



Civilian Police Oversight Agency

Finding Letters of the CPOA

The CPOA Executive Director’s findings in each case are listed below. The following notifications of the findings were provided to the citizen(s) during February 2024. The findings become part of the officer’s file, if applicable.

February 2024:

238-23	239-23	240-23	243-23	245-23
246-23	250-23	254-23	259-23	261-23
262-23	265-23	266-23	269-23	315-23
010-24	021-24	031-24		

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

February 12, 2024

Via Certified Mail

7017 2680 0000 5951 9747

Re: CPC # 238-23

PO Box 1293

COMPLAINT:

Albuquerque

NM 87103

Mr. M reported that officers contacted him twice in one day regarding a neighbor dispute over parking on a public roadway and said he couldn't park his vehicle on the street in front of his neighbor's residence. The officers advised Mr. M that he wasn't breaking any laws but to move his vehicle or he would be reported as hostile. The officers made Mr. M feel like he was guilty. The officers made Mr. M feel like he was violated and that they sided with the neighbor. Mr. M felt like the officers were rude, that the conversation wasn't nice, and that they shouldn't have gone to his residence the second time.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: Email Communications

Date Investigation Completed: January 29, 2024

FINDINGS

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

☐

Policies Reviewed: 1.1.5.A.4 (Conduct)

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: Through the review of the available evidence, to include lapel videos, Officer C did not order Mr. M to move his car or call him hostile, but the conversation was tense and escalated between the officer and Mr. M. The officers were responding to calls for service, but they were for a non-law enforcement situation. Officers to some extent mediate neighbor disputes, but Officer C was scolding and argumentative. Officer C should have deescalated the situation. The CPOA recommends an 8 hour suspension.

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

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

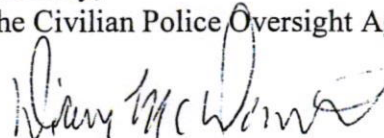
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 12, 2024

Via Certified Mail

7017 2680 0000 5951 9747

Re: CPC # 238-23

PO Box 1293

COMPLAINT:

Albuquerque

Mr. M I reported that officers contacted him twice in one day regarding a neighbor dispute over parking on a public roadway and said he couldn't park his vehicle on the street in front of his neighbor's residence. The officers advised Mr.

NM 87103

M I that he wasn't breaking any laws but to move his vehicle or he would be reported as hostile. The officers made Mr. M feel like he was guilty. The officers made Mr. M I feel like he was violated and that they sided with the neighbor. Mr. M I felt like the officers were rude, that the conversation wasn't nice, and that they shouldn't have gone to his residence the second time.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: Email Communications

Date Investigation Completed: January 29, 2024

FINDINGS

Policies Reviewed: 1.1.5.A.4 (Conduct)

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



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



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



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



Policies Reviewed: 2.8.5.D.1 (OBRD)

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



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



Additional Comments:

1.1.5.A.4: It was determined that the officers had no control over Mr. M feelings. There were no indicators that the officers sided with anyone, only that they responded to two calls for service and attempted to mediate the neighbor dispute. The situation could not be handled unofficially once the reporting party called and generated a call for service. The officers didn't create the situation; Mr. M and the reporting party did. Officer S was professional in his interactions with Mr. M and the reporting party and attempted to mediate a dispute between neighbors peacefully.

2.8.5.D.1: It was determined that Officer S did not activate his OBRD as mandated during his second law enforcement encounter with Mr. M. The entire interaction was captured on another other officers OBRD. The available evidence showed that Officer S had the intention of recording, but made an error, so he should have documented the absence of recording. The CPOA 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 Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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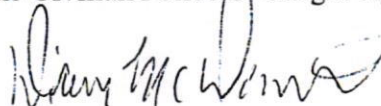
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

February 29, 2024

Via Email

Re: CPC # 239-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. K reported that without evidence nor any suspicion of a crime, Detective J threw Mr. K into a police vehicle in handcuffs and sent Mr. K to a mental hospital for 2.5 hours simply to be released as healthy or without concern. Mr. K reported that Detective J put him in a cop car for speaking his mind, and Mr. K believed that was unlawful. Mr. K reported that Detective J's justification for detaining Mr. K in handcuffs and sending Mr. K to the mental hospital was because of the fact of Mr. K demeanor and the delivery of his honest words. Mr. K reported that Detective J took it as Mr. K potentially having mental problems, therefore throwing Mr. K into a police cruiser with handcuffs for no reason and taking him to a hospital to be discharged with no issue.

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: Detective J

Other Materials: N/A

Date Investigation Completed: February 1, 2024

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.

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Policies Reviewed: Procedural Order 2.19.10.A.3 and Procedural Order 2.19.10.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.

☒

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:

2.19.10.A.3-After a review of the OBRD Videos, while on the scene, Detective J was advised that Dr. K, through his own assessment, was going to write up a certificate for evaluation for Mr. K. Even though it was reported that Dr. K completed a certificate of evaluation, Detective J's reasoning provided both during the interview and in his incident report, was valid as to why he felt it was necessary to enact NM State statute 43-1-10 based on the totality of his assessments with Mr. K.

2.19.10.E-In reference to the SOP in question, Detective J followed procedure based on his assessment during the time of the incident.

Additional complaint not addressed via SOP:

A review of the OBRD Videos confirmed that Mr. K was not thrown into the police vehicle per the complaint as he walked into the back seat of the police vehicle on his own

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

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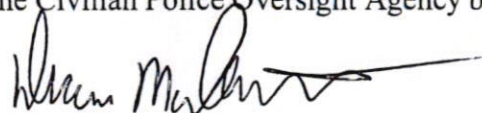
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 12, 2024

Via Email

Re: CPC # 240-23

PO Box 1293

COMPLAINT:

Ms. M reported that it did not look like anyone had done anything on her case.

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: Detective P

Other Materials: : 43 and emails

Date Investigation Completed: January 31, 2024

FINDINGS

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

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

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

Policies Reviewed: Procedural Order 2.60.6.B.1

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

Policies Reviewed: Procedural Order 2.8.5.A

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

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

Additional Comments:

2.60.6.B.1-Although the CPOA Investigator could not locate the recordings of Detective P's calls to Ms. M and the property manager (this was addressed via SOP below), the CPOA Investigator could corroborate that Ms. M phone number does not offer a voicemail; per Detective P's statement.

Detective P did attempt to make contact with Ms. M and appeared to try to obtain evidence (camera footage.) The CPOA Investigator did provide Ms. M with Detective P's name in the event Ms. M did have additional information about the incident in question due to the case being closed via "pending further leads."

2.8.5.A-After a review of evidence.com which included searching for deleted videos, the CPOA Investigator could not locate any recordings from Detective P regarding the incident in question. The CPOA 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 Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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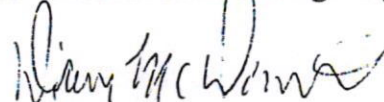
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 12, 2024

Via Email

Re: CPC # 240-23

PO Box 1293

COMPLAINT:

After a review of Officer C's incident report, it was noted that Officer C's report was not approved by a supervisor within 5 business days per policy.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Former Sergeant R

Other Materials: Emails

Date Investigation Completed: January 31, 2024

FINDINGS

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

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

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

Policies Reviewed: Procedural Order 2.16.5.C.2

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

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Additional Comments:

Procedural Order 2.16.5.C.2- Former Sergeant R, did not approve Officer C's Incident report within 5 days of submission, per policy. The CPOA recommends an 8 hour suspension. The discipline cannot be imposed due to the employee having already resigned from the department.

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

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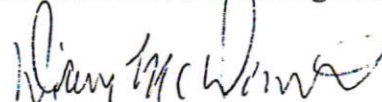
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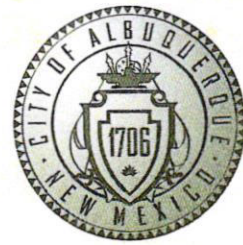


Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 12, 2024

Via Email

Re: CPC # 240-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. M reported that she called 911 because her vehicle was covered in paint and eggs. Ms. M reported that the officer told her that he spoke with one of the men named Dave in her complex. Ms. M reported that there are two men named Dave in her complex and that the Officer did not talk to the other Dave. Ms. M reported that the officer advised that he would investigate. Ms. M reported that the officer never called her back or followed up with her. Ms. M reported that she repeatedly called the officer and eventually contacted him about 15 days after the incident. Ms. M reported that when she questioned the officer about her investigation, he responded, "They have more important things to do, like solving murders."

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: 43 and emails

Date Investigation Completed: January 31, 2024

FINDINGS

Policies Reviewed: General Order 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:

General Order 1.1.5.A.4-After a review of OBRD Videos, it was confirmed that while on the scene, Officer C advised Ms. M that he would have Ms. M ; vehicle photographed, then he would go to the third floor, count four down, and make contact with the male in question. Officer C stated that he would call management or maintenance and try and get camera footage, but that was the extent of what he could do. The CPOA Investigator did not observe Officer C advising Ms. M that he would be conducting any further follow-up investigation.

After a review of the OBRD Videos, it was confirmed that the CPOA Investigator did not observe Officer C advising Ms. M that they (officers) had more important things to do, like solve murders, per the complaint.

During the interview with Ms. M she advised the CPOA Investigator that the "E" that Officer C spoke with at the complex was initially who she thought vandalized her car. Ms. M stated that it was not until later that she found out it was another "E" who vandalized her car in which she stated she told Officer C about during their phone call which was approximately 15 days later.

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

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- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

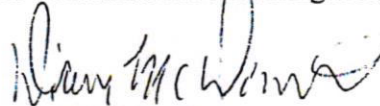
Administratively closed complaints may be re-opened if additional information becomes available. Please provide your additional information in writing to the CPOA Director as listed above.

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Interim Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 12, 2024

Via Certified Mail

7017 2680 0000 5951 9778

Re: CPC # 243-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 10/02/2023, P submitted a complaint online regarding an incident that occurred on 09/28/2023 at 0930 hours. Mr. P reported that the APD arrested him at Circle K, located at 13401 Lomas Boulevard Northeast, on 09/28/2023 and released him from custody on 09/29/2023. Mr. P contacted Circle K and 242-COPS regarding his vehicle; the vehicle was not located. Mr. P filed a report because he believed his vehicle was stolen after officers abandoned it with the keys left in it at Circle K.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: Evidence.com Information & Email Communications

Date Investigation Completed: February 5, 2024

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: 2.8.4.G (OBRD)

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

☒

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

☐

Additional Comments:

2.8.4.G: It was determined that Officer M did not assign an "ID" or "Category" to the OBRD recordings associated to the incident related to the reported misconduct. The CPOA 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 Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

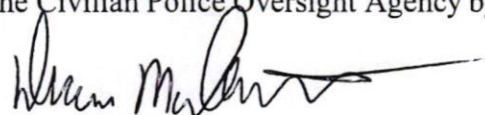
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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 12, 2024

Via Certified Mail

7017 2680 0000 5951 9778

Re: CPC # 243-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 10/02/2023, P ; submitted a complaint online regarding an incident that occurred on 09/28/2023 at 0930 hours. Mr. P ; reported that the APD arrested him at Circle K, located at 13401 Lomas Boulevard Northeast, on 09/28/2023 and released him from custody on 09/29/2023. Mr. P ; contacted Circle K and 242-COPS regarding his vehicle; the vehicle was not located. Mr. P ; filed a report because he believed his vehicle was stolen after officers abandoned it with the keys left in it at Circle K.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: Evidence.com Information & Email Communications

Date Investigation Completed: February 5, 2024

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: 2.73.5.K.3 (Disposition of Property)

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:

2.73.5.K.3: It was determined that the vehicle occupied by P at the time of his arrest was not evidence and, therefore, was secured at the scene, with his property inside, at the time of the incident and the direction of the sergeant on the scene.

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

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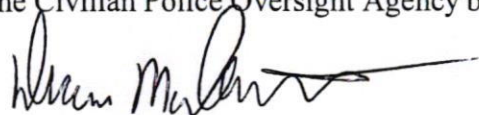
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 12, 2024

Via Certified Mail

7017 2680 0000 5951 9778

Re: CPC # 243-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 10/02/2023, P submitted a complaint online regarding an incident that occurred on 09/28/2023 at 0930 hours. Mr. P reported that the APD arrested him at Circle K, located at 13401 Lomas Boulevard Northeast, on 09/28/2023 and released him from custody on 09/29/2023. Mr. P contacted Circle K and 242-COPS regarding his vehicle; the vehicle was not located. Mr. P filed a report because he believed his vehicle was stolen after officers abandoned it with the keys left in it at Circle K.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant A

Other Materials: Evidence.com Information & Email Communications

Date Investigation Completed: February 5, 2024

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.3 (Conduct) & 2.73.5.K.3 (Disposition of Property)

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.D (OBRD)

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.C.3: It was determined that a comment made by Sergeant A on the scene and discovered upon a review of the OBRD evidence was not made with the intent to act officiously, abuse his lawful authority, or permit his personal feelings, animosities, or friendships to influence his official decisions.

2.8.5.D: It was determined that Sergeant A did not utilize his OBRD to record the entire law enforcement-related encounter with P, specifically the second search of Mr. P, which Sergeant A was present for and witnessing. The CPOA recommends an 8 hour suspension.

2.73.5.K.3: It was determined that the vehicle occupied by Mr. P at the time of his arrest was not evidence and, therefore, was secured at the scene, with his property inside, at the time of the incident and the direction of Sergeant A.

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

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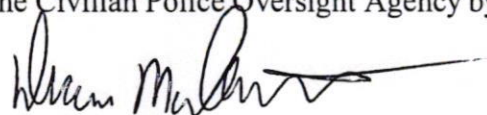
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

February 12, 2024

Via Email

Re: CPC # 245-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. G reported he loved the video of Sergeant B illegally seizing a bag from the hands of a citizen and then throwing it on the sidewalk and then illegally seizing a bottle of root beer from the citizen because the sergeant claims that he thought it could be alcohol. He added that the citizen was assaulted by the sergeant for simply drinking root beer and eating rice while he was filing a police officer.

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: Sergeant B

Other Materials: YouTube Video

Date Investigation Completed: February 5, 2024

FINDINGS

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

☐

Policies Reviewed: Procedural Order 2.71.4.A.1

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

☒

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

☐

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

☐

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

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☐

Additional Comments:

2.71.4.A.1-A review of all of the OBRD Videos confirmed that prior to the incident between C and Sergeant B, the CPOA Investigator did not observe C being combative verbally or physically toward any of the officers on the scene or observe Sergeant B telling C to leave the area on several occasions. OBRD Video confirmed that Sergeant B grabbed at C within 5 seconds of talking to C then Sergeant B pulled the plastic bag that C was holding out of his hands and then threw the plastic bag to the floor. Approximately 17 seconds later, Sergeant B walked around the fence, walked up to C grabbed C left hand, and then took the brown bag(with the bottle inside) away from C right hand. OBRD Video confirmed that after Sergeant B saw the bottle was root beer, he then advised C that all C had to do was tell Sergeant B what it was, and then Sergeant B walked away.

A review of the OBRD Videos confirmed that Sergeant B violated the policy in question as he searched and seized C and C property prior to completing a proper investigation to know if C had violated any laws. The CPOA recommends an 8 hour suspension.

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

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The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 12, 2024

Via Email

Re: CPC # 245-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. G reported he loved the video of Sergeant B illegally seizing a bag from the hands of a citizen and then throwing it on the sidewalk and then illegally seizing a bottle of root beer from the citizen because the sergeant claims that he thought it could be alcohol. He added that the citizen was assaulted by the sergeant for simply drinking root beer and eating rice while he was filing a police officer.

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 H

Other Materials: YouTube Video

Date Investigation Completed: February 5, 2024

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: Administrative Order 3.41.4.B.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.

☒

Policies Reviewed: Administrative Order 3.41.5.B.6.a.iii

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:

3.41.4.B.2-A review of the OBRD Videos confirmed that Sergeant H did advise C that he would not write out his complaint for him; however, Sergeant H did provide C with the different options C had in order to submit the complaint. At no point during their interaction did C advise Sergeant H that he was unable to write out the complaint himself.

3.41.5.B.6.a.iii-Sergeant H did not complete a thorough supervisory review regarding C allegations of being battered by Sergeant B as Sergeant H failed to review the video from the incident in question. Without gathering and reviewing the available evidence, Sergeant H was not able to fully determine if "apparent criminal conduct" did occur or at minimum a force incident occurred as Sergeant H was advised by C of the allegation of battery by Sergeant B toward C. The CPOA 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 Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

February 12, 2024

Via Email

Re: CPC # 245-23

PO Box 1293

COMPLAINT:

Mr. B reported that "this kind of behavior needs to stop." Mr. B then provided the the following link:

Albuquerque

(https://youtu.be/skn_nhzdARw?si=9JKpbaKQUp8k_Ev4), which takes you to a YouTube video labeled "Albuquerque Police Bodycam Sergeants Lies. Probable cause is just a hunch."

NM 87103

Mr. B later reported that he believed the video spoke volumes and asked why that type of behavior was tolerated/encouraged was beyond him.

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: Sergeant B

Other Materials: YouTube Video

Date Investigation Completed: February 5, 2024

FINDINGS

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

☐

Policies Reviewed: Procedural Order 2.71.4.A.1

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

☒

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

☐

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

☐

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

☐

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

☐

Additional Comments:

2.71.4.A.1-A review of all of the OBRD Videos confirmed that prior to the incident between C and Sergeant B, the CPOA Investigator did not observe C being combative verbally or physically toward any of the officers on the scene or observe Sergeant B telling C to leave the area on several occasions. OBRD Video confirmed that Sergeant B grabbed at C within 5 seconds of talking to C then Sergeant B pulled the plastic bag that C was holding out o hands and then threw the plastic bag to the floor. Approximately 17 seconds later, Sergeant B walked around the fence, walked up to C grabbed C left hand, and then took the brown bag(with the bottle inside) away from C right hand. OBRD Video confirmed that after Sergeant B saw the bottle was root beer, he then advised C that all C had to do was tell Sergeant B what it was, and then Sergeant B walked away.

A review of the OBRD Videos confirmed that Sergeant B violated the policy in question as he searched and seized C and C property prior to completing a proper investigation to know if C had violated any laws. The CPOA recommends an 8 hour suspension.

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

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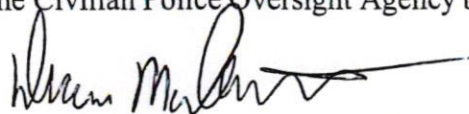
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 12, 2024

Via Email

1

Re: CPC # 245-23

PO Box 1293

COMPLAINT:

Albuquerque

Mr. B initially reported that "this kind of behavior needs to stop!" Mr. B provided the following link (https://youtu.be/skn_nhzdARw?si=9JKpbaKQUp8k_Ev4), which takes you to a YouTube video labeled "Albuquerque Police Bodycam Sergeants Lies. Probable cause is just a hunch."

NM 87103

Mr. B later reported that he believed the video spoke volumes and asked why that type of behavior was tolerated/encouraged was beyond him.

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 H

Other Materials: YouTube Video

Date Investigation Completed: February 5, 2024

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.

☐

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☐

Policies Reviewed: Administrative Order 3.41.4.B.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.

☒

Policies Reviewed: Administrative Order 3.41.5.B.6.a.iii

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:

3.41.4.B.2-A review of the OBRD Videos confirmed that Sergeant H did advise C that he would not write out his complaint for him; however, Sergeant H did provide C with the different options C had in order to submit the complaint. At no point during their interaction did C advise Sergeant H that he was unable to write out the complaint himself.

3.41.5.B.6.a.iii-Sergeant H did not complete a thorough supervisory review regarding C allegations of being battered by Sergeant B as Sergeant H failed to review the video from the incident in question. Without gathering and reviewing the available evidence, Sergeant H was not able to fully determine if "apparent criminal conduct" did occur or at minimum a force incident occurred as Sergeant H was advised by C of the allegation of battery by Sergeant B toward C. The CPOA 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 Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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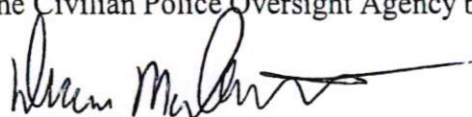
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

February 22, 2024

Via Certified Mail

7017 2680 0000 5951 9754

Re: CPC # 246-23

PO Box 1293

COMPLAINT:

Albuquerque

On 10/5/2023, Ms. C : called in a complaint over the phone regarding an incident that occurred on 9/24/2023 at 1715 hours. Ms. C : alleged that a report written by Officer D was not completed in time about a truck threatening her on behalf of her enemies. The case number the officer wrote down was incorrect by a digit.

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: Officer D

Other Materials: email communication

Date Investigation Completed: February 9, 2024

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: 2.16.5.C.1

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

☒

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

☐

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

☐

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

☐

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

☐

Additional Comments:

The investigation determined that Officer D violated policy when the officer failed to complete and submit the incident report for supervisory approval by the end of shift on 9/24/2023. Officer D explained the reason for not submitting the incident report by the end of shift was a verbal understanding with supervisors that non-mandatory reports do not have to be completed by the end of the shift. While Officer D may have potentially have had an understanding with acting supervisors about submitting reports, the officer's actual supervisor did not agree it was a standing, allowable practice. The policy implies express permission is required on a case by case basis, which was not obtained this time. The officer did not have the "understanding" in writing. The CPOA 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 Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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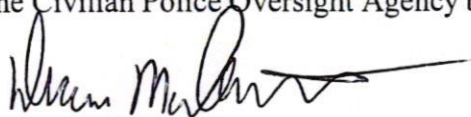
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 22, 2024

Via Email

Re: CPC # 250-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 10/06/2023, F submitted a complaint online regarding an incident that occurred on 09/20/2023 at 1430 hours. Mr. F reported being stopped at a red light at Eubank Boulevard and I40. The light turned green, and Mr. F proceeded straight in the center lane when a patrol vehicle merged into his lane, sideswiping him. A PSA created report number 23-0075856 (711093442), but no information was provided to identify the involved officer or insurance information. Mr. F wanted to know when the issue would be resolved because the report had not been completed and/or signed, and he wanted to resolve the tort claim filed against the City of Albuquerque to his satisfaction before contacting a lawyer.

EVIDENCE REVIEWED:

Video(s): No

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant H

Other Materials: Email Communications

Date Investigation Completed: February 8, 2024

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: Reports: 2.16.5.C.1.b

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

☒

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

☐

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

☐

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

☐

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

☐

Additional Comments:

It was determined that Sgt. H failed to review and approve report 23-0075856 (711093442) within three (3) work days of the report being submitted by the reporting PSA Sgt. H advised that the report not being reviewed and approved was an oversight on his part, that he was unaware that he needed to review and approve the report, that he had previous issues accessing TraCS, that he primarily used that he forgot to check because having a PSA was new to the Auto Theft Unit, and because his unit didn't typically deal with crashes. The CPOA recommended a verbal reprimand for the sustained finding

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

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

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 23, 2024

Via Certified Mail

7017 2680 0000 5951 9792

Re: CPC # 254-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. [M] alleged that an accident occurred on 9/27/2023, and fifteen days later, on 10/13/2023, the accident report was still not available. This hindered any insurance claims, repairs, medical coverage, and lawsuits. Ms. M wanted appropriate action taken against the PSA, Officer, or Sergeant who was responsible for the hold-up of the report as the report was not filled out the same day are required or because the sergeant had not reviewed it within ten business days as required. In addition, Ms. M filed a duplicative complaint the following day.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant A.

Other Materials: N/A

Date Investigation Completed: February 13, 2024

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: 2.16.5.C.1.b

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:

After review, the investigation determined that Sergeant A, by a preponderance of the evidence, violated policy for failing to review/approve the accident report within three (3) workdays of when the accident report was submitted. Sergeant A. was not at the scene of the accident, as the accident happened on his day off. When he ultimately returned from vacation and days off, it took some time to find where the report was and its status. The report was originally submitted by the PSA within the required time. The CPOA 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 Advisory Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. Please note, **at this time the Advisory Board is being reconfigured so no hearings will take place until regularly scheduled meetings occur. If your appeal request is filed timely you will be notified of when your appeal will be scheduled and more information will follow. Once normal procedures resume the appeal hearings will proceed as specified in the Oversight Ordinance 9-4-1-10. In order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:**

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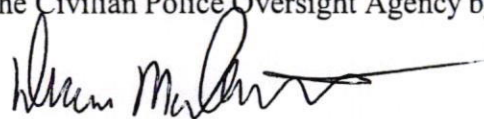
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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 22, 2024

Via Certified Mail

7017 2680 0000 5951 9785

Re: CPC # 259-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. S reported that she was charged with aggravated battery and wasn't given an opportunity to put her side on the record. Ms. S reported that it was an unfair and incomplete investigation that cost her thousands of dollars to defend herself. Ms. S reported that there was no follow-up investigation from the preliminary officer. Ms. S reported that the elements of the crime charged were never proven before submitting the charges. Ms. S reported that if the officers had completed a fair/complete investigation and follow-up, they would have discovered that it was a self-defense case. Ms. S reported that there was no proper chain of custody and no photos of possible injuries.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Officer K

Other Materials: Evidence.com and : 43

Date Investigation Completed: February 16, 2024

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: Procedural Order 2.60.4.D.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.

☒

Policies Reviewed: Procedural Order 2.8.4.G

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

☒

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

☐

Additional Comments:

2.60.4.D.1-After a review of the OBRD videos and the video evidence that was uploaded to evidence.com, the CPOA Investigator did not observe a difference in the two videos, per the complaint. During the interview, Officer K provided valid responses in reference to his reasons for not interviewing Ms. S , the charge against Ms. S , the reason he did not ask for or need any more video, and not having photographs of the reported injuries. Officer K confirmed that he had enough Probable cause for his decisions based on what he saw. After a review of APD SOP's, the CPOA Investigator could not locate any SOP that advised that an officer must interview all parties in reference to a Misdemeanor charge when an officer had already established probable cause for charges.

2.8.4.G-Officer K failed to label the videos in question as evidence and did not label the videos under the case number in question, therefore not properly categorizing his videos in Evidence.com per policy. The CPOA recommended a written reprimand and additional training for the SOP violation.

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

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

February 22, 2024

Via Certified Mail

7017 2680 0000 5951 9785

Re: CPC # 259-23

PO Box 1293

COMPLAINT:

Ms. S reported that the supervisor signing off on the charges document didn't check for complete documentation as there was no documentation of an attempt to contact Ms. S. Ms. S reported that there was no interview of the witness on the report, nor was there identification of other witnesses on the scene.

Albuquerque

NM 87103

www.cabq.gov

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant M

Other Materials: Evidence.com and : 43

Date Investigation Completed: February 16, 2024

FINDINGS

Policies Reviewed: Procedural Order 2.80.4.M.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:

2.80.4.M.4-After a review of the interviews and the information gathered throughout the investigation, the CPOA Investigator did not note any violations of SOPs by Sergeant M. The elements necessary to issue the summons were sufficiently documented.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

February 22, 2024

Via Certified Mail

7017 2680 0000 5951 9785

Re: CPC # 259-23

PO Box 1293

COMPLAINT:

Ms. S reported that there was no supplemental report from the female officer on the original call. Ms. S reported that the female officer identified the one who battered her daughter and provided tampered video evidence against Ms. S

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 Z

Other Materials: Evidence.com and :43

Date Investigation Completed: February 16, 2024

FINDINGS

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

☐

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

☐

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

☐

Policies Reviewed: Procedural Order 2.16.5.B.1.k.i

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:

2.16.5.B.1.k.i-Although it was confirmed that Officer Z did not complete a supplemental report and obtained B : daughter's information and the evidence from B : daughter, the information Officer Z did gather from Brandy's daughter was available to view on CAD#P230500179. It should also be noted that Officer K noted in his report how the evidence went into the agency's possession and what the evidence was, per policy.

It should also be noted that B : daughter advised officers that she did not witness the incident in question as she was in another room.

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

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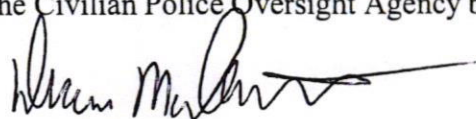
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 22, 2024

Via Email

Re: CPC # 261-23

PO Box 1293

COMPLAINT:

Albuquerque

Mr. H alleged that Officer S displayed rude and dismissive behavior that was grossly unprofessional toward him when he responded to his home regarding a camper parked in front of his house, in which the occupants had been dealing drugs.

NM 87103

Mr. H was not interviewed for investigation after attempts to contact him, which proved negative. Mr. H only provided an email address. On 10/29/2023, the investigator emailed Mr. H requesting a phone number for a later interview. On 1/3/2024, the investigator sent a letter via email asking if Mr. H wanted to participate in the investigation and to contact the investigator within seven days.

www.cabq.gov

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer S.

Other Materials: Mr. H ; security video

Date Investigation Completed: February 15, 2024

FINDINGS

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

☐

Policies Reviewed: 1.1.5.A.1

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

☒

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

☐

Policies Reviewed: 1.1.6.C.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:

1.1.5.A.1 The investigation determined that Officer S violated policy during his interaction with Mr. H when he reacted emotionally to Mr. H behavior and made two sarcastic

1.1.6.C.1 Officer S fulfilled the other aspects of his job duties within policy when he did not do as Mr. H insisted. Officer S' actions of citing the vehicle were appropriate and the circumstances did not warrant a demand for the vehicle to move.

The CPOA recommends an 8 hour suspension for the conduct violation.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 28, 2024

Via Email

1

Re: CPC # 262-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 10/30/2023, the CPOA received Civilian Police Complaint 2023-000262 via BlueTeam (IAPro) regarding an incident that occurred on 10/27/2023. R reported that an officer in patrol vehicle A41 was using a cellular telephone to text and driving slower than traffic. Mr. R attempted to contact the officer; the officer used the PA to tell Mr. R to mind his own business.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: Email Communications, Map, Snips, & Operator Recording.

Date Investigation Completed: February 12, 2024

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.

☐

Policies Reviewed: 1.1.5.A.1 (Conduct) & 2.5.4.A.3 (Department Vehicles)

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

☒

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

☐

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

☐

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

☐

Additional Comments:

It was determined that the timeline and location made it limitedly possible for the reported misconduct to occur, but there was insufficient evidence to determine this by a preponderance of the evidence. The additional information, which included the description of the patrol vehicle, the mention of an ambulance, and the description of the officer, added to the likeliness that Officer G was the officer present. However, factors such as the officer did not process a CYFD call that day around that time and the information provided by Mr.

R to the operator and the investigator had some inconsistencies, such as what was said by Officer G, if the officer was texting or talking on the telephone, and if the windows were up or down.

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

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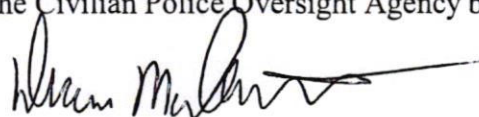
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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 29, 2024

Via Email

Re: CPC # 265-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 10/26/2023, D submitted a complaint regarding an incident that occurred on 08/24/2021 at 14105 La Mesita Road Northeast during the "afternoon." Mr. D reported no specific allegations of misconduct on the complaint form. Mr. D reported no specific APD personnel and stated, "Up to 15 different police officers and as many as 6 at one time." Mr. D indicated in the "What outcome are you seeking" section that he wanted an unconstitutional restraining order from 2021 dismissed.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Not Applicable

Other Materials: Email & Mail Communications

Date Investigation Completed: February 26, 2024

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.

☐

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☒

Additional Comments:

Mr. D was unresponsive to the request for contact, so additional information could not be gathered. It was determined that the investigation be Administratively Closed because it could not be conducted because of the lack of verifiable information in the complaint, and further investigation would be subjectively guessing as to the complaint's issues of concern. Additionally, no evidence of a violation in reference to this complaint was discovered during the review of the available evidence. The information provided by Mr. D regarding the incident at 14105 La Mesita Road Northeast on 08/24/2021 was not accurate. There were only two officers, not fifteen, and there was no mention of a restraining order.

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

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- C) The APD policy or APD policies that were considered by the Director were the wrong policies or they were used in the wrong way; or,
- D) The APD policy or APD policies considered by the Director were chosen randomly or they do not address the issues in your complaint.

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 29, 2024

Via Email

Re: CPC # 266-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 10/26/2023, D submitted a complaint regarding an incident that occurred on 10/19/2023 at Maverik. Mr. D reported that an unknown male pepper sprayed him and then pursued him on foot and in a vehicle. Mr. D threw a rock toward the male; the male drew a firearm and pointed it directly at him. The male holstered the firearm, continued to pursue Mr. D and "got on his phone." Mr. D ran to a vehicle he believed to be a witness and asked if they were his witness. *"The driver was strangely holding his phone as though recording me not the real attacker or whole story. I went to the back of that vehicle and there was no license plate for my potential witness."* Mr. D continued West but the male did not.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Not Applicable

Other Materials: Email & Mail Communications

Date Investigation Completed: February 23, 2024

FINDINGS

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

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

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

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

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

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

Additional Comments:

It was determined that the investigation be Administratively Closed because it could not be further conducted due to the lack of verifiable information in the complaint, and additional investigation, absent more information, would be ineffective.

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

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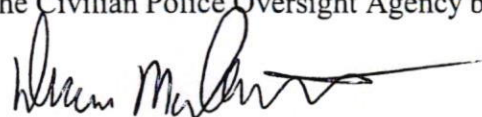
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If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

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



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 28, 2024

To File

Anonymous

Re: CPC # 269-23

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 10/30/2023, Anonymous submitted a complaint online to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 09/10/2023 at 0800 hours. Anonymous reported that Lieutenant T was in charge of and overseeing her brother, a cadet at the APD Police Academy, but failed to disclose the familial relationship in violation of APD policy and procedures.

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Lieutenant T

Other Materials: Email Communications & Organizational Charts

Date Investigation Completed: February 12, 2024

FINDINGS

Policies Reviewed: 1.1.7.D.1 (Conduct)

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



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



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



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



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



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



Additional Comments:

1.1.7.D.1: It was determined that Lt. T did not conduct herself in a prohibited manner with respect to any personal relationship that, in reality, or appearance, suggested improper influence between two or more Department employees or the direct supervision, evaluation, audit, investigation, including the discipline of any Department personnel whereby employee and supervisor were involved in a personal relationship or who were related. Lt. T disclosed her familial relationship with her sibling, Cadet T, to Commander V. Commander V confirmed that the disclosure by Lt. T to him of her familial relationship with Cadet T was not required. As the lieutenant over the advanced training program, Lt. T did not have influence or direct supervision over APD personnel in the basic training program.

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

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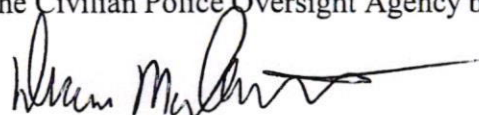
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Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 29, 2024

Via Email

Re: CPC # 315-23

PO Box 1293

COMPLAINT:

Albuquerque

NM 87103

A reported that he had deployed a drone at a homicide scene on 07/03/2023. Mr. A reported that CSS N violated his First Amendment rights, violated the APD onlookers' policy, and sought out, harassed, and created hostility toward him and/or ABQ Raw. CSS N stopped gathering evidence, summoned other officers, pointed to the sky, advised the drone's presence via radio to dispatch, and ran around to uncaring officers, informing them of the drone's presence. CSS N did not point out and advise dispatch of the presence of other media outlets' drones.

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: CSS N

Other Materials: Unit History, Videos, Pictures, FAA Rules, & Email Communications.

Date Investigation Completed: February 8, 2024

FINDINGS

Policies Reviewed: 1.1.5.C.3 (Conduct) & 2.33.4.C.1 (Onlookers)

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.C.3: It was determined that CSS N did not act officiously, act with malice, abuse her lawful authority, or permit her personal feelings, animosities, or friendships to influence her official decisions on 07/03/2023. CSS N documented via radio transmission and OBRD the perceived safety issues and FAA violations regarding a drone operated by Mr. A and at the direction of her supervisor. The action was to be taken regarding all non-APD drone use over crime scenes and was not specific to Mr. A or ABQ Raw. APD personnel and Mr. A confirmed that he had the only drone in the area.

2.33.4.C.1: It was determined that CSS N did not hinder Mr. A's ability to onlook. Mr. A was not asked or ordered by CSS N or by anyone on her behalf to land the drone, stop recording, stop viewing, relocate, or leave the scene on 07/03/2023. CSS N is not considered sworn personnel, which a substantial amount of 2.33 is directed at; therefore, those sections do not apply to her. Mr. A was recording a crime scene and not a public encounter or contact, which a substantial amount of 2.33 is directed at; therefore, those sections do not apply to the situation.

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

February 29, 2024

Via Email

Re: CPC # 010-24

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. Anonymous (B) called the CPOA on 1/12/2024 to report that he observed a lapel video of a male police officer who had pulled over a woman, Ms. G on a traffic stop for speeding. Mr. Anonymous (B) said that when the officer asked Ms. G : for her insurance and registration, Ms. G : told the officer her vehicle was stolen. Then, the officer opened her door, pulled her out, put her in handcuffs, and arrested her. Even though Ms. G 's vehicle was not actually stolen, Mr. Anonymous (B) wanted to know why the officer did not release her from the arrest since her vehicle was not stolen and only concerned himself with the traffic stop.

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: n/a

Other Materials: internet search KOB4 news story

Date Investigation Completed: February 28, 2024

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.

☐

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☐

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☒

Additional Comments:

The traffic stop incident Mr. Anonymous (B) referred to was from a news story reported by KOB4 News. The traffic stop incident that escalated into an arrest occurred on 8/7/2023. KOB4 ran the story on 10/26/2023.

This case was administratively closed because the traffic stop incident involved officers from the Bernalillo County Sheriff's Office (BCSO), not officers from the Albuquerque Police Department. During the interview, Mr. Anonymous (Bob) was informed that the CPOA only investigates Albuquerque Police Department officers.

The following is the link to the news story:

<https://www.kob.com/new-mexico/albuquerque-metro/4-investigates-albuquerque-mom-arrested-after-traffic-stop-escalates/>

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 29, 2024

Via Email

Re: CPC # 021-24

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 01/30/2024, S submitted a complaint via email to the Civilian Police Oversight Agency (CPOA) regarding an incident that occurred on 01/24/2024 at 0204 hours. Ms. S reported that her minor child was under the influence of alcohol and involved in a vehicle crash. Ms. S wanted to know why she was not notified as the parent/legal guardian of the minor child and the vehicle owner. Ms. S wanted to know why medical attention wasn't sought for her daughter. Ms. S wanted to know why her daughter wasn't arrested being she had a "BAC of .16." Ms. Sarracino wanted to know why her daughter was released to an adult other than her parent.

EVIDENCE REVIEWED:

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Not Applicable

Other Materials: Email Communications, Citations, & Additional DWI Documents.

Date Investigation Completed: February 14, 2024

FINDINGS

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

☐

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

☐

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☒

Additional Comments:

This complaint investigation was Administratively Closed because the complaint was withdrawn, and no evidence of a violation in reference to this complaint was discovered during a review of available evidence. Ms. S did not understand police procedures in this situation, but after speaking with the CPOA Investigator her questions and concerns were addressed.

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

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Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY



February 29, 2024

Via Certified Mail

7017 2680 0000 5951 9846

Re: CPC # 031-24

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 02/13/2024, [REDACTED] submitted a complaint via telephone to the Civilian Police Oversight Agency (CPOA) staff regarding an incident that occurred on 10/10/2023 at 1630 hours. Ms. M [REDACTED] reported that Officer A arrested her son, L [REDACTED] but he wasn't a criminal. Ms. M [REDACTED] reported that her brother, Joe M [REDACTED], knew Officer A and told her, "Let's see how you get out of this one."

EVIDENCE REVIEWED:

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: Not Applicable

Other Materials: Email Communications & News Reports

Date Investigation Completed: February 23, 2024

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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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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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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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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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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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.

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Additional Comments:

This case was Administratively Closed because the investigation determined that I G was arrested by the New Mexico State Police, over whom the CPOA has no investigative jurisdiction or authority, and without the assistance of the Albuquerque Police Department.

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

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

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

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

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

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

Sincerely,
The Civilian Police Oversight Agency by



Diane McDermott
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police