



## 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 February 2023. The findings become part of the officer's file, if applicable.

#### February 2023:

172-22	174-22	175-22	190-22	192-22
203-22	207-22	208-22	209-22	222-22
238-22	242-22			

PO Box 1293

Albuquerque

NM 87103

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

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

February 23, 2023

Via Certified Mail

7011 2000 0000 8968 6026

Re: CPC # 172-22

Dear Ms. M

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Complainant reported being involved in a domestic violence (DV) incident. She and ex-boyfriend/ "abuser" L were in an argument in which she was "held hostage" and not allowed to leave the home. As a result, she ended up climbing through a bedroom window along with her infant daughter. She said as she was crawling out the window, L grabbed her leg and began to pull her back through the window. Her legs were hurting and L dropped her (but the baby was safe). Once she got out, she called the police; shortly after, L parents showed up. She strongly felt APD did not protect and service the victims who were attacked in a DV situation.

Lucero's family was showed favoritism during various stages of the police visit.

### **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:

Other Materials: Ofcr U

Date Investigation Completed: November 22, 2022

## FINDINGS

Policies Reviewed: 1.1.6.C.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.

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

Policies Reviewed: 2.78.4.A.1.a.b

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:

2.78.4.A.1.a.b Ofcr U felt that the overall DV investigative process was done correctly, including ensuring that there was no primary aggressor, ensuring that there was no crime committed/no physical violence, ensuring that the arguing parties were separated in order to de-escalate, ensuring that both parties received domestic violence packets and restraining order resources, ensuring that both parties were offered medical attention, and ensuring that the safety of the homes were fit for both children at both residences. The lapel videos corroborated Ofcr U's testimony regarding safety and DV protocols.

1.1.6.C.1 The lapel videos showed there was no favoritism on APD's part for either party. L family yelled obscenities to APD and were upset because M was allowed to take property and retain physical custody of one of the children. As to M's claim that she was being harassed by L and his family, M had the opportunity to leave, but chose to remain. The lapel videos showed Ofcr U intervened and told L and family to not interfere with M's collection of items or departure.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

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- B) The findings by the Director were not supported by evidence that was available at the time of the investigation; or,
- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

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

February 24, 2023

Via Certified Mail

7011 2000 0000 8968 6071

Re: CPC # 174-22

Dear Mr. D

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. D reported he was rear-ended by a 15-year-old female near the traffic light on Ellison Dr. and Cibola Loop going Eastbound. Mr. D reported that when Sgt. H arrived, he started to interview both parties involved. The 15-year-old female informed Sgt. H that she did not have a driver's license or a driving permit and the vehicle she was driving, had no insurance. Mr. D reported that the 15-year-old female is "too young" to be driving a vehicle without an adult. Sgt. H reported that the primary family vehicle had insurance, and would cover Mr. D vehicle repairs. Mr. D reported that Sgt. H didn't provide the other party's insurance information on the police report for his insurance to attempt costs for his truck repairs.

### **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: Sgt. H.

Other Materials: N/A

Date Investigation Completed: December 7, 2022

## FINDINGS

Policies Reviewed: 1.1.6.A.2

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: 2.40.3.G.1 & 2.40.3.G.3

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

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

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

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### Additional Comments:

2.40.3.G.1 Sgt. H did not provide a citation to the unlicensed driver nor issue a citation for a lack of insurance.

2.40.3.G.3 Sgt. H did not document the reasons for the distracted driving or put the information regarding the insurance the family claimed it had so that the complainant's insurance could address the claim.

1.1.6.A.2 Mr. D never asked for Sgt. H for his name, rank, and badge information and did not ask questions per the video.

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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

February 23, 2023

Via Certified Mail

7011 2000 0000 8968 6057

Re: CPC # 175-22

Mr. P

PO Box 1293

**COMPLAINT:**

Albuquerque

Mr. P had alleged that Lieutenant P used his position as an APD police supervisor during an off-duty transaction to intimidate him to get refunded for damages to his furniture cause by Mr. P moving company when his furniture was moved and stacked inside a storage unit.

NM 87103

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

APD Employee Involved: Lieutenant P

Other Materials: text messages

Date Investigation Completed: November 27, 2022



## FINDINGS

Policies Reviewed: 1.1.7.E.7

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

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### Additional Comments:

After review, the totality of the evidence was clear and convincing that Lieutenant P did not violate policy during an off-duty encounter with Mr. P . Since the incident occurred off-duty, no lapel video evidence of conversations existed. However, Mr. P did not participate in the investigation to possibly present additional evidence and explain himself, which raised a credibility issue. In addition, Mr. P never clarified in his complaint what the threat "warning me" meant that Lieutenant P allegedly said to Mr. P , which led to speculation. Finally, Mr. P never mentioned Lieutenant P by his rank, but only as a supervisor once in the complaint. Lieutenant P, however, provided a copy of the text messages with photo damages of the exchange with Mr. P ; and never mentioned that he was an APD officer. Lieutenant P believed that he was complained on because his police cruiser with the word "supervisor," written on it, was parked in his driveway. Lieutenant P filed a complaint with the Better Business Bureau and then days later, Mr. P retaliated against him and filed a CPOA Complaint.

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

February 23, 2023

Via Email

Re: CPC # 190-22

R

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

R submitted a complaint that alleged Sergeant R called their child's school on 08/23/2022 to see if he could deliver balloons and then went to the school in his marked patrol vehicle and uniform and watched the child from the parking lot while he was at recess. Ms. R alleged that the incident was a violation of a custody order that allowed Sgt. R four hours per week of supervised visitation and misconduct for the use of his department-issued patrol vehicle and uniform to enter the school property and doing so while on-duty. Ms. R alleged that Sgt. R was parked in the school parking lot and watching their child in violation of school policy.

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

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant R

Other Materials: Emails, Detail Sheet, Property Report, Custody Order, & Screenshots

Date Investigation Completed: December 16, 2022

## FINDINGS

Policies Reviewed: 1.1.7.E.7 (Considerations, Privileges, & Courtesies)

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.D.5 (Reporting for Duty)

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:

1.1.7.E.7: The investigator determined that Sgt R was in uniform and in a marked patrol vehicle but did not use his official position, marked patrol vehicle, or uniform to gain entry to the school parking lot. The school property is open to the public, and no signs, gates, fences, or other security measures were in place that limited or prevented entry to the school parking lot.

1.1.5.D.5: The investigator determined that Sgt R was on-duty but was meeting the roles and responsibilities required of his position by being in his area command and available for calls. Sgt. R did watch his child from the parking lot but did not contact his child in violation of a custody order or school policy.

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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

February 24, 2023

Via Certified Mail

7011 2000 0000 8968 6088

Re: CPC # 192-22

Dear Ms. G

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Complainant G reported being assaulted on 05/15/2022 at 12:35am. Police didn't come out until 6 am. There were multiple witnesses and all were willing to give statements. The officer didn't want to take their statements. Because of this officer not doing his job, I have not been able to get a restraining order or Crime Victim Reparation. Yet, this individual comes to my floor to taunt me. She also sits at the entrance door day and night so I avoid going home. I have come to the police station and have left a note for him and he has not called call me. He needs to do the police report, interview witnesses, and make that information accessible. It will be his fault if she harms me again or kills me. He is not doing his fiduciary duty and needs to be fired.

### **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: Ofcr H

Other Materials: n/a

Date Investigation Completed: December 13, 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.

Policies Reviewed: 1.1.6.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: 2.60.4.A.5.a.b.e.f

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

5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

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### **Additional Comments:**

2.60.4.A.5.a.b.e.f: G reported she was assaulted by her neighbor. The officer did not take witness statements, consider the injuries, issue a summons, or write a report so that she could obtain a restraining order. The investigation showed that the officer took G statement and she did not report the injuries she reported in her complaint. The officer attempted to contact the alleged subject and tried reach witnesses. He did not have sufficient information to submit a summons.

1.1.6.C.1: Officer H informed G he would attempt to contact the subject again in order to issue a summons. In his report his made a similar statement. Officer H informed G that she should be aware of contact from the DA regarding the charges. However, Officer H did not follow through on the commitments to G and did not amend or correct her expectations based on his original statements to her.

The Civilian Police Oversight Board recommends a

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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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

February 24, 2023

Via Email

Re: CPC # 203-22

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. D reported that her daughter (Ms. G ) took her car in for repairs at Showoff Automotive. Ms. D reported that after trying to pick up her car from the shop, the car became missing from the property, and they filed an auto theft report. Ms. D reported that after Officer J spoke with the owner of Showoff Automotive, Officer J took the car off the stolen vehicle website(NCIC) without physically seeing the car or checking the VIN number. Ms. D reported that her insurance will not handle the theft because the officer said the vehicle was not stolen. Ms. D reported that they want Ms. G car returned to the stolen car report and all officers reprimanded for refusing to help civilians.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer J

Other Materials:

Date Investigation Completed: December 30, 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.

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 1.16.4.B.1.e

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 2.8.4.G and Procedural Order 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.

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 1.16.4.B.1.e- Ms. D acknowledged that they still owed the Auto body shop money for the deductible and confirmed that Officer J advised them that if they paid the fees they would get their car back. Both Officer J and Sergeant H confirmed that the car was taken out of NCIC because the investigation determined that the car was not stolen but was being held until the complainants finished paying what was owed to the Auto Body Shop. Procedural Order 2.8.4.G and 2.8.5.A - After a thorough review of evidence.com using the CAD numbers, Incident Report numbers, the reported dates and times of incidents (from Officer J's incident report,) and the evidence map tool, the CPOA Investigator could not locate any recorded OBRD videos from Officer J referencing any of the different interactions made by Officer J and any of the people involved with the incident in question.

Ms. Dossster never reached back out to the CPOA Investigator with details regarding the complaint referencing the other officers refusing to help civilians.

**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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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

February 24, 2023

Via Email

Re: CPC # 207-22

Dear B. J

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. J. reported that she provided dates and times that Sergeant R had supervised visitation with his children. Ms. J reported that Sergeant R may have been visiting with his children when he should have been on the clock. Ms. J reported that there was possible time card fraud.

### **EVIDENCE REVIEWED:**

Video(s): N/A                      APD Report(s): N/A                      CAD Report(s): No

Complainant Interviewed: Yes                      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant R

Other Materials: Notes from APN, Payroll

Date Investigation Completed: December 21, 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.

Policies Reviewed: General Order 1.1.6.A.6.e and Administrative Order 3.20.4.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.

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:

General Order 1.1.6.A.6.e- On 06/25/2022, there was one hour of overlap (from 1200-1300) where it was documented that Sergeant R had supervised visits with his children and also documented paid overtime with APD. On 07/30/2022, there were two hours of overlap (from 1000-1200) where it was documented that Sergeant R had supervised visits with his children and also documented paid overtime with APD.

Sergeant R advised the CPOA Investigator that he probably was working on something regarding the use of force cases during his supervised visits, however a review of the notes from the supervised visits and the interview with Ms. S, it could not be corroborated that Sergeant R worked during the hours of the supervised visits as he had not been logged into payroll. Administrative Order 3.20.4.C.1-There was no evidence noted that Sergeant R logged onto a CAD system while working OT on the dates in question, per policy.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

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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

February 23, 2023

Via Certified Mail

7011 2000 0000 8968 6040

Re: CPC # 208-22

Dear Ms B

PO Box 1293

**COMPLAINT:**

Incident 08/17/2022 at 10am: I was working on my home and hired the wrong person to help; he stole from me and left. I called the cops and Ofcr O arrived; he started bringing up my past, harassing me. I have done no wrong and deserve respect. The police have been using my background against me for a while; I am seeking disciplinary action.

Albuquerque

On 08/18/2022 @11:35am, B called back saying Ofcr O was telling people that she is mentally ill. Because Ofcr O told her neighbor's that she is ill, they don't get along with her. She said she is not to blame for that but the prostitute who previously lived with her; she is tired of the disrespect from the officers and there is no proof she has a brain tumor or is mentally ill.

NM 87103

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

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Ofcr O

Other Materials: n/a

Date Investigation Completed: December 29, 2022

## FINDINGS

Policies Reviewed: 1.1.5.A.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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### Additional Comments:

1.1.5.A.1: Evidence shows B was never harassed by Ofcr O. Lapel shows Ofcr O was seen conducting his job professionally, appropriately and was courteous towards B throughout his entire interaction with her. Also, lapel clearly shows Ofcr O never made contact with B neighbors telling them about her mental health as alleged.



**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

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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

February 24, 2023

Via Email

-

--

Re: CPC # 209-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

### **COMPLAINT:**

A R reported that Acting Sgt S indicated to them that the parking lot they pulled up in was closed although there was no signs indicating a construction zone and the fencing to the parking lot was open. A R reported they moved to another area and Acting Sgt S immediately approached them and indicated APD was expanding their scene in order to remove A R from his scene purposely. A R reported that Acting Sgt S was heard via his OBRD video calling A R 'staff knuckleheads. A R reported that Acting Sergeant S continually lied to them on the scene about what he perceived. A R reported that Acting Sergeant S interfered with them doing their jobs and violated several APD policies and procedures for dealing with media and the public.

### **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 S

Other Materials: photographs provided by A R

Date Investigation Completed: January 6, 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 2.33.4.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: General Order 1.1.5.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:

Procedural Order 2.33.4.C.1-It was confirmed that Acting Sergeant S advised A R to move from an area before verifying that A R was not allowed in the area. Acting Sergeant S then asked A R to move a second time (from a different location) when A R was behind the perimeter (crime scene tape,) while Acting Sergeant S admitted to A R that he should have initially set the perimeter further away. The presumption the lot was closed to the public before the construction supervisor requested A R removal is the primary issue in the finding. Officers do have the ability to expand crime scenes when necessary, as was articulated by the officer. The CPOA recommends a Verbal Reprimand

General Order 1.1.5.A.1-A review of the OBRD Video confirmed that Acting Sergeant S did make some of the comments about A R that were alleged in the complaint; however, it was determined that the comments made did not violate the SOP in question due to the more minimal nature of the comments and that several of the comments made were not stated to A R but were said in conversation with other officers.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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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

February 23, 2023

Via Certified Mail

7011 2000 0000 8968 6033

Re: CPC # 222-22

Sr

PO Box 1293

**COMPLAINT:**

Sr submitted a complaint that alleged she was attacked at a childcare facility by a homeless man walking in the area and that the police didn't respond.

Albuquerque

NM 87103

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

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer P

Other Materials: Call Recordings

Date Investigation Completed: December 23, 2022

## FINDINGS

Policies Reviewed: Policy 2.60.4.A.1 (Preliminary Investigations)

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:**

The investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur. Officer P responded to the call for service when dispatched, checked the area for victims, witnesses, and offenders, and cleared the call for service. No contact was made with any individual because no one requested contact.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

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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

February 23, 2023

Via Certified Mail

7011 2000 0000 8968 6033

A 11.

Re: CPC # 222-22

S

PO Box 1293

### **COMPLAINT:**

S submitted a complaint that alleged she was attacked at a childcare facility by a homeless man walking in the area and that the police didn't respond.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer E

Other Materials: Officer E

Date Investigation Completed: December 23, 2022



## FINDINGS

Policies Reviewed: Policy 2.60.4.A.1 (Preliminary Investigations)

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**Additional Comments:**

The investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur. Officer E responded to the call for service when dispatched, checked the area for victims, witnesses, and offenders, and cleared the call for service. No contact was made with any individual because no one requested contact.

**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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(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

February 23, 2023

Via Certified Mail

7011 2000 0000 8968 6033

Re: CPC # 222-22

- a S -

PO Box 1293

### **COMPLAINT:**

Albuquerque

- S submitted a complaint that alleged she was attacked at a childcare facility by a homeless man walking the area. A co-worker called for the police, and 911 told her to stop bugging them. The neighbors called 911 and got the same response. When interviewed, Ms. S said a co-worker called for the police, and 911 told her not to call because it wasn't an emergency.

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: N/A

APD Employee Involved: none identified

Other Materials: Call Recordings

Date Investigation Completed: December 23, 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.

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:

This portion of the complaint was administratively closed because the investigation was unable to determine the APD Emergency Communications Center personnel who took the call from [redacted] S [redacted] co-worker. The incident was called in by multiple individuals, but no information (logs, reports, recordings) was located that showed the co-worker called into the ECC. When interviewed, the co-worker advised that the call taker didn't say anything unprofessional or insensitive and that she just felt like the call taker implied that she was bugging them.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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

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

If you are not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer. Your request must be in writing and within 30 calendar days (inclusive of holidays and weekends) of receipt of this letter. Include your CPC number. The review by the Chief Administrative Officer will not be delayed as it is not dependent upon the Advisory Board.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

February 23, 2023

Via Email

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Re: CPC # 238-22

B

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

B submitted a complaint that alleged officers banged and rang her doorbell six times between 0600 and 0630 hours on 09/30/2022. The officers also banged on the windows and shined flashlights into her bedroom. The officers had no respect and terrified the females. Ms. B felt violated and did not believe the officers were real based on how they approached the situation. Ms. B requested to know the officers name and reason for the contact; the officer advised the reason for contact but did not provide his name. Ms. B believed she was put through unnecessary trouble because the officers should have had the correct residence and "stated that they were APD and why they were here."

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 M

Other Materials: N/A

Date Investigation Completed: January 26, 2023

## FINDINGS

Policies Reviewed: Conduct 1.1.6.A.2 (Honesty, Integrity, & Accountability)

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: Conduct 1.1.5.A.2 (Public Welfare)

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

5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

### Additional Comments:

1.1.6.A.2: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur, because no information was requested from Officer M.

1.1.5.A.4: The investigator determined, by a preponderance of the evidence, that the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. Officer M was dispatched to conduct a welfare check and responded to the residence listed on the call for service. Officer M knocked on the windows and shined a light into the windows of the residence to see if anyone was inside and in distress due to the nature of the call. Officer M did not interact with the occupant.

**You have the right to appeal this decision.** If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

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

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

February 23, 2023

Via Email

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Re: CPC # 238-22

B:

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

B. submitted a complaint that alleged officers banged and rang her doorbell six times between 0600 and 0630 hours on 09/30/2022. The officers also banged on the windows and shined flashlights into her bedroom. The officers had no respect and terrified the females. Ms. B felt violated and did not believe the officers were real based on how they approached the situation. Ms. B requested to know the officers name and reason for the contact; the officer advised the reason for contact but did not provide his name. Ms. B believed she was put through unnecessary trouble because the officers should have had the correct residence and "stated that they were APD and why they were here."

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

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: N/A

Date Investigation Completed: January 26, 2023

## FINDINGS

Policies Reviewed: Conduct 1.1.6.A.2 (Honesty, Integrity, & Accountability)

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: Conduct 1.1.5.A.2 (Public Welfare)

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

5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.

### Additional Comments:

1.1.6.A.2: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur, because Officer C identified himself by name and agency, even though it was not requested.

1.1.5.A.4: The investigator determined, by a preponderance of the evidence, that the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. Officer C was dispatched to conduct a welfare check and responded to the residence listed on the call for service. Officer C knocked on the door, rang the doorbell, knocked on the windows, and shined a light into the windows of the residence to see if anyone was inside and in distress due to the nature of the call. Officer C advised the occupant of the agency and the reason for the contact.

**You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email [CPOA@cabq.gov](mailto:CPOA@cabq.gov). Include your CPC number. Please note, at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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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

February 24, 2023

To File

Re: CPC # 242-22

To: F. LNU

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

The complainant reported being cutoff and almost hit by a car that had no tags. The complainant stated Sgt. L responded and was yelling and threatening detainment. The complainant was upset because the sergeant talked to him instead of the driver that almost hit him. The complainant also said Sgt. L was berating and chastising him by telling him to "act like an adult". The complainant also felt Sgt. L wasn't listening to his side of the story (almost being hit by a car), so the complainant had requested for his supervisor. Sgt. L said he was the only supervisor available for the SE Command substation at the time.

### **EVIDENCE REVIEWED:**

Video(s): Yes                      APD Report(s): No                      CAD Report(s): Yes

Complainant Interviewed: Yes                      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sgt. L

Other Materials: CAD Unit History

Date Investigation Completed: January 24, 2023

## FINDINGS

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

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

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

Policies Reviewed: 1.1.5.A.4

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: 3.41.5.B.1.b

5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.

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### Additional Comments:

1.1.5.A.4: Sgt. L denied berating and chastising the complainant as alleged; he said it was the complainant that was upset and remained upset during their entire interaction. He did state he told the complainant to "behave like an adult" as the complainant kept refusing to stop yelling. OBRD supports the complainant was already upset prior to dealing with the officers. OBRD shows the complainant was yelling from the onset of his interactions with the officers and had never calmed down, even when asked multiple times by Sgt. L; there was no berating or chastising as alleged.

3.41.5.B.1.b: Sgt. L said he asked the complainant if he needed the information to file a complaint and the complainant said no. It should be noted that the Investigator conducted OBRD review in order to corroborate Sgt. L's statement. It was learned Sgt. L never informed the complainant on how to file a complaint, since there was no available supervisor at the time.

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The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
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cc: Albuquerque Police Department Chief of Police