

## **Civilian Police Oversight Agency Board**

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

*Eric Nixon*                      *Michael Wartell*

*Diane McDermott, Interim Executive Director*

### **BOARD AGENDA**

**Thursday, June 9, 2022 - 5:00 p.m.**

**Attendance:** In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Thursday, June 9, 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-06-09-2022>. (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, June 6, 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 p.m. on Thursday, June 9, 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. Approval of the Agenda**
- III. Approval of Consent Agenda**
  - a. Administratively Closed**  
246-21      001-22      061-22      076-22
  - b. Exonerated**  
011-22
  - c. Exonerated and Not Sustained**  
014-22

**d. Exonerated and Unfounded**  
242-21

**e. Unfounded**  
033-22

**IV. Public Comments**

**V. Review and Approval of Minutes from May 19, 2022 Meeting**

**VI. Report from DOJ on Amended EFIT (External Force Investigative Team)-  
*Attorney Jared Hager***

**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***

**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***

- 1. 3 Firms and Cost for CPOA Staff Study**
- 2. POB Calendar**
- 3. Status on plaque for Member Galloway**
- 4. Copy of communication from Mayor's office requested by Member Wartell concerning board not authorize to have City letterhead.**
- 5. Update on ride-along backgrounds as stated in May meeting.**
- 6. Clarification on who from APD decides what label videos are submitted to board as requested at March 10, 2022 board meeting by Member Galloway. (Ref 18-0105978)**
- 7. Is AMICI going to be recorded on June 23<sup>rd</sup>?**
- 8. Plans on how agency is going to move forward with the concerns from IMR 15**
- 9. Percentage of budget increase as requested by Member Wartell**

**VIII. Requests for Reconsideration**

**a. None.**

**IX. Review of Cases**

- a. Sustained NBOC, Not Sustained, Exonerated and Unfounded  
041-22**
- b. Sustained, Exonerated and Unfounded  
040-22**

**X. Non-Concurrence Cases**

- a. 191-21**
- b. 202-21**
- c. 207-21**

**XI. Serious Use of Force Cases/Officer Involved Shooting Executive Director's Findings & Recommendation— *Diane McDermott, Interim Executive Director***

- a. 21-0076453**
- b. 21-0082733**
- c. 21-0084243**
- d. 21-0084423**
- e. File Requests:**

**XII. Reports from Subcommittees**

- a. Case Review Subcommittee – *Eric Nixon***
  - 1. Met May 31, 2022 (video conference)**
  - 2. Next Meeting July 26, 2022 at 4:30 p.m.**
- b. Policy and Procedure – *Jesse Crawford***
  - 1. Met June 2, 2022 (video conference)**
  - 2. Next Meeting July 7, 2022 at 4:30 p.m.**

**XIII. Discussion and Possible Action:**

- a. Board Approval of Firm to Complete CPOA Staff Study – *Patricia J. French***
- b. Consideration of PPRB Policies with No Recommendation: -  
*Jesse Crawford***
- c. Vote on Executive Director's findings and recommendations on  
Case #19-0077270 – *Patricia J. French***
- d. Consideration of Proposed MOU between the City of Albuquerque,  
CPOA/CPOAB and APOA on OIS/SUOF Materials – *Tina Gooch,  
CPOA/CPOAB Legal Counsel***
- e. Findings Letter sent to Complainant**
- f. Scheduling CPOA Board Special Meeting for Review of SUOF/OIS  
Backlog.**
- g. Board Initial and Annual Training Proposal – *Tina Gooch,  
CPOA/CPOAB Legal Counsel, Diane McDermott, Interim Executive  
Director***
- h. CPOAB IMR-15 Notice Letter – *Jesse Crawford***

- i. Approve Draft July – December 2021 Semi-Annual Report – Diane McDermott, Interim Executive Director and Ali Abbasi, CPOA Data Analyst**

**XIV. Other Business**

- XV. Adjournment- *Next Regularly scheduled CPOA Board meeting will be on July 14, 2022 at 5:00 p.m.***

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

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

*Eric Nixon*      *Michael Wartell*

Diane McDermott, Interim Executive Director

June 10, 2022

To File

Anonymous Complainant

**NO ADDRESS OR EMAIL PROVIDED**

Re: CPC # 246-21

Dear Anonymous Complainant:

PO Box 1293

**COMPLAINT:**

Albuquerque

I called the general police number (not 911) to report having seen a homeless man breaking into a fenced vacant business property near where I live. I proceeded to give the person all the information and then she said I needed to report this online. She didn't take down a thing, didn't ask if I'd prefer to report it online, no she waited for me to give her all the info and then said I had to report it online. I am sorry but that is a bad way to handle a call to the police. Because of the way she stated it, I asked if for some reason I was not able to report over the phone a break in/trespass to another person's property, she said no, you just need to do it online. She was not friendly at all.

NM 87103

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

**EVIDENCE REVIEWED:**

Video(s): No

APD Report(s): No

CAD Report(s): No

Complainant Interviewed: Yes

Witness(es) Interviewed: Yes

APD Employee Interviewed: N/A

APD Employee Involved: contract employee

Other Materials: audio recording

Date Investigation Completed: May 12, 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.

Policies Reviewed: 1.1.5.A.4

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:

According to Police Emergency Communications, the contract employee was working for a temporary service and was only screening calls and determining if callers should speak with an Emergency Communications employee on the non-emergency number or be referred to online resources or 311. The contract employee was never an employee of APD and only worked the contract for a few months. The CPOA Investigator was unable to gain the contract employee's cooperation for an interview and a subpoena was not appropriate in this circumstance. **The Communications Manager was made aware of the concerns with the contract employee. This complaint should be administratively closed as there is no jurisdiction over this person.**

**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](mailto:CPOA@cabq.gov). Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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

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

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

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

*Eric Nixon*      *Michael Wartell*

Diane McDermott, Interim Executive Director

June 10, 2022

Via Email

Re: CPC # 061-22

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. E reported that he was checking his ring notification and somebody posted that police were randomly checking her doors. Mr. B reported that it was understood that there were no calls to her unit. Mr. B reported that you could clearly see the police vehicle in the background and the two officers. Mr. B reported one of the officers checked the door and the other officer walked off the camera. Mr. B reported that was extremely concerning.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: No      Witness(es) Interviewed: No

APD Employee Interviewed: No

APD Employee Involved: N/A

Other Materials:

Date Investigation Completed: May 20, 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:

CPOA Investigator made four separate attempts to get into contact with Mr. B in order to obtain additional information about the complaint. Mr. B did not reach back out to the CPOA Investigator

After a records request and a review of several videos, the CPOA Investigator was unable to locate the incident in question based on the information provided

The Complaint was Administratively Closed via lack of information in the complaint

**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](mailto: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  
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**

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

*Eric Nixon*      *Michael Wartell*

**Diane McDermott, Interim Executive Director**

June 10, 2022

Via Certified Mail

7020 1810 0000 6296 7128

**Re: CPC # 011-22**

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Ms. G reported she read an article which noted that Sergeant S had recently obtained an intact female dog from the Eastside Animal Shelter. Ms. G reported that allowing one of your own to bypass our rules and laws was unacceptable. Ms. G reported the fact that Sergeant S immediately obtained an intact male dog and was breeding those animals was beyond words. Ms. G reported that Sergeant S should be disciplined and the public should be informed of the consequences suffered for breaking the law.

### **EVIDENCE REVIEWED:**

Video(s): No

APD Report(s): No

CAD Report(s): No

Complainant Interviewed: No

Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Sergeant S

Other Materials: OIG Investigation Report

Date Investigation Completed: May 12, 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 1.1.4.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:

HEART Ordinance in part-If alteration of a Companion Animal would endanger the health of the Companion Animal due to age or illness, a Veterinarian may complete a Medical Waiver Certificate stating the reasons why the Companion Animal should not be altered.

General Order 1.1.4.A-Although Sergeant S confirmed he did not receive any written documentation from his Veterinarian as he advised communication between himself and his Veterinarian was done via phone call, it was still the responsibility of AWD staff Mr. C and AWD Department Director Ms. O to obtain all proper verification and to make the decision to adopt out the intact dog with the ICAP (Intact Companion Animal Permit) to Sergeant S.

Both Mr. C and Sergeant S denied that there was any officious behavior or special deals made during the adoption process. Mr. C and Sergeant S both felt no laws, or ordinances were violated.

Sergeant S stated the dog in question has already had her first heat and had already been spayed.

**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](mailto:CPOA@cabq.gov). Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

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

*Eric Nixon*      *Michael Wartell*

Diane McDermott, Interim Executive Director

June 10, 2022

Via Email

Re: CPC # 014-22

PO Box 1293

### **COMPLAINT:**

Mr. G reported R(Mr. K) answered the phone and when Mr. G asked Mr. K for Officer C's name, Mr. K then hung up on Mr. G

Albuquerque

NM 87103

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

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Community Service Assistant K

Other Materials:

Date Investigation Completed: May 12, 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 1.1.6.A.1

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

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

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### Additional Comments:

General Order 1.1.6.A.1-During the interview with Mr. K, he confirmed that he pushed the wrong button when Mr. G called which lead to accidentally hanging up on Mr. G. Mr. K advised that he informed Ms. C right away.

Ms. C stated that when Mr. K advised her that he accidentally hung up the phone on Mr. C, Mr. G had already called them back.

**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](mailto:CPOA@cabq.gov). Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

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

*Eric Nixon*      *Michael Wartell*

Diane McDermott, Interim Executive Director

June 10, 2022

Via Email

Re: CPC # 014-22

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. G reported that he called into the SW Substation to obtain an accident report. Mr. G reported that Officer C gave him a reason as to why Mr. G would not be able to pick up the report. Mr. G reported at that time, Officer C hung up the phone before Mr. G could say anything else. Mr. G reported he tried to call back and it went to voicemail. Mr. G reported he called again and Officer C did not give him her name and hung up on him again.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Office Assistant C

Other Materials:

Date Investigation Completed: May 12, 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 1.1.5.A.1 and General Order 1.1.6.A.2

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 1.1.6.A.1

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

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

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

### Additional Comments:

1.1.6.A.1-Ms. C confirmed she did disconnect the phone call with Mr. G during their first conversation as Mr. G continued to become more upset after she advised him on several occasions that she was unable to obtain a report for him due to a glitch in the system. Ms. C stated she referred Mr. G to where he could obtain the report and advised him that there were several other citizens calling and citizens in the lobby that needed to be tended to. Ms. C stated she told Mr. G thank you and have a wonderful day as the argument that was going on in the substation was escalating. Ms. C stated she believed that Mr. G hung up on her the second time they spoke on the phone.

1.1.5.A.1 - Per Ms. C the only other person around during the incident was Mr. K. During the interview with Mr. K, he stated he did not witness Ms. C being rude to anybody while she was on the phone and did not witness Ms. C provide "bad effort" towards anybody, per Mr. G complaint. Per Ms. C, the phone calls to the substation were not recorded.

1.1.6.A.2-Mr. C stated the first time Ms. C gave her name to him, he did not catch it but did not provide it again. Ms. C stated she did provide Mr. G with her name. There was not enough evidence to determine if the conduct did or did not occur.

**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](mailto:CPOA@cabq.gov). Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

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

*Eric Nixon*      *Michael Wartell*

Diane McDermott, Interim Executive Director

June 10, 2022

Via Certified Mail

NO ADDRESS PROVIDED

Re: CPC # 242-21

Dear Mr. H

PO Box 1293

### **COMPLAINT:**

Albuquerque

I called 911 from #505-                      o report a hit and run on the freeway. I tried to explain to the dispatcher what was going I gave her the license plate number and she wouldn't accept the number unless I used "words" for numbers. You can't expect the citizens to use dispatch language. Then she hung up on me. The dispatcher was rude and she was a "bitch". Also, it took a couple of minutes for 911 to answer.

NM 87103

What Outcome are you Seeking?

She needs to learn to treat citizens in the proper manner. I was doing the right thing by reporting a crime and I am a good citizen. I will be following through with this complaint and would like a case number to make sure this complaint does not get swept under the rug.

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

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes                      Witness(es) Interviewed: Yes

APD Employee Interviewed: Yes

APD Employee Involved: Op G

Other Materials: audio recordings

Date Investigation Completed: May 12, 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.

Policies Reviewed: **1.1.6.A.1**

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

**1.1.5.A.1:** According to the 911 recording, Op G did clarify with H [redacted] to use words to substitute as letters as she told him that it was very hard to hear. Never did she say that she was going to refuse or wouldn't accept the plate number unless he spoke phonetically. Also, Op G was heard telling Harmount and others in the background to have just one speaker talk as others were trying to chime in adding more difficulty of hearing to the call. There is insufficient evidence to support the claims against Op G; the audio recordings obtained contradict H [redacted] allegations. This issue will be **"Unfounded."**

**1.1.6.A.1:** Per Records/Data Coordinator, he said that wait time is determined by the number of incoming calls and staff available to answer, and not by personal choice of any of the employees. Op G stated she took the information she obtained from H [redacted] in a professional manner, acted upon it promptly by creating the necessary CAD and BOLO and confirmed she hung up on him, thus ending the call. Both Op G and her supervisor confirmed this call was not emergent; she reiterated she obtained all pertinent information and that's why the call ended. 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](mailto: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  
Interim Executive Director  
(505) 924-3770

cc: Albuquerque Police Department Chief of Police



## CIVILIAN POLICE OVERSIGHT AGENCY

### Civilian Police Oversight Agency Board

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

*Eric Nixon*      *Michael Wartell*

Diane McDermott, Interim Executive Director

June 10, 2022

Via Email

Re: CPC # 041-22

Dear T      K

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

T      K submitted a complaint that alleged her vehicle was towed by Officer T because it was abandoned, unregistered, and illegally parked. Ms. K alleged her vehicle was not illegally parked near a stop sign and the report wasn't correctly completed or true. Ms. K alleged Officer T didn't report her vehicle being towed right away and didn't report her vehicle being towed using the vehicle identification number. Ms. K alleged Officer T was rude and took a hateful tone with her on 02/14/2022 when he told her he didn't want to see her or her vehicle when he returned. Ms. K alleged Officer T called her on or about 02/24/2022, and was short, rude, and acted like she was menace and didn't belong in the neighborhood.

### **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 T

Other Materials: N/A

Date Investigation Completed: May 20, 2022

## FINDINGS

Policies Reviewed: Towing 2.48.2.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.



Policies Reviewed: Conduct 1.1.5.A.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.



Policies Reviewed: Conduct 1.1.5.A.1 & Towing 2.48.2.B.2

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



Policies Reviewed: OBRD 2.8.5.A

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



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



### Additional Comments:

The investigator determined, by a preponderance of the evidence, that the alleged conduct did occur because Officer T did tell Ms. K on 02/14/2022, that he didn't want to see her or her vehicle when he returned but did not violate APD policies, procedures, or training as his demeanor was stern but did not convey a sense of hate or rudeness. Officer T did have the vehicle towed but did not violate APD policies, procedures, or training. Officer T ordered his trainee to tow the vehicle and did so within policy because the vehicle was abandoned, unregistered, and impeded the traffic flow by being parked within one hundred feet of an intersection.

The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur because Officer T was not the officer who completed the Tow-In Report.

The investigator was unable to determine, one way or the other, if Officer T was or was not short or rude when he called Ms. K on or about 02/24/2022.

The investigator determined Officer T failed to record the conversation on or about 02/24/2022.



**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](mailto:CPOA@cabq.gov). Include your CPC number. Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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

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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

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

*Eric Nixon*      *Michael Wartell*

*Diane McDermott, Interim Executive Director*

June 10, 2022

Via Email

Re: CPC # 041-22

Dear T      K :

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

T      K submitted a complaint that alleged her vehicle was towed by Officer T because it was abandoned, unregistered, and illegally parked. Ms. K alleged her vehicle was not illegally parked near a stop sign and the report wasn't correctly completed or true. Ms. K alleged Officer T didn't report her vehicle being towed right away and didn't report her vehicle being towed using the vehicle identification number. Ms. K alleged Officer T was rude and took a hateful tone with her on 02/14/2022 when he told her he didn't want to see her or her vehicle when he returned. Ms. K alleged Officer T called her on or about 02/24/2022, and was short, rude, and acted like she was menace and didn't belong in the neighborhood.

### **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 T

Other Materials: N/A

Date Investigation Completed: May 20, 2022

## FINDINGS

Policies Reviewed: Towing 2.48.2.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.



Policies Reviewed: Conduct 1.1.5.A.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.



Policies Reviewed: Conduct 1.1.5.A.1 & Towing 2.48.2.B.2

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



Policies Reviewed: OBRD 2.8.5.A

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### Additional Comments:

The investigator determined, by a preponderance of the evidence, that the alleged conduct did occur because Officer T did tell Ms. K on 02/14/2022, that he didn't want to see her or her vehicle when he returned but did not violate APD policies, procedures, or training as his demeanor was stern but did not convey a sense of hate or rudeness. Officer T did have the vehicle towed but did not violate APD policies, procedures, or training. Officer T ordered his trainee to tow the vehicle and did so within policy because the vehicle was abandoned, unregistered, and impeded the traffic flow by being parked within one hundred feet of an intersection.

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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

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

*Eric Nixon*      *Michael Wartell*

Diane McDermott, Interim Executive Director

June 10, 2022

Via Email

T     K

Re: CPC # 041-22

Dear T     K

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

T     K submitted a complaint that alleged her vehicle was towed by Officer F because it was abandoned, unregistered, and illegally parked. Ms. K alleged her vehicle was not illegally parked near a stop sign and the report wasn't correctly completed or true. Ms. K alleged Officer F didn't report her vehicle being towed right away and didn't report her vehicle being towed using the vehicle identification number.

### **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 F

Other Materials: N/A

Date Investigation Completed: May 20, 2022

## FINDINGS

Policies Reviewed: Towing 2.48.2.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: Towing 2.48.2.B.2

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### Additional Comments:

The investigator determined, by a preponderance of the evidence, that the alleged conduct did occur because Officer F did have the vehicle towed but did not violate APD policies, procedures, or training. Officer F was ordered by his training officer to tow the vehicle and did so within policy because the vehicle was abandoned, unregistered, and impeded the traffic flow by being parked within one hundred feet of an intersection and stop sign.

The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur because Officer F completed the Tow-In Report on the scene and submitted it. The vehicle was identified and reported using the correct vehicle identification number but no owner information was available because the vehicle was unregistered.

**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](mailto: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  
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

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

*Eric Nixon*      *Michael Wartell*

Diane McDermott, Interim Executive Director

June 10, 2022

Via Email

Re: CPC # 041-22

Dear T      K      :

PO Box 1293

Albuquerque

NM 87103

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

APD Employee Interviewed: Yes

APD Employee Involved: Officer F

Other Materials: N/A

Date Investigation Completed: May 20, 2022



## FINDINGS

Policies Reviewed: Towing 2.48.2.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: Towing 2.48.2.B.2

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



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 did occur because Officer F did have the vehicle towed but did not violate APD policies, procedures, or training. Officer F was ordered by his training officer to tow the vehicle and did so within policy because the vehicle was abandoned, unregistered, and impeded the traffic flow by being parked within one hundred feet of an intersection and stop sign.

The investigator determined, by clear and convincing evidence, that the alleged misconduct did not occur because Officer F completed the Tow-In Report on the scene and submitted it. The vehicle was identified and reported using the correct vehicle identification number but no owner information was available because the vehicle was unregistered.

**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](mailto:CPOA@cabq.gov). Include your CPC number. **Upon receipt of the communication, a hearing will be scheduled at the Board's next regularly scheduled meeting provided there is at least ten days between the receipt of the request and the next meeting.**

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

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

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

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

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

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

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

Sincerely,  
The Civilian Police Oversight Agency by



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

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

*Eric Nixon*      *Michael Wartell*

Diane McDermott, Interim Executive Director

June 10, 2022

Via Certified Mail

7020 1810 0000 6296 7135

Re: CPC # 040-22

PO Box 1293

Albuquerque

NM 87103

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

### **COMPLAINT:**

Mr. T reported that he had requested the lapel video for the traffic stop on two occasions. Mr. T reported that he was pulled over for a traffic stop and was told he was going 40 mph in a 30 mph zone. Mr. T reported that when he requested the court date, the ticket indicated that Mr. T was going 47 mph in a 30 mph zone which was a completely different potential fine.

### **EVIDENCE REVIEWED:**

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

Complainant Interviewed: Yes      Witness(es) Interviewed: No

APD Employee Interviewed: Yes

APD Employee Involved: Lt. H

Other Materials:

Date Investigation Completed: May 27, 2022

## FINDINGS

Policies Reviewed: General Order 1.1.5.A.1

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



Policies Reviewed: Procedural Order 2.8.4.F

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



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



Policies Reviewed: General Order 1.1.6.A.1

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



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### Additional Comments:

Procedural Order 2.8.4.F- It was confirmed that Lt. H did not download his videos at the end of the of his next shift, per policy.

General Order 1.1.6.A.1- It was confirmed by all parties that Lt. H initially advised Mr. T that he was driving 40 mph but then it was confirmed that Lt. H then advised Mr. T that Mr. T was going 47 mph in a 30 mph zone which was noted on the citation.

General Order 1.1.5.A.1- After a review of the Lapel Video, the CPOA Investigator did not hear Lt. H state "idiot" or "effing idiot" at the time of incident.

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