Civilian Police Oversight Agency Board

Patricia J. French, Chair *Jesse Crawford, Vice-Chair* *Eric Nixon*
Rashad Raynor *Michael Wartell*
Diane McDermott, Interim Executive Director

BOARD AGENDA

Thursday, July 14, 2022 - 5:00 p.m.

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, July 14, 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-07-14-2022 (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 for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 p.m., Monday, July 11, 2022 at www.cabq.gov/cpoa.

The CPOA Board will take general public comment and comment on the meeting's specific agenda items in written form via email through 4:00 p.m. on Thursday, July 14, 2022. Submit your public comments to: POB@cabq.gov. These comments will be distributed to all CPOA Board members for review.

I. **Welcome and call to order**

II. **Mission Statement** – ***Patricia J. French, Chair***

"Advancing Constitutional policing and accountability for APD and the Albuquerque Community."

III. **Approval of the Agenda**

IV. **Approval of Consent Agenda**

a. **Administratively Closed**

012-22 **013-22** **034-22** **139-22**

b. **Unfounded and Administratively Closed**

252-21 059-22

c. **Unfounded and Exonerated**

249-21 256-21 044-22

d. **Unfounded**

017-22 022-22 029-22

e. **Exonerated**

023-22

V. **Public Comments**

VI. **Review and Approval of Minutes from June 9, 2022 Meeting**

VII. **Reports from City Departments**

a. **APD**
   1. **IA Professional Standards Division (SOP 7-1, SOP 3-41, SOP 3-46) –** ***Acting Commander Mark Landavazo***
   2. **IA Force Division (SOP 2-52 through SOP 2-57) –** ***Acting Commander Richard Evans***
   3. **APD Quarterly Crash Report (SOP 2-50)–** ***Acting Lieutenant Benito Martinez***

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. **APOA –** ***Shaun Willoughby***
h. **CPOA –** ***Diane McDermott, Interim Executive Director to include:***
   1. **Quarterly report as required in CPOA Policies and Procedures Article V section 12 Policy Recommendations**
   2. **Report on general trends and issues identified through monitoring or auditing of Internal Affairs**
   3. **Community Outreach**
   4. **Plans on how CPOA is going to move forward with the concerns from IMR-15**

VIII. **Requests for Reconsideration**

IX. **Review of Cases**

a. **Sustained and Unfounded**
   024-22
b. **Sustained, Unfounded and Administratively Closed**
   027-22

X. Non-Concurrence Cases

XI. Cases pulled from Consent Agenda

a. **Administratively Closed**
001-22 076-22

b. **Unfounded**
033-22

XII. Reports from Subcommittees

a. **Policy and Procedure – *Jesse Crawford***
1. Met July 7, 2022 (video conference)
2. Next Meeting August 4, 2022 at 4:30 p.m.

XIII. Discussion, Updates and Possible Action:

a. **Consideration of PPRB Policies with No Recommendation: - *Jesse Crawford/Patricia J. French***
b. **Policy Recommendations from CPOA – *Diane McDermott, Interim Executive Director***
c. **Reformatting how data is provided to the Board – *Eric Nixon***
d. **CPOA Policies and Procedures Revisions – *Patricia J. French***
e. **Consideration of proposed MOU between the City of Albuquerque, CPOA/CPOAB and APOA on OIS/SUOF Materials – *Tina Gooch, CPOA/CPOAB Legal Counsel***
f. **Letter of Concern from Citizen for Case 19-0077270 – *Patricia J. French***
g. **Notice of Hearing on IMR-15 – *Tina Gooch, CPOA/CPOAB Legal Counsel***
h. **Update requests-Chair/Board Members - *Patricia J. French***

XIV. Meeting with Counsel re: Pending Litigation or Personnel Issues:

Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues

a. **Limited Personnel Matters Pursuant to NMSA 1978, Section 10-15-1(H)(2)**

1. **Executive Director (Permanent/Interim) hiring, salary and other Personnel matters**

XV. Old Business

XVI. New Business

XVII. Adjournment- ***Next Regularly scheduled CPOA Board meeting will be on August 11, 2022 at 5:00 p.m.***

CITY OF ALBUQUERQUE

July 15, 2022

Via Certified Mail

7020 1810 0000 6296 7142

Re: CPC # 012-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Det. G denied me legal counsel to be present during my interview by not getting my statement. Det. G allowed L Ba to testify for me and made false statements. L B used the police report to falsely accuse me of theft and had $19,800 taken from my bank account. I B submitted contradicting evidence to Det. G, I would like to file a false police report taken and have my money returned to my account.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: N/A

APD Employee Involved: Det. G

Other Materials: Investigation CPC 153-21

Date Investigation Completed: May 25, 2022

FINDINGS

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

P written complaint restated issues already investigated under CPC 153-21. His new complaint was duplicative and did not provide additional information or issues beyond the initial complaint already investigated. The CPOA does not have a role in a criminal case nor can it facilitate the return of funds. The complaint should be **Administratively Closed** for being duplicative.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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

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

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

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

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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
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Certified Mail

7020 1810 0000 6296 7173

Re: CPC # 013-22

Mr. R 1 M.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 12/11/2003, I was arrested by Det. F for possession of 0.5 (1 lb) of meth, a gun and $1,400. I was taken to an office with six detectives and a supervisor. We came to an agreement to work as a paid informant (since that date of arrest, I needed to report to Det. F daily). His commanding officer stated I would be communicating with Det. F. That same day, I was fingerprinted and photographed and did a recording/statement which stated that I would be working with the Albuquerque, New Mexico Police Department after.

I'm seeking help to overturn my conviction and sentence and for Det. F to retract his statement during trial, to state that I was an informant for him and his Department for the alleged dates of offense on Federal Indictment June to September 2004.

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: N/A

APD Employee Interviewed: N/A

APD Employee Involved: not APD, DEA

Other Materials: n/a

Date Investigation Completed: May 25, 2022

FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☐
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
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Additional Comments:

It was determined that the named employee was former DEA, which is not the jurisdiction of the CPOA. Therefore, CPOA Investigator is requesting this complaint to be Administratively Closed.

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Email

Anonymous Complainant

Re: CPC # 034-22

Dear Anonymous Complainant:

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Anonymous complainant stated that he wanted an "investigation into the officers". The complainant stated that on 02/07/2022 between 10:30pm - 10:45pm, he was "driving 'EB' on Central at Charleston. It was then that he "noticed battering a male on the southside of Charleston".

EVIDENCE REVIEWED:

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

Complainant Interviewed: No Witness(es) Interviewed: Yes

APD Employee Interviewed: N/A

APD Employee Involved: unidentified

Other Materials: various video searches and records searches

Date Investigation Completed: June 22, 2022

FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☐
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
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Additional Comments:

The complainant did not participate in any interviews with the investigator and was unable to furnish evidence of what he had witnessed. In his recorded interview with the IA detectives, the complainant displayed inconsistencies in his statements. At one point, he stated he "saw two officers start hitting a guy and trying to get him in his car. And when I tried to make contact, they decided to leave the situation and just leave him on the sidewalk". The complainant followed up with an inconsistent and contradictory statement when he was asked what he knew of the officers and he replied "he didn't stop". According to the IA detective, the anonymous complainant never followed up with his original complaint. Various videos and reports were searched to locate the incident and identify involved APD personnel. Nothing could be located that matched the information provided. *Due to the lack of provided information the situation was Administratively Closed*

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Certified Mail

7020 1810 0000 6296 7241

Re: CPC # 139-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. B reported that his stolen items had been confirmed to be found and the person who received the property refused to give them back without a ransom payment. Mr. B reported he had been to four substations and received all different answers from clerks.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: N/A

APD Employee Involved: N/A

Other Materials:

Date Investigation Completed: June 29, 2022

FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☐
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
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Additional Comments:

During the interview with Mr. B he stated he did not have any complaints against any APD Personnel. Mr. B stated to close the case and if nothing got resolved in his theft case he would call back.

This case was Administratively closed due to no complaints against APD Personnel and being withdrawn by the citizen.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Certified Mail

7020 1810 0000 6296 7265

Re: CPC # 252-21

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. A reported that in response to the CPOA Board's recommendation (SOP 2-98) Chief M's response to the CPOA Board could not be further from the truth.

Mr. A reported that Chief M individually violated but not limited to APD policies concerning untruthfulness and conduct unbecoming.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Chief M

Other Materials: OIG Investigation Report, Memos from the CPOA Board and Chief M

Date Investigation Completed: June 15, 2022

FINDINGS

Policies Reviewed: General order 1.1.6.A.6.c

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Additional Comments:

During the interview(06/10/22,) with Mr. A , CPOA Investigator was not able to obtain additional details about this complaint as Mr. A stated he did not see the point in talking to the CPOA Investigator until Mr. A got a satisfactory answer as to why the complaint was paused and OIG was investigating the complaint.Mr. A was advised on 12/21/2021, by CPOA Interim Director via email that the OIG would investigate the allegations of procurement and the CPOA would investigate the allegations against Chief M after the OIG's investigation was completed.

Chief M advised that he answered the CPOA Board's general question about IT Purchases (question/recomendation # 4) and Mr. A vas trying to tie it into ShotSpotter but they were different processes. Chief M advised that nobody asked a specific question as to how the purchase of ShotSpotter came about and that process had not been questioned.

Although the memo in question referenced SOP 2-98(Gunshot Detection Procedure,) neither the CPOA Board's recommendation (4) or Chief M's response to recommendation (4) mentioned the ShotSpotter or the Gunshot Detection System.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

June 15, 2022

Via Certified Mail

7020 1810 0000 6296 7265

Re: CPC # 252-21

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. A reported that the APD gunshot detection system began in December 2019 and APD did not notify the public until October 2020.

Mr. A. eported that Published City records showed APD Gunshot Detection System ($1.2M three-year contract) did not go through the "public process" at either the Technical Review Committee or the Information Services Committee for initial review, and approval during public " committed to transparency" meetings.

Mr. Arasim reported that APD Personnel violated "public processes" policies and commitment to public "transparency" policies.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: APD Personnel

Other Materials: OIG Investigation Report

Date Investigation Completed: June 15, 2022

FINDINGS

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☐
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.	☐
4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☐
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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:

During the interview(06/10/22) with Mr. A , CPOA Investigator was not able to obtain additional details about this complaint as Mr. A stated he did not see the point in talking to the CPOA Investigator until Mr. A got a satisfactory answer as to why the complaint was paused and OIG was investigating the complaint.

Mr. A was advised on 12/21/2021, by CPOA Interim Director McDermott via email that the OIG would investigate the allegations of procurement and the CPOA would investigate the allegations against Chief M after the OIG's investigation was completed.

The allegations noted above were investigated by the OIG. Please refer to the OIG for the findings of their investigation.

These allegations will be Administratively Closed to prevent duplicative investigation.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Certified Mail

7020 1810 0000 6296 7234

Re: CPC # 059-22

Mr. A

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

During the interview with Mr. A , he stated that Officer D filled out a fake police report that indicated that Ms. D had bullet holes on the side of her car the size of a dime. Mr. A stated Ms. D never had bullet holes the size of a dime as she never had anything. Mr. A stated that Officer D falsified a fake police report for Ms. D which stated Ms. D had bullet holes the size of a dime in her car.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer D

Other Materials:

Date Investigation Completed: June 23, 2022

FINDINGS

Policies Reviewed: General Order 1.1.4.D.19

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
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Additional Comments:

General Order 1.1.4.D.19- Per the lapel video, Officer D advised Ms. D that with the report in question, she could not list Mr. A as the offender because neither Ms. D or no one else saw it happen, so the offender would be listed as unknown. Officer D stated Mr. A would be listed in the report as another party due to Ms. D ; having had issues with him in the past.

A review of both Officer D's Lapel Video from the night in question and the incident report completed by Officer D, showed that there was nothing the CPOA Investigator could observe that would constitute as "fake" written in her report compared to what occurred during the incident via lapel video.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Certified Mail

7020 1810 000 6296 7234

Re: CPC # 059-22

Mr. A

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

During the interview with Mr. A , he stated to look into Chris D . Mr. A stated Mr. C. D was one of the people hacking his internet. Mr. A stated Mr. C. D may work for that camera team that collects all the cameras and puts them all together.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: N/A

APD Employee Involved: identified person not APD

Other Materials: IA Pro and Microsoft Outlook

Date Investigation Completed: June 23, 2022

FINDINGS

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Additional Comments:

A review of IA Pro and the City of Albuquerque email address book, C D n could not be located and confirmed to be APD Employee.

This complaint was Administratively closed via no jurisdication as C D was not an employee with APD

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Certified Mail
7020 1810 0000 6296 7234

Re: CPC # 059-22

Mr. A

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. A reported that officers did not help with his neighbor situation and were trying to get him out of his home.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: N/A

APD Employee Involved: unknown officers

Other Materials:

Date Investigation Completed: June 23, 2022

FINDINGS

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

During the interview with Mr. A , he was unable to provide a specific date or time when the officers did not assist him. Mr. A stated it occurred all the time he called, that's all he did was call the cops, then the officers did nothing about it.

CPOA Investigator requested that APD Records advise the CPOA Investigator how many incidents were noted which involved APD and Mr. A from 2021 to May of 2022. APD Records advised that there were about 26 different reports. There was not an identified call for March 9, 2022

This complaint was Administratively closed via lack of information.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Certified Mail

7020 1810 0000 6296 7258

Re: CPC # 249-21

Dear Mr. J :

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Complainant was physically assaulted after his car was hit by motorcyclist J P. P. and his biker friends were following behind due to a funeral procession. J was making a right onto Aspen when P rear-ended him. P then went to J s window and punched him in the face. J believed that Ofcr M was intimidated by the group of bikers and that's why her report was poor and that's why she did not follow through and arrest P

J said he heard racial slurs from P. biker friends. He also believed he was discriminated against by Ofcr M because of the color of his skin.

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: Ofcr M

Other Materials: complainant's videos and photos, traffic code

Date Investigation Completed: June 21, 2022

FINDINGS

Policies Reviewed: *1.1.5A.2*

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

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

1.1.5A.2: Videos show there were no observable violations of SOP's. Nowhere in the videos does it show Ofcr M discriminating against J . Also nowhere in the videos does it show J mentioning to the police that he was the subject of racial slurs and hate from P and his biker friends. Footage shows that Ofcr M treated J with respect, courtesy and professionalism during their entire interaction. This issue will be UNFOUNDED.

2.60.4.A.5. a. b. e. f: Ofcr M did not conduct an incomplete investigation and she took the appropriate measures to comprise her report. Her report is based on evidences and facts and provided support to what occurred on the day of the accident. J was unable to provide supporting evidence P and his witness were lying and was unable to provide evidence that Ofcr M conducted a poor investigation based on intimidation from P and his biker friends. Her investigation determined there was insufficient evidence to effect an arrest. This issue will be EXONERATED.

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COMPLAINT:

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J said he heard racial slurs from P. biker friends. He also believed he was discriminated against by Ofcr L because of the color of his skin.

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: Ofcr L

Other Materials: complainant's videos and photos, traffic code

Date Investigation Completed: June 21, 2022

FINDINGS

Policies Reviewed: *1.1.5A.2*

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

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1.1.5A.2: Videos show there were no observable violations of SOP's. Nowhere in the videos does it show Ofcr L discriminating against J Also nowhere in the videos does it show J mentioning to the police that he was the subject of racial slurs and hate from Pacheco and his biker friends. Footage shows that Ofcr L treated J with respect, courtesy and professionalism during their entire interaction. This issue will be UNFOUNDED.

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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
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Email

F 1 S

Re: CPC # 256-21

Dear Mr. S

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 11/21/2021, Sgt. L misused and abused his power, made possible only because the wrongdoers were clothed with the authority of the state. By pulling up a bogus warrant that was dismissed 15 Years ago, he caused both psychological and physical harm upon me.

Sgt. L targeted me due to my civil law suits by altering a 15-year-old warrant from a 34 cent shoplifting, to falsely detain and imprison me without probable cause to justify for the unjustifiable stop while breaching our Constitutional Amendments of which I invoked both my Fourth and Fifth Amendments as Sgt. L illegally proceeded to conduct an illegal search.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Sgt. L

Other Materials: pre-booking worksheet

Date Investigation Completed: May 25, 2022

FINDINGS

Policies Reviewed: 1.1.5.A.4 &2.71.3.F.1.a

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: 2.80.2.K.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:

1.1.5.A.1: There is no evidence to support Sgt. L "misused and abused his power. and there is no evidence to support that a "bogus warrant" was pulled up so S could be arrested. S was unable to furnish supporting evidence showing he was physically and psychologically harmed during his interaction with Sgt. L. Video shows that Sgt. L was professional, patient and courteous during his entire interaction with S

2.80.2.K.1: According to the lapel videos, nowhere does it show Sgt. L pulling up bogus warrants that were dismissed 15 Years ago and then altering them leading to S being detained. S had a verified warrant through NCIC.

2.71.3.F.1.a

Sgt. L did not perform the search of S A search incident to arrest was performed by Ofc C.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Email

F S

Re: CPC # 256-21

Dear Mr. S

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 11/21/2021, Ofc C misused and abused his power, made possible only because the wrongdoers were clothed with the authority of the state. By pulling up a bogus warrant that was dismissed 15 Years ago, he caused both psychological and physical harm upon me.

Ofc C targeted me due to my civil law suits by altering a 15-year-old warrant from a 34 cent shoplifting, to falsely detain and imprison me without probable cause to justify for the unjustifiable stop while breaching our Constitutional Amendments of which I invoked both my Fourth and Fifth Amendments as Ofc C illegally proceeded to conduct an illegal search.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer C

Other Materials: pre-booking worksheet

Date Investigation Completed: May 25, 2022

FINDINGS

Policies Reviewed: 1.1.5.A.4

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

Policies Reviewed: 2.80.2.K.1 &2.71.3.F.1.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.	☑
5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	☐
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Additional Comments:

1.1.5.A.1: There is no evidence to support Ofc C "misused and abused his power. and there is no evidence to support that a "bogus warrant" was pulled up so S could be arrested. S was unable to furnish supporting evidence showing he was physically and psychologically harmed during his interaction with Ofc C. Video shows that Ofc C was professional, patient and courteous during his entire interaction with S From the onset of their interaction, it was S that was identified as being unstable as he made incoherent statements throughout their entire engagement and it was Smith that was being verbally aggressive and volatile towards the officers.

2.80.2.K.1: According to the lapel videos, nowhere does it show Ofc C pulling up bogus warrants that were dismissed 15 Years ago and then altering them leading to S being detained. S had a verified warrant through NCIC.

2.71.3.F.1.a

Ofc C did perform a search of S but it was not an "illegal search" it was a search incident to lawful arrest.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Certified Mail

7020 1810 0000 6296 7210

A

Re: CPC # 044-22

Dear Mr. M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

On 02/13/2022, M F stated to M that her problematic 14 year-old-son, A just returned home after running away, and was asleep in his room. It was at then that she saw a silver gun next to him; she went to M and he advised to call APD. When APD arrived, they only did a partial search of A room and only checked his backpack and found a bb gun and 2 marijuana vape pens, which they did not take. As APD departed, M sked why they couldn't fully search the home and he was informed the son had dominion over the home. M then asked if the mother gave permission to search the room would they do it and it was explained that the son did not give consent. Sgt. D failed to collect the firearm and marijuana vape pens.

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: Sgt. D

Other Materials: review of sops 1-1, 2-60, 2-70 and 2-71 search and seizure

Date Investigation Completed: June 21, 2022

FINDINGS

Policies Reviewed: *1.1.5.A.4*

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

Policies Reviewed: *2.60.4.A.5.d*

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☑
5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	☐
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Additional Comments:

1.1.5.A.4: M confirmed to the CPOA Investigator that he notified Sgt. D of the canceled search. Sgt. D informed her supervisor via email of M cancellation and no other action was mentioned. This issue will be **UNFOUNDED.**

2.60.4.A.5.d: M said he never saw the firearm and when it was time to contact M o verify what she had seen, she never returned the investigator's calls. Sgt. D was the only officer allowed consent to search through A ; backpack and nowhere else. Sgt. D explained A was compliant and cooperative during their entire interaction, not once was he a threat to himself or others and no crime was committed. M failed to understand that there are Search and Seizure laws in place and did not understand the concept of probable cause. This issue will be **EXONERATED.**

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Email

M M

Re: CPC # 017-22

Ms. M M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. M reported Officer M did not follow up with her about the status of her DV case. Ms. M reported that she had continued to call the substation and left multiple voice messages to the officer and he never returned her call. Ms. M s reported she was finally able to contact another APD officer, stalking detective and a prosecutor for the State of New Mexico on her own behalf. Ms. M ; reported that she now has all the information she needs including the status of her DV case.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Officer M

Other Materials: n/a

Date Investigation Completed: June 3, 2022

FINDINGS

Policies Reviewed: **2.60.4.B.5.m**

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

Upon review it was determined by clear and convincing evidence that Officer M provided her with the information in regarding the process of his report to his segregant will contact her or an assigned detective will contact her with no time-frame. Officer M responded to the subsequent call for service Ms. M called in less than twenty-four hours related to an earlier call by Officer E. Officer M informed Ms. M his sergeant or the assigned unit will provide follow up. It was confirmed that Ms. M did have follow up information regarding her case with the assigned detective.

This investigation has been determined UNFOUNDED due to the alleged misconduct that did not occur or did not involve the subject officer.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Email

M Mi

Re: CPC # 017-22

Ms. M M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. M reported Officer E did not care about her ex-boyfriend harassing her at her residence. She also reported that the officer did not follow up with her about the status of her DV case. Ms. M reported that she had continued to call the substation and left multiple voice messages to the officer and he never returned her call. Ms. M reported she was finally able to contact another APD officer, stalking detective and a prosecutor for the State of New Mexico on her own behalf. Ms. M s reported that she now has all the information she needs including the status of her DV case.

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 E

Other Materials: n/a

Date Investigation Completed: June 3, 2022

FINDINGS

Policies Reviewed: **4.25.3.A.1.a.b.c , 2.60.4.B.5.m**

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

Upon review it was determined by clear and convincing evidence that Officer E provided Ms. M with DV resources including safe housing and asked if she had a safe place he could take her to for the night. He also provided her with the information in regarding the process of his report to his segregant will contact her or an assigned detective will contact her with no time-frame. Officer E did establish periodic watches for her safety. Officer E also informed Ms. M s once he turns in his report to his sergeant, he will no longer have any further involvement in her case. It was confirmed that Ms. M s did have follow up information regarding her case with the assigned detective.

This investigation has been determined UNFOUNDED due to the alleged misconduct that did not occur or did not involve the subject officer.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Certified Mail

7020 1810 0000 6296 7180

Re: CPC # 022-22

I T

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. I T alleged the police took too long to respond to his home when his neighbor, Mr. C C who is on probation, committed a hate crime when he threatened to harm him physically because he knew that Mr. T was a registered sex offender and therefore broke the law, which was captured on video.

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 G

Other Materials: N/A

Date Investigation Completed: June 8, 2022

FINDINGS

Policies Reviewed: 2.60.4.A.5.a.b.d.f

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.	☑
2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.	☐
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6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.	☐

Additional Comments:

The investigation found that a registered sex offender is not a protected group under the Federal Hate Crime Stature or New Mexico's Hate Crime Act. There are no policies that required Officer G to notify Animal Welfare or notify Mr. Cl ; probation officer because a crime had been committed. Therefore, there were no policy violations that Officer G violated during the call at Mr. T home. Officer G interviewed both parties, reviewed the available evidence, determined whether a crime had occurred, and documented his findings on an incident report.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY
Civilian Police Oversight Agency Board
Patricia J. French, Chair *Jesse Crawford, Vice-Chair*
Rashad Raynor *Eric Nixon* *Michael Wartell*
Diane McDermott, Interim Executive Director

July 15, 2022

Via Certified Mail

7020 1810 0000 6296 7203

z

Re: CPC # 029-22

A M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. M ad alleged on Tuesday, February18, 2022, he had been pulled over for speeding by Officer G. When Officer G approached him, he immediately became rude and assumed that he was better than him because he had a badge. Mr. M asked Officer G whether his radar detector was calibrated during the stop. According to Mr. M , Officer G's response was he knew how to do his job. Officer G's behavior was very rude and disrespectful. When asked for his name and badge number because Mr. M intended to file a complaint, Officer G's demeanor changed and he became friendlier. Mr. M wanted Officer G counseled on how to better interact with the public.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed:

APD Employee Interviewed: Yes

APD Employee Involved: Officer G

Other Materials: N/A

Date Investigation Completed: June 17, 2022

FINDINGS

Policies Reviewed: 1.1.5.A.1

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

A review of Officer G's lapel video offered no evidence to suggest that Officer G's conduct was rude and disrespectful to Mr. M or indicated that he was better than Mr. M because he had the badge. Even though it was challenging to hear Mr. M voice due to road noise and the position of the lapel camera, Officer G was heard clearly during his conversations with Mr. M z. Officer G's lapel video corroborated his version of events.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Certified Mail

7020 180 0000 6296 7197

Re: CPC # 023-22

Dear L. C!

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

L C submitted a complaint that alleged Ms. M could overhear a new employee helping another citizen and waited until the last minute to assist the new employee. Ms. M seemed unwilling to help and burdened by any questions. Ms. M didn't know if a lieutenant was in, even though 242-COPS said he was. Ms. C became upset because Ms. M didn't even check to see if the lieutenant was in. While speaking with the lieutenant, Ms. C noticed that Ms. M kept going into another lieutenant's office. Ms. C left a message for the office administrator to contact her but was never contacted. Ms. C tried to contact an impact detective multiple times regarding her case but was never contacted.

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: Sr. Office Assistant M

Other Materials: n/a

Date Investigation Completed: June 10, 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 1.1.5.A.4 & Conduct 1.1.6.A.2

4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.	☑
5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.	☐
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Additional Comments:

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. Ms. M knew the other employees were not in and could see from her position that they were not in. Ms. M allowed the new employee the time and space needed to attempt to complete his assigned duties. Ms. M was not burdened by questions, and her personality comes across as abrupt. Ms. M did not provide her last name, but the policy does not dictate how much an employee's name must be provided upon request an employee's first name and identification number are logically enough to allow for the identification of an employee.

The investigator was unable to locate a detective assigned to 18-0088877 and confirmed that the case wasn't assigned to a detective, and would not likely be assigned to a detective due to a lack of evidence. The investigator was unable to locate any evidence that anyone within APD wasn't allowing action to be taken on Ms. C complaints. Ms. C : did not provide enough information to conduct an investigation against a lieutenant and an office administrator and the information provided did not constitute misconduct even if true.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Certified Mail

7020 1810 0000 6296 7159

Re: CPC # 024-22

Ms. C B

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. B was involved in a road rage incident when the driver pointed what appeared to be a gun at her. When it was determined there was not an actual gun, Ms. B described how badly Officer Z had treated her after no guns were found. Ms. B notified the officer that it could have been a "hand gesture" and not an actual gun. Officer Z reacted, "What, like finger guns? Oh my God." Ms. B felt that she was being attacked by Officer Z. Ms. B felt afraid, humiliated, embarrassed, and screamed at when she asked Officer Z, did he had something to say to her and when she asked for his badge number. An added complaint to the investigation was when Officer Z then called her as a detective for an unrelated investigation. She felt his call was in retaliation for the complaint.

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 Z

Other Materials: N/A

Date Investigation Completed: June 14, 2022

FINDINGS

Policies Reviewed: 1.1.6.D.2.b

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

Policies Reviewed: 1.1.5.A.1

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

After all available evidence had been reviewed, it was determined that Officer Z violated policy when he yelled at Ms. B when he interacted with her. Officer Z's comments were unnecessary about his perceived over-reaction by Ms. B to the situation. When Ms. B overheard his comments and questioned him about them Officer Z had an opportunity to clarify his intention. Instead he delivered the information she requested in a way that Ms. B felt was aggressive, humiliating and embarrassing. Ms. B perception of unprofessional behavior was corroborated by the impression Acting Sergeant A had of the situation. Ms. B was concerned about a call from Officer Z in the capacity of a detective. After reviewing the evidence it was shown as a coincidental contact that did not relate to the complaint.

The Board recommended discpline is at 16 hour suspension

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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Sincerely,
The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Certified Mail
7020 1810 0000 6296 7166

Re: CPC # 027-22

C M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. M reported he had an issue with the APD Officer who did not notify him that his vehicle was recovered.

Mr. M reported that he believed that the police had an issue with him because his ex-wife ended up marrying an APD Officer who was now retired.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer S

Other Materials: n/a

Date Investigation Completed: June 17, 2022

FINDINGS

Policies Reviewed: Procedural Order 2.86.3.A.5.a.iii

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

Policies Reviewed: Procedural Order 2.48.2.D.2.c

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:

2.48.2.D.2.c-Although Officer S did attempt to notify Mr. M , Officer S did not fill out the Towed Vehicle Notification Form in TraCS per Policy.

2.86.3.A.5.a.iii-There was evidence confirming that Officer S did take the vehicle off the stolen list but re-entered the license plate as stolen due to the license plate not being on the vehicle at the time the vehicle was recovered.

Regarding the complaint that APD did not like Mr. M due to Mr. M ex wife marrying a now retired APD Officer. Mr. M was unable to provide enough specific details, evidence or report a specific incident or target employee to pursue any further investigating on that complaint.

The Board recommended a Verbal Reprimand

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Certified Mail
7020 1810 0000 6296 7166

Re: CPC # 027-22

C M

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. M eported that he called 242-Cops 24 hours after his vehicle was stolen to see if it had been recovered. Mr. M reported that the female dispatcher advised him that she was not allowed to give him that information. Mr. M reported his issue was with the Dispatcher who never told him that his vehicle was recovered. Mr. M reported that four days later, when he called 242-Cops, another dispatcher told him a couple hours after he had reported his vehicle stolen, his vehicle had been recovered.

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: N/A

APD Employee Involved: unidentified Operator

Other Materials: n/a

Date Investigation Completed: June 17, 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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Additional Comments:

The complaint against the Operator that did not notify Mr. M that the vehicle was recovered 24-48 hours after it was reported stolen was Administratively closed due to being unable to identify the employee. Upon providing APD Records the information provided by Mr. M , the call in question could not be located, therefore it was unknown who the target Operator was and if the conduct occurred. The vehicle was recovered by APD on 1/31/2022, which was four days after the vehicle had been reported stolen on 1/27/22.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Email

[redacted]

Re: CPC # 001-22

Mr. T[redacted]

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. J T submitted a written complaint about an incident that occurred on 9/26/2020, that alleged he had been shot with a taser by Officer C of the Albuquerque Police Department while on the stairwell leading up to his apartment which could have cased serious bodily injury to him.

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 L

Other Materials: IAFD Evaluative Narrative Form, IAFD Evaluative Narrative Form B

Date Investigation Completed: May 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.	☐
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Policies Reviewed: N/A

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

Additional Comments:

After a review of all available evidence, the investigator has concluded that there were no violations of policy of the APD Officers involved and no discrepancies or inconsistencies found in the Internal Affairs Force Division (IAFD) investigation of the use of force incidents that occurred on 9/26/21 and the alleged claim of police misconduct reported by the complainant, J. T The investigation conducted by IAFD covered the allegations made by the complainant; further investigation would be duplicative.

You have the right to appeal this decision. If you are not satisfied with the findings of the CPOA Executive Director within 30 calendar days (inclusive of holiday and weekends) of receipt of this letter, communicate your desire to have an appeal hearing before the CPOA Board in a signed writing addressed to the CPOA Director. Please send your request to P.O. Box 1293, Albuquerque, NM 87103 or by email CPOA@cabq.gov. Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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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
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Email

Re: CPC # 001-22

Mr. T

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Mr. J T submitted a written complaint about an incident that occurred on 9/26/2020, that alleged he had been shot with a taser by Officer C of the Albuquerque Police Department while on the stairwell leading up to his apartment which could have cased serious bodily injury to him.

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 H

Other Materials: IAFD Evaluative Narrative Form, IAFD Evaluative Narrative Form B

Date Investigation Completed: May 6, 2022

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The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Email

Re: CPC # 001-22

Mr. T

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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: Officer C

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Date Investigation Completed: May 6, 2022

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The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Email

Re: CPC # 076-22

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

A J eported that A J was hit by an elderly Spanish speaking woman. A i reported when officers arrived on scene, they did not speak with the lady to see if she was hurt or what she needed. A J advised the other officer (D.G) that language access was a federal right and that the state also required all agencies to provide it. Officer G stated it was not legally required. A i reported when A J asked for the officer's name, he yelled something loudly and walked to his partner's car. A J reported that when A J spoke with Lt. B, he advised that officers on scene had discretion to determine if language access was needed and that it would have be "a waste of resources" to call an interpreter

EVIDENCE REVIEWED:

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

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

APD Employee Interviewed: N/A

APD Employee Involved: N/A

Other Materials:

Date Investigation Completed: May 20, 2022

FINDINGS

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Additional Comments:

After speaking with the complainant, it was confirmed that the officers listed in the complaint worked for the UNM Police Department and not APD.

This complaint was administratively closed via no jurisdiction as the CPOA does not have jurisdiction over the UNM Police Department.

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The Civilian Police Oversight Agency by

Diane McDermott
Lead Investigator on behalf of Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police

CITY OF ALBUQUERQUE

July 15, 2022

Via Email

om

Re: CPC # 033-22

Ms. S

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

COMPLAINT:

Ms. S l stated she had just attended a funeral when she was hit by another vehicle. She stated she waited two hours for the officer to arrive and make a police report for her. Ms. S stated that when Officer R arrived he was, *"So rude, unkind, no humanity, compassion and had no sympathy."* Ms. S stated Officer R argued with her about the police report and tried to get out of completing the police report. She stated Officer R had, *"talked down"* to her as if she was the one at fault for the accident.

EVIDENCE REVIEWED:

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

Complainant Interviewed: Yes Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Officer R

Other Materials: n/a

Date Investigation Completed: May 20, 2022

FINDINGS

Policies Reviewed: 1.1.5.A.4

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Additional Comments:

The evidence showed, including the lapel video, that Officer R did not appear to be irritated or disrespectful to Ms. S during his interaction with her while obtaining the accident information to complete a police report for her.

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