

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

June 20, 2025

Via Email

Re: CPC # 057-23

### **COMPLAINT:**

On 3/10/2023, A G X submitted an online complaint to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 3/04/2023 at 2115 hours at 8501 Lomas Boulevard Northeast. A reported that he was arrested for a DWI, and Officer G searched his pockets and left his wallet on the roof of the vehicle even though he had asked him not to forget it. A reported that he had been unable to locate his wallet even though he had gone to the tow yard and reached out to "evidence."

PO Box 1293

Albuquerque

NM 87103

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

Other Materials: Email Communications

Date Investigation Completed: April 24, 2025

## **FINDINGS**

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

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Policies Reviewed: 2.73.5.A.1; Collection, Submission, and Disposition of Evidence & Property

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

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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.

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

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

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

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### **Additional Comments:**

It was determined with a preponderance of the evidence that Officer G violated the APD policy 2.73.5.A.1 when he collected a wallet from A and failed to safeguard it for eventual return to the citizen. His failure to safeguard this personal property caused the wallet to be lost, at the responsibility of the APD. The video showed Officer G asked A to grab the wallet and step out of the vehicle, and Officer G placed the wallet on the roof of the vehicle. Nowhere on the video did Officer G inform any other APD personnel that the wallet was placed on the roof, or that any other APD personnel should collect the wallet for safeguarding. Officer G was the only APD personnel responsible for the custody of this personal property, and this property should have been returned to A, upon his release from custody. The wallet was not tagged into evidence or safeguarded by the APD and was lost by Officer G. The CPOA recommended a written reprimand, however, the original investigator assigned left the agency and due to the delays and reassignment discipline cannot be imposed, but is in their personnel file.



**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](mailto: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:**

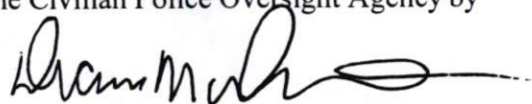
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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