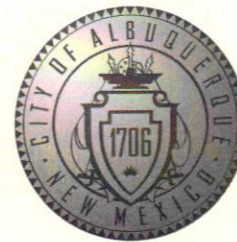


CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 11, 2025

Via Email

Re: CPC # 116-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

A M reported on May 7, 2023 that Officer G stated *"that he needed to get into my office to retrieve some stolen items."* Officer G refused to allow an employee to review the video footage to see who may have taken or moved the items. Ms. M received a copy of the report, and Officer G did not state what happened. The information clearly did not reflect what had occurred on 11/19/2022. Officer G did not list Ms. M in the report.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: Email Communications & Evidence.com Records.

Date Investigation Completed: October 22, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.4 (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:

The OBRD evidence showed Officer G was professional and did not make or insinuate the comments perceived by Ms. M. Officers never accused Ms. M of theft, demanded to search her office, or almost arrest her. Officer G completed a generalized report for an incident that wasn't required to be reported as there was no actual crime or victim. Ms. M was not mentioned in the report as she was not a person of interest or victim. Officer G essentially stood by for a United Airlines employee issue, not a crime. Officer G had requested that the video footage be reviewed before contact was made with Ms. M. Ms. M said at the time she was upset with the employee that called the police and not the officers.

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:

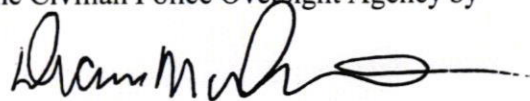
- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

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



February 11, 2025

Via Email

[REDACTED]

Re: CPC # 116-23

COMPLAINT:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

A [REDACTED] M [REDACTED] reported on May 7, 2023 that she received a copy of a report, and Officer G did not state what happened. The information clearly did not reflect what had occurred on 11/19/2022. Officer G did not list Ms. M [REDACTED] in the report. Ms. M [REDACTED] spoke with Officer W on 12/05/2022, who told her that she had not written a report and that she was unaware of what Officer G had written in his report even though she had reviewed and approved it.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer W

Other Materials: Email Communications & Evidence.com Records.

Date Investigation Completed: October 22, 2024

FINDINGS

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Additional Comments:

The OBRD evidence showed Officer G was professional and did not make or insinuate the comments perceived by Ms. M. Officer W was present and was professional in a support capacity. Officers never accused Ms. M of theft, demanded to search her office, or almost arrest her. Officer G completed a generalized report for an incident that wasn't required to be reported as there was no actual crime or victim. Ms. M was not mentioned in the report as she was not a person of interest or victim. Officer W reviewed and approved Officer G's submitted report. Officer W responded to Ms. Medina's later inquiry about the report but would not need to remember what Officer G had documented in a report during the conversation. Officer G essentially stood by for a United Airlines employee issue, not a crime. Officer G had requested that the video footage be reviewed by employees before contact was made with Ms. M. Ms. M said at the time she was upset with the employee that called the police and not the officers.

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:

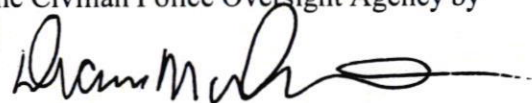
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