

## **Civilian Police Oversight Agency Board**

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

### **BOARD AGENDA**

**Thursday, February 10, 2022 - 5:00 p.m.**

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, February 10, 2022 at 5:00 pm will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at: <https://www.cabq.gov/culturalservices/govtv>, or on YouTube at: <https://www.cabq.gov/cpoa/events/cpoa-board-meeting-02-10-2022>. (Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

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

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 p.m., Monday, February 7, 2022 at [www.cabq.gov/cpoa](http://www.cabq.gov/cpoa).

The CPOA Board will take general public comment and comment on the meeting's specific agenda items in written form via email through 4:00 pm on Thursday, February 10, 2022. Submit your public comments to: [POB@cabq.gov](mailto:POB@cabq.gov). These comments will be distributed to all CPOA Board members for review.

- I. Welcome and call to order**
- II. Mission Statement – *William J. Kass, Acting Chair***

*“Advancing Constitutional policing and  
accountability for APD and the Albuquerque  
Community.”*
- III. Approval of the Agenda**
- IV. Public Comments**
- V. Review and Approval of Minutes from January 31, 2022**

**VI. Reports from City Departments**

- a. APD
  - 1. IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46) – *Commander Zak Cottrell*
  - 2. IA Force Division (SOP 2-52 through SOP 2-57) – *Acting Commander Richard Evans*
  - 3. APD Training Semi-Annual Report – *Postponed*
- b. City Council – *Chris Sylvan*
- c. Public Safety Committee - *Chris Sylvan*
- d. Mayor’s Office – *Pastor David Walker*
- e. City Attorney
- f. CPC – *Kelly Mensah*
- g. CPOA – *Diane McDermott, Interim Executive Director*

**VII. Non-Concurrence Cases**

- a. CPC 038-21
- b. CPC 093-21
- c. CPC 109-21
- d. CPC 249-20
- e. CPC 250-20

**VIII. CAO Review Update**

- a. 122-21

**IX. Requests for Reconsideration**

- a. 134-21
- b. 135-21

**X. Review of Cases:**

- a. Administratively Closed
  - 178-21            210-21            225-21
- b. Unfounded
  - 183-21            185-21
- c. Unfounded and Not Sustained
  - 193-21
- d. Exonerated
  - 172-21            179-21            181-21            182-21
  - 184-21            200-21            212-21            221-21
- e. Exonerated and Unfounded
  - 167-21            194-21            204-21            205-21
- f. Exonerated, Not Sustained and Administratively Closed
  - 189-21

- g. Sustained  
191-21**
- h. Sustained and Exonerated  
202-21**
- i. Not Sustained  
197-21**

**XI. Serious Use of Force Cases/Officer Involved Shooting**

- a. 20-0041385**
- b. 20-0085317**
- c. 21-0002324**
- d. 21-0009559**
- e. 18-0105978**
- f. File Requests:**
- g. Proposed Case(s) for March 2022 Review:**
  - 1. 18-0110490**
  - 2. 21-0015116**
  - 3. 21-0049436**
  - 4. 21-0057653**
  - 5. 21-0059035**
  - 6. 21-0060354**

**XII. Reports from Subcommittees**

- a. Community Outreach Subcommittee**
  - 1. January 25, 2022 (video Conference)**
  - 2. Next meeting February 22, 2022 at 3:00 p.m.**
- b. Policy and Procedure Review Subcommittee – *Dr. William Kass***
  - 1. February 3, 2022 Meeting was Cancelled**
  - 2. Next meeting March 3, 2022 at 4:30 p.m.**
- c. Case Review Subcommittee – *Patricia J. French***
  - 1. January 24, 2022 Meeting was Cancelled and Met January 27, 2022 (video conference)**
  - 2. Next meeting February 14, 2022 at 3:30 p.m.**
- d. Personnel Subcommittee**
  - 1. Met January 31, 2022 at 3:00 p.m. (video conference)**
  - 2. Next meeting February 28, 2022 at 4:00 p.m.**

**XIII. Discussion and Possible Action:**

- a. Consideration of Proposed MOU between the City of Albuquerque, CPOA/CPOAB and APOA on OIS/SUOF Materials – *Tina Gooch, CPOA Counsel***
- b. Draft January – June 2021 Semi-Annual Report – *Diane McDermott, Interim Executive Director and Ali Abbasi, CPOA Data Analyst***
- c. IMR-14 and Status Conference Update – *Tina Gooch, CPOA Counsel***

- d. **Executive Director Selection Process – *Patricia J. French***
  - 1. **Consideration of Supplemental Questions for CPOA Executive Director Applicants**
  - 2. **Consideration of Changes to Proposed Timeline and Process for CPOA Director Appointment**
  - 3. **Consideration of Communications to Stakeholder Groups on CPOA Executive Director Appointment**

**XIV. Other Business**

- XV. **Adjournment- *Next Regularly scheduled CPOA Board meeting will be on March 10, 2022 at 5:00 p.m.***

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia French*

*William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

February 11, 2022

Via US Mail

**Re: CPC# 134-21**

Dear Mr. A :

The Board may grant an Appeal only upon the complainant's timely request offering proof that:

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

PO Box 1293

Albuquerque

NM 87103

On February 10, 2022 the Board considered your submission for Appeal and request for hearing. The Board deemed your request did not meet the standards set forth in City of Albuquerque' Oversight Ordinance. Therefore, your request for hearing in front of the Board has been denied.

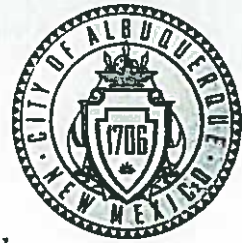
[www.cabq.gov](http://www.cabq.gov)

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

### Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia French*

*William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

February 11, 2022

Via Mail

**Re: CPC# 135-21**

Dear Ms. E :

The Board may grant an Appeal only upon the complainant's timely request offering proof that:

- A) The APD policy or APD policies that were considered by the CPOA were the wrong policies or they were used in the wrong way; or,
- PO Box 1293 B) The APD policy or APD policies considered by the CPOA were chosen randomly or they do not address the issues in your complaint; or,
- Albuquerque C) The findings of the CPOA had no explanation that would lead to the conclusion made by the CPOA; or,
- D) The findings by the POB were not supported by evidence that was available to the CPOA at the time of the investigation.

NM 87103 On February 10, 2022 the Board considered your submission for Appeal and request for hearing. The Board deemed your request did not meet the standards set forth in City of Albuquerque' Oversight Ordinance. Therefore, your request for hearing in front of the Board has been denied.

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

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



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*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Email

Re: CPC # 178-21

Dear A G

### **COMPLAINT:**

A C submitted a complaint that alleged on 09/13/2021, a guest of the Extend-A-Suites refused to leave and barricaded herself in her room, which resulted in APD being called. Officer P and Officer G responded, told Mr. G that they would not remove the guest, and told him to call the BCSO. The officers informed the guest she had the right to stay and did not have to leave. The guest refused to leave because APD told her she had rights, the officers responded again, had a sour attitude, gave the guest legal advice, treated the staff like criminals, and placed the staff in fear.

### **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 P

Other Materials: N/A

Date Investigation Completed: December 30, 2021

PO Box 1293

Albuquerque

NM 87103

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

## FINDINGS

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

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

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

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

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

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

**Additional Comments:**

This case was Administratively Closed as the complaint was withdrawn by Mr. G ; and no evidence of a violation in reference to this complaint was discovered during a review of the available evidence.



**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

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

Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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February 11, 2022

Via Email

Re: CPC # 178-21

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PO Box 1293

Albuquerque

NM 87103

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

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### **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 G

Other Materials: N/A

Date Investigation Completed: December 30, 2021

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The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



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February 11, 2022

Via Email

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PO Box 1293

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NM 87103

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**COMPLAINT:**

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**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: Sergeant A

Other Materials: N/A

Date Investigation Completed: December 30, 2021

## FINDINGS

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The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

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*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Email

Anonymous

Re: CPC # 210-21

Dear Anonymous:

PO Box 1293

### **COMPLAINT:**

Albuquerque

Anonymous submitted an email to the Office of Inspector General reference fraud in the aviation department. Anonymous reported they were a city employee who wanted to remain anonymous and reported that APD and APD Aviation had been asked to expunge records regarding a domestic incident at the mayor's residence due to an affair he was having. Anonymous reported the incident, and the continued affair was being covered up by staff, including Chief M.

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Chief M

Other Materials: Communications Director Memo

Date Investigation Completed: January 21, 2022



## **FINDINGS**

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### **Additional Comments:**

The investigator determined that the investigation could not be conducted because of a lack of information provided in the complaint, and that further investigation would be futile. The investigator was unable to locate or review any lapel videos, reports, dispatch logs, or other evidence regarding this complaint. Anonymous was not interviewed because they did not respond to request for an interview. Chief M was not interviewed because of a lack of information linking Chief M to the complaint.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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Administratively closed complaints may be re-opened if additional information becomes available.

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Email

Anonymous

Re: CPC # 210-21

Dear Anonymous:

PO Box 1293

### **COMPLAINT:**

Albuquerque

Anonymous submitted an email to the Office of Inspector General reference fraud in the aviation department. Anonymous reported they were a city employee who wanted to remain anonymous and reported that APD and APD Aviation had been asked to expunge records regarding a domestic incident at the mayor's residence due to an affair he was having. Anonymous reported the incident, and the continued affair was being covered up by staff, including Deputy Chief B.

NM 87103

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### **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: No

APD Employee Involved: Deputy Chief B

Other Materials: Communications Director Memo

Date Investigation Completed: January 21, 2022

## FINDINGS

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

### Additional Comments:

The investigator determined that the investigation could not be conducted because of a lack of information provided in the complaint, and that further investigation would be futile. The investigator was unable to locate or review any lapel videos, reports, dispatch logs, or other evidence regarding this complaint. Anonymous was not interviewed because they did not respond to request for an interview. Deputy Chief B was not interviewed because of a lack of information linking Deputy Chief B to the complaint.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

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

Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Email

Anonymous

Re: CPC # 210-21

Dear Anonymous:

PO Box 1293

### **COMPLAINT:**

Albuquerque

Anonymous submitted an email to the Office of Inspector General reference fraud in the aviation department. Anonymous reported they were a city employee who wanted to remain anonymous and reported that APD and APD Aviation had been asked to expunge records regarding a domestic incident at the mayor's residence due to an affair he was having. Anonymous reported the incident, and the continued affair was being covered up by staff, including Commander A.

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: No

APD Employee Involved: Commander A

Other Materials: Communications Director Memo

Date Investigation Completed: January 21, 2022

## FINDINGS

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

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

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

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 investigator determined that the investigation could not be conducted because of a lack of information provided in the complaint, and that further investigation would be futile. The investigator was unable to locate or review any lapel videos, reports, dispatch logs, or other evidence regarding this complaint. Anonymous was not interviewed because they did not respond to request for an interview. Commander A was not interviewed because of a lack of information linking Commander A to the complaint.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

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

Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Email

Jesse Nixon

Re: CPC # 225-21

Dear Jesse Nixon:

PO Box 1293

### **COMPLAINT:**

Albuquerque

Jesse Nixon submitted a complaint that alleged he called APD about a guest who damaged property and harassed and threatened guests and employees, but APD did not talk to or arrest the guest. No officer was specifically named in the complaint and Mr. Nixon only sought the removal of the guest.

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Officer E

Other Materials: Case Detail Sheet

Date Investigation Completed: January 21, 2022

## **FINDINGS**

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.
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**Additional Comments:**

This case was Administratively Closed as the complaint was withdrawn by Mr. N. and no evidence of a violation in reference to this complaint was discovered during a review of the available evidence.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,
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Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Email

.

Re: CPC # 225-21

Dear J N

PO Box 1293

**COMPLAINT:**

Albuquerque

J N submitted a complaint that alleged he called APD about a guest who damaged property and harassed and threatened guests and employees, but APD did not talk to or arrest the guest. No officer was specifically named in the complaint and Mr. Najar only sought the removal of the guest.

NM 87103

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

**EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Officer M

Other Materials: Case Detail Sheet

Date Investigation Completed: January 21, 2022

## **FINDINGS**

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

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

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

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:**

This case was Administratively Closed as the complaint was withdrawn by Mr. [redacted], and no evidence of a violation in reference to this complaint was discovered during a review of the available evidence.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,
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Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

February 11, 2022

Via Email

Re: CPC # 225-21

Dear J. Nixon:

### **COMPLAINT:**

J. Nixon submitted a complaint that alleged he called APD about a guest who damaged property and harassed and threatened guests and employees, but APD did not talk to or arrest the guest. No officer was specifically named in the complaint and Mr. Nixon only sought the removal of the guest.

PO Box 1293

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Sergeant R

Other Materials: Case Detail Sheet

Date Investigation Completed: January 21, 2022

## **FINDINGS**

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

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

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

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

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### **Additional Comments:**

This case was Administratively Closed as the complaint was withdrawn by Mr. N. [redacted], and no evidence of a violation in reference to this complaint was discovered during a review of the available evidence.



**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

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

Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Certified Mail

7018 1130 0002 3429 1156

**Re: CPC # 183-21**

Dear Ms. Williams:

### **COMPLAINT:**

The family of Jennifer Nunez, were notified via Facebook on ABQ Metro Crime Stoppers that she passed away on 08/16/2021. Once the family had seen the post, they requested information from APD; her fingerprints were identified 2 weeks ago. APD did not attempt to notify any family about her death. It is disheartening to learn about this via Facebook. APD has access to systems to find family member's contact information even though Jennifer did not have an address listed. We are asking for a protocol that families in the future are notified about deaths prior to it being posted on Facebook as this should not happen to another family.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer D

Other Materials: crash report, supplementary report

Date Investigation Completed: January 18, 2022

1

## FINDINGS

Policies Reviewed: 2-21-5A1D

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:**

Documentation shows Officer D and APD reached out to OMI and efforts to reach family on three occasions were documented. There is no evidence supporting W allegations that Officer D violated General Order 2-21-5A1D. This issue will be UNFOUNDED.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,
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Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



**CIVILIAN POLICE OVERSIGHT AGENCY  
Civilian Police Oversight Agency Board**

*Chantal M. Galloway, Chair*      *Jesse Crawford*      *Patricia J. French*  
*Dr. William J. Kass*                      *Eric Nixon*  
Diane McDermott, Interim Executive Director

February 11, 2022

Via Certified Mail  
7018 1130 0002 3429 1187

**Re: CPC # 185-21**

Dear J... -H

PO Box 1293

**COMPLAINT:**

L... H... reported Officer B filed a false report that church people were harrasing her, that there were horses in her home, that the church people were giving her autistic son unknown substance, and there were people in her home posing as firemen and officers.

Albuquerque

NM 87103

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

**EVIDENCE REVIEWED:**

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

Complainant Interviewed: No                      Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: Officer B

Other Materials: n/a

Date Investigation Completed: January 21, 2022

## FINDINGS

Policies Reviewed: 2-60-4A5ADF

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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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:**

2-60-4A5A, D, F: Lapel video obtained shows Officer B maintained professional and courteous demeanor the entire duration he was at D 1-H ; home. There is no evidence o support the allegations filed against Officer B. This issue will be UNFOUNDED.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

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

Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

February 11, 2022

To File

No Address

Re: CPC # 193-21

Dear E. C. :

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Officer P was driving in front of us (C and boyfriend Q, we switched lanes and he got into that lane without using his blinker and almost hit us. We switched into another lane and he did the same thing. We passed him because we did not feel safe, so he proceeded to pull us over claiming we were speeding, when we were going the same speed as everyone, including him. He accused us of "tailgating" just because we were behind him. He admitted to cutting us off without using his blinker or sirens, saying that officers are allowed to do that. He was defensive, and after citing us a ticket and arguing with us, said "learn to fucking drive" and then proceeded to follow us until we got off the freeway even though he claimed to have already been on call and that was his reason for speeding also.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer P

Other Materials: citation, CAD history

Date Investigation Completed: January 27, 2022



## FINDINGS

Policies Reviewed: 1-1-5C2

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: 1-1-5E4

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:

1-1-5E4: This investigation revealed that there is insufficient evidence to support C claims against Officer P. There is no lapel video or camera footage showing Officer P of ever driving poorly. Rather, APD Uniform Traffic Citation 66486960 obtained shows it was Q that was cited for speeding. This issue will be "Not Sustained".

1-1-5C2: There was no video to prove that Officer P argued and used foul language and said "learn to fucking drive" at any time during his interactions with Q and C. C appeared to instigate Officer P as she interrupted Officer P as he was speaking to the driver Q. She questioned Officer P driving, insinuated that he was driving poorly by speeding and by getting into lanes without signaling. There is no evidence to support the alleged misconduct presented by C occurred. Therefore, 1-1-5 C2 is "UNFOUNDED."

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
- B) The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,
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Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

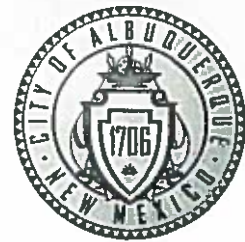
Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Certified Mail

7018 1130 0002 3429 1217

Re: CPC # 172-21

PO Box 1293

### **COMPLAINT:**

Mr. B. reported that he was very concerned that it took two hours for police to respond to a call when someone was in danger of bodily harm.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Telecommunications Operator F

Other Materials: 911 Audio Recordings

Date Investigation Completed: January 18, 2022

## FINDINGS

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

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

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

Policies Reviewed: 2-01-10G.1.e

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

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 Caller (Hotel Employee) advised Operator F that Mr. B did not want to talk to an Officer, the caller thought Mr. B just wanted to make them aware, in case there was any break-ins that night just so it was recorded. The Caller also advised Operator F that Mr. C left, to just put a BOLO(Be on the look out) and confirmed she would deal with Mr. O when she saw him.

Operator F put a BOLO out with Mr. O information per the request of the caller.

The CPOA recommends issuing a Special Order to document the changes that went live with a new priority system that does not reflect the published SOP(9-1.)

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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Diane McDermott, Interim Executive Director

February 11, 2022

Via Certified Mail

7018 1130 0002 3429 1217

Re: CPC # 172-21

PO Box 1293

### **COMPLAINT:**

Mr. B reported that he was very concerned that it took two hours for police to respond to a call when someone was in danger of bodily harm.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Operator L

Other Materials: 911 Audio Recordings

Date Investigation Completed: January 18, 2022

## FINDINGS

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

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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: 2-01-10G.3.a

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

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### Additional Comments:

Per the new Call Priority Definitions which are yet to be reflected in SOP 9-1, Operator L appropriately assigned the Call Priority as a Priority 3

The CPOA recommends issuing a Special Order to document the changes that went live with a new priority system that does not reflect the published SOP(9-1.)

**You have the right to appeal this decision.**

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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





**CIVILIAN POLICE OVERSIGHT AGENCY**  
**Civilian Police Oversight Agency Board**

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

February 11, 2022

Via Certified Mail

7018 1130 0002 3429 1163

Re: CPC # 179-21

Dear Mrs. C. :

**COMPLAINT:**

DP was assigned C's case based on the amount taken by ex-husband (about \$6000); he was "supposed to help". Her last correspondence was around 03/2021 when she informed that her ex-husband attempted take her IRA. C said there was never any followup.

Because DP hasn't helped, she gave up her child support, lost her child's savings account and has closed her Nusenda account. She told DP that it was his fault and that various things were happening while the case was open under his watch. "If he was able to file is report, then I would've been able to present that to my attorney and we could've used it to stop all the other things from happening." By not doing his job, DP has given permission for her ex-husband to continue his poor behavior.

**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: DP

Other Materials: bank statements

Date Investigation Completed: January 6, 2022

## FINDINGS

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

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

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

Policies Reviewed: 2-60-4B5a,b, f-m

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

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### Additional Comments:

2-60-4B5a,b, f-m: DP said the case is still assigned to him and is considered to be an active investigation. He acknowledged telling C it was part of his plan to make contact with the ex-husband and Citibank so he could obtain more information and then eventually forward it to the DA's office. "Those things can still be done and have been done." DP said his unit is extremely short-staffed and has been taking on additional duties as acting-supervisor. He said he is still responding to callouts while carrying a caseload. Regarding the statute of limitations, DP stated that they can still file charges as the case is still open; he will still make contact with her, the husband, the banks and all relevant entities, and that the case can be submitted to the DA's office as there is a 5-year window from the alleged offense and date, per the New Mexico Criminal and Traffic Code Law Manual: Statute 30-1-8 (A)(B). This issue will be EXONERATED.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

February 11, 2022

Via Email

Re: CPC # 181-21

Dear A. P.

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

A <sup>D</sup> submitted a complaint that alleged officers treated her like the perpetrator, did not ask her any questions or get a statement from her when they responded to a family dispute. Ms. P alleged that Officer S would not let her get her shoes, did not perform an investigation, and told her to talk to Officer H. Ms. P alleged that a male operator didn't ask her any questions and hung up on her.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: Operator Audio

Date Investigation Completed: January 6, 2022

## FINDINGS

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

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

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

Policies Reviewed: Conduct 1-1-5A4

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:

The investigator determined, by a preponderance of the evidence, that the alleged conduct in the complaint did occur but did not violate APD policies, procedures, or training. Officer S and Officer H did respond to family dispute involving Ms. P, but Ms. P was not cooperative and provided no statement when asked by Officer S. Officer S was the back-up officer and Officer H was the primary officer. Ms. P was wearing footwear when she went outside and refused to let Officer S or medical staff retrieve different footwear for her.

Upon reviewing the operator audio recordings from Ms. P it was discovered that the calls were transferred from Bernalillo County to APD. As no record of Ms. P's additional 911 calls were located, it is believed that the additional calls went to Bernalillo County and were not transferred to APD. Ms. P was contacted and advised of this information, and guided through the process of making a complaint with Bernalillo County Emergency Communications if she wished to do so.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Chantal M. Galloway, Chair*

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*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

February 11, 2022

Via Email

Re: CPC # 181-21

Dear A F :

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Amy P. submitted a complaint that alleged officers treated her like the perpetrator, did not ask her any questions or get a statement from her when they responded to a family dispute. Ms. P alleged that Officer H aggressively used force when she tried to make a telephone call and that she hadn't even tried fighting him. Ms. P alleged that a male operator didn't ask her any questions and hung up on her.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer H

Other Materials: Operator Audio

Date Investigation Completed: January 6, 2022

## FINDINGS

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

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

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

Policies Reviewed: Conduct 1-1-5A4 & 2-52-4F1e

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:

The investigator determined, by a preponderance of the evidence, that the alleged conduct in the complaint did occur but did not violate APD policies, procedures, or training. Officer H and Officer S did respond to family dispute involving Ms. P [redacted], but Ms. P [redacted] was not cooperative and provided no statement when asked. Officer H did handcuff Ms. P [redacted], remove the telephone from her hand, and sit her on a couch, but the low-level control tactic did not constitute a use of force.

Upon reviewing the operator audio recordings from Ms. P [redacted] it was discovered that the calls were transferred from Bernalillo County to APD. As no record of Ms. P [redacted]'s additional 911 calls were located, it is believed that the additional calls went to Bernalillo County and were not transferred to APD. Ms. P [redacted] was contacted and advised of this information, and guided through the process of making a complaint with Bernalillo County Emergency Communications if she wished to do so.



**You have the right to appeal this decision.**

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If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Certified Mail

7020 1810 0000 6296 6657

Re: CPC # 182-21

Dear B, A

PO Box 1293

### **COMPLAINT:**

Albuquerque

B A submitted a complaint that alleged a neighbor was selling cars out of their residence, pulled a gun on her, and when she called the police, nothing happened. Ms. A alleged the neighbor issue is 24/7, she calls 311 daily, and that the police respond but never do anything.

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer W

Other Materials: N/A

Date Investigation Completed: January 21, 2022

## FINDINGS

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

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

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

Policies Reviewed: Conduct 1-1-5A4

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:

The investigator determined, by a preponderance of the evidence, that the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. Officer W responded to the call for service, spoke to all the parties involved, attempted to locate additional evidence, completed the investigation, and submitted a report. Officer W acted upon the information available and within the scope of her duties.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

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

Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

February 11, 2022

Via Certified Mail

7020 1810 0000 6296 6671

Re: CPC # 184-21

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. T. reported that a vehicle was driving recklessly on I-40 Eastbound and attempted to run Mr. T off the road as they exited onto Eubank Blvd. Mr. T reported he called 911 and explained to the Operator what was happening and the Operator insisted on Mr. T providing an address where she could dispatch police. Mr. T reported that he informed the Operator that he had to deliver his children to their mother and he could not alter his route or destination. Mr. T reported that he informed the Operator that he was behind the individual and could provide license plate number but the Operator was unhelpful so he disconnected the call. Mr. T reported that the Operator called back, escalated the phone call, then disconnected the call.

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed:

APD Employee Interviewed: No

APD Employee Involved: Operator M

Other Materials: 911 Recorded phone call

Date Investigation Completed: January 14, 2022

## FINDINGS

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

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

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

Policies Reviewed: General Order 1-1-5A.1

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

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

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

### Additional Comments:

Please be advised that Operator M, no longer worked for APD.

Although Operator M asked for Mr. T's address on several occasions, there was not enough evidence to suggest that Operator M was being unhelpful or escalated the call, per the complaint.

**You have the right to appeal this decision.**

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The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Certified Mail

7020 1810 0000 6296 6664

Re: CPC # 200-21

Dear Ji

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

Mr. G submitted a complaint that alleged that at least ten officers entered fenced private property to inspect a vehicle they believed to be stolen. Mr. C advised the officers he had been to court previously and proved ownership because the BCSO seized the vehicle. The officer Mr. G talked to got a smart attitude and said, "he was TOP COP and APD does things differently than the BCSO and The State Police so it was too bad for me." Mr. G was not provided a case number or any other documentation. Mr. G said the officers were well-mannered and didn't do anything wrong other than take his truck.

www.cabq.gov

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer N

Other Materials: Complainant Supplied Documents

Date Investigation Completed: January 28, 2022



## FINDINGS

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

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

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

Policies Reviewed: Conduct 1-1-5A4

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:

The investigator determined, by a preponderance of the evidence, that the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. A review of the available evidence determined that John G was not told to place his keys on the dash. no one was found to have bolt cutters, no one said they were top cop or told Mr. G it was to bad for him, Mr. G did not request officers names or information, and Mr. G did not provide or offer to provide officers with court documentation. Mr. G was not provided with tow paperwork because the identity of the vehicle or owner was not known at the time. Mr. G y was advised of the numerous reasons for the seizure and verbally advised of the where the vehicle was being taken. Mr. C was contacted later and advised that the vehicle was found to be stolen and would not be returned to him.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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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 Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Certified Mail

7020 1810 0000 6296 6664

Re: CPC # 200-21

Dear J G

PO Box 1293

### **COMPLAINT:**

Albuquerque

J G submitted a complaint that alleged that at least ten officers entered fenced private property to inspect a vehicle they believed to be stolen. Mr. G advised the officers he had been to court previously and proved ownership because the BCSO seized the vehicle. The officer Mr. G talked to got a smart attitude and said, "he was TOP COP and APD does things differently than the BCSO and The State Police so it was too bad for me." Mr. C was not provided a case number or any other documentation. Mr. G said the officers were well-mannered and didn't do anything wrong other than take his truck.

NM 87103

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

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer P

Other Materials: Complainant Supplied Documents

Date Investigation Completed: January 28, 2022

## FINDINGS

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

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

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

Policies Reviewed: Conduct 1-1-5A4

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:

The investigator determined, by a preponderance of the evidence, that the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. A review of the available evidence determined that John G. [redacted] was not told to place his keys on the dash, no one was found to have bolt cutters, no one said they were top cop or told Mr. G. [redacted] it was too bad for him, Mr. G. [redacted] did not request officers names or information, and Mr. G. [redacted] did not provide or offer to provide officers with court documentation. Mr. G. [redacted] was not provided with tow paperwork because the identity of the vehicle or owner was not known at the time. Mr. G. [redacted] was advised of the numerous reasons for the seizure and verbally advised of the where the vehicle was being taken. Mr. G. [redacted] was contacted later and advised that the vehicle was found to be stolen and would not be returned to him.

**You have the right to appeal this decision.**

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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 Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

February 11, 2022

Via Email

Re: CPC # 212-21

Dear G: C:

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

G submitted a complaint that alleged Officer M was very rude and unprofessional towards him when taking a call for service at Costco on 10/24/2021. Mr. C reported that he walked up to the front of the patrol vehicle to contact Officer M, and she said, "Don't you ever touch my vehicle. Don't you ever approach me that way." Mr. C reported that he may have startled Officer M, and he apologized for doing so, but Officer M maintained a rude demeanor.

### **EVIDENCE REVIEWED:**

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

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

APD Employee Interviewed: No

APD Employee Involved: Officer M

Other Materials: N/A

Date Investigation Completed: January 28, 2022

## FINDINGS

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

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

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

Policies Reviewed: Conduct I-1-5A4

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:

The investigator determined, by a preponderance of the evidence, that the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. Officer M's tone of voice and word choice made it seem like she was irritated with Mr. C but did not rise to the level of misconduct. Officer M responded to the scene, collected the information, assisted the victim, and completed a report.

**You have the right to appeal this decision.**

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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 Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Certified Mail

7018 1130 0002 3429 1200

Re: CPC # 221-21

Dear Mr. W:

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

Mr. W submitted a complaint alleging he was pulled over by Officer M on 11/10/2021. Officer M was not rude or unprofessional, but Officer M stated he was going to cite Mr. W for not immediately stopping on the side of I-25 NB. Mr. W explained to Officer M that it was mostly for his safety but also Mr. W's safety to not conduct the stop on the side of the highway with heavy traffic. Mr. W told Officer M that he was a law enforcement officer before he joined the Army and that he would understand if someone felt unsafe in certain situations. Mr. W did not see Officer M pace him at a close distance behind his vehicle for approximately 1/8 - 1/4 mile to accurately determine his exact speed.

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

### **EVIDENCE REVIEWED:**

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: N/A

Date Investigation Completed: January 21, 2022

## **FINDINGS**

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

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

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

Policies Reviewed: Conduct 1-1-5A4

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:**

The investigator determined, by a preponderance of the evidence, that the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. Officer M did conduct a traffic stop and did issue W  
W: summonses within the discretion and scope of his duties.

**You have the right to appeal this decision.**

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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 Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Certified Mail

7018 1130 0002 3429 1224

**Re: CPC # 167-21**

Ms. L \_\_\_\_\_

PO Box 1293

**COMPLAINT:**

Albuquerque

Officer C responded to a violation of a temporary restraining order (TRO) on 08/18/2021. He wasn't interested in doing anything about the violation and was more interested in running me for warrants. Officer C did not want to intervene in this TRO as he even left the scene without ever contacting the defendant. Officer C again responded the following day to another TRO violation; his attitude was worse, argumentative and very confrontational.

NM 87103

Officer C lied and said he couldn't intervene in the TRO. He also said not to call APD because officers were sick of answering her calls. Also, Officer C told the defendant that L \_\_\_\_\_ told the two of them that they can "kiss each other's ass." L \_\_\_\_\_ n said that was a false statement made by Officer C.

www.cabq.gov

**EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: n/a

Date Investigation Completed: December 24, 2021

## FINDINGS

Policies Reviewed: *1-1-5 A4*

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

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

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

Policies Reviewed: *1-1-6 A1*

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 A4* : Video footage clearly shows Officer C conducting himself in a professional and courteous manner during his entire interaction with L. No where in the footage does it show an argumentative and confrontational Officer C looking to just run warrants and wanting to leave early and failing to interview all parties. Contrary to L's report, Officer C devoted all his attention to try and assist both parties in strategizing ways to avoid confrontation. This issue will be **UNFOUNDED**.

*1-1-6 A1* : According to the lapel videos, Officer C took the time to explain the differences between civil and domestic restraining orders, which L struggled to understand. Also, according to the lapels, Officer C was never seen telling L to stop calling 911s; Officer C was observed telling L that he was there to mediate both parties' concerns and to lessen the amount of service calls. L was observed challenging Officer C numerous times during his visit; he repeatedly explained to her that she can always call 911. Lastly, according to footage, it was confirmed that it was L and not Officer C, who made the comment that they (Officer C and M) can "kiss each other's ass." This issue will be **EXONERATED**.

**You have the right to appeal this decision.**

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- B) The APD policy or APD policies considered by the Board were chosen randomly or they do not address the issues in your complaint; or,
- C) The findings of the Board had no explanation that would lead to the conclusion made by the Board; or,
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Administratively closed complaints may be re-opened if additional information becomes available.

If you are not satisfied with the final disciplinary decision of the Chief of Police you can request a review of the complaint by Albuquerque's Chief Administrative Officer. Your request must be in writing and within 30 days of receipt of this letter. Include your CPC number.

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

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

Sincerely,  
The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

February 11, 2022

Via Certified Mail

7018 1130 0002 3429 1224

Re: CPC # 167-21

Ms. L

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Complainant I [redacted] reported on 08/18/2021, Officer S responded to a call for service by calling Livingston at 11:18pm and 11:29pm at night; the original call for service was at 3:40pm. Officer S attempted to illegally obtain my driver's license and my date of birth, but I refused! Officer S also attempted to get me to violate the defendant's (C [redacted] M [redacted] z) 4th Amendment rights by demanding I provide the defendant's date of birth. This is an inappropriate encounter with APD. It's not the public's responsibility to assist in APD's investigation by violating someone else's Constitutional rights. Officer S stated he would be adding a supplemental to the report.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: No

APD Employee Involved: Officer S

Other Materials: n/a

Date Investigation Completed: December 24, 2021

## FINDINGS

Policies Reviewed: *1-1-5 A4*

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 A4* : Interview with fellow officer stated that obtaining basic information and identifiers such as date of births is part of normal investigative and reporting procedure and that it's not a violation to obtain it. After review of all evidences, it should be noted that Officer S was not interviewed as there were no observable violations of SOP's. There is no evidence to support L1's allegations. Therefore, this investigation determined, by clear and convincing evidence, that the alleged misconduct did not occur. This issue will be **UNFOUNDED**.



**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

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Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Certified Mail

7018 1130 0002 3429 1224

Lynnell Levingston  
5600 Gibson Blvd SE  
Albuquerque, NM 87108

Re: CPC # 167-21

Ms. Levingston

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

L \_\_\_\_\_ n filed a complaint that occurred 6/10/2021; she was "seeking SL's education regarding disdain for the public". L \_\_\_\_\_ stated after Officer C made contact with her regarding a TRO violation, she called APD and requested to speak to his supervisor, SL. She was advised that he was on a call but would contact her when finished; she never heard back. "This is the same SL that downgraded a call for service for a drug-induced assault on an elderly woman (L \_\_\_\_\_ ) with a very recent and seriously fractured wrist. SL was retaliating because (L \_\_\_\_\_ ) the victim of the assault, told the 911 operator that she (the victim) was not going to "sit on the curb" for the officers. Retaliation is not a valid reason to alter the call because the victim exercised her right to free speech."

www.cabq.gov

### **EVIDENCE REVIEWED:**

Video(s): No

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: SL

Other Materials: n/a

Date Investigation Completed: December 24, 2021

## FINDINGS

Policies Reviewed: 1-1-6D2

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:

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:**

1-1-6D2: There is no evidence to support that SL retaliated against L [redacted] CAD report obtained indicated that SL did not even work the day L [redacted] claimed the incident occurred on. SL explained that there was never any retaliation with L [redacted] as his only encounter ever with her was on 08/18/2021. This issue will be UNFOUNDED.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Certified Mail

7018 1130 0002 3429 1231



Re: CPC # 194-21

Dear Mrs. U :

PO Box 1293

### **COMPLAINT:**

Officer L responded to a fight between U . . and her husband. Officer L interrogated U , the husband and children. Officer L yelled at U and did not allow for her to provide the personal information and evidence (video) to show that a physical altercation never occurred between her and her husband.

Albuquerque

Officer L was inconsiderate and falsely accused U husband and he was wrongly arrested. Officer L failed to comply with U instructions to arrest the husband on the opposite side of the police vehicle so the kids could not see. Because of her failure to listen, Officer L caused trauma to the children, in particular, a 7 year old boy who has PTSD.

NM 87103

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

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer L

Other Materials: pre-booking worksheet

Date Investigation Completed: January 27, 2022

## FINDINGS

Policies Reviewed: 1-1-5C3

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: Order 4-25-3A1a

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:

1-1-5C3: Nowhere in the lapel videos does it show Officer L ever interrogating or yelling at complainant U [redacted], her husband or children. Ulibarri was visibly upset from the onset of police involvement. U [redacted] was seen criticizing her son for calling police. U [redacted] was yelling at all officers and not just Officer L. Officer L did arrest the husband on the opposite side of the car so that way the kids could not see (this is supported on video). Officer L explained she did this without needing instruction from U [redacted]. This issue will be UNFOUNDED.

4-25-3A1a: Though Ulibarri denied the allegations of being hit, her husband clearly admitted to pushing her. Footage shows at the 17:55 marker, the husband admitted to pushing Ulibarri into the closet. Officer L conducted a proper investigation and complied with General Order 4-25-3A1a; this issue will be EXONERATED.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

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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



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*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

To File

Anonymous

Re: CPC # 204-21

Dear Anonymous:

### **COMPLAINT:**

Anonymous submitted a complaint that alleged Officer B conducted a traffic stop and issued nine petty summonses. Officer B took anonymous' vehicle keys after falsely assuming they would drive off after they safely pulled over in a parking lot, included false information in the report, and requested to see anonymous' identification a second time to see if the signatures matched. Anonymous believes Officer B is misusing the justice system to carry out a personal vendetta which negatively impacts the city's ability to retain officers and reduce violent crime. The case was dismissed because Officer B failed to appear in court, but some of the charges were refiled.

PO Box 1293

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer B

Other Materials: N/A

Date Investigation Completed: January 14, 2022



## **FINDINGS**

Policies Reviewed: 1-1-6A6

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

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

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

Policies Reviewed: Conduct 1-1-5A1

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 investigator determined by a preponderance of the evidence, that the alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training. Anonymous reported that they safely pulled over in a parking lot; the driver pulled over to the side of the road and not into a parking lot. Officer B did instruct the driver to hand him his vehicle keys and did ask to see the driver's identification a second time to compare legal signatures. No evidence was located which showed Officer B misused the justice system to carry out a personal vendetta. No evidence was locate which showed Officer B's actions negatively impacted the city's ability to retain officers and reduce violent crime.

The investigator determined by clear and convincing evidence, that the alleged misconduct did not occur because Anonymous did not specify which information was false and no known false information was observed during a review of the evidence.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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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



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*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

February 11, 2022

Via Certified Mail

7018 1130 0002 3429 1170

Re: CPC # 205-21

PO Box 1293

### **COMPLAINT:**

Albuquerque

NM 87103

Ms. C reported that she wanted her call to be taken seriously about her kids being taken from her and taken to CYFD. Ms. C reported she wanted the officer to file a police report and help her. Ms. G reported she had been in contact with Officer H and he was supposed to be following up with Ms. C on filing a police report. Ms. G reported Officer H acted like he did not care to get evidence and gave Ms. G's kids to her ex husband when they were not supposed to be with him. Ms. G reported that Officer H would not reply to her emails asking for help.

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

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed: N/A

APD Employee Interviewed: Yes

APD Employee Involved: Officer H

Other Materials:

Date Investigation Completed: January 28, 2022

## FINDINGS

Policies Reviewed: Procedural Order 2-92-3B.f.3

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

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

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

Policies Reviewed: Procedural Order 2-92-3F.1.c and General Order 1-1-5A.1

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

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

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### Additional Comments:

Procedural Order 2-92-3B.f.3-CPOA Investigator obtained verification (Incident Report) that Officer H completed the report referencing the incident. A review of both Officer H's and CACU Detective O's Incident Reports confirmed that Officer H contacted CACU at the time of incident. Per Officer H's Incident Report and his statement during the interview, CYFD was notified about the incident in question.

Procedural Order 2-92-3F.1.c-Detective O noted that on 08/04/2021, a Forensic Interview was completed with Ms. G daughter(E) and due to (E) not disclosing any abuse, this case was considered closed unfounded.

General Order 1-1-5A.1-Although it would have been courteous of Officer H to reach back out to Ms. G, there was not enough evidence to suggest that Officer H intentionally did not reply to Ms. G's email.

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cc: Albuquerque Police Department Chief of Police

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*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Email

morelandty30@gmail.com

Tyshawn Moreland

Re: CPC # 189-21

### **COMPLAINT:**

PO Box 1293

Mr. Mc [redacted] reported allegations of show of force against APD.

Albuquerque

Mr. Mc [redacted] reported that on 09/12/21, the officers told him that they had to tow Mr. Mc [redacted] car and keep his phone for investigation. Mr. Mc [redacted] reported a crime did not take place inside of his vehicle or on the outside of his vehicle. Mr. Mc [redacted] reported he still had not received information for this and it's been four days.

NM 87103

Mr. Mc [redacted] reported the whole incident was starting to turn into discrimination and harassment.

www.cabq.gov

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: No

Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Detective A

Other Materials:

Date Investigation Completed: January 28, 2022

## FINDINGS

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

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

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

Policies Reviewed: Procedural Order 2-60-4B.5.h

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.

Policies Reviewed: Procedural Order 2-52-4F.1.e

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:

2-60-4B.5.h- The vehicles were ceased due to the vehicles having blood on them from reportedly the incident in question. Mr. M's phone was ceased as Detective A believed the phone contained evidence of a crime.

Procedural Order 2-52-4F.1.e- This was administratively closed as APD Chain of command already investigated this portion of the complaint and deemed the level 1 use of force within policy and law.

On 09/17/21, Detective A called and advised Mr. M that his vehicle was ready for pick up.

In reference to the allegation of discrimination and harassment, CPOA Investigator made several attempts to contact Mr. M to obtain additional details and clarification. CPOA Investigator was unable to obtain additional details from Mr. M and there was minimal details on the complaint form. After review of the Lapel Videos, Incident Reports, and interviews there was not enough evidence to suggest that Mr. M was discriminated against or harassed by APD Personnel.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

The Board may grant a Request for Reconsideration only upon the complainant offering proof that:

- A) The APD policy or APD policies that were considered by the Board were the wrong policies or they were used in the wrong way; or,
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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 Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Email

Re: CPC # 189-21

PO Box 1293

### **COMPLAINT:**

Mr. Mc reported allegations of show of force against APD.

Albuquerque

Mr. Mc reported that on 09/13/21, he called and left two messages for Officer C and he had received no response. Mr. N reported that on 09/14/21, he called again and received the same outcome.

NM 87103

Mr. M reported the whole incident was starting to turn into discrimination and

www.cabq.gov

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: No                      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials:

Date Investigation Completed: January 28, 2022

## **FINDINGS**

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

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

Policies Reviewed: General Order 1-1-5A.1

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.

Policies Reviewed: Procedural Order 2-52-4F.1.e

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 1-1-5A.1-Due to Officer C not recording the conversation and CPOA Investigator not being able to speak with Mr. Mc [redacted] it was unable to be determined if Officer C did get in contact with Mr. M [redacted] l.

Procedural Order 2-52-4F.1.e- This was administratively closed as APD Chain of command already investigated this portion of the complaint and deemed the level 1 use of force within policy and law.

In reference to the allegation of discrimination and harassment, CPOA Investigator made several attempts to contact Mr. M [redacted] l to obtain additional details and clarification. CPOA Investigator was unable to obtain additional details from Mr. M [redacted] and there was minimal details on the complaint form. After review of the Lapel Videos, Incident Reports, and interviews there was not enough evidence to suggest that Mr. M [redacted] l was discriminated against or harassed by APD Personnel.

**You have the right to appeal this decision.**

If you are not satisfied with the findings of the CPOA within 30 days of receipt of this letter communicate your desire to appeal in a signed writing to the undersigned. Include your CPC number.

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Diane McDermott  
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(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



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*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Email

1

Re: CPC # 191-21

Dear T B

PO Box 1293

### **COMPLAINT:**

T B submitted a complaint that alleged Officer G did not contact the witness or document the witnesses' information involving an incident that occurred on 07/24/2021.

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: N/A

Date Investigation Completed: January 14, 2022

1

## **FINDINGS**

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

Policies Reviewed: Investigations 2-60-4A5f

**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 investigator determined, by a preponderance of the evidence, the alleged misconduct did occur by Officer G. Officer G was provided with the witnesses' information but failed to document it in the report. Officer G did attempt to contact the witness at a later time by telephone but failed to document it in the report.

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# CITY OF ALBUQUERQUE



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*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

February 11, 2022

Via Certified Mail

7020 1810 0000 6296 6688

Annamarie Kapnison  
1508 34th Circle Se  
Rio Rancho, NM 87124

Re: CPC # 202-21

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

### **COMPLAINT:**

Ms. K [redacted] reported that while traveling west on Paseo at 64 mph she passed an officer. Ms. K [redacted] reported that the officer proceeded to speed up and on multiple occasions kept shining his spotlight on her.

Ms. K [redacted] reported she asked the officer why he pulled her over and he stated because Ms. K [redacted] disrespected him by passing him and he could arrest her. Ms. K [redacted] reported she told the officer multiple times that she wanted to go to court. Ms. K [redacted] reported the officer gave her a citation which was marked at the penalty assessment line. Ms. K [redacted] reported that on the citation, the officer did not put her correct license plate number.

### **EVIDENCE REVIEWED:**

Video(s): Yes

APD Report(s): Yes

CAD Report(s): Yes

Complainant Interviewed: Yes

Witness(es) Interviewed:

APD Employee Interviewed: Yes

APD Employee Involved: Officer A

Other Materials:

Date Investigation Completed: January 14, 2022

**FINDINGS**

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

Policies Reviewed: General Order 1-1-5C.3, Procedural Orders 2-40-3B.1.a.iii & 2-17-2

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

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

Policies Reviewed: Procedural Order 2-41-3A.1.b.ii & Procedural Order 2-41-3A.3.a

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

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**Additional Comments:**

1-1-5C.3-Officer A expressed officious behavior and personal feelings during the incident by threatening to take Ms. K: n to jail for something that Officer A confirmed that he could not arrest for. Officer A also implied that Ms. K s attitude was a large factor in giving Ms. K. 1 the citation.

2-40-3B.1.a.iii-Officer A confirmed that he did mess up by noting penalty assessment on the citation instead of court per Ms. K request.

2-17-2-Per the Incident Report and the citation completed by Officer A, Ms. K's license plate number was noted differently than Ms. K 1's actual license plate number.

2-41-3A.1.b.ii Officer A confirmed he probably did shine the light on Ms. K s vehicle as sometimes he did that if he could not see the license plate at night.

2-41-3A.3a- Officer A advising Ms. K: 1 that she could be taken to jail for not signing the ticket was not a violation of the SOP in question.



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The Civilian Police Oversight Agency by



Diane McDermott  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

# CITY OF ALBUQUERQUE



AGENCIA CIVIL DE SUPERVISIÓN POLICIAL  
Consejo de la Agencia Civil de Supervisión Policial

*Chantal M. Galloway, Presidente*      *Jesse Crawford*

*Dr. William J. Kass*                      *Eric Nixon*

*Patricia J. French*

Diane McDermott, directora ejecutiva interina

11 de febrero, 2022

Por correo certificado

7018 1130 0002 3429 1194

4

Re: CPC # 197-21

## DENUNCIA:

La Sra. M denunció que la Sra. C no debería estar trabajando allí (Subestación Valley.) La Sra. Milanés señaló que le gustaría que ellos (la Subestación Valley) proporcionaran traductores.

PO Box 1293

La Sra. M nos informó que cree que la Sra. C fue racista e intolerante.

Albuquerque

La Sra. M nos señaló que fue a la oficina (Subestación Valley) para pedir ayuda y le preguntó a la Sra. C si había alguien que pudiera hablar español, a lo que la Sra. C respondió que no. La Sra. M nos informó que preguntó si la Sra. C podía ofrecer un traductor y la Sra. C dijo que no de manera enojada. La Sra. M nos informó de que cuando le indicó a la Sra. C que era ilegal negar a la Sra. M un traductor, la Sra. C se dio la vuelta y le dejó de hablar a la Sra. M.

NM 87103

## PRUEBAS REVISADAS:

www.cabq.gov

Vídeo(s): N/D      Informe(s) de la APD: N/D      Informe(s) de la CAD: N/D

Denunciante entrevistado: Sí      Empleado de APD entrevistado: Sí

Testigos entrevistados:      Sí

Empleado de APD involucrado:      Analista de administración C

Otros materiales:

Fecha de finalización de la investigación: 14 de enero, 2022

## HALLAZGOS

1. **Infundado.** Clasificación de la investigación cuando los investigadores determinan, mediante pruebas claras y convincentes, que la supuesta mala conducta no ocurrió o no involucró al oficial en cuestión.
2. **Acogido.** Clasificación de la investigación cuando los investigadores determinan, por la preponderancia de las pruebas, que la supuesta mala conducta sí fue cometida por el oficial en cuestión.
3. **No acogido.** Clasificación de la investigación cuando los investigadores no pueden determinar de una manera u otra, por preponderancia de las pruebas, si la supuesta mala conducta ocurrió o no.
4. **Exonerado.** Clasificación de la investigación en la que los investigadores determinan, por preponderancia de las pruebas, que la supuesta conducta en la denuncia ocurrió pero no violó las políticas, los procedimientos o la formación de la APD.
5. **Incumplimiento acogido, que no se basa en la denuncia original.** Clasificación de la investigación en la que los investigadores determinan, por preponderancia de las pruebas, que se produjo una mala conducta que no se declaró en la denuncia original (ya sea CPC o denuncia interna) pero que se descubrió otra mala conducta durante la investigación, y según una preponderancia de las pruebas, esa mala conducta sí se produjo.
6. **Cerrado administrativamente.** Clasificación de la investigación en la que el investigador determina que: Las vulneraciones de la política son de carácter menor y no constituyen un patrón de mala conducta (es decir, un incumplimiento sujeto a una sanción de clase 7), las acusaciones son duplicadas; las acusaciones, incluso si son ciertas, no constituyen una mala conducta; o la investigación no puede llevarse a cabo debido a la falta de información en la denuncia, y una mayor investigación sería inútil.

### Comentarios adicionales:

Orden general 1-1-5A.1- La Sra. C negó las acusaciones hechas por la Sra. M contra ella. La única testigo del incidente (la Sra. W) negó haber presenciado cualquier tipo de mala conducta por parte de la Sra. C hacia la Sra. M.

Orden general 1-4-3A.3- La Sra. C negó las acusaciones hechas por la Sra. M contra ella. La única testigo del incidente (la Sra. W) negó haber presenciado algún tipo de comportamiento racista y discriminatorio por parte de la Sra. C hacia la Sra. M.

Orden procesal 2-65-4C.b.ii- La Sra. M : declaró que la Sra. C le negó un traductor y la Sra. C declaró que se ofreció a llamar al 242-Cops para encontrar un traductor para la Sra. M . La única testigo del incidente (la Sra. W) declaró que estaba hablando por teléfono con otro ciudadano y que no estaba presente ni tuvo cercanía inmediata al lugar donde se produjo la discusión entre la Sra. C y la Sra. M . La Sra. W declaró que no recordaba ni tenía conocimiento de la conversación o el contenido que se produjo entre la Sra. C y la Sra. M .

La CPOA recomienda una Capacitación General para el personal de mando de Valley Area en referencia a cómo utilizar correctamente los servicios de interpretación telefónica cuando se encuentran con Personas con Dominio Limitado del Inglés (Limited English Proficient Persons, LEP)

**Tiene derecho a apelar de esta decisión.**

Si no está satisfecho con las conclusiones de la CPOA en un plazo de 30 días a partir del recibo de esta carta, comuníquese su deseo de apelar mediante un escrito firmado dirigido al abajo firmante. Incluya su número CPC.

El Consejo puede conceder una solicitud de reconsideración sólo si el denunciante ofrece pruebas de que:

- A) La política o las políticas del APD que fueron consideradas por la Junta eran las políticas equivocadas o se utilizaron de manera incorrecta; o,
- B) La política o las políticas de APD consideradas por el Consejo fueron elegidas al azar o no tratan las cuestiones de su denuncia; o,
- C) Los hallazgos del Consejo no tenían ninguna explicación que llevara a la conclusión hecha por el Consejo; o,
- D) Los hallazgos de del Consejo no estaban respaldados por las pruebas de las que disponía el Consejo en el momento de la investigación.

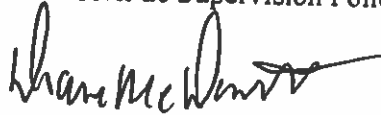
Las quejas cerradas administrativamente pueden ser reabiertas si se dispone de información adicional.

Si usted no está satisfecho con la decisión disciplinaria final del Jefe de Policía puede solicitar una revisión de la denuncia por el Jefe Administrativo de Albuquerque. Su solicitud debe ser por escrito y dentro de los 30 días siguientes al recibo de esta carta. Incluya su número CPC.

Si tiene una computadora, le agradeceríamos mucho que llenara nuestro formulario de encuesta para clientes en <http://www.cabq.gov/cpoa/survey>.

Gracias por participar en el proceso de supervisión civil de la policía, garantizando que los oficiales y el personal del APD rindan cuentas y que mejoren los procesos.

Saludos cordiales,  
Agencia Civil de Supervisión Policial



Diane McDermott  
Directora ejecutiva interina  
(505) 924-3770

cc: Jefe de la Policía de Albuquerque

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY Civilian Police Oversight Agency Board

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

*Diane McDermott, Interim Executive Director*

February 11, 2022

Via Certified Mail

7018 1130 0002 3429 1194

Re: CPC # 197-21

PO Box 1293

### **COMPLAINT:**

Ms. M reported that Ms. C should not be working there (Valley Substation.) Ms. M reported she wished they (Valley Substation) would provide translators.

Albuquerque

Ms. M reported that she thinks Ms. C was a racist and a bigot.

NM 87103

Ms. M reported that she went to the office (Valley Substation) for assistance and asked Ms. C if there was someone who could speak Spanish in which Ms. C stated no. Ms. M reported that she asked if Ms. C could offer a translator and Ms. C stated no in an annoyed way. Ms. M reported that when she advised Ms. C that it was illegal to deny Ms. M translator, Ms. C turned around and cut Ms. M off.

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

### **EVIDENCE REVIEWED:**

Video(s): N/A

APD Report(s): N/A

CAD Report(s): N/A

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Management Analyst C

Other Materials:

Date Investigation Completed: January 14, 2022

## FINDINGS

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

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

Policies Reviewed: General Orders 1-1-5A.1. & 1-4-3A.3 & Procedural Order 2-65-4C.b.ii

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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### Additional Comments:

General Order 1-1-5A.1-Ms. C denied the allegations made by Ms. M against her. The only reported witness to the incident (Ms. W) denied witnessing any type of misconduct from Ms. C towards Ms. M

General Order 1-4-3A.3- Ms. C denied the allegations made by Ms. M against her. The only reported witness to the incident (Ms. W) denied witnessing any type of racist and discriminatory behavior from Ms. C towards Ms. M

Procedural Order 2-65-4C.b.ii- Ms. M stated that she was denied a translator by Ms. C and Ms. C stated she offered to call 242-Cops to get a translator for Ms. M. The only reported witness to the incident (Ms. W) stated she was on the phone with another citizen and was not present or in the immediate vicinity of the actual discussion between Ms. C and Ms. M. Ms. W stated she did not have any recollection or knowledge of what conversation or content transpired between Ms. C and Ms. M

The CPOA is recommending a General Training for Valley Area Command staff in reference to correctly utilizing telephonic interpretation services when they encounter Limited English Proficient Persons(LEP)

**You have the right to appeal this decision.**

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Sincerely,  
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cc: Albuquerque Police Department Chief of Police