

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



April 9, 2025

Via Certified Mail

7021 0950 0002 0443 6504

Re: CPC # 067-23

COMPLAINT:

PO Box 1293

Ms. C : submitted a complaint to the CPOA for an incident that occurred the same morning at approximately 1020 hours at

Albuquerque

. Albuquerque Police officers responded to a domestic dispute call at the above listed address, where the caller (also the complainant) reported to 9-1-1 that her husband choked and attempted to kill her. The complainant alleged that the officers were not leaving her property and continued to contact her by ringing her doorbell, knocking on her door and windows and kept calling her from a private number. Complainant also advised that she tossed a note outside her door to tell officers "to go away" and also alleged that officers entered her residence without her permission.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials: Applicable SOPs

Date Investigation Completed: June 24, 2024

FINDINGS

Policies Reviewed: Procedural Orders 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.



Policies Reviewed: General Orders 1.1.5.A.4

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



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



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



Additional Comments:

This case was investigated by an external investigative agency. The complainant was contacted but could not be reached.

2.71.4.A.1: Ms. C alleged that officers entered her residence without permission. Officers were investigating a domestic violence call for service and made reasonable attempts to contact the complainant to ascertain if any assistance was needed. Officers, after repeated attempts to contact the complainant at the door of the residence failed, called the complainant to ascertain if she needed assistance. The evidence reviewed suggested that at no time, did either Officer enter the complainant's residence, garage, or backyard.

1.1.5.A.4: The Officers knocked on the door of the residence, identified themselves, and attempted to open a dialogue with the female occupant inside. The female repeatedly yelled at the officers to go away. The Officers contacted the female occupant who informed advised she did not want to speak to them and leave. The Officers informed the occupant that if she needed the police she can call back. The Officers were investigating a domestic violence call for service and had a lawful reason for attempting to contact 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:

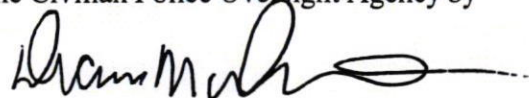
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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

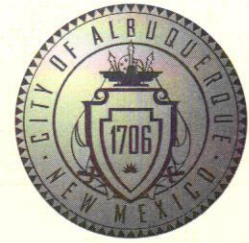


Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



April 9, 2025

Via Certified Mail

7021 0950 0002 0443 6504

Re: CPC # 067-23

COMPLAINT:

PO Box 1293

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Albuquerque

, Albuquerque Police officers responded to a domestic dispute call at the above listed address, where the caller (also the complainant) reported to 9-1-1 that her husband choked and attempted to kill her. The complainant alleged that the officers were not leaving her property and continued to contact her by ringing her doorbell, knocking on her door and windows and kept calling her from a private number. Complainant also advised that she tossed a note outside her door to tell officers "to go away" and also alleged that officers entered her residence without her permission.

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Other Materials: Applicable SOPs

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Policies Reviewed: General Orders 1.1.5.A.4

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Additional Comments:

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2.71.4.A.1: Ms. C alleged that officers entered her residence without permission. Officers were investigating a domestic violence call for service and made reasonable attempts to contact the complainant to ascertain if any assistance was needed. Officers, after repeated attempts to contact the complainant at the door of the residence failed, called the complainant to ascertain if she needed assistance. The evidence reviewed suggested that at no time, did either Officer enter the complainant's residence, garage, or backyard.

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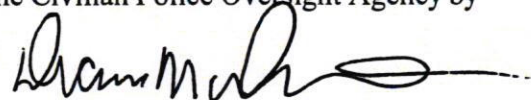
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