

Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Greg Jackson*
Angela Luce *Eric Nixon* *Rashad Raynor*
Michael Wartell
Deirdre Ewing, Executive Director

BOARD AGENDA

Thursday, December 8, 2022 - 5:00 p.m.

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, December 8, 2022, at 5:00 p.m. will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at: <https://www.cabq.gov/culturalservices/govtv>, or on YouTube at: <https://www.cabq.gov/cpoa/events/cpoa-board-meeting-12-08-2022>. (Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the CPOA Board will also remain available for viewing at any time on the CPOA's website. CPOA Staff is available to help members of the public access pre-recorded CPOA meetings online at any time during normal business hours. Please email CPOA@cabq.gov for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 p.m., Monday, December 5, 2022, at www.cabq.gov/cpoa.

The CPOA Board will take general public comment and comment on the meeting's specific agenda items in written form via email through 4:00 p.m. on Thursday, December 8, 2022. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

- I. Welcome and call to order - Patricia J. French, Chair**
- II. Roll Call**
- III. Approval of Consent Agenda**
 - a. Administratively Closed**
173-22
 - b. Exonerated**
063-22 043-22 112-22
157-22 162-22 171-22
 - c. Unfounded**
144-22 166-22 180-22 183-22

- d. **Exonerated and Unfounded**
147-22
 - e. **Not Sustained**
103-22
- IV. **Approval of the Agenda**
- V. **Cases pulled from Consent Agenda**
- VI. **Review and Approval of Minutes from November 10, 2022 Regular Meeting and November 14, 2022 Special Meeting**
- VII. **Public Comment**
- VIII. **Appeal Hearing, Deliberations, and Action:**
CPC 087-22
 - a. **Closed discussion for deliberations by the CPOA Board in connection with an administrative adjudicatory proceeding pursuant to NMSA 1978, Section 10-15-1(H)(3) related to case CPC 087-22**
- IX. **Appeal Hearing, Deliberations, and Action:**
CPC 065-22
 - a. **Closed discussion for deliberations by the CPOA Board in connection with an administrative adjudicatory proceeding pursuant to NMSA 1978, Section 10-15-1(H)(3) related to case CPC 065-22**
- X. **Appeal Hearing, Deliberations, and Action:**
CPC 128-22
 - a. **Closed discussion for deliberations by the CPOA Board in connection with an administrative adjudicatory proceeding pursuant to NMSA 1978, Section 10-15-1(H)(3) related to case CPC 128-22**
- XI. **Discussion, Updates, and Possible Action:**
 - a. **Consideration of PPRB Policies with No Recommendation: -**
Jesse Crawford
 - b. **APD Policy Recommendation Draft Letter -** *Jesse Crawford*
 - c. **IMR-16 Court Hearing Update –** *Tina Gooch, CPOA/CPOAB Legal Counsel*
 - d. **Hard Copy of SOP –** *Rashad Raynor*
 - e. **Annual Training Status Update –** *Tina Gooch, CPOA/CPOAB Legal Counsel, and Mike Wartell*
 - f. **Semi-Annual Audit -** *Patricia J. French*

- g. **Recommended Changes to CASA – Tina Gooch, CPOA/CPOAB Legal Counsel, and Mike Wartell**
- h. **Acceptance of Executive Director Resignation – Patricia J. French**

XII. Review of Cases (approval of recommended discipline)

- a. **Sustained Violation Not Based on Original Complaint, Exonerated and Unfounded**
165-22 169-22
- b. **Sustained and Sustained Violation Not Based on Original Complaint**
161-22 184-22

XIII. Non-Concurrence Cases

- a. 100-22
- b. 116-22
- c. 135-22
- d. 154-22

XIV. Reports from Subcommittees

- a. **Policy and Procedure Review – Jesse Crawford**
 - 1. **Met December 1, 2022 (video conference)**
 - 2. **Next meeting is on January 5, 2023, at 5:30 p.m.**

XV. Reports from City Departments

- a. **APD**
 - 1. **IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46) – Acting Commander Mark Landavazo**
 - 2. **IA Force Division (SOP 2-52 through SOP 2-57) – Commander Scott Norris**
- b. **City Council – Chris Sylvan**
- c. **Public Safety Committee - Chris Sylvan**
- d. **Mayor’s Office – Pastor David Walker**
- e. **City Attorney – Carlos Pacheco**
- f. **CPC – Kelly Mensah**
- g. **APOA – Detective Shaun Willoughby, APOA President**
- h. **CPOA – Deirdre Ewing, Executive Director**

XVI. Old Business

XVII. New Business

XVIII. Adjournment – A special meeting will be held on December 12, 2022, at 5:00 p.m., and the next regularly scheduled CPOA Board meeting will be on January 12, 2023, at 5:00 p.m.

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Angela Luce

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

Via Certified Mail

7020 1810 0000 6296 6411

Re: CPC # 173-22

PO Box 1293

COMPLAINT:

P. S submitted a complaint that alleged she called 911 to have an officer contact her. A vehicle pulled up behind Ms. S but failed to activate its emergency equipment, so she was unaware if it was an officer. The officer left the scene and never contacted her.

Albuquerque

NM 87103

www.cabq.gov

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: none identified

Other Materials: Checked APD, UNMPD, BCECC, SCRECC, NMSP, & BPD for records.

Date Investigation Completed: November 8, 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 complaint was Administratively Closed because the investigation could not be conducted because of a lack of verifiable information. The investigation was unable to determine if an APD employee was involved or if the incident had occurred. Checks were conducted with several surrounding agencies as well as APD and no records of the incident were located.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

During the hearing you will have the opportunity to address the Board and provide information regarding your case. The Board will have already reviewed the investigation. When presenting your information please focus on providing information that shows:

- 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.

This information is what is needed for the Board to change the findings and/or recommendations or make further recommendations to the Chief of Police.

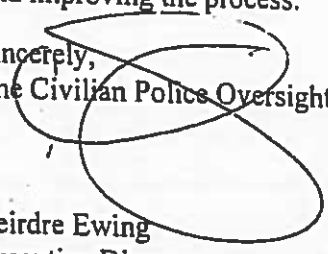
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

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


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

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Angela Luce *Eric Nixon* *Rashad Raynor*

Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

To File

Chad

Re: CPC # 063-22

Dear C

PO Box 1293

COMPLAINT:

The CPOA received two separate complaints with similar information. One of the complaints was completed by a male who identified himself as C C reported that Officer S proceeded to bring not only racial slurs against whites but also against gender by saying that he was white and she was a woman and a minority.

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 S

Other Materials: n/a

Date Investigation Completed: November 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.

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.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:

Officer S did make the comment to a fellow officer, "they think I am racist because their status is privileged, white male." Officer S' statement was not directed toward the complainants and is not derogatory, contemptuous, or disrespectful. It was a personal opinion of why the complainants were calling her racist. She did not reference why the complainants were recording that night. Officer S was not engaged or interacting with the complainants at the time. The complainants immediately did not recall exactly what was said and expanded the intention beyond the comment.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

During the hearing you will have the opportunity to address the Board and provide information regarding your case. The Board will have already reviewed the investigation. When presenting your information please focus on providing information that shows:

- A) The findings by the Director had no explanation that would lead to the conclusion made; or,
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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.

This information is what is needed for the Board to change the findings and/or recommendations or make further recommendations to the Chief of Police.

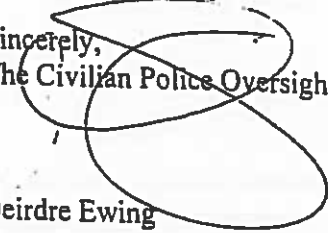
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

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


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

To File

Re: CPC # 063-22

Dear C:

PO Box 1293

COMPLAINT:

The CPOA received two separate complaints with similar information. One of the complaints was completed by a male who identified himself as C. C. reported that Officer S proceeded to bring not only racial slurs against whites but also against gender by saying that he was white and she was a woman and a minority.

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: Sergeant A

Other Materials: n/a

Date Investigation Completed: November 21, 2022

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: 3.14.4.B.1.c

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:

Sergeant A's OBRD showed that he did speak with the complainant (CBM) and advised him of the process of filing a citizen complaint. Sergeant A's duty responsibilities given the severity of the scene prevented a more detailed review of the situation. Sergeant A advised that the complaint could be filed the next day at the North Valley substation. The complainant agreed.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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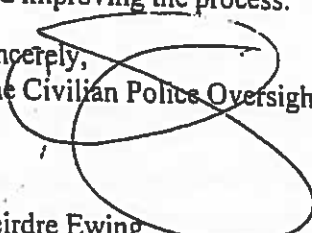
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Sincerely,
The Civilian Police Oversight Agency by



Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

Via Email

Re: CPC # 063-22

Dear

PO Box 1293

COMPLAINT:

Albuquerque

The CPOA received two separate complaints with similar information. The first complaint was completed by a male who identified himself as () reported that on the morning of 04/03/2022, he and a friend were recording the actions of APD police. reported as they were walking by Officer S, she made a comment to him and his friend that the reason they were recording is that they were white and superior. reported that Officer S made a comment earlier in the night about her race and being a female.

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: Sergeant A

Other Materials: n/a

Date Investigation Completed: November 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.

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: 3.14.4.B.1.c

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:

Sergeant A's OBRD showed that he did speak with the complainant () and advised him of the process of filing a citizen complaint. Sergeant A's duty responsibilities given the severity of the scene prevented a more detailed review of the situation. Sergeant A advised that the complaint could be filed the next day at the North Valley substation. The complainant agreed.

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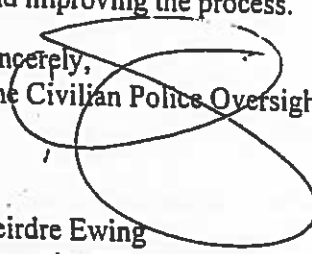
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CITY OF ALBUQUERQUE



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Deirdre Ewing, Executive Director

December 9, 2022

Via Email

Re: CPC # 063-22

Dear _____ :

COMPLAINT:

The CPOA received two separate complaints with similar information. The first complaint was completed by a male who identified himself as () reported that on the morning of 04/03/2022, he and a friend were recording the actions of APD police. reported as they were walking by Officer S, she made a comment to him and his friend that the reason they were recording is that they were white and superior. reported that Officer S made a comment earlier in the night about her race and being a female.

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: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: n/a

Date Investigation Completed: November 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.

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Policies Reviewed: 1.1.5.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:

Officer S did make the comment to a fellow officer, "they think I am racist because their status is privileged, white male." Officer S' statement was not directed toward the complainants and is not derogatory, contemptuous, or disrespectful. It was a personal opinion of why the complainants were calling her racist. She did not reference why the complainants were recording that night. Officer S was not engaged or interacting with the complainants at the time. The complainants immediately did not recall exactly what was said and expanded the intention beyond the comment.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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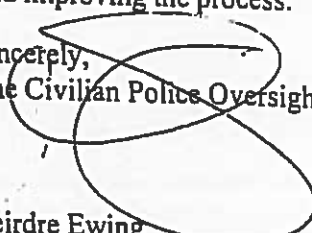
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Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Angela Luce

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

Via Certified Mail

7020 1810 0000 6296 6466

Re: CPC # 043-22

Dear J _____:

PO Box 1293

COMPLAINT:

J _____ K _____ submitted a complaint that alleged, "Never in my life have I seen a police report so poorly written as this one." Mr. K _____ reported that the information provided to Officer G by friends and family was all hearsay. Mr. K _____ alleged that the apartment was not secured after the investigation was 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: Officer G

Other Materials: OMI Report and Apparent Natural Death Worksheet

Date Investigation Completed: November 1, 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: 2.21.5.A.1.b.c -apparent natural death/suicide

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:

Per review of video footage, individuals approached Officer G and provided information, which was reported in the report. Given the information obtained from the OMI and CSS, Officer G did not have any suspicions or probable cause regarding the persons that he did speak with or reason to detain them for questioning. The report did not say the individuals were definitively connected in the way that they claimed; Officer G simply reported what was said. The apartment was unsecured at the initiation of the welfare check the door was closed at the conclusion. The CPOA is dependent upon the determination of OMI's findings regarding the cause of death.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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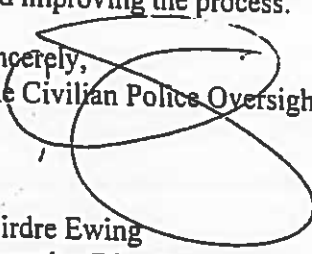
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Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Civilian Police Oversight Agency Board**

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Greg Jackson*
Angela Luce *Eric Nixon* *Rashad Raynor*
Michael Wartell
Deirdre Ewing, Executive Director

December 9, 2022

Via Certified Mail

7020 1810 0000 6296 6459

Re: CPC # 112-22

Dear Ms. R -S

PO Box 1293

COMPLAINT:

Albuquerque

Ms. R -S reported that APD officers trespassed onto her property when she was present in the home and told her she needed to leave the property because she was trespassing and now she is homeless and living on the streets. Ms. F -S : also had more of a complaint towards City of Albuquerque Code Enforcement for red-tagging her property prior to the complaint towards Officer H.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer H

Other Materials: code enforcement documentation

Date Investigation Completed: November 1, 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: 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-sworn personnel shall only make arrests, searches, and seizures which they know or should know are lawful and in accordance with SOP.

Ms. R. [redacted] ad a complaint against the City of Albuquerque Code Enforcement officer who red-tagged her property. Police were called by neighbors expressing someone being in the substandard building. Officer H responded and properly investigated the trespass situation and cited Ms. R. [redacted]-S [redacted] for trespassing on a condemned property. Officer H did not trespass on Ms. R. [redacted]-S [redacted] property because it was deemed substandard and unsafe; the City of Albuquerque posting provided for the enforcement taken.

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 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. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



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Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

Via Certified Mail

7020 1810 0000 6296 6442

Re: CPC # 157-22

Mr. R R

PO Box 1293

COMPLAINT:

Albuquerque

Mr. R R the car's owner, alleged that the accident report should be unfounded based on the Patrol Service Aide's statement and how the report was written. There was no damage to his vehicle or the other vehicle. In the accident report, the diagram box indicated moderate damage, but the diagram noted nothing regarding damage. Per Mr. R the Geico representative informed him, the accident report was inaccurate; the vehicles were never contacted. Geico dismissed the other driver's claim.

NM 87103

During his interview, Mr. R added that he believed that PSA B did not have the proper training to investigate the accident. His opinion was based on his prior law enforcement experience.

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: PSA B.

Other Materials: n/a

Date Investigation Completed: November 1, 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: 1.1.6.A.6.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.

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Additional Comments:

After a review of the evidence, PSA B did not violate policy when he committed a clerical error and he selected "moderate" damage from the drop-down box of the traffic crash report and admitted his mistake. PSA B does not make determinations of accident causes, but notations of contributing factors can be notated.

Note: while no policy violations were found, it is recommended that PSA B review SOP 2-46 and receive additional training on report writing with a supervisor to ensure knowledge and accuracy of his statements.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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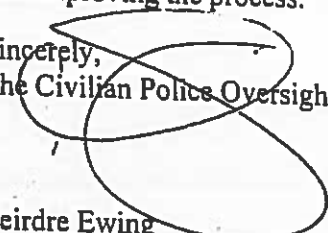
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Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Angela Luce *Eric Nixon* *Rashad Raynor*

Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

Via Certified Mail

7020 1810 0000 6296 6435

Re: CPC # 162-22

Dear Ms. W:

COMPLAINT:

In her complaint, Ms. K W called 911 for a woman who was under the influence and tried to break into her house for over three hours. She called 911 multiple times to ask if the police were coming and was told they were busy. Finally, Officer C arrived and said there was an incident last night and that she was sorry as she just began her shift. The Officer did not ask her for a description and did not want to take a report. The Officer had to leave because her partner was with the woman.

In her interview, Ms. W believed that she was ignored by the police and "flagged" on some "do not respond" lists because of previous calls to the police.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer C.

Other Materials: n/a

Date Investigation Completed: November 10, 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.

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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 Officers contacted the woman responsible for the overnight disturbances, who was found sleeping at another residence. It was found that the woman suffered from a medical condition when the family was contacted. Officer C arrived at Ms. W residence. The video showed while Ms. W expressed frustration over the lack of police response and the woman at her property for several hours, she never asked Officer C for a report, reported that her property was damaged, or wanted to press charges.

1.1.5.A.1 Officer C apologized and told Ms. W that they had a critical incident overnight that took all the officers to handle. Ms. W believed her address was "flagged" and on a "do not respond list." Officer C said that was her first-time visit to Ms. W and said there was no "do not respond" for her address; not from co-workers, reports, dispatchers or anything. According to the CAD report for her call, there was no information on the report that said: "do not respond." The CAD showed multiple holds were necessary due to officers not being available. The Operators confirmed with Ms. W that she was secured in her residence.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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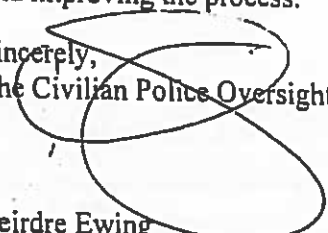
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(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

Via Certified Mail

7020 1810 0000 6296 6312

Re: CPC # 171-22

Dear Mr. J H

PO Box 1293

COMPLAINT:

Albuquerque

Complainant H reported: On 07/03/2022 at 1am, I was threatened with a gun by my neighbor; it has been ongoing for over a year. I've made several police reports. When the police arrived this morning, they said they would look around the neighborhood, why, I don't know. I don't understand why I can't get help. I have been raped and assaulted several times. Why would they check the neighborhood when my neighbor lives next door? Why didn't they knock on his door? Why can't I get help from this harassment?

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: Ofcr C

Other Materials: CIT worksheet and surrounding days

Date Investigation Completed: November 15, 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: 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:

1.1.5.A.4: Though H filed a complaint against Ofcr C, he stated the complaint was not specifically against him. When interviewed, H admitted he never spoke or had contact with Ofcr C on the night of 07/03/2022.

According to CAD #P221840036, it confirms an attempt was made as Ofcr C was dispatched at 03:31:48. CAD shows him on scene at 03:47:23. At 03:52:27, a request to dispatch was made to call H as there was no answer at the home. At 03:54:39, the CAD remarked attempted 25 neg 25 and the call was closed at 03:55:57. Ofcr C's unsuccessful attempt to follow up with H is confirmed via CAD #P221840036.

A review of surrounding dates and information show APD officers have attempted to contact the neighbor as H requested and provided resources for assistance.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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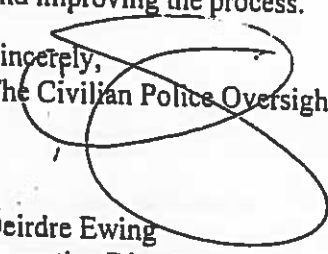
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Greg Jackson*

Angela Luce *Eric Nixon* *Rashad Raynor*

Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

Via Certified Mail

7020 1810 0000 6296 6312

Re: CPC # 171-22

Dear Mr. J. H

COMPLAINT:

Complainant H reported: On 07/03/2022 at 1am, I was threatened with a gun by my neighbor; it has been ongoing for over a year. I've made several police reports. When the police arrived this morning, they said they would look around the neighborhood, why, I don't know. I don't understand why I can't get help. I have been raped and assaulted several times. Why would they check the neighborhood when my neighbor lives next door? Why didn't they knock on his door? Why can't I get help from this harassment?

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: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Ofcr W

Other Materials: CIT worksheet and surrounding days

Date Investigation Completed: November 15, 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: 1.1.5.A.4

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

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

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

Additional Comments:

1.1.5.A.4: Though H [redacted] filed a complaint against Ofcr W, he stated the complaint was not specifically against him. When interviewed, H [redacted] admitted he never spoke or had contact with Ofcr W on the night of 07/03/2022.

Ofcr W stated he never had contact with H [redacted] on 07/03/2022. CAD #P221840036 confirms an attempt was made as Ofcr W was dispatched at 03:31:28. CAD shows him on scene at 03:47:23. At 03:52:27, Ofcr W requested that dispatch call H [redacted] as there was no answer at the home. At 03:54:39, the CAD remarked attempted 25 neg 25 and the call was closed at 03:55:57. Ofcr W's unsuccessful attempt to follow up with H [redacted] is confirmed via CAD #P221840036.

A review of surrounding dates and information show APD officers have attempted to contact the neighbor as H [redacted] requested and provided resources for assistance.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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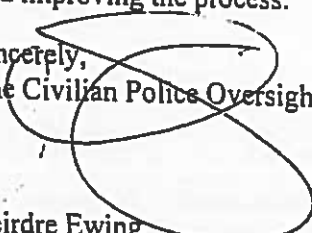
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If you are not satisfied with the final disciplinary decision of the Chief of Police or any matter relating to the Chief's handling of the complaint you may request a review of the complaint by the City's Chief Administrative Officer. Your request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

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

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Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Greg Jackson*
Angela Luce *Eric Nixon* *Rashad Raynor*
Michael Wartell
Deirdre Ewing, Executive Director

December 9, 2022

To File

Re: CPC # 144-22

Dear Ms. R

PO Box 1293

COMPLAINT:

Albuquerque

On 05/17/2022 at approximately 1435 hours, Ms. R reported that APD would not take her report in reference to Walmart security pushing her out the door when she was exiting the store. She reported that she was unable to speak to the store manager in reference to her cell phone being stolen which had an I-phone tracker that indicated the phone was still located in the store.

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes APD Report(s): No CAD Report(s): Yes
Complainant Interviewed: No Witness(es) Interviewed: N/A
APD Employee Interviewed: Yes
APD Employee Involved: Officer A.
Other Materials: N/A
Date Investigation Completed: October 13, 2022

FINDINGS

Policies Reviewed: 2.60.4.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.

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:

It was determined that Officer A. did not have any contact with the complainant in this case and did not arrive on the scene as the call from dispatch was canceled. Officer A was unaware of the situation that Ms. R wanted to report or have investigated since she had left before his arrival. The finding in this case will be UNFOUNDED, as the alleged misconduct did not occur or did not involve this subject officer.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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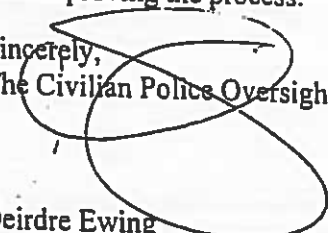
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Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Angela Luce *Eric Nixon* *Rashad Raynor*

Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

To File

Re: CPC # 166-22

PO Box 1293

COMPLAINT:

B A submitted a complaint that alleged the police took her vehicle, identification, and credit card. The police followed her and chased her down the street, screaming, "Do you want to kill yourself" when they could have nicely addressed her and tried to de-escalate the situation.

Albuquerque

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: Officer C

Other Materials: A r Email Communications

Date Investigation Completed: November 4, 2022

FINDINGS

Policies Reviewed: Conduct 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: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer. Officer C did not take Ms. A identification, credit card, or vehicle and did not chase her down the street, screaming, "Do you want to kill yourself?" Officer C was professional and tried to provide Ms. A with services, but became frustrated with Ms. A at times. Ms. A aggressively escalated each interaction and failed to communicate productively.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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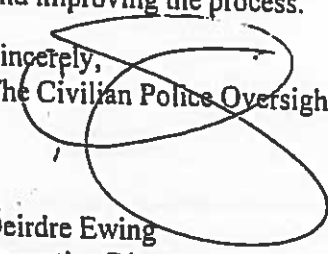
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Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Angela Luce

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

To File

... copy of ...

Re: CPC # 166-22

PO Box 1293

COMPLAINT:

B A submitted a complaint that alleged the police took her vehicle, identification, and credit card. The police followed her and chased her down the street, screaming, "Do you want to kill yourself" when they could have nicely addressed her and tried to de-escalate the situation.

Albuquerque

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: Officer Z

Other Materials: A Email Communications

Date Investigation Completed: November 4, 2022

1

FINDINGS

Policies Reviewed: Conduct 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: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer. Officer Z did not take Ms. A identification, credit card, or vehicle and did not chase her down the street, screaming, "Do you want to kill yourself?" Officer Z was patient, professional, respectful, and courteous with Ms. A. Officer Z attempted to de-escalate her and provide her with services. Ms. A aggressively escalated each interaction and failed to communicate productively.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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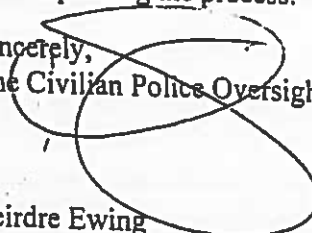
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The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Angela Luce *Eric Nixon* *Rashad Raynor*

Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

To File

Re: CPC # 166-22

PO Box 1293

COMPLAINT:

B A submitted a complaint that alleged the police took her vehicle, identification, and credit card. The police followed her and chased her down the street, screaming, "Do you want to kill yourself" when they could have nicely addressed her and tried to de-escalate the situation.

Albuquerque

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: Officer L

Other Materials: Alexander Email Communications

Date Investigation Completed: November 4, 2022

FINDINGS

Policies Reviewed: Conduct 1.1.5.A.4

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

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Additional Comments:

1.1.5.A.4: The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer. Officer L did not take Ms. A's identification, credit card, or vehicle and did not chase her down the street, screaming, "Do you want to kill yourself?" Officer L was patient, professional, respectful, and courteous with Ms. A and attempted to de-escalate her and provide her with services. Ms. A aggressively escalated each interaction and failed to communicate productively.

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The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

Via Email

Re: CPC # 180-22

Mr. C

PO Box 1293

COMPLAINT:

Albuquerque

Mr. C alleged that on 07/27/2022, the residents of a nuisance apartment assaulted the visitor of another apartment. Mr. C called 242-COPS and informed the call taker that he had video evidence supporting the assault claim. The police did nothing, including not speaking with the residents of the nuisance apartment.

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 M

Other Materials: n/a

Date Investigation Completed: November 18, 2022

FINDINGS

Policies Reviewed: Conduct 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.

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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.

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, by clear and convincing evidence, that the alleged misconduct did not occur. Officer M made contact with the alleged victim in a location determined by her and away from the apartment complex. Officer M advised the alleged victim of the process after receiving her verbal statement. The alleged victim walked away and provided no further information regarding the incident. Officer M did not conduct a follow-up to collect evidence because the alleged victim walked away, indicating to Officer M that she no longer wanted to pursue charges, negating the need for evidence collection or further action by Officer M. Officer M responded to the call for service when dispatched and had no control over when the call for service was dispatched.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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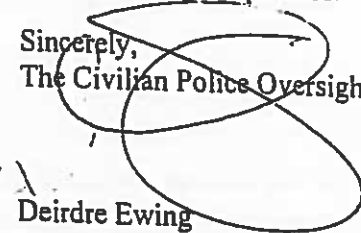
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair

Jesse Crawford, Vice-Chair

Greg Jackson

Angela Luce

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

Via Certified Mail

7020 1810 0000 6296 6428

Re: CPC # 183-22

St K

PO Box 1293

COMPLAINT:

Albuquerque

S K submitted a complaint that alleged she spoke to Officer B about an individual sleeping out of a nearby vehicle and had been unsuccessful in contacting him regarding additional incidents. Officer B provided Ms. K with a One Albuquerque card from the Northeast Command Area but he is in a different command area.

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: Officer B

Other Materials: Photographs

Date Investigation Completed: November 18, 2022

FINDINGS

Policies Reviewed: Obey Department Orders: 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.

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Additional Comments:

The investigator determined that Officer B did provide S [redacted] K [redacted] with a business card, but it was a generic agency card on which he wrote his name and badge number and the case number and date. Ms. K [redacted] discussed issues with a transient with Officer B but that was not what his call for service or investigation was in reference to. Officer B returned a call to Ms. K [redacted] in reference to an investigation and followed up with her in person and via telephone in reference to an investigation. Officer B was professional and listened to Ms. K [redacted] about her issues with a transient when he followed up with her in person. Officer B educated Ms. K [redacted] as much as he could about how the agency was dealing with the transient and advised her to call "us", meaning the police, and never advised her to call him directly. There is no known policy regarding the issuance of business cards or returning calls to citizens outside of investigations and calls for service assigned to an officer.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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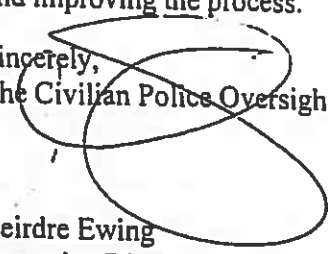
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Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

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Patricia J. French, Chair

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Angela Luce

Eric Nixon

Rashad Raynor

Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

Via Certified Mail

7020 1810 0000 6296 6237

Re: CPC # 147-22

Dear Ms. Z

PO Box 1293

COMPLAINT:

Albuquerque

E. Z. reported via the DOJ: Alleging APD officer misconduct (Ofcr C). Every three weeks for past 14 years, APD officers harassing me about suicide. It started in 2008; 14 years of harassment. The last contact occurred in March 2022. Conduct includes searching home without search warrant; looking for a recording that did not exist. Has previously contacted CPOA.

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: Ofcr C

Other Materials: CIT case agent notes

Date Investigation Completed: November 1, 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: **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:

1.1.6.C.1 : Lapel shows Ofcr C & Clinician arrived at Zε s home 02/10/2022 (there are no videos showing Ofcr C ever coming to Zε home in March 2022 or any other date). On this date, Zε was skeptical in allowing entry, but she eventually did. She gave Ofcr C permission to walk around; he ensured home was clean w/ food & functioning utilities. Not once did Ofcr C go through Zε home to search for a recording. Footage was thoroughly reviewed and there were no observable violations at any point.

1.1.5.A.4: Lapel showed Zε spoke of past incidents and was not focused in what she was trying to convey to personnel. She said officers came to her home on 08/14/2020, telling her she was suicidal; Zε disagreed and was upset. At the 16:37 marker, Ofcr C asked Zε a about feeling suicidal and she denied and said, "I know you're doing job." Clinician then offered services and Ofcr C also offered support from Coast CIT and immediately Zε rejected the offers. Video was thoroughly reviewed and there were no observable violations anywhere to be found. It should be noted that video search on 08/14/2020 was conducted; there was no video available for that day.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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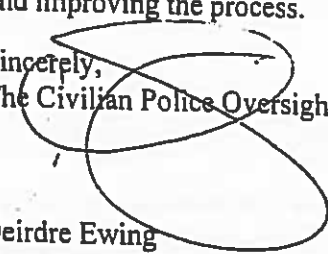
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Greg Jackson*
Angela Luce *Eric Nixon* *Rashad Raynor*

Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

Via Email

Concerned Citizen
Unknown address listed

Re: CPC # 103-22

Dear Concerned Citizen,

COMPLAINT:

On 04/06/2022 at approximately 1930 hours, a concerned citizen stopped by the mall substation to report under aged kids smoking weed in public on mall property. Per the complainant the kids looked to be 13-15 years old. They were hanging out on the curb outside of Boot Barn sharing a joint in daylight as there were many families coming and going from the mall. The concerned citizen reported this to a woman at the desk of a substation. The employee just looked at the concerned citizen and refused to do anything because she stated it is legal. The employee made a gesture with her arms as to, "So what." Concerned citizen wanted to make a complaint against the woman as she didn't care about taking the report seriously.

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: Sr. Office Assistant Ms. M.

Other Materials: mall code of conduct, cannabis regulation act

Date Investigation Completed: October 25, 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.

Policies Reviewed: **1.1.5.A.4**

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:

It was determined that according to Ms. M, she did have a conversation with the concerned citizen that submitted this complaint. However, CPOA Investigator Rodriguez had attempted to make contact with the concerned citizen and all attempts were unsuccessful. Ms. M explained her role at the mall and stated she attempted to contact mall security to investigate the situation. Ms. M denied the allegation she was uninterested or dismissive.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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

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


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Greg Jackson*
Angela Luce *Eric Nixon* *Rashad Raynor*
Michael Wartell
Deirdre Ewing, Executive Director

December 9, 2022

Via Certified Mail

7020 1810 0000 6296 6329

Re: CPC # 165-22

M 1 M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

M 1 submitted a complaint that alleged Officer P accompanied his child's mother to his residence. Officer P was one-sided, told Mr. M he was a shitty father, went against a court order by telling the mother not to give Mr. M their child, and stood between Mr. M and his child when the child tried to hug Mr. M. Officer P did not provide his name when requested. Mr. Marquez requested a supervisor; Officer P told Mr. M no and that he would provide Mr. Marquez's information to his supervisor. Mr. M alleged Officer P would not look at a court order he tried to supply him, lied about not being able to shut off a lapel camera, issued a citation and then recinded it, and watched him from a corner for approximately one hour after the call for service concluded.

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 P

Other Materials: Minute Order, KDT Message, Emails, & Audit Trails.

Date Investigation Completed: November 4, 2022

FINDINGS

Policies Reviewed: 1.1.5.A.4/ 1.1.5.C.2/ 1.1.6.A.2/ 2.104.4.A.1.a-i-ii, & 3.41.5.B.5.a.ii

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.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.



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:

Unfounded findings: The video evidence showed Officer P was professional, never said anything about shutting off a lapel camera, didn't observe Mr. M from another location for an extended amount of time, didn't curse, identified himself even though it was not requested, didn't impede the child's movement or prevent Mr. N' from the child's affection, was never offered or violated a court order, and notified a supervisor when requested.

Exonerated finding: Officer P did issue a citation to a vehicle and later advised the vehicle owner not to worry about the citation after discussing the violation and giving a verbal warning via telephone.

Sustained not based on original complaint finding: Officer P failed to record two additional telephone contacts that occurred after the initial call for service but was in reference to the call for service.

The Civilian Police Oversight Board recommends a Written Reprimand

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Angela Luce *Eric Nixon* *Rashad Raynor*
Michael Wartell
Deirdre Ewing, Executive Director

December 9, 2022

Via Certified Mail

7020 1810 0000 6296 6404

ALL

Re: CPC # 169-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. S reported he got called out by APD to a two-car accident, got on the scene, and started doing his job. Mr. S reported there was a tow strap hooked to a car and Mr. S began to look at it. Mr. S reported that a male went up to Mr. S and pushed Mr. S with his shoulder and hands almost pushing Mr. S into oncoming traffic. Mr. S reported he told the officer that was on scene about the assault and then got treated like shit by the officer. Mr. S reported that the officer then let the male who pushed Mr. S drive away. Mr. S reported the officer disrespected Mr. S. Mr. S reported he asked for a Sergeant to the scene and the officer kept going even when the Sergeant got on the scene.

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: nm statute on towing

Date Investigation Completed: November 3, 2022

1

FINDINGS

Policies Reviewed: General Order 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.



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.A.5.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 2.16.5.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.



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.1-After a review of the OBRD videos, it was confirmed that at no time did Officer S call Mr. S a baby cry, per the complaint. After a review of the OBRD videos, the CPOA Investigator did not observe Officer S treating Mr. S like shit, being arrogant, rude, or disrespectful towards Mr. S, per the complaint. Although Mr. S did request a sergeant at the scene, at no point did Mr. S ask Officer S to stop talking to him while they waited for a sergeant.

2.60.4.A.5.e- Officer S advised a summons was sent to Mr. M and a review of NM Courts verified that Mr. M was charged with battery on 07/24/22.

2.16.5.C.1- Officer S did not complete and submit his report at the end of his shift, per policy.

Additional information-A review of the following NM State Statutes 66-3-120 and 66-7-408 confirmed that both state statutes note in part, that vehicles can be towed by other vehicles using tow straps as long as certain criteria were met.

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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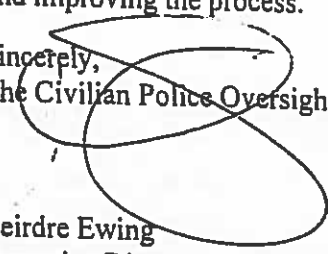
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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Greg Jackson*
Angela Luce *Eric Nixon* *Rashad Raynor*
Michael Wartell
Deirdre Ewing, Executive Director

December 9, 2022

Via Certified Mail

7020 1810 0000 6296 6336

Re: CPC # 161-22

Mr. J i

PO Box 1293

COMPLAINT:

Albuquerque

Mr. J C alleged that he was assaulted and injured by a man at the Knockouts nightclub. Officer G and Sergeant A saw the assault and refused to take a report. This criminal case was not appropriately investigated, and the report, taken by a different officer, was inconclusive.

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 G

Other Materials: N/A

Date Investigation Completed: November 15, 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: 2.60.4.A.5.b.f

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:

After review, there was a preponderance of the evidence that Mr. G while intoxicated and belligerent with officers, initiated the altercation with the bouncer and got hit. While there was not enough evidence to arrest or summons, Mr. G wanted the bouncer's name to pursue legal action, but Officer G did not include that in his incident report (the only report taken) when he had the opportunity to do so the night of the incident. Additionally, the incident report was incorrectly classified as an "incident" and not as a "battery."

The Civilian Police Oversight Board recommends a Verbal Reprimand

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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Sincerely,
The Civilian Police Oversight Agency by


Deirdre Ewing
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

Via Certified Mail

7020 1810 0000 6296 6336

Re: CPC # 161-22

Mr. J G

PO Box 1293

COMPLAINT:

Albuquerque

Mr. J G ; alleged that he was assaulted and injured by a man at the Knockouts nightclub. Officer G and Sergeant A saw the assault and refused to take a report. This criminal case was not appropriately investigated, and the report, taken by a different officer, was inconclusive.

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: Sergeant A

Other Materials: N/A

Date Investigation Completed: November 15, 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.

Policies Reviewed: 2.16.5.A.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:

After review, there was a preponderance of the evidence that Mr. G while intoxicated and belligerent with officers, initiated the altercation with the bouncer and got hit. Mr. C wanted the bouncer's name to pursue legal action, but Officer G did not include that in his incident report (the only report taken) when he had the opportunity to do so the night of the incident. Additionally, the incident report was incorrectly classified as an "incident" and not as a "battery," as directed to do so by Sergeant A, who was on the scene the night and signed "off" on Officer G's incident report and failed to notice that the report did not contain the bouncer's name or any attempt to obtain contact information. Also, Sergeant A failed to notice that Officer G classified the incident report as an "incident" instead of a "battery."

The Civilian Police Oversight Board recommends a Verbal Reprimand

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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Deirdre Ewing
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(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



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Angela Luce *Eric Nixon* *Rashad Raynor*

Michael Wartell

Deirdre Ewing, Executive Director

December 9, 2022

Via Email

Re: CPC # 184-22

Dear Mr. C

PO Box 1293

COMPLAINT:

Albuquerque

Mr. C reported that his spouse called 911 to report the accident. Mr. C reported at that time an APD unit began to pass the four vehicles pulled over and the APD unit did not slow down. Mr. C reported he began to wave his hands and yell toward the officers and the officers eventually made a U-turn. Mr. C reported he began to explain the urgency to the officer and Mr. C was met with a rude, insulting tone and manner as the officer advised Mr. C that did he expect when he waving and yelling like a crazy person.

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: Officer G

Other Materials: n/a

Date Investigation Completed: November 16, 2022

FINDINGS

Policies Reviewed: General Order 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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Policies Reviewed: Procedural Order 2.40.3.G.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:

General Order 1.1.5.A.1-A review of the OBRD videos confirmed that at no time did Officer G curse at Mr. C. The CPOA Investigator did not observe Officer G being rude, unprofessional, or insulting towards Mr. C. The video showed Officer G did not say that Mr. C was acting like a crazy person.

Procedural Order 2.40.3.G.1-Mr. M was involved in an accident that required his passenger to be seen by medical. Mr. M's motorcycle did not have a license plate and Mr. M admitted to Officer G that the motorcycle was not registered. Officer G confirmed Mr. M was not given any citations.

The Civilian Police Oversight Board recommends a Verbal Reprimand

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 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. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.

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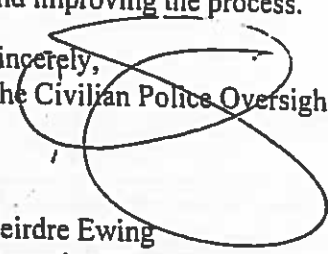
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