



## Civilian Police Oversight Agency

### Finding Letters of the CPOA

The CPOA Executive Director's findings in each case are listed below. The following notifications of the findings were provided to the citizen(s) during November 2023. The findings become part of the officer's file, if applicable.

#### November 2023:

129-23

139-23

158-23

164-23

181-23

251-23

PO Box 1293

Albuquerque

NM 87103

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

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

November 30, 2023

Via Email

Re: CPC # 129-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. S called the city's 311 line and alleged the driver of police car B-8 followed too closely and aggressively behind a black-colored sedan. Ms. S said the officer's driving aggression was probably worse than any road rage she had seen. She was afraid for the safety of the black car driver. The windows were so heavily tinted that she could not tell if the driver was a man or a woman. Ms. S added the entire incident felt like a stalker type scene or a boyfriend/girlfriend dispute where the boyfriend chased the girlfriend. Ms. S needed to report the incident and follow the vehicles if something terrible happened.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer H-Z

Other Materials: SOP 2.81.4.D.c

Date Investigation Completed: November 27, 2023



## 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.

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

Policies Reviewed: 2.5.4.A.3

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:

Officer H-Z denied that there had been road rage or that he drove in the manner as described. He noticed the Black BMW at a high rate of speed, got behind the vehicle, and noted the vehicle's plate. He remained behind the car to see if the driver did anything that would warrant a traffic stop as he was off-duty during the incident. He did have an appropriate jacket if a stop was necessary.

After the review, the investigation could not determine, one way or the other, based on the available evidence, whether Officer H-Z violated policy during the alleged aggressive driving road rage incident. Ms. S did not provide any video evidence or other evidence to bolster her allegations. Officer H-Z was not required to activate his OBRD since there was no direct contact with the driver of the black BMW. In addition, Officer H-Z's application of SOP 2.81.4.D.c, which states in part that the off-duty officer shall not enforce minor traffic violations, which he said was the justification for not pulling the car over, was appropriate in this case.

Note: The case was delayed in completion due to the officer being on extended leave.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

- A) The findings by the Director had no explanation that would lead to the conclusion made; or,
- B) The findings by the Director were not supported by evidence that was available at the time of the investigation; or,
- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

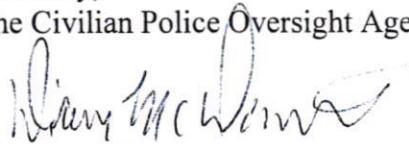
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

November 30, 2023

Via Certified Mail

7014 2120 0004 7659 1476

Re: CPC # 139-23

Ms. C

PO Box 1293

**COMPLAINT:**

Albuquerque

Ms. C : alleged she was charged with false allegations (restraining order violation and harassment) that caused damage to her public record. She claimed that she was not present during a family disturbance with her grandmother, who is the foster parent of her children.

NM 87103

During her interview, Ms. C affirmed that she was not at her grandmother's house during the alleged incident and had not been there in a long time. During the alleged date and time, Ms. C : said she was at work and wondered how an officer could file charges against someone who was not there.

www.cabq.gov

**EVIDENCE REVIEWED:**

Video(s): Yes                      APD Report(s): Yes                      CAD Report(s): Yes

Complainant Interviewed: Yes                      Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer P

Other Materials: Court records

Date Investigation Completed: October 5, 2023

## FINDINGS

Policies Reviewed: 1.1.6.A.6.a

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: 2.78.4.G.2.f

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:

Based on the preponderance of the evidence, the investigation determined that Officer P did not violate policy when he filed a criminal complaint for violation of a restraining order and harassment against Ms. C . Reviewing Officer P's lapel camera video corroborated the conversation between Ms. L and Officer P. Based on Ms. C ; documented history of disturbances and restraining order violations at her grandmother's house, Officer P had probable cause to believe that Ms. C ;, on that day, had violated the restraining order in addition to harassment and charged her accordingly.

Based on clear and convincing evidence Officer P did not file a false police report.



**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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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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. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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 the resignation of the Executive Director and another not being appointed by City Council until some months later.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by

  
Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

November 7, 2023

Via Email

**Re: CPC # 158-23**

PO Box 1293

**COMPLAINT:**

Albuquerque

NM 87103

On 07/03/2023, a complaint was submitted on behalf of V regarding an incident that occurred on 07/03/2023. Mr. V alleged that Officer G and Officer M conducted a poor investigation of an incident at Circle K. The officers refused to press charges against an individual for shoplifting and battery of a security officer. Initially, Officer G did not want to review the surveillance video, and Officer M would not write a report after issuing a criminal trespass notification to the individual. Neither officer interviewed the individual, "Mr. M."

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

**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, & SOP 2.16, 2.60, & 2-103.

Date Investigation Completed: October 19, 2023



## **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.

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: Policy 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:**

Based on the preponderance of the evidence, the investigation determined that Officer G was the backup officer and was not responsible for the report, the investigation, or the outcome of the investigation. Officer G assisted the primary officer, Officer M, who was tasked with conducting the investigation and completing the report.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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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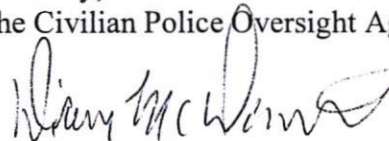
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

November 7, 2023

Via Email

Re: CPC # 158-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 07/03/2023, a complaint was submitted on behalf of Ian V regarding an incident that occurred on 07/03/2023. Mr. V alleged that Officer G and Officer M conducted a poor investigation of an incident at Circle K. The officers refused to press charges against an individual for shoplifting and battery of a security officer. Initially, Officer G did not want to review the surveillance video, and Officer M would not write a report after issuing a criminal trespass notification to the individual. Neither officer interviewed the individual, "Mr. M."

### **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 M

Other Materials: Email Communications, & SOP 2.16, 2.60, & 2-103.

Date Investigation Completed: October 19, 2023

**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.

Policies Reviewed: Policy 1.1.5.A.4

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.

Policies Reviewed: Policy 2.8.5.B

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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**Additional Comments:**

Based on the preponderance of the evidence, the investigation determined that Officer M did not identify or interview the other involved security officer as required. Officer M did not review, identify, and secure the evidence as required. Officer M did not complete a report as required or within the timeframe as required. Officer M did not conduct a preliminary investigation as required.

Based on the preponderance of the evidence, the investigation determined that Officer M failed to activate his OBRD as mandated and that no emergency situations that required immediate action to preserve life or safety were occurring.

The CPOA recommends a 24 hour suspension for the two infractions.



**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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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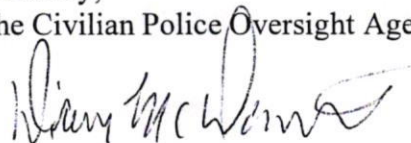
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

November 21, 2023

Via Certified Mail

7014 2120 0004 7659 1315

**Re: CPC # 164-23**

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

### **COMPLAINT:**

Ms. S reported that Officer R went to her residence and behaved "*in a way that seemed very inauthentic*" and asked if she had a problem with one of her children's father without any "*info or provocation to do so,*" made reporting her "*situation difficult and uncomfortable,*" and said he wasn't "*judging me and he clearly was.*" Ms. S thought Officer R understood that she had called ICE and was told that "*B K.*" met the criteria for human trafficking and that the APD could probably get a case started sooner than them. Ms. S informed Officer R that the report was not meant to be public and that she was just sharing information, but she discovered that the report (23-0046469) was filed publicly and had "*blatant misstatements and things I never said or suggested.*"

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer R

Other Materials: Text & Email Communications & OBRD Transcripts.

Date Investigation Completed: October 31, 2023



## **FINDINGS**

Policies Reviewed: 1.1.6.A.6

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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Policies Reviewed: 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.

Policies Reviewed: 2.16.5.C.1

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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### **Additional Comments:**

It was determined that Officer R was professional in dealing with Ms. S and provided her with his undivided attention for approximately eighty-four minutes. Officer R never asked Ms. S if she had a problem with one of her children's fathers. There were no indications that Officer R made the situation difficult or uncomfortable for Ms. S. Officer R advised Ms. S that he wasn't judging her and his tone was not in an unprofessional or malicious manner. Officer R asked Ms. S if she had any mental health issues, but not in an unprofessional or malicious manner. Officer R completed the required report and had no control over its availability to the public. The information contained in the narrative was based on Officer R's interpretation of the information provided to him by Ms. S. Though some information was not documented exactly as reported by Ms. S, Officer R was not found to have knowingly misrepresented or made any false statements in his submitted report. Ms. S was provided with the opportunity to have the report issues addressed but did not follow through. Officer R completed the report but not within the mandated time frame. A verbal reprimand was recommended for that issue.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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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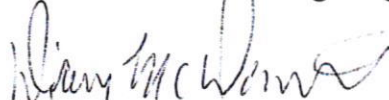
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

November 21, 2023

Via Certified Mail

7014 2120 0004 7659 1315

Re: CPC # 164-23

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

S reported that she spoke with Sgt. M via telephone “regarding the inaccuracies in the report taken by” an officer. Ms. S reported that Sgt. M “strongly implied that it seemed unusual and strange that I would want to have the report changed to reflect what I actually reported.” Sgt. M asked Ms. S “if ICE or someone needed a copy or something like that as if I should just be ok with a public inaccurate report and false narrative.” Sgt. M gave Ms. S “the same canned answer that the previous officer gave which was that he wasn't going to call and tell the suspected perpetrators that he filed a report or anything.”

www.cabq.gov

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant M

Other Materials: Text & Email Communications & OBRD Transcripts.

Date Investigation Completed: October 31, 2023

## **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.

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: 1.1.5.A.4 (Conduct)

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:**

It was determined that there were no indications that Sgt. M was unprofessional or malicious in their dealings with Ms. S . Sgt. M attempted to gather information from and assist Ms. S , who formed her own perceptions regarding the interactions.



**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

- A) The findings by the Director had no explanation that would lead to the conclusion made; or,
- B) The findings by the Director were not supported by evidence that was available at the time of the investigation; or,
- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

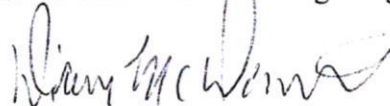
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

November 21, 2023

Via Certified Mail

7014 2120 0004 7659 1315

**Re: CPC # 164-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. S reported that she was treated poorly when she called the station *"to request a neighborhood patrol and the woman who answered the phone stated she would let the officers know to do a patrol because I was hanging out with pimps."* Ms. S reported that the woman *"argued with me about the difference between human traffickers or pimps."* Ms. S reported that she was sexually assaulted, didn't need help clarifying how to define the perpetrators, and wanted the woman's *"inappropriate response to the sexual assault of a community member addressed."* Ms. S reported that she didn't have the woman's name but that she *"always answers the phones at the Valley Station on 2nd St."*

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Not Identified

Other Materials: Not Applicable

Date Investigation Completed: October 31, 2023



## **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.

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:**

It was determined that no investigation could be conducted into this matter because of a lack of information provided by Ms. S in her complaint and during her interview and that any further investigation would be futile. Ms. S was unable to provide a name, the date, or the time of the interaction and advised that she had called "*I don't know, like a hundred*" when asked how many times she had called between 06/12/2023 and 07/28/2023. There is more than one female employee that answers the phones at the substation.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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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- B) The findings by the Director were not supported by evidence that was available at the time of the investigation; or,
- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

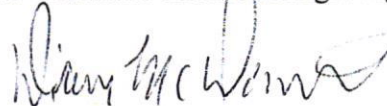
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Sincerely,  
The Civilian Police Oversight Agency by

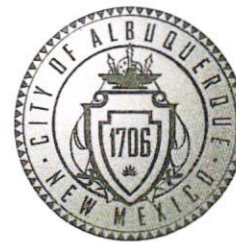


Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

November 20, 2023

To File

(Deceased)

Re: CPC # 181-23

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

The City of Albuquerque Inspector General received a complaint submitted on behalf of an individual named Mr. J (no last name was given). The investigation determined that the individual was J H (deceased) regarding inappropriate tweets from APD Chief H. M that began on 7/12/2023. The complaint was forwarded to the Civilian Police Oversight for investigation.

### **EVIDENCE REVIEWED:**

Video(s): N/A                      APD Report(s): N/A                      CAD Report(s): N/A

Complainant Interviewed: N/A                      Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Chief M

Other Materials: Tweets on Twitter (X)

Date Investigation Completed: November 9, 2023

## **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.

Policies Reviewed: 1.1.5.A.1

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.

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### **Additional Comments:**

After review, the investigation determined that Chief M violated policy that states department personnel shall treat the public with respect, courtesy, and professionalism at all times. Chief M said he sent the laughing tweet response, "Hahahahaha, obviously, math wasn't part of law school," as a playful law school student's joke. While that may be true, not everyone on Twitter found the joke funny, nor was a law school student aware of that joke based on the negative responses by Twitter users not named Mr. G Mr. P and Mr. H . As the head of the Albuquerque Police Department, Chief M chose to respond to Mr. G homicide numbers on a public social media site and, as such, responded to the "public" and not just to Mr. G or Mr. P as in a text or "private" message. His remarks offended people as no one knew his intention to be playful or joking. Perceptions matter. Chief M acknowledged that his comments were taken out of context and used as a criticism against his officers, making his comments appear he was laughing at victims. Chief M said that he would be criticized either way by Mr. G Knowing the risks, Chief M made the path to a complaint more accessible with his laughing remarks, which led to a negative news story by KOAT and a complaint.



**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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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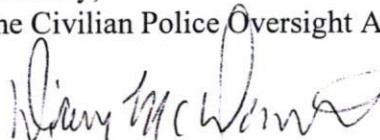
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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

November 30, 2023

Via Email

**Re: CPC # 251-23**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

On 10/12/2023, G submitted a complaint via telephone to CPOA staff regarding an incident that occurred on 10/12/2023 at 1215 hours. reported that Officer W # had initially called them and only identified himself as MAN # ; called 242-COPS to find out who MAN # was. reported that MAN # threatened them and told them they would go to jail if they returned to 8500 Bluewater. said MAN # told them they had made several telephone calls to the company but had never made any threats.

reported that there was no articulable suspicion that they committed any crime at the facility. reported that they wanted to sue the company for wrongful termination and the APD for the officer threatening them by telling them they were going to jail.

### **EVIDENCE REVIEWED:**

Video(s): Yes                      APD Report(s): Yes                      CAD Report(s): Yes

Complainant Interviewed: Yes                      Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Officer W

Other Materials: Email Communications & OBRD Transcripts

Date Investigation Completed: October 25, 2023



## FINDINGS

Policies Reviewed: 1.1.5.A.4

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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### Additional Comments:

It was determined that the allegations made by Mr. G were inconsistent with the available evidence. Officer W identified himself by name, agency, and correct MAN number ( ) to Mr. G. Mr. G never asked Officer W for his name or agency. Officer W never told Mr. G they would go to jail and never mentioned arrest or incarceration. Officer W never told Mr. G that he was being charged. Officer W maintained a professional tone and demeanor while interacting with Mr. G. When interviewed, Mr. G advised that the complaint could be dropped.

This complaint was not administratively closed because Mr. G did not cooperate with the investigator's questions and disconnected the telephone call. A complete review of the available evidence was completed and clearly closed out the possibility of a sustained violation and did not provide an indication of any other violations not related to the original complaint.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday 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 [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. 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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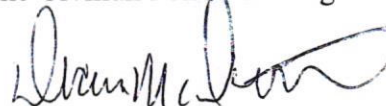
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>. There was a delay in the issuance of findings due to the interim status of the Executive Director. Your patience is appreciated.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police