

Civilian Police Oversight Agency

Finding Letters of the CPOA

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

April 2023:

155-22	156-22	179-22	199-22	215-22	224-22
225-22	232-22	236-22	251-22	256-22	273-22
276-22	282-22	283-22	284-22	286-22	290-22
292-22	004-23				

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

April 5, 2023

Via Email

Re: CPC # 155-22

Dear Ms. L

PO Box 1293

COMPLAINT:

Albuquerque

On 04/10/2022, Ms. L reported that Officer D. arrived on the scene of a traffic accident. Officer D. wrote a "vague" police report and neglected to include that the other driver had admitted to hitting Ms. L vehicle. Ms. L reported that she had to obtain a lawyer and pay thousands of dollars for the vehicle damages, health, and car rental expenses due to Officer D. negligent and incompetent police report. Ms. L reported that she had obtained Officer D.'s OBRD video and she witnessed the other driver admit to hitting her vehicle. Also, weeks after the accident, the other driver changed her narration of what had occurred and decided to file a claim against Ms. L with her own insurance company.

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: Yes

APD Employee Involved: Officer D

Other Materials: n/a

Date Investigation Completed: February 16, 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: 2.40.3.G.3

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 D's OBRD video showed that she had spoken to both parties on the accident scene. The OBRD showed the other driver informed the officer that the other party was coming her way, and she could not stop. Without the complainant's participation, it was unclear if this was the admission Ms. L claimed was on video. Per Officer D's report the other driver had the notation apparent contributing factors for the accident were "Other improper driving," which alluded to the other driver being at fault, not Ms. L. The incident report also confirmed that Officer D noted the other driver hit vehicle 2, Ms. L vehicle, which corroborates with the other driver telling Officer D that "the other party was coming her way and she could not stop."

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. 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,
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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>.

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

April 20, 2023

Via Certified Mail

7011 2000 0000 8968 6361

Re: CPC # 156-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. J reported that IA Detective B called in the survivor of the sexual assault for an internal affairs investigation regarding Officer G. Ms. J reported that the survivor was not explained to by Detective B that it was unnecessary for the victim to participate in APD's internal investigation against Officer G. Ms. J reported that Detective B continued to call the sexual assault a "blow job" throughout the interview with the survivor, purposefully intending to offend the survivor. Ms. J reported that Detective B also made the survivor "physically reenact" the sexual assault, which was not at all victim-centered or trauma-informed and was completely futile and inconceivable.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): No

CAD Report(s): No

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant B

Other Materials: Recorded phone conversation, interview & Outside Investigator report

Date Investigation Completed: March 17, 2023

FINDINGS

Policies Reviewed: General Order 1.1.5.C.3

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 Order 1.62.5.D.2

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.

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Additional Comments:

1.62.5.D.2-After a review of the two recorded interactions between Detective B and Ms. H, confirmed the following: Detective B did advise Ms. H that Detective B worked for Internal Affairs and was completing the administrative portion and had nothing to do with the criminal portion. Ms. H agreed to meet with Detective B at Detective B's office. It was confirmed that at no point did the CPOA Investigator hear Ms. H request to leave the interview or hear Detective B advise Ms. H that Ms. H could not leave the interview. It was confirmed that Detective B did call the sexual assault a blow job on more than one occasion. During the interview, Detective B confirmed she did use that terminology as she was trying to relate to Ms. H's age, and Detective B advised that she had no intent to offend Ms. H. The recordings confirmed that Ms. H never asked Detective B not to use that terminology (blow job) while talking about the sexual assault. A review of the recorded interview confirmed that Detective B did request Ms. H to verbalize what occurred during the reported sexual assault; however, Detective B did not ask Ms. H to physically reenact the sexual assault, per the complaint. 1.1.5.C.3-After a review of the two recorded interactions between Detective B and Ms. H, the CPOA Investigator did not note any intimidation by Detective B towards Ms. H or Detective B defending Officer G

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. 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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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

April 10, 2023

Via Email

Re: CPC # 179-22

Dear B

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. B reported that PTC Sergeant M has displayed behavior of hostility towards Ms. B in the workplace and she felt targeted by him. Ms. B reported that Sergeant M would intentionally make her feel uncomfortable, unappreciated, and intimidated while she worked at the PTC. Ms. B a reported that on 08/04/2022, Sergeant M came in for his shift, and when he saw Ms. B, he verbalized in an annoyed and facetious tone to all the PTC officers present that he "hates" when Ms. B was working and she should just "go." Ms. B reported that from the harassment that started in April to the present, she had been terrified to mention this to Sergeant M's supervisor because they're very close friends, and she did not want there to be retaliation.

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: PTC Sergeant M

Other Materials: discussions with HR

Date Investigation Completed: December 9, 2022

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.

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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:

This incident will be Administratively closed via the allegations being out of the CPOA's scope and expertise and HR advising that they would work with Employee Relations to initiate an investigation into the allegations.

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. 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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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

April 7, 2023

Via Certified Mail

7011 2000 0000 8968 6323

Re: CPC # 199-22

Dear Ms. A

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 08/19/2022, Ms. A reported her and her boyfriend pulled out of Circle K gas station tried to avoid a couple of drag racers when Ms. A sped up and hit a median curb. Ms. A thought she could just drive through the median. Ms. A hit the curb and damaged her front passenger wheel. They had to leave the car in the median and call for a tow truck. The police officers arrived and informed her that they thought her car was abandoned and were going to tag it. Ms. A reported that Officer G. made a false arrest without checking her ID information and she towed her vehicle with APD towing company even though Ms. A had informed Officer G. that Triple-A was called prior to police arrival and were on their way. Ms. A reported that Officer G. towed her vehicle illegally.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: n/a

Date Investigation Completed: February 16, 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: 2.48.4.A.1.d (towing) and 2.42.4.J.1.a (arrest)

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.

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Additional Comments:

2.48.4.A.1.d: Ms. A ; vehicle was inoperable and was a traffic obstruction. Ms. A called her own tow truck company, but it did not arrive with adequate equipment. Per the lapel videos Ms. A' was informed if her tow company came first it could be taken, but if the APD summoned company came first it would be towed by that company in compliance with policy.

2.42.4.J.1.a: Per the lapel videos, Ms. A and Mr. G reported Ms. Allen was driving the vehicle originally. Ms. A could not locate her ID, but provided the officer with her information. Officer G ran her information and law enforcement systems came back that Ms. A had a revoked license. Per state statute Officer G was required to take Ms. A' into custody. It was only then that Ms. A changed her version of events and claimed she was not driving.

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. 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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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

April 10, 2023

Via Email

Re: CPC # 215-22

Dear A

PO Box 1293

COMPLAINT:

Ms. A. reported that the report seemed a bit off and she was wondering why none of the witness information was included.

Albuquerque

NM 87103

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 K

Other Materials: Photographs from the incident.

Date Investigation Completed: January 20, 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.

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Policies Reviewed: General Order 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.

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Additional Comments:

General Order 1.1.5.A.4-Officer K advised that officers don't just check for impairment because someone felt someone was impaired, Officers check for impairment as a default while going to collision scenes. Officer K advised that Officer I was the Primary Officer, and if Officer K were the Primary Officer, it would be Officer K's job to check for the impairment himself. Officer K stated he trusted that Officer I assessed the drivers for impairment. Officer K explained it was not uncommon for individuals to claim some level of impairment without proper training and specific articulation.

Although Officer K confirmed he did not advise Officer I about the information he received from the witnesses regarding Ms. L possibly being impaired, during the interview with Officer I, he confirmed that Ms. A had mentioned/alluded to Officer I that Ms. A felt Ms. L was intoxicated. Officer I stated he assessed Ms. L and did not recognize any signs of impairment. Officer I's interaction with Ms. L did not establish reasonable suspicion to proceed further with a more detailed investigation.

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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

April 10, 2023

Via Email

Re: CPC # 215-22

Dear A:

PO Box 1293

COMPLAINT:

Ms. A reported that the report seemed a bit off and she was wondering why none of the witness information was included.

Albuquerque

NM 87103

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 I

Other Materials: Photographs from the incident.

Date Investigation Completed: January 20, 2023

FINDINGS

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Policies Reviewed: Procedural Order 2.40.5.A.2

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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:

2.40.5.A.2-Officer I confirmed there was no information about the witnesses in his report because there were no identified witnesses that witnessed the actual accident. It was confirmed that in Officer I's report it was noted that neither of the drivers had consumed alcohol or had any apparent defects. Officer I confirmed that he did assess Ms. L and did not recognize any signs of impairment, even with Ms. L having a pretty significant head injury. After a review of the OBRD Videos, it was confirmed that none of the potential witnesses advised that they witnessed the actual accident. OBRD Video confirmed that Officer I did talk to both drivers of the vehicles involved in the accident. The damage location selected was the closest option on the drop down menu to match the description and Ms. G A) came from behind. OBRD Video corroborates Officer I's statement referencing his interaction with Ms. L regarding not showing signs of impairment. After a review of the OBRD videos and completion of interviews, it was confirmed that although the incident report was not written verbatim about what reportedly occurred on the scene, the CPOA Investigator did not locate anything in the report that was inaccurate to a level that would violate the SOP in question.

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. 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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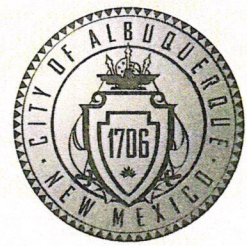
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

April 3, 2023

Via Email

Re: CPC # 224-22

Mark Si

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. S reported that he called APD to report a threat made against them at Applebee's. Mr. S reported that the Applebee's bartender stated, "I'm gonna fucking come across this bar and beat your asses," while lunging toward them and punching his fist into his hand. Mr. S reported that after Officer R came back outside from talking to Applebee's staff, Officer R advised Mr. S that Mr. S had two options, either pay \$40 cash or get criminally summoned. Mr. S reported that he did not feel the officer had the right to negotiate payment for a corporation from a civilian. Mr. S reported that he believed that was a form of extortion. Mr. S reported that he thinks that the officer should have acknowledged the threat of violence made upon them.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer R

Other Materials:

Date Investigation Completed: March 23, 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: General Order 1.1.5.C.3 and General Order 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: Procedural Order 2.60.4.A.5.d

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:

General Order 1.1.5.C.3-After a review of the videos and completion of interviews, it was confirmed that Officer R did not violate the policy in question as Officer R was advising Mr. Simmons and Ms. K of their different options and relaying (not negotiating) information to them that he had obtained from Applebee's staff in order to mediate the situation.

General Order 1.1.5.A.4-After a review of the videos and completion of interviews, it was confirmed that Officer R did look into the allegation of physical violence and advised them (Mr. S and Ms. K) of the outcome.

Procedural Order 2.60.4.A.5.d-After a review of the OBRD Videos, it was confirmed that Officer R did not review any video of the alleged incident or ask Applebee's staff if there was a video of the incident in question despite the complainants' insistence video was available and physical actions observable. Officer R's failure to inquire about/review the video from Applebee's, undermined Officer R's findings regarding not pursuing the allegation of assault as Officer R failed to gather all necessary evidence before coming to his conclusion.

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. 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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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

April 5, 2023

Via Certified Mail

7011 2000 0000 8968 6316

Re: CPC # 225-22

P

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. P submitted a complaint to CPOA in reference to being a witness to an APD motorcycle police officer conducting a traffic stop on a minority individual in a red beat-up vehicle. Ms. P reported that the individual couldn't have been speeding due to the high volume of traffic that day. Ms. P reported that the minority individual may have been profiled by the officer.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: none identified

Other Materials:

Date Investigation Completed: February 15, 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.

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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:

The CPOA Investigator attempted to contact the complainant via phone and letter without response. A records search was conducted for possible traffic stops on the identified date and location without results. A video search was conducted on the evidence map system for the location and date without results. Due to the lack of information regarding the incident, the inability to locate an incident with the limited information, and the lack of the participation of the complainant the investigation was administratively closed.

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. 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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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

April 25, 2023

Via Certified Mail

7020 1810 0000 6296 6558

Re: CPC # 232-22

B:

COMPLAINT:

Mr. B reported that on the date of the incident, Mr. B was walking his dog when Mr. P saw his neighbor (Sergeant B) and another neighbor (Michael) walk over to talk to Sergeant B. Mr. B reported that he was not sure what they talked about but then yelled across the street toward Mr. B and wanted Mr. B to go over there and talk to Mr. B. Mr. B reported that B then waved Mr. B over to fight him right in front of Sergeant B. Mr. B reported that Sergeant B still kept silent, did nothing, and watched and allowed Michael to wave toward Mr. B to fight Mr. B. Mr. B reported how could a police officer not act as Mr. B was confronted and harassed by

EVIDENCE REVIEWED:

Video(s): N/A APD Report(s): N/A CAD Report(s): Yes
Complainant Interviewed: Yes Witness(es) Interviewed: N/A
APD Employee Interviewed: Yes
APD Employee Involved: Sergeant B
Other Materials: n/a
Date Investigation Completed: January 31, 2023

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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: Procedural Order 2.81.4.B.1

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.

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Additional Comments:

Procedural Order 2.81.4.B.1-Due to no video footage available and the conflicting statements, it was unknown how much of the incident did occur. Both Sergeant B and Mr. B. confirmed that there were no verbal threats made at the time of incident. In the event that [redacted] did use hand gestures to threaten Mr. B. ; per Mr. B. ;, Sergeant B advised that he did not witness the threats via hand gestures. With Sergeant B being off duty (Confirmed by APD Payroll based on the alleged date and time of the incident,) Sergeant B complied with the SOP in question, by not addressing the non-violent misdemeanor as there were no verbal threats or physical contact made (confirmed by both Sergeant B and Mr. B.) by any of the parties involved.

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. 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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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

April 24, 2023

Via Certified Mail

7011 2000 0000 8968 6378

Re: CPC # 236-22

Mr. S.

PO Box 1293

COMPLAINT:

Albuquerque

Mr. S. submitted a complaint alleging that he called the APD police non-emergency number to have a police officer sent to his home due to his government vehicle being broken into. Mr. S. reported that he was denied the request to have a police officer sent to his residence and told that he could file a report online within five business days.

NM 87103

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: Operator A

Other Materials: CAD Recordings & TRU Policy 1.93.4.A.1.c

Date Investigation Completed: March 2, 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: 2.100.4.B.8.g.vii

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.

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Additional Comments:

It was determined that Operator A acted within policy and made a reasonable effort to assist Mr. S by explaining how such calls were handled. Operator A provided Mr. S with the options available based on the information received. Mr. S had no offender information and the vehicle was owned by Rio Metro and not by the City of Albuquerque, so the options for filing a report by policy were either by TRU or online.

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. 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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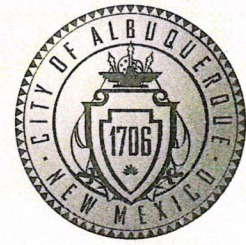
Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

April 3, 2023

Via Email

Re: CPC # 251-22

Sergeant B

COMPLAINT:

Mr. B reported that his primary complaint was against the Officer (Detective P) that drove the Ford Escape with the license plate number 193SSA. Mr. B reported that the Sergeant took Mr. B's information, and then Mr. B requested Detective P's information. Mr. B reported that the Sergeant did not give Mr. B an incident report. Mr. B reported that the time frame of incidents regarding Detective P was two years which was affecting Mr. B's livelihood and business. Mr. B reported he was trying to run a business, and Detective P was impeding

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant G

Other Materials:

Date Investigation Completed: March 24, 2023

FINDINGS

Policies Reviewed: General Order 1.1.5.A.4 and Procedural Order 2.16.5.B.1.1

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.

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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: Procedural Order 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:

1.1.5.A.4- OBRD Video confirmed that Sergeant G did not deny Mr. B's report of Detective P's information; per the complaint. OBRD Video confirmed that Sergeant G also offered to get Mr. B's additional information about Detective P, which Mr. B denied and advised that Mr. B could obtain the information he needed by taking a picture of Detective P's license plate and have someone run the information for him.

OBRD Video confirmed that Mr. E did not request a report number from Sergeant G, per the complaint. 2.16.5.B.1.1-A review of the OBRD Video confirmed that Sergeant G never advised Mr. B that Sergeant G would not complete a report.

The CPOA Investigator obtained verification (Incident Report number 2200081569) that Sergeant G completed an incident report regarding the incident in question.

2.16.5.C.1-Sergeant G failed to complete the incident report before end of his shift, per policy.

Detective P was not interviewed or targeted as there were no complaints against Detective P that would violate SOPs as the concerns were civil matters. Detective P was Off Duty not representing APD at the times of the incidents/allegations reported against Detective P

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. 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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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

April 7, 2023

Via Certified Mail

7011 2000 0000 8968 6330

Re: CPC # 256-22

W,

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Complainant W reported on 10/23/2024, W attorney's daughter (B : C) came for a visit and was told not to visit by the manager of W apartment complex. C was then tased by the manager; she refused medical attention but is asking officers to press charges. Apartment residents called APD but no one showed up. C waited but APD did not show until the following day; no contact information left for C

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer F.R.

Other Materials: Not Applicable

Date Investigation Completed: March 1, 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.

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:

1.1.5.A.4: It was determined that Officer R responded when dispatched and made multiple attempts to contact the caller but received no response and cleared the scene.

It should be noted that W _____ was not interviewed during the investigative process (though multiple unsuccessful attempts had been made). Many of the issues pertaining to C _____, raised by W _____ were not clarified due to W _____ not getting back to the CPOA Investigator.

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. 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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- 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.

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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

April 7, 2023

Via Certified Mail

7011 2000 0000 8968 6330

Re: CPC # 256-22

W

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Complainant W reported he has been in a lawsuit with his apartment management, and the manager and maintenance man were working together to harass him. On 10/14/2022, the maintenance man harassed W with a gun, APD arrived, and W asked to be escorted back to his apartment; APD left because it was too dangerous for them.

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer A.R.

Other Materials: Not Applicable

Date Investigation Completed: March 1, 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.



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.



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Additional Comments:

1.1.5.A.4: It was determined that Officer A.R. maintained professionalism, and during her time working the service call, she was able to take the information provided to her and was able to make her attempts at trying to locate the maintenance man. W did not need to be escorted back to his residence as he was going to stay with someone else for the night. Officer A.R. said she did send W complaint to Central Impact Unit for further review.

It should be noted that W was not interviewed during the investigative process (though multiple unsuccessful attempts had been made). Many of the issues pertaining to C raised by W were not clarified due to W not getting back to the CPOA Investigator.

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. 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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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

April 12, 2023

Via Certified Mail

7011 2000 0000 8968 6347

Re: CPC # 273-22

M

COMPLAINT:

Ms. M alleged that Officer A did not do what she said that she would during a conversation with Ms. M days before their court hearing. Ms. M spoke over the phone with Officer A and mentioned that she would seek retribution or community service during the hearing for the defendant, Mr. M I. Ms. M told Officer A she wanted Mr. M held responsible for his actions. That meant Mr. M I would be found guilty and punished for his behavior with jail time, fines, or community service. During her court hearing, Ms. M would meet Officer A in a break-out room before her testimony. None of that occurred, and Ms. M was not allowed the opportunity to testify, the judge deferred and dismissed the case. Because of Officer A's incompetence, Mr M was not held accountable.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer A.

Other Materials: N/A

Date Investigation Completed: March 30, 2023

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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

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.

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Additional Comments:

By the preponderance of the evidence, this investigation determined that Officer A acted reasonably and did not violate policy when she changed her mind in court while prosecuting a case contrary to what was agreed upon with Ms. M. A reasonable justification considering the newly discovered evidence before the court hearing, specifically, forty-one noise complaint calls for service that only Ms. M generated, all of which were unfounded. No other neighbor made noise complaints against Ms. M; neighbor. Ms. M was advised in a conversation days before her court appearance all that would occur and specifically, that witnesses would only testify if their court case got to an actual trial, which never happened in this case. Still, a compromise was reached with both parties in mind. If the neighbor received any new noise complaints in the future, now that Ms. M had moved, he would have to plead guilty to both cases.

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. 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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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

April 26, 2023

Via Email

Re: CPC # 276-22

C

COMPLAINT:

PO Box 1293

Mr. Baca reported that Officer R asked Mr. Baca "is that your car" pointing to the wrecked vehicle. Mr. Baca stated no, that was his house and property; then Officer R again asked, "is this your car" Mr. Baca again stated no, that was his house. Mr. Baca reported that Officer R kept insisting that Mr. Baca was the driver/owner of the wrecked vehicle.

Albuquerque

NM 87103

Mr. Baca reported that Officer R would not allow Mr. Baca to sit in the passenger seat of Officer R's patrol vehicle and insisted that Mr. Baca sit in the back where criminals sat. Mr. Baca asked if he could take his own vehicle to ID the suspect. Mr. Baca reported that Officer R stated that Mr. Baca could not take his own vehicle, keeping Mr. Baca in the backseat of the patrol vehicle.

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer R

Other Materials: n/a

Date Investigation Completed: April 4, 2023

1

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: General Order 1.1.5.A.4 and General Order 1.1.5.C.3

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.

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Additional Comments:

1.1.5.A.4- After a review of all of the OBRD Videos and completion of interviews, it was noted that although Officer R asked the same question more than one time, nothing Officer R said or did violated the SOP in question.

1.1.5.C.3-Officer R did advise Mr. B. that he needed to sit in the back of the patrol vehicle; however, at no point did the CPOA Investigator observe Officer R keep Mr. B. in the back seat of the patrol vehicle as Mr. B. was in the back seat less than 10 seconds before he began to exit the vehicle with Officer R stepping back to give Mr. B. space to exit. APD SOP does state even individuals being voluntarily transported will be in the back of the patrol vehicle. It was confirmed that Mr. E. did request to take his own vehicle to complete the field ID; however, at no point did the CPOA Investigator observe Officer R advise Mr. B. that he could not take his own vehicle. APD SOP does state for field identifications officers will transport the eyewitness. A field ID turned out not to be necessary as independent information was developed during the course of the investigation.

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. 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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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

April 7, 2023

Via Email

Re: CPC # 282-22

To: [REDACTED] S.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Complainant's daughter (B [REDACTED] / M [REDACTED]) was arrested for felony warrants and drug possession. M [REDACTED] car was not towed or allowed to go with family. Her car was left with a homeless guy and it was expected of him to drive it to M [REDACTED] aunt's home. The officer talked about the ownership of M [REDACTED] car and that M [REDACTED] rightfully allowed the homeless man to take possession of her car. This is "irrational" as both M [REDACTED] and her friend were under the influence of drugs, incapable of making rational decisions. M [REDACTED] told her mother she did not allow for this.

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: Ofc. M [REDACTED]

Other Materials: n/a

Date Investigation Completed: March 29, 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: *2.48.4.A.1.b; 2.60.4.A.5.a*

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: *2.8.5.A*

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:

2.48.4.A.1.b: OBRD corroborates officers' testimony that Ofc. M did not arrange by himself to let the homeless friend just take the keys and car without M permission. Ofc. M arrested M and M expressly stated she wanted to avoid tow fees and release the car to her friend so Ofc. M accommodated her. M was the only registered owner. OBRD supports that M and her friend were clear, coherent, and responsive; it was their plan to take the car to the aunt's home in order to avoid fees. M was deemed capable of making the decision and the consequences were understood.

2.60.4.A.5.a: OBRD supports officers' testimonies that M was in possession of the drugs found in her car and had warrants. Ofc. M appropriately charged M with drug possession and arrested her for her felony warrants and possession; whereas her friend was released with as a result of the investigation revealing no warrants and no attributable possession of narcotics at the time.

2.8.5.A: An OBRD search was conducted, however, no OBRD of the phone call exists. Phone calls are to be recorded.

S identified the incorrect officer in her complaint. The officer identified was not present and signed off on the report as a supervisory duty. A lieutenant at the scene received S message and provided it to Ofc. M, who returned the call when back from days off.

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. 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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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

April 17, 2023

Via Email

Re: CPC # 283-22

R

PO Box 1293

COMPLAINT:

Albuquerque

R submitted a complaint that alleged Officer G was in her office discussing an incident between residents and asked her if she was still married to a black man. Ms. R was shocked and asked Officer G why he was asking; Officer G stated, "well is your husband black?" Ms. R said Officer G would not explain why he asked the question and found the question to be disturbing and irrelevant to the situation. Ms. R was concerned that there may be a racial bias that could affect the investigation in some way.

NM 87103

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: Not Applicable

Date Investigation Completed: March 31, 2023

FINDINGS

Policies Reviewed: 1.4.4.A.2.a (Bias-Based Policing)

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:

1.4.4.A.2.a: It was determined that Officer G asked Ms. R [redacted] if she was still married and if it was to a black guy. Officer G explained to Ms. R [redacted] that he asked the question because it had been brought up by those involved in the investigation, and he needed to determine if there was any bias regarding those involved in the investigation. The question was asked due to its relevance to the investigation, and no evidence supported Officer G as being unprofessional or biased in his handling of the incident or investigation.

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. 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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- 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.

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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

April 7, 2023

To File

Re: CPC # 284-22

Mr. C

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

In his complaint, Mr. C (last name) alleged that on 12/9/2022, Officer G violated his fourth amendment right and falsely arrested him. He tried to report an incident, but Officer G concluded that he had been drinking in public because his soda was concealed in a paper bag. Officer G escalated and lied about smelling alcohol and said he had been drinking in public and his speech was slurred. Officer G asked for his ID, and Mr. C challenged the officer's reasonable suspicion that he had been drinking. After declining to show ID, he was arrested for drinking in public and refusing to show ID. After grabbing him and confiscating his soda, Officer G smelled the bottle containing root beer and realized that it was not alcohol, released Mr. C.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer G.

Other Materials: YouTube Video

Date Investigation Completed: April 4, 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: 2.71.4.A.1

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:

After a review of all available evidence, the investigation determined that Officer G acted lawfully and did not violate SOP 2.71.4.A.1 when he contacted Mr. C. Mr. C. detained him based on reasonable suspicion, briefly arrested him, seized his property, and after discovering that there was no crime of drinking in public and no secondary charge of concealing identity, subsequently released him. Mr. C. failed to participate in the investigation and did not leave a means to contact him. According to SOP 2.71.3. P.1, the definition of Reasonable Suspicion states, "an objectively justifiable suspicion that is based on specific facts or circumstances and that justifies stopping a person thought to be involved in criminal activity at the time." Officer G's specific facts: he saw Mr. C. drinking from a bottle that was concealed in a brown paper bag, the sweet odor that Officer G smelled from Mr. C. consistent with alcohol from his training, Mr. C.'s slurred speech, consistent with drinking alcohol, and from his experience that people who drink alcohol publicly will conceal it in a brown paper bag to hide the contents from view, gave Officer G reasonable suspicion to detain Mr. C. What gave Officer G probable cause to arrest and search incident to the arrest when he refused to make his identify know to Officer G.

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. 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>.

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

April 25, 2023

Via Email

C

Re: CPC # 286-22

C

PO Box 1293

COMPLAINT:

Ms. Cr reported that she was involved in a hit and run (on 11/19/2022,) and as of today (12/08/2022), the police report was not completed. Ms. Cr reported that she wanted the police report to be completed.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant S

Other Materials: report audit

Date Investigation Completed: April 13, 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: Procedural Order 2.16.5.C.2

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:

Procedural Order 2.16.5.C.2- Sergeant S was the Sergeant who checked and approved PSA M's report approximately seven days after the report was submitted. Sergeant S was not the Sergeant assigned to PSA M's unit on the date that PSA M submitted his report. Sergeant S was assisting the team in reviewing reports due to rotating supervisors at that time.

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. 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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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

April 25, 2023

Via Email

Re: CPC # 286-22

Ms. C

PO Box 1293

COMPLAINT:

Ms. C reported that she was involved in a hit and run (on 11/19/2022,) and as of today (12/08/2022), the police report was not completed. Ms. C reported that she wanted the police report to be completed.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Former PSA M

Other Materials: report audit

Date Investigation Completed: April 13, 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: Procedural Order 2.16.5.C.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.

Policies Reviewed: Procedural Order 2.60.4.5.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.

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Additional Comments:

2.16.5.C.1-Due to PSA M not participating in the interview process, it was unknown if he obtained permission from a supervisor to submit his report after the end of the shift. Not only was there no documentation noting the reason for submitting the report late, but per the report audit, PSA M did not turn the report in for review until approximately 28 days after the incident. Additionally, Sgt. S identified that PSA M had several outstanding reports, and Ms. C advised the report was not written until she spoke to PSA M later at the substation.

2.60.4.5.f- After investigation, it was confirmed that although the incident report was not written verbatim about what reportedly occurred on the scene, the Investigator did not locate anything in the report that was inaccurate or vague to a level that would violate the SOP. The CPOA recommends a verbal reprimand, but the employee was no longer employed.

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. 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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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

April 25, 2023

Via Email

Re: CPC # 286-22

Ms. C

PO Box 1293

COMPLAINT:

Ms. C reported that she was involved in a hit and run (on 11/19/2022,) and as of today (12/08/2022), the police report was not completed. Ms. C reported that she wanted the police report to be completed.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant R

Other Materials: report audit

Date Investigation Completed: April 13, 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: Procedural Order 2.16.5.C.2

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:

Procedural Order 2.16.5.C.2-Although Sergeant R was assigned as the Acting Sergeant over Team 2(PSA M's team) on the date PSA M submitted the report in question, it was unknown if the report had been submitted by the time Sergeant R had checked the Team's reports for the day. There was not enough evidence to note that Sergeant R intentionally did not review PSA M's report. However, it should also be noted that per SOP (2-16), approval is not required on the same day the report was submitted. Per the SOP, supervisors must review and approve reports within 5 days of the report being submitted. The conduct of the report not being signed off the day it was submitted is not a violation of SOP, and there was no consistent sergeant during that time.

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. 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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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

April 24, 2023

Via Certified Mail

7011 2000 0000 8968 6385

Re: CPC # 290-22

IF

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

..... submitted a complaint that alleged that he called 911 to request assistance from the Crisis Intervention Team for attempted suicide by a loved one. D advised that after an extended period from his 911 call for CIT assistance, two officers arrived on the scene instead of the medical attention/ambulance he requested. D alleged that officers escalated the situation rather than de-escalating it. D said that after thirty minutes, a third officer arrived on the scene and was erratic while K N was face down on the ground during the officer's attempts to arrest her. David advised that the officer did not witness the event but was assigned as the lead on the scene by the sergeant and wrote the report.

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: N/A

Other Materials: IAFD Investigative Report F2022-000599

Date Investigation Completed: April 18, 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.

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Additional Comments:

This complaint was Administratively Closed as the investigation is duplicative of the investigation conducted by the APD Internal Affairs Force Division (IAFD). The CPOA Investigator reviewed the force investigation and found the investigation was conducted thoroughly and determined that the investigation addressed the issues raised by the complainant. The allegations made by Mr. F. ... were included in the IAFD investigation. The CPOA does not conduct duplicative investigations; instead reviews and confirms the complaint concerns are addressed. An outcome of the Force case conducted may be obtained by submitting an Inspection of Public Records Request at <https://nextrequest.cabq.gov/>

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. 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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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

April 20, 2023

Via Email

Re: CPC # 292-22

To C

PO Box 1293

COMPLAINT:

C: reported that Sgt. F tried to tow her bus for being parked on a public street and being reported as abandoned. Sgt. F also assaulted C: because he did not let her record him.

Albuquerque

Sgt. F had his officer enter the bus to conduct an illegal search before having it towed. It was at this time that her children were evicted. The kids didn't have shoes or jackets and had to go outside in the cold. Sgt. F didn't care; he was also a "racist asshole" and was harassing her family as he had been out to see her three times in total for the same issue. C: said a warrant was needed as she did not give the officer consent to enter and search her bus.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sgt. F

Other Materials: statutes, ordinances

Date Investigation Completed: April 4, 2023

FINDINGS

Policies Reviewed: *2.52.4.F.1.e; 1.1.5.C.3*

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: *1.1.6.A.2*

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: *2.71.4.A.1*

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:

2.71.4.A.1: A vehicle inventory was conducted (without need of warrant), complying w/ NM STATUTE 66-3-507 & Towing SOPs 2.48, 2.49. OBRD supports the inventory took place, & no search through C personal belongings was ever conducted. All steps were taken in trying to tow the bus because it did not have supporting legal documentation nor an identifiable VIN.

2.52.4.F.1.e: After completion of interviews & review of OBRD videos, there was no evidence noted to suggest Sgt. F used force on C or battered her at any point. A credibility assessment was conducted & C was not truthful in her force complaint.

1.1.5.C.3: Per OBRD & multiple testimony, Sgt. F was professional during his entire interaction with C A credibility assessment was conducted C was not truthful about harassment, bribery or racial bias.

1.1.6.A.2: OBRD supports Sgt. F did not provide his badge # on 11/27/2022.

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. 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

April 20, 2023

Via Email

Re: CPC # 292-22

To: Cr

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ci ... reported that Sgt. F tried to tow her bus for being parked on a public street. Sgt. F had Ofc. P enter the bus to conduct an illegal search before having it towed. It was at this time that her children were evicted. The kids didn't have shoes or jackets and had to go outside in the cold. Ci ... said a warrant was needed as she did not give Ofc. P consent to enter and search her bus.

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofc. P

Other Materials: statutes, ordinances

Date Investigation Completed: April 4, 2023

FINDINGS

Policies Reviewed:

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: *2.71.4.A.1*

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.

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Additional Comments:

2.71.4.A.1: A vehicle inventory was conducted (without need of warrant), complying w/ NM STATUTE 66-3-507 & Towing SOPs 2.48, 2.49. OBRD supports the inventory took place, & no search through C. personal belongings was ever conducted. All steps were taken in trying to tow the bus because it did not have supporting legal documentation nor an identifiable VIN.

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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

April 5, 2023

Via Email

Re: CPC # 004-23

Mr. A.

PO Box 1293

COMPLAINT:

Albuquerque

Mr. A reported he was approached by a group of police officers because of a report of an individual with a firearm. Mr. A explained he transferred the firearm from his camper to his vehicle while parked away from UNMH. Officers conducted an investigation and determined he never carried the firearm onto University property. His complaint arose primarily from the statement by the officers saying he would be let off with a warning even though he engaged in lawful activity.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: none identified

Other Materials: various searches to locate event

Date Investigation Completed: April 3, 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.

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Additional Comments:

APD records was contacted in order to locate any incident information, however none was located. UNM Police was contacted to locate any incident information, however none was located. UNMH security was unresponsive to any inquiries. Lapel video searches were conducted using the map feature to attempt to identify the incident, however none were located. Mr. A declined to participate in the investigative process when contacted for an interview. Due to the inability to identify if the incident involved APD, UNM police or UNM security and if it involved APD, specific officer identities were not able to be obtained with the information provided. There was insufficient information to conduct an investigation.

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