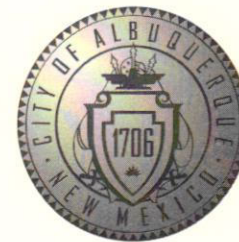


CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

May 30, 2025

Via Certified Mail

[Redacted Address]

Re: CPC # 264-23

COMPLAINT:

On 10/26/2023, D submitted a complaint in person to the CPOA staff regarding an incident that occurred on 01/30/2016. Mr. D reported that the officers were white, biased, did not conduct a search of his residence, and wrote a false report.

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: No

APD Employee Involved: Officer E

Other Materials: Email Communications.

Date Investigation Completed: May 7, 2025

FINDINGS

Policies Reviewed: 1.04.1.E (Code of Conduct)

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



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



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



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



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:

1.04.1.E: It was determined that Officer E was the primary officer and ultimately responsible for the decisions made regarding assisting Mr. D in getting home safely, conducting a safety sweep of his residence, arresting Mr. D, and completing the associated reports. No evidence was provided, located, or reviewed that indicated either officer made any of the alleged comments or was biased in any manner. The evidence indicated that the officers went above and beyond to assist Mr. D, who later broke into a residence, which warranted his arrest. Officer E's report was found to be accurate and consistent with the available evidence. Ultimately, it was determined that the allegations were grossly inaccurate and inconsistent to the available evidence.

Mr. D did not cooperate with the investigative process. Officer E had resigned from the department in 2018 and Mr. D had not filed his complaint until 7 years after the incident. Officer E did not respond to the request for an interview.

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

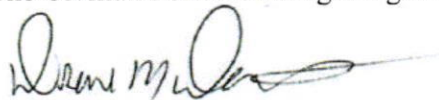
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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