

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

May 30, 2025

Via Email

[Redacted]

Re: CPC # 267-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On 10/26/2023, D submitted a complaint in person to the CPOA staff regarding an incident that occurred on 10/23/2023. Mr. D reported that the APD employees involved were Officer R and a white officer. Mr. D reported, *"The officer's narrative is blatantly false. He was totally biased in ignoring the truth and writing that I went to 14105 as a fallback for missing the bus. That lie allows him to arrest me."*

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 R

Other Materials: Email Communications.

Date Investigation Completed: May 2, 2025

FINDINGS

Policies Reviewed: 1.1.6.A.6.a (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:

1.1.6.A.6.a: It was determined that Officer R was accurate and unbiased in his reporting on the incident and conducted a physical arrest of Mr. DePriest based on articulable facts and probable cause.

Mr. D did not participate in the investigative process. Officer R was offered the opportunity to allow the OBRD and additional evidence to stand as his statement since the evidence was clear and convincing.

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

May 30, 2025

Via Email

[Redacted]

Re: CPC # 267-23

COMPLAINT:

On 10/26/2023, D submitted a complaint in person to the CPOA staff regarding an incident that occurred on 10/23/2023. Mr. D reported that the APD employee involved was Officer S. Mr. D reported that he wanted his "carefully stolen items" returned, which included an orange Bic lighter. Mr. D reported that his vape could not "be labeled for drugs if my full of gas Tbilisi BIC is not stolen." Mr. D reported that "other missing items included my chapstick proving no drugs and a travel size toothpaste and an AT&T Travel size hand sanitizer bottle travel sized." Mr. D reported that "Stealing my BIC to Ambiguously label my vape is totally intentional misconduct."

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 S

Other Materials: Email Communications.

Date Investigation Completed: May 2, 2025

FINDINGS

Policies Reviewed: 2.73.5.A.1 (Property)

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:

2.73.5.A.1: It was determined that Officer S collected the property and transported it to the substation, where it was tagged for safekeeping, which was consistent with policy. There was no indication that anything other than the wallet was removed from the backpack, or that the lighter or Chapstick existed. It should be noted that APD Procedural Order 2.73.5.B.1.i, which states, "1. When tagging items in to the Evidence Room, Department personnel shall: i. Not tag perishable items, volatile/flammable, liquids, fuels, and lighters as evidence." This indicates that the reportedly missing items would not have been allowed to be kept for safekeeping regardless of their existence.

Mr. D : did not participate in the investigative process. Officer S was offered the opportunity to allow the OBRD and additional evidence to stand as his statement since the evidence was clear and convincing.

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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