

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 28, 2025

Via Email

[REDACTED]

Re: CPC # 048-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On March 3, 2023, Ms. [REDACTED] M [REDACTED] submitted a complaint alleging that she was placed into psychiatric care for the fourth time without cause and an unidentified individual used her phone while she was there. During the interview with the investigator, it was alleged that the detective assigned to her case did not do his job and did not listen to her side of the story. The complainant noted she went to the substation on February 14, 2023 to speak to the detective who sent her to psychiatric center without addressing her concerns. It was further alleged that on December 28, 2022, when the detective was at her residence, an unidentified detective made derogatory remarks to the complainant regarding her on line activities. She also alleged an unknown officer used her phone without permission.

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: Detective R

Other Materials: other issues as identified

Date Investigation Completed: July 16, 2024

FINDINGS

Policies Reviewed: 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.



Policies Reviewed:

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



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



Policies Reviewed: Procedural Orders 2.19.10.A.4

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



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



Policies Reviewed: 1.1.5.A.1

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



Additional Comments:

This case was investigated by an external investigative agency.

1.1.6.C.1: Ms. M alleged Detective R did not conduct an investigation and listen to her side. Detective R is in a unit that does not conduct criminal investigations. Ms. M ; was concerned about her termination, which would be a civil matter. Detective R was there to ensure Ms. M ; received appropriate care. 2.19.10.A.4: Ms. M ; also alleged she was taken to the hospital without cause. The evidence reviewed showed that a licensed clinician, after conferring with Ms. M ' doctor, determined she required medical evaluation. A certificate of evaluation was prepared and gave APD the authority to immediately transport (voluntarily or involuntarily) Ms. M ; to the hospital. Ms. M claimed at an unknown previous date to 12/28/22 an unknown APD employee made derogatory remarks about her. There was not enough information to investigate this claim. Ms. M ; also claimed in her written complaint an officer used her phone without permission. However, the video showed Ms. M handed her phone to officers to speak to her mother and to show information. This was not addressed via SOP as she gave her phone to more than one officer.

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

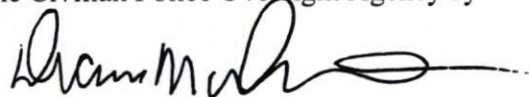
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

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

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to multiple staff changes including investigators and the Director along with a high volume of investigations and reviews to process. Thank you for your patience and participation in the process of civilian oversight of the police.

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police