box 1293
Albuquerque
NM 87103

On 12/18/2024, R W submitted a complaint regarding officers not completely reviewing her evidence, not providing her with an evidence.com link, not stopping her tenant from calling her names, threatening to charge her with intimidation, instructing her to leave a common space of the home, and incorrectly reported that she didn't want to press charges when she did.

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 H

Other Materials: Email Communications.

Date Investigation Completed: April 16, 2025

FINDINGS

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

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

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

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

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

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

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

Additional Comments:

1.1.5.A.4: It was determined that Officer H acted professionally and was not responsible for the investigation, report, or collection of evidence. Ms. W was not threatened with a charge of intimidation or instructed to leave the home's common space.

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:

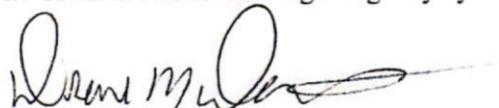
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

April 22, 2025

Via Email

Re: CPC # 331-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: Email Communications.

Date Investigation Completed: April 16, 2025

FINDINGS

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

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

Policies Reviewed: 2.60.4.C.1.a (Preliminary 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.

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

Additional Comments:

1.1.5.A.4: It was determined that Officer M acted professionally and was responsible for the investigation and report. Ms. W was not threatened with a charge of intimidation or instructed to leave the home's common space. Officer M completed a report which was mostly consistent with the reviewed evidence. Ms. W did not say that she wanted to press charges, leading one to perceive that she did not want to press charges.

2.60.4.C.1.a: It was determined that Officer M was the primary officer and responsible for the investigation and report. Officer M repeatedly told Ms. W that he would send her an evidence.com link. There was no evidence that Officer M had provided Ms. V with an evidence.com link, as promised.

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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- 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



April 16, 2025

Via Email

1

Re: CPC # 333-24

COMPLAINT:

PO Box 1293
Albuquerque
NM 87103

On 12/12/2024, Mr. M G submitted a complaint via telephone to the CPOA staff regarding an incident that occurred on 11/29/2024 at 0800 hours. Mr. G reported that he had reviewed report 24-0098401. Mr. G reported that some of his identifying information was wrong, including the spelling of his last name, and that he was arrested on 11/29/2024, which was untrue. Mr. G e questioned the report's validity because the officer never contacted him, and the reporting parties' (C e) inability to recall the event was concerning. Mr. G noted that brass knuckles were illegal in New Mexico.

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 K

Other Materials: Email Communications & APD Policy 2.78 (Domestic Abuse)

Date Investigation Completed: March 18, 2025

1

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: 2.60.4.C.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.

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 K violated policy when, during the investigation, she did not attempt nor report her attempt to notify the other involved party, Mr. G _____ during the alleged domestic violence incident that occurred on 11/29/2024. During an investigation, an officer is expected to identify the persons and witnesses involved and attempt to interview those subjects if an interview can be completed. In her interview, Officer K acknowledged that she did not contact the other involved party, Mr. G _____ e, nor indicate why he was not contacted on her report. Typically, Officer K reported that she would not contact the other party if they left the scene. The investigation determined that Officer K did not intend to misspell (G _____) Mr. Gregg _____ last name. C _____ did not possess brass knuckles during her interview with Officer K. Therefore, that was not able to be investigated by the officer at the time.

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;
- 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

April 30, 2025

Via Email

Re: CPC # 334-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 12/18/2024, V- R submitted an online complaint to the CPOA regarding an incident on 12/18/2024. Ms. R advised that her daughter was arrested for DUI, and Officer G called her at 0156 hours to inform her that she could pick up the car so it would not be towed. Ms. R advised that she was on her way within five (5) minutes to pick up the car, so she called him back to confirm the location. Officer G told her another officer had already called the tow truck and that Officer F would call her. Officer F called several minutes later and advised her that it was already towed. Officer F advised that Officer G was new and did not know it had to be towed. Ms. R pointed out that the officers were not on the same page. Ms. R reported that Officer F was discourteous and condescending.

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 F

Other Materials: Email Communications.

Date Investigation Completed: April 17, 2025

FINDINGS

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

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

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

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

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

Policies Reviewed: 2.48.4.B.1.d (Towing)

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

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

Additional Comments:

1.1.5.A.1: It was determined that Officer G and Officer F were on the same page about what would happen with the vehicle, but did not know that Sgt. S had already requested the tow truck. Still, because Officer F could not call Victoria before she called Officer G, he had to explain the situation to her. Officer F was professional, courteous, and non-condescending. Officer F did not request the tow truck or tell Ms. R that she could pick up her daughter a little after 0800 hours.

2.48.4.B.1.d: It was determined that an inventory search was not conducted and that Officer F was responsible for doing so.

The presumptive is a verbal reprimand for policy violation. However, the CPOA would also consider a NDCA is appropriate in this circumstance due to it being a training issue. The department may impose a verbal reprimand or non disciplinary corrective action (NDCA).

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:

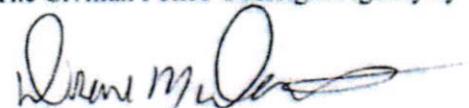
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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.

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

April 30, 2025

Via Email

Re: CPC # 334-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 12/18/2024, V K submitted an online complaint to the CPOA regarding an incident on 12/18/2024. Ms. Rice advised that her daughter was arrested for DUI, and Officer G called her at 0156 hours to inform her that she could pick up the car so it would not be towed. Ms. F advised that she was on her way within five (5) minutes to pick up the car, so she called him back to confirm the location. Officer G told her another officer had already called the tow truck and that Officer F would call her. Officer F called several minutes later and advised her that it was already towed. Officer F advised that Officer G was new and did not know it had to be towed. Ms. Rice pointed out that the officers were not on the same page.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: Email Communications.

Date Investigation Completed: April 17, 2025

FINDINGS

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

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

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

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

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

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

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Additional Comments:

1.1.5.A.1: It was determined that Officer G and Officer F were on the same page about what would happen with the vehicle, but did not know that Sgt. S had already requested the tow truck. Still, because Officer F could not call V before she called Officer G, he had to explain the situation to her. Officer G did not tell V she could pick up the car, but instead said that he would give Officer F her number to coordinate with him about what would happen with the car.

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:

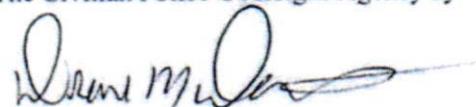
- 1) A policy was misapplied in the evaluation of the complaint;
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

April 22, 2025

Via Email

Re: CPC # 336-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 12/18/2024, A [REDACTED] M[REDACTED] submitted a handwritten complaint regarding an incident that occurred on 12/11/2024 at 1333 hours. Mr. M[REDACTED] reported that Officer D threatened and antagonized him. Mr. M[REDACTED] wanted to press charges against Officer D for harassment because he said he was going to 'rip' him. Mr. M[REDACTED] reported that Officer D was also acting very unprofessionally. Mr. M[REDACTED] reported that Officer D yelled at him and indicated that Officer D treated him like an animal. He did not receive the officer's name when he asked.

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 D

Other Materials: Email Communications & Citation.

Date Investigation Completed: April 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: 1.1.5.A.1 (Conduct)

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

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

Policies Reviewed: 1.1.6.A.2 (Conduct)

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

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

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

Additional Comments:

1.1.5.A.1: It was determined that Officer D did not treat Mr. M with respect, courtesy, and professionalism by raising his voice at him and telling him that if he didn't sign a ticket, he was going to rip him out of a car and take him to jail.

1.1.6.A.2: It was determined that Officer D had only provided his MAN number when asked for ID by Mr. M. Mr. M did not specifically ask Officer D for his name, rank, duty assignment, or employee number.

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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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

April 30, 2025

Via Certified Mail

Re: CPC # 343-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 12/23/2024, E N -D submitted a complaint via telephone to the CPOA staff regarding an incident that occurred on 12/07/2024 at 1130 hours at I-25 and Montano Road. Ms. N -D reported that an unknown young Hispanic officer had taken crash report 240098745 but that she had not been able to obtain a copy of it. Ms. N -L also reported that the officer intervened, told her to sit in her car, and would not allow her to collect the other driver's information. On 12/27/2024 at approximately 1458 hours, Ms. N -D notified the CPOA staff via telephone that she had been informed by APD records on 12/27/2024 that the report did not exist.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: PSA D

Other Materials: Email Communications & TraCS Materials.

Date Investigation Completed: April 7, 2025

FINDINGS

Policies Reviewed: 1.1.5.A.1 (Public Welfare) & 1.1.5.C.2 (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.

Policies Reviewed: 2.16.5.C.1 (Timeliness of 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.

Policies Reviewed: 2.8.5.D.1, 2.48.4.B.1.c, & 2.60.4.C.1.b

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

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

Additional Comments:

1.1.5.A.1: It was determined that PSA D was professional and never intervened or prevented Ms. Nuanez-Davis from collecting the other driver's information.

1.1.5.C.2: It was determined that PSA D did not know the involved individuals.

2.8.5.D.1: It was determined that PSA D failed to record the incident in its entirety.

2.16.5.C.1: It was determined that PSA D failed to complete the report as required.

2.48.4.B.1.c: It was determined that PSA D failed to inventory the two towed vehicles.

2.60.4.C.1.b: It was determined that PSA D failed to document the information concerning his inability to contact the reported witness.

The CPOA recommends 2 written reprimands 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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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



April 22, 2025

Via Certified Mail
7021 0950 0002 0443 6474

Re: CPC # 344-24

COMPLAINT:

PO Box 1293
Albuquerque
NM 87103

Mr. M reported that Officer A did not follow proper protocols concerning his personal property. Mr. M reported that he had conversations with officers while in the back of the unit related to artifacts and other personal items that were in his vehicle at the time of his arrest, and those conversations should be recorded. Mr. M reported that he later tried to contact the officer by visiting the Substation. Mr. M reported that he had not been able to reach the officer. Mr. M reported that he could not locate his artifacts, a thumb drive with information to substantiate his nomination for the Nobel Peace Prize, and a handful of keys.

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: NM Courts.com

Date Investigation Completed: April 4, 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: General Order 1.1.6.C.1

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

Policies Reviewed: Procedural Order 2.8.5.B

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

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

Additional Comments:

1.1.6.C.1-A review of the OBRD Videos confirmed that Officer A told Mr. M _____ that Mr. M _____'s vehicle was going to be sealed pending a search warrant, and they could not go into the vehicle. Officer A did not violate the policy in question, as Mr. M. _____ confirmed that he received his knives and clothing back that were tagged for safekeeping. OBRD Video confirmed that Officer A did not obtain any items from Mr. M _____'s vehicle, as Mr. M. _____'s vehicle was being sealed pending a search warrant.

2.8.5.B- Officer A violated the policy in question by failing to activate his OBRD prior to contact with Mr. M.

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.

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Sincerely,
The Civilian Police Oversight Agency by

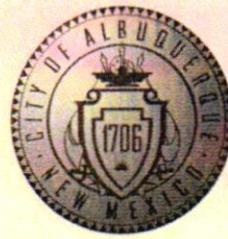


Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



April 22, 2025

Via Certified Mail
7021 0950 0002 0443 6474

Re: CPC # 344-24

COMPLAINT:

PO Box 1293
Albuquerque
NM 87103

Mr. M reported that when he visited the towing company where his vehicle was ultimately sold, the staff at Randy's Towing told him that a week prior, a Detective was there to clear the vehicle. Mr. M. advised that Randy's Towing staff advised Mr. M. that APD told Randy's Towing staff that Mr. M. vehicle was cleared and told Randy's Towing staff that they were allowed to sell Mr. M. 's vehicle. Mr. M. advised he talked to the Towing company staff sometime in January and spoke to the two females who worked the front desk. Mr. M. confirmed that no one from APD advised him he was good to get his vehicle from the Tow Yard.

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: Former Detective H-Z

Other Materials: n/a

Date Investigation Completed: April 4, 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 2.48.4.B.3

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

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

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

Policies Reviewed: Procedural Order 2.60.6.B.4

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.B.3-A review of OBRD videos confirmed that Detective H-Z was the Detective who processed Mr. M's vehicle at the Tow Yard. Detective H-Z violated the policy in question as the CPOA Investigator could not locate any verification that Detective H-Z notified Mr. M of the release of Mr. M's vehicle after the vehicle had been processed.

2.60.6.B.4-Detective H-Z violated the policy in question as neither CPOA Investigative staff nor APD Records staff could locate a report completed by Detective H-Z related to the incident in question.

Additional information-There was no evidence provided or noted to indicate anyone from APD told Randy's Towing Staff to just sell Mr. M's vehicle as Randy's Towing Policy was to put the vehicle up for auction if it is on their lot for more than 45 days.

The CPOA recommends written and verbal reprimands 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:

- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
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Administratively closed complaints 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

April 30, 2025

Via Email

Re: CPC # 345-24

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Mr. F reported that while in a vehicle that was parked and off, Mr. F was ordered to exit the vehicle by Officer B and three other officers, claiming that the car was stolen. When Mr. F notified Officer B that the car was not stolen, they said, "You're right, the car's not stolen, but you do have warrants." Mr. F reported that the car was not registered in his name, and the Officers only knew who he was after he was ordered to exit the vehicle and provided identification. Mr. F reported that he told them that they couldn't arrest him by making him exit a vehicle, and they said, "We can." Upon being booked, he was given a new charge for the Embezzlement of a Motor Vehicle in Santa Fe. This charge was only given to him after Officer B took an unusually long amount of time to complete his booking.

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 B

Other Materials: Warrant verification

Date Investigation Completed: April 18, 2025

FINDINGS

Policies Reviewed: Procedural Order 2.71.4.A.1 and General Order 1.1.6.C.1

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

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

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

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

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

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Additional Comments:

2.71.4.A.1-A review of the OBRD Videos confirmed that Officer W was the officer who asked Mr. F to exit his vehicle, which Mr. F did so without the assistance of officers. OBRD Video confirmed that at no time did Officer B complete a full search of Mr. F's vehicle, as she assisted PSA S with inventory of the vehicle, which per SOP 2-48 is a procedure prior to a tow. After a review of the OBRD Videos, the CPOA Investigator did not observe any officer tell Mr. F that Officers did not have the right to take Mr. F out of his vehicle, per the complaint. Officer B did not violate the SOP in question, as with the plate initially coming back as stolen, the officers had probable cause to request Mr. F to exit the vehicle so they could continue their investigation. Officer B advised that she did not charge Mr. F with anything regarding this incident and arrested Mr. F based on the three warrants he had, which were extraditable.

1.1.6.C.1-There was no evidence submitted or noted that would indicate that the reported time delay at the PTC was due to Officer B realizing how much she had messed up, per the complaint.

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:

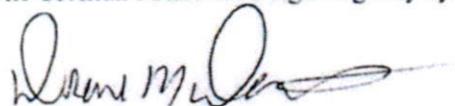
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

April 30, 2025

Via Email

Re: CPC # 345-24

COMPLAINT:

PO Box 1293

Mr. F reported that on September 26th at approximately 8:00 AM, while in a vehicle that was parked and off, he was ordered to exit the vehicle by Officer B and three other officers, claiming that the car was stolen.

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: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: Warrant verification

Date Investigation Completed: April 18, 2025

FINDINGS

Policies Reviewed: Procedural Order 2.71.4.A.1

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

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

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

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Additional Comments:

2.71.4.A.1-A review of the OBRD Videos confirmed that Officer W was the officer who asked Mr. F to exit his vehicle, which Mr. F did so without the assistance of officers. OBRD Video confirmed that at no time did Officer M search Mr. F's vehicle, per the complaint. After a review of the OBRD Videos the CPOA Investigator did not observe any officer tell Mr. F Officers did not have the right to take Mr. F out of his vehicle, per the complaint. Officer M did not violate the SOP in question, as Officer M was not the officer who requested Mr. F to exit the vehicle. Officer M was not the Primary Officer and did not make the determination that Mr. F would be arrested.

Additional note:

A review of the OBRD videos confirmed that none of the officers on the scene ever took their guns out of their holsters at the time of the incident per the complaint.

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:

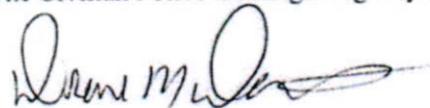
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

April 30, 2025

Via Email

Re: CPC # 345-24

COMPLAINT:

PO Box 1293

Mr. F reported that on September 26th at approximately 8:00 AM, while in a vehicle that was parked and off, he was ordered to exit the vehicle by Officer B and three other officers, claiming that the car was stolen.

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: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer W

Other Materials: Warrant verification

Date Investigation Completed: April 18, 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: 2.71.4.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.

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Additional Comments:

2.71.4.A.1-A review of the OBRD Videos confirmed that Officer W did ask Mr. F to exit his vehicle, which Mr. F did so without the assistance of officers. OBRD Video confirmed that at no time did Officer W search Mr. F's vehicle, per the complaint. After a review of the OBRD Videos the CPOA Investigator did not observe any officer tell Mr. F Officers did not have the right to take Mr. F out of his vehicle, per the complaint.

Officer W did not violate the SOP in question, as with the plate initially coming back as stolen, the officers had probable cause to request Mr. F to exit the vehicle so they could continue their investigation. It should be noted that Officer W was not the Primary Officer and did not make the determination that Mr. F would be arrested.

Additional note:

A review of the OBRD videos confirmed that none of the officers on the scene ever took their guns out of their holsters at the time of the incident per the complaint.

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

April 30, 2025

Via Email

Re: CPC # 345-24

COMPLAINT:

PO Box 1293

Mr. F reported that on September 26th at approximately 8:00 AM, while in a vehicle that was parked and off, he was ordered to exit the vehicle by Officer B and three other officers, claiming that the car was stolen.

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: No

APD Employee Interviewed: Yes

APD Employee Involved: PSA S

Other Materials: Warrant verification

Date Investigation Completed: April 18, 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.

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

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.

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Additional Comments:

2.8.5.A-PSA S violated the policy in question as he failed to record his interaction with the tow truck driver while on the scene of the incident.

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:

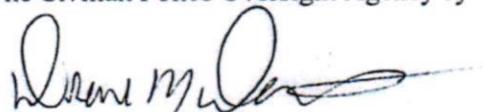
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CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

April 30, 2025

Via Email

Re: CPC # 345-24

COMPLAINT:

PO Box 1293

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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: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant C

Other Materials: Warrant verification

Date Investigation Completed: April 18, 2025

FINDINGS

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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 2.16.5.C.1

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

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-Both Officer B and Sergeant C advised that at the time of the incident, Lt. D, who is no longer an employee with APD, was responsible for reviewing and approving Officer B's reports around the time of the incident. Sergeant C advised that he took it upon himself to review and approve the report at a later date, as Lt. D had been on leave.

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:

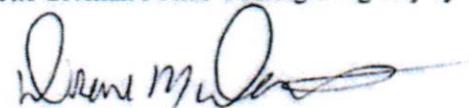
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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



April 30, 2025

Via Email

Re: CPC # 001-25

COMPLAINT:

PO Box 1293
Albuquerque
NM 87103

On 12/31/2024, N^o P submitted an online complaint to the CPOA regarding potential misconduct and leaked information related to case 230034594. Ms. P reported that her daughter had been missing since March 2023 and believed that sensitive information had been disseminated, which could compromise the investigation.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: N/A

APD Employee Involved: Not Applicable

Other Materials: Email Communications, Podcast, and Citizen Supplied Evidence.

Date Investigation Completed: April 1, 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.

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

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

Additional Comments:

It was determined that the information in question had been legally acquired through the Inspection of Public Records Act (IPRA).

This case was Administratively Closed as the complaint was withdrawn, and no evidence of a violation in reference to this complaint was discovered during a review of the available evidence.

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

April 30, 2025

Via Email

Re: CPC # 002-25

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 01/02/2025, K. S. and A. M. submitted separate online complaints to the CPOA regarding an incident that occurred on 12/31/2024 at 10820 Four Mile Road Southwest. They reported that a vehicle was stolen, and Officer VA responded. Officer VA reviewed and received their photo and video evidence and said he would file the report.

On 01/01/2025, they were contacted by a police service aide (PSA) who advised that the vehicle had been found abandoned and that they could recover it. When they arrived to recover the vehicle, the PSA advised them that the vehicle had never been reported stolen or entered into NCIC. On 01/02/2025, they went to get a copy of the report for insurance and were advised that Officer VA had never done a report.

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 VA

Other Materials: Email Communications

Date Investigation Completed: April 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: 2.16.5.C.1 (Reports), 2.60.4.C.1.e (Investigations), & 2.86.4.A.1.b (NCIC)

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 Officer VA failed to submit the report before the end of his shift and did not notify a supervisor or receive permission from a supervisor to delay the submission beyond the end of the shift.

2.60.4.C.1.e: It was determined that Officer VA provided Mr. M and Mr. S but not the additional neighbors, with an evidence link as he told them he would do.

2.86.4.A.1.b: It was determined that Officer VA failed to report the stolen vehicle to the NCIC Reporting Unit before clearing the call for service.

The CPOA recommends a verbal reprimand and an eight hour suspension 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:

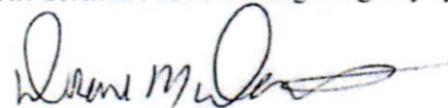
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

April 30, 2025

Via Email

Re: CPC # 002-25

COMPLAINT:

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

On 01/02/2025, K. J. and A. M. submitted separate online complaints to the CPÖA regarding an incident that occurred on 12/31/2024 at 10820 Four Mile Road Southwest. They reported that a vehicle was stolen, and Officer VA responded. Officer VA reviewed and received their photo and video evidence and said he would file the report.

On 01/01/2025, they were contacted by a police service aide (PSA) who advised that the vehicle had been found abandoned and that they could recover it. When they arrived to recover the vehicle, the PSA advised them that the vehicle had never been reported stolen or entered into NCIC. On 01/02/2025, they went to get a copy of the report for insurance and were advised that Officer VA had never done a report.

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 VA

Other Materials: Email Communications

Date Investigation Completed: April 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: 2.16.5.C.1 (Reports), 2.60.4.C.1.e (Investigations), & 2.86.4.A.1.b (NCIC)

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

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Additional Comments:

2.16.5.C.1: It was determined that Officer VA failed to submit the report before the end of his shift and did not notify a supervisor or receive permission from a supervisor to delay the submission beyond the end of the shift.

2.60.4.C.1.e: It was determined that Officer VA provided Mr. M and Mr. S but not the additional neighbors, with an evidence link as he told them he would do.

2.86.4.A.1.b: It was determined that Officer VA failed to report the stolen vehicle to the NCIC Reporting Unit before clearing the call for service.

The CPOA recommends a verbal reprimand and an eight hour suspension 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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Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

April 30, 2025

Via Email

Re: CPC # 004-25

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 01/02/2025, Mr. F submitted an online complaint to the CPOA regarding an incident that occurred on 01/02/2025. Mr. F reported that an unidentified officer *“did a U-turn and followed me into the gas station behind another car without the display of lights. I got out of the vehicle to video tape and the officer stepped out of his unit and asked why I was driving without a license plate however I do in fact have one and it is visible.” “In this instant he didn’t pull me over however was trying to entrap me. If he felt it was legal to follow me why weren’t his lights on and why is he stepping out of his vehicle to ask me about my plate without the action of a formal traffic stop..... again his lights weren’t on to stop and question me and I wasn’t breaking any law by recording.”*

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 P

Other Materials: Email Communications

Date Investigation Completed: April 1, 2025

FINDINGS

Policies Reviewed: 2.71.4.A.1 (Arrest, Searches, & Seizures)

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

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

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Additional Comments:

2.71.4.A.1: It was determined that Officer P did not initiate a traffic stop or contact with Mr. F. He did not observe a license plate on Mr. F's vehicle, so he briefly followed the vehicle to see if he could confirm whether the vehicle had a license plate or not. Mr. F then pulled into a gas station and backed into a parking spot, so the officer could not confirm the presence of a license plate. The officer was not going to pursue the potential issue further, but Mr. F approached the officer. The officer exited his vehicle because he thought Mr. F's approach meant he wanted to contact the officer. The officer then asked Mr. F about the license plate. Mr. F said it was in the back window, which is not the proper location for the license plate. The officer did not entrap or conduct an unlawful search or seizure of Mr. F or his property.

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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